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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2020

Issue#	Rules Due Date	Date of Issue
1	December 23, 2019	January 3, 2020
2	December 30, 2019	January 10, 2020
3	January 6, 2020	January 17, 2020
4	January 13, 2020	January 24, 2020
5	January 21, 2020	January 31, 2020
6	January 27, 2020	February 7, 2020
7	February 3, 2020	February 14, 2020
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9	February 18, 2020	February 28, 2020
10	February 24, 2020	March 6, 2020
11	March 2, 2020	March 13, 2020
12	March 9, 2020	March 20, 2020
13	March 16, 2020	March 27, 2020
14	March 23, 2020	April 3, 2020
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23	May 26, 2020	June 5, 2020
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39	September 14, 2020	September 25, 2020
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41	September 28, 2020	October 9, 2020
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44	October 19, 2020	October 30, 2020
45	October 26, 2020	November 6, 2020
46	November 2, 2020	November 13, 2020
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49	November 23, 2020	December 4, 2020
50	November 30, 2020	December 11, 2020
51	December 7, 2020	December 18, 2020
52	December 14, 2020	December 28, 2020

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Definitions and General Provisions

2) Code Citation: 35 Ill. Adm. Code 211

3) Section Number:	Proposed Action:
211.7150	Amendment

4) Statutory Authority: 415 ILCS 5/7.2, 9.1, and 27

5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of May 21, 2020, proposing amendment in docket R19-15 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendment for 45 days from the date it appears in the Illinois Register before proceeding to adopt amendment based on this proposal.

The R19-15 proceeding relates to the listings of compounds exempted from the State definition of "volatile organic material" (VOM) or "volatile organic compound" (VOC) in 35 Ill. Adm. Code 211.7150 of the Illinois air pollution control rules. This amendment would update the definition of to correspond with an amendment to the corresponding definition of VOC at 40 C.F.R. 51.100(s) that the United States Environmental Protection Agency (USEPA) adopted during the second half of 2018:

November 28, 2018 (83 Fed. Reg. 61127)	USEPA added one hydrofluoroolefin compound to the list of chemical species excluded from the federal definition of VOC.

The Board deviated from the literal text of the USEPA amendment by using the IUPAC name, "(Z)-1,1,1,4,4,4-hexa¬fluorobut-2-ene," and adding the CAS registry number 692-49-9 to the listing. The Board further omitted USEPA amendments not necessary in the Illinois rules and corrected an error in a chemical listing derived from USEPA's rule.

Tables appear in a document entitled "Identical-in –Substance Rulemaking Addendum (Proposed)" (IIS-RA(P)) that the Board added to docket R19-15 which list the deviations from USEPA's text and the correction not based on current federal amendments. The Board further listed a number of errors in the format of chemical names in USEPA's rule. Persons interested in the details of those corrections and amendments should refer to the IIS-RA(P) in docket R19-15.

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Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] 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 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 an emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? Yes

Section Number:	Proposed Action:	*Illinois Register* Citation:
211.7150	Amendment	44 Ill. Reg. 4463; March 20, 2020

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 proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R19-15 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

The Board will conduct one public hearing on the proposed amendments because they will ultimately result in submission to the United States Environmental Protection Agency of an amendment to the State implementation plan (SIP). Section 110(a)(2) of

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NOTICE OF PROPOSED AMENDMENT

the Federal Clean Air Act (42 U.S.C. § 7410(a)(2) (2018)) requires reasonable notice and hearing before a state undertakes an amendment to the SIP. The public hearing will occur by videoconference at the following time and between the following locations:

11:45 a.m., July 16, 2017
Room 11-512
James R. Thompson Center
100 W. Randolph St.
Chicago IL 60601

and

Sangamo Building
Illinois Pollution Control Board Hearing Room
1021 North Grand Avenue
Springfield IL 62702

Comments should reference docket R19-15 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 R19-15:

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

312/814-6924
mccambm@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.pcb.illinois.gov.

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13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that use or emit the affected chemicals that are proposed for deletion from the definition of VOM. 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 emissions monitoring, annual reports, 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) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.

15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

PART 211
DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

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211.102 Abbreviations and Conversion Factors

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211.4530 Parts Per Million (Volume) or PPM (Vol)
211.4540 Perimeter Bonded Sheet Flooring
211.4550 Person
211.4590 Petroleum
211.4610 Petroleum Liquid
211.4630 Petroleum Refinery
211.4650 Pharmaceutical
211.4670 Pharmaceutical Coating Operation
211.4690 Photochemically Reactive Material
211.4710 Pigmented Coatings
211.4720 Pipeline Natural Gas
211.4730 Plant
211.4735 Plastic
211.4740 Plastic Part
211.4750 Plasticizers
211.4760 Plastic Solvent Welding Adhesive
211.4765 Plastic Solvent Welding Adhesive Primer
211.4768 Pleasure Craft
211.4769 Pleasure Craft Surface Coating
211.4770 PM-10
211.4790 Pneumatic Rubber Tire Manufacture
211.4810 Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830 Polyester Resin Material(s)
211.4850 Polyester Resin Products Manufacturing Process
211.4870 Polystyrene Plant
211.4890 Polystyrene Resin
211.4895 Polyvinyl Chloride Plastic (PVC Plastic)
211.4900 Porous Material
211.4910 Portable Grain-Handling Equipment
211.4930 Portland Cement Manufacturing Process Emission Source
211.4950 Portland Cement Process or Portland Cement Manufacturing Plant
211.4960 Potential Electrical Output Capacity
211.4970 Potential to Emit
211.4990 Power Driven Fastener Coating
211.5010 Precoat
211.5012 Prefabricated Architectural Coating
211.5015 Preheater Kiln

211.5020 Preheater/Precalciner Kiln
211.5030 Pressure Release
211.5050 Pressure Tank
211.5060 Pressure/Vacuum Relief Valve
211.5061 Pretreatment Coating
211.5062 Pretreatment Wash Primer
211.5065 Primary Product
211.5070 Prime Coat
211.5075 Primer Sealant
211.5080 Primer Sealer
211.5090 Primer Surfacer Coat
211.5110 Primer Surfacer Operation
211.5130 Primers
211.5140 Printed Interior Panel
211.5150 Printing
211.5170 Printing Line
211.5185 Process Emission Source
211.5190 Process Emission Unit
211.5195 Process Heater
211.5210 Process Unit
211.5230 Process Unit Shutdown
211.5245 Process Vent
211.5250 Process Weight Rate
211.5270 Production Equipment Exhaust System
211.5310 Publication Rotogravure Printing Line
211.5330 Purged Process Fluid
211.5335 Radiation Effect Coating
211.5340 Rated Heat Input Capacity
211.5350 Reactor
211.5370 Reasonably Available Control Technology (RACT)
211.5390 Reclamation System
211.5400 Red Coating
211.5410 Refiner
211.5430 Refinery Fuel Gas
211.5450 Refinery Fuel Gas System
211.5470 Refinery Unit or Refinery Process Unit
211.5480 Reflective Argent Coating
211.5490 Refrigerated Condenser
211.5500 Regulated Air Pollutant

211.5510 Reid Vapor Pressure
211.5520 Reinforced Plastic Composite
211.5530 Repair
211.5535 Repair Cleaning
211.5550 Repair Coat
211.5570 Repaired
211.5580 Repowering
211.5585 Research and Development Operation
211.5590 Residual Fuel Oil
211.5600 Resist Coat
211.5610 Restricted Area
211.5630 Retail Outlet
211.5640 Rich-Burn Engine
211.5650 Ringelmann Chart
211.5670 Roadway
211.5690 Roll Coater
211.5710 Roll Coating
211.5730 Roll Printer
211.5750 Roll Printing
211.5770 Rotogravure Printing
211.5790 Rotogravure Printing Line
211.5800 Rubber
211.5810 Safety Relief Valve
211.5830 Sandblasting
211.5850 Sanding Sealers
211.5860 Scientific Instrument
211.5870 Screening
211.5875 Screen Printing
211.5880 Screen Printing on Paper
211.5885 Screen Reclamation
211.5890 Sealer
211.5910 Semi-Transparent Stains
211.5930 Sensor
211.5950 Set of Safety Relief Valves
211.5970 Sheet Basecoat
211.5980 Sheet-Fed
211.5985 Sheet Rubber Lining Installation
211.5987 Shock-Free Coating
211.5990 Shotblasting

211.6010 Side-Seam Spray Coat
211.6012 Silicone-Release Coating
211.6015 Single-Ply Roof Membrane
211.6017 Single-Ply Roof Membrane Adhesive Primer
211.6020 Single-Ply Roof Membrane Installation and Repair Adhesive
211.6025 Single Unit Operation
211.6030 Smoke
211.6050 Smokeless Flare
211.6060 Soft Coat
211.6063 Solar-Absorbent Coating
211.6065 Solids Turnover Ratio (R_T)
211.6070 Solvent
211.6090 Solvent Cleaning
211.6110 Solvent Recovery System
211.6130 Source
211.6140 Specialty Coatings
211.6145 Specialty Coatings for Motor Vehicles
211.6150 Specialty High Gloss Catalyzed Coating
211.6170 Specialty Leather
211.6190 Specialty Soybean Crushing Source
211.6210 Splash Loading
211.6230 Stack
211.6250 Stain Coating
211.6270 Standard Conditions
211.6290 Standard Cubic Foot (scf)
211.6310 Start-Up
211.6330 Stationary Emission Source
211.6350 Stationary Emission Unit
211.6355 Stationary Gas Turbine
211.6360 Stationary Reciprocating Internal Combustion Engine
211.6370 Stationary Source
211.6390 Stationary Storage Tank
211.6400 Stencil Coat
211.6405 Sterilization Indicating Ink
211.6410 Storage Tank or Storage Vessel
211.6420 Strippable Spray Booth Coating
211.6425 Stripping
211.6427 Structural Glazing
211.6430 Styrene Devolatilizer Unit

211.6450 Styrene Recovery Unit
211.6460 Subfloor
211.6470 Submerged Loading Pipe
211.6490 Substrate
211.6510 Sulfuric Acid Mist
211.6530 Surface Condenser
211.6535 Surface Preparation
211.6540 Surface Preparation Materials
211.6550 Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570 Tablet Coating Operation
211.6580 Texture Coat
211.6585 Thin Metal Laminating Adhesive
211.6587 Thin Particleboard
211.6590 Thirty-Day Rolling Average
211.6610 Three-Piece Can
211.6620 Three or Four Stage Coating System
211.6630 Through-the-Valve Fill
211.6635 Tileboard
211.6640 Tire Repair
211.6650 Tooling Resin
211.6670 Topcoat
211.6690 Topcoat Operation
211.6695 Topcoat System
211.6710 Touch-Up
211.6720 Touch-Up Coating
211.6730 Transfer Efficiency
211.6740 Translucent Coating
211.6750 Tread End Cementing
211.6770 True Vapor Pressure
211.6780 Trunk Interior Coating
211.6790 Turnaround
211.6810 Two-Piece Can
211.6825 Underbody Coating
211.6830 Under-the-Cup Fill
211.6850 Undertread Cementing
211.6860 Uniform Finish Blender
211.6870 Unregulated Safety Relief Valve
211.6880 Vacuum Metallizing
211.6885 Vacuum Metalizing Coating

211.6890 Vacuum Producing System
211.6910 Vacuum Service
211.6930 Valves Not Externally Regulated
211.6950 Vapor Balance System
211.6970 Vapor Collection System
211.6990 Vapor Control System
211.7010 Vapor-Mounted Primary Seal
211.7030 Vapor Recovery System
211.7050 Vapor-Suppressed Polyester Resin
211.7070 Vinyl Coating
211.7090 Vinyl Coating Line
211.7110 Volatile Organic Liquid (VOL)
211.7130 Volatile Organic Material Content (VOMC)
211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170 Volatile Petroleum Liquid
211.7190 Wash Coat
211.7200 Washoff Operations
211.7210 Wastewater (Oil/Water) Separator
211.7220 Waterproof Resorcinol Glue
211.7230 Weak Nitric Acid Manufacturing Process
211.7240 Weatherstrip Adhesive
211.7250 Web
211.7270 Wholesale Purchase − Consumer
211.7290 Wood Furniture
211.7310 Wood Furniture Coating
211.7330 Wood Furniture Coating Line
211.7350 Woodworking
211.7400 Yeast Percentage

211.APPENDIX A Rule into Section Table
211.APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 27 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, and 27].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21,

1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended in R01-9 at 25 Ill. Reg. 108, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4582, effective March 15, 2001; amended in R01-17 at 25 Ill. Reg. 5900, effective April 17, 2001; amended in R05-16 at 29 Ill. Reg. 8181, effective May 23, 2005; amended in R05-11 at 29 Ill. Reg. 8892, effective June 13, 2005; amended in R04-12/20 at 30 Ill. Reg. 9654, effective May 15, 2006; amended in R07-18 at 31 Ill. Reg. 14254, effective September 25, 2007; amended in R08-6 at 32 Ill. Reg. 1387, effective January 16, 2008; amended in R07-19 at 33 Ill. Reg. 11982, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13326, effective August 31, 2009; amended in R10-7 at 34 Ill. Reg. 1391, effective January 11, 2010; amended in R10-8 at 34 Ill. Reg. 9069, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14119, effective September 14, 2010; amended in R11-23 at 35 Ill. Reg. 13451, effective July 27, 2011; amended in R12-24 at 37 Ill. Reg. 1662, effective January 28, 2013; amended in R13-1 at 37 Ill. Reg. 1913, effective February 4, 2013; amended in R14-7 at 37 Ill. Reg. 19824, effective November 27, 2013; amended in R14-16 at 38 Ill. Reg. 12876, effective June 9, 2014; amended in R15-5 at 39 Ill. Reg. 5410, effective March 24, 2015;

amended in R17-2 at 41 Ill. Reg. 1096, effective January 23, 2017; amended in R17-9 at 41 Ill. Reg. 4173, effective March 24, 2017; amended in R17-11 at 41 Ill. Reg. 13389, effective October 23, 2017; amended in R19-15 at 44 Ill. Reg. _____, effective _____.

SUBPART B: DEFINITIONS

Section 211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)

"Volatile organic material" (also "VOM") or "volatile organic compound" (also "VOC") means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions.

a) This definition of VOM includes any organic compound that participates in atmospheric photochemical reactions, other than the compounds listed in this subsection (a). USEPA has determined that the compounds listed in this subsection (a) have negligible photochemical reactivity.

2-Amino-2-methylpropan-1-ol (CAS No. 124-68-5)
Bis(difluoromethoxy)difluoromethane (HFE-236cal2, CAS No. 78522-47-1)
1,2-Bis(difluoromethoxy)-1,1,2,2-tetrafluoroethane (HFE-338pcc13, CAS No. 188690-78-0)
tertiary-Butyl acetate (1,1-dimethylethyl acetic acid ester, CAS No. 540-88-5)
1-Chloro-1,1-difluoroethane (HCFC-142b, CAS No. 75-68-3)
Chlorodifluoromethane (CFC-22, CAS No. 75-45-6)
1-Chloro-1-fluoroethane (HCFC-151a, CAS No. 1615-75-4)
Chlorofluoromethane (HCFC-31, CAS No. 593-70-4)
Chloropentafluoroethane (CFC-115, CAS No. 76-15-3)
2-Chloro-1,1,1,2-tetrafluoroethane (HCFC-124, CAS No. 2837-89-0)
1-Chloro-4-(trifluoromethyl)benzene (parachlorobenzotrifluoride (PCBTF), CAS No. 98-56-6)
(1E)-1-Chloro-3,3,3-trifluoroprop-1-ene (trans-1-chloro-3,3,3-trifluoroprop-1-ene, CAS No. 102687-65-0)
1,1,1,2,2,3,4,5,5,5-Decafluoro-3-methoxy-4-trifluoromethylpentane (HFE-7300, CAS No. 132182-92-4)
1,1,1,2,3,4,4,5,5,5-Decafluoropentane (HFC-4310meeHFC-43-10mee, CAS No. 138495-42-8)

Dichlorodifluoromethane (CFC-12, CAS No. 75-71-8)
1,1-Dichloro-1-fluoroethane (HCFC-141b, CAS No. 1717-00-6)
Dichloromethane (methylene chloride, CAS No. 75-09-2)
3,3-Dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca, CAS No. 422-56-0)
1,3-Dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb, CAS No. 507-55-1)
1,2-Dichloro-1,1,2,2-tetrafluoroethane (CFC-114, CAS No. 76-14-2)
1,1-Dichloro-2,2,2-trifluoroethane (HCFC-123, CAS No. 306-83-2)
1,2-Dichloro-1,1,2-trifluoroethane (HCFC-123a, CAS No. 354-23-4)
1,1-Difluoroethane (HFC-152a, CAS No. 75-37-6)
Difluoromethane (HFC-32, CAS No. 75-10-5)
(Difloromethoxy)difluoromethane (HFE-134, CAS No. 1691-17-4)
1-(Difloromethoxy)-2-[(difluoromethoxy)(difluoro)methoxy]-1,1,2,2-tetrafluoroethane (HFE-43-10pccc124, CAS No. 188690-77-9)
2-(Difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane (CAS No. 163702-08-7)
Dimethyl carbonate (CAS No. 616-38-6)
Ethane (CAS No. 74-84-0)
2-(Ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane (CAS No. 163702-06-5)
3-Ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl)hexane (HFE-7500, CAS No. 297730-93-9)
1-Ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (HFE-7200, CAS No. 163702-05-4)
Ethylfluoride (HFC-161, CAS No. 353-36-6)
1,1,1,2,2,3,3-Heptafluoro-3-methoxypropane (HFE-7000, CAS No. 375-03-1)
1,1,1,2,3,3,3-Heptafluoropropane (HFC-227ea, CAS No. 431-89-0)
(Z)-1,1,1,4,4,4-hexafluorobut-2-ene (HFO-1336mzz-Z, CAS No. 692-49-9)
1,1,1,2,3,3-Hexafluoropropane (HFC-236ea, CAS No. 431-63-0)
1,1,1,3,3,3-Hexafluoropropane (HFC-236fa, CAS No. 690-39-1)
Methane (CAS No. 74-82-8)
Methyl acetate (methyl ethanoate, CAS No. 79-20-9)
4-Methyl-1,3-dioxolan-2-one (propylene carbonate, CAS No. 108-32-7)
Methyl formate (methyl methanoate, CAS No. 107-31-3)
1,1,1,2,2,3,3,4,4-Nonafluoro-4-methoxybutane (HFE-7100, CAS No. 163702-07-6)

1,1,1,3,3-Pentafluorobutane (HFC-365mfc, CAS No. 406-58-6)
Pentafluoroethane (HFC-125, CAS No. 354-33-6)
1,1,2,2,3-Pentafluoropropane (HFC-245ca, CAS No. 679-86-7)
1,1,2,3,3-Pentafluoropropane (HFC-245ea, CAS No. 24270-66-4)
1,1,1,2,3-Pentafluoropropane (HFC-245eb, CAS No. 431-31-2)
1,1,1,3,3-Pentafluoropropane (HFC-245fa, CAS No. 460-73-1)
Perfluorocarbon compounds that fall into the following classes:
Cyclic, branched, or linear, completely fluorinated alkanes
Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations
Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations
Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine
Propan-2-one (acetone or dimethylketone, CAS No. 67-64-1)
Siloxanes: cyclic, branched, or linear completely-methylated
Tetrachloroethene (perchloroethylene, CAS No. 127-18-4)
1,1,2,2-Tetrafluoroethane (HFC-134, CAS No. 359-35-3)
1,1,1,2-Tetrafluoroethane (HFC-134a, CAS No. 811-97-2)
(1E)-1,3,3,3-Tetrafluoropropene (trans-1,3,3,3-tetrafluoropropene, HFO-1234ze, CAS No. 29118-24-9)
2,3,3,3-Tetrafluoroprop-1-ene (HFO-1234yf, CAS No. 754-12-1)
1,1,1-Trichloroethane (methyl chloroform, CAS No. 71-55-6)
1,1,2,2-tetrafluoro-1-(2,2,2-trifluoroethoxy)ethane (HFE-347pcf2, CAS No. 406-78-0)
Trichlorofluoromethane (CFC-11, CAS No. 75-69-4)
1,1,2-Trichloro-1,2,2-trifluoroethane (CFC-113, CAS No. 76-13-1)
1,1,1-Trifluoroethane (HFC-143a, CAS No. 420-46-2)
Trifluoromethane (HFC-23, CAS No. 75-46-7)

b) For purposes of determining VOM emissions and compliance with emissions limits, VOM will be measured by the test methods in the approved implementation plan or 40 CFR 60, appendix A, incorporated by reference at 35 Ill. Adm. Code 215.105, 218.112, and 219.112, as applicable, or by source-specific test methods that have been established pursuant to a permit issued under a program approved or promulgated under Title V of the Clean Air Act; under 40 CFR 51, subpart I or appendix S, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112; or under 40 CFR 52.21, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112, as applicable. Where such a method also

measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOM if the amount of such compounds is accurately quantified and the exclusion is approved by the Agency.

c) As a precondition to excluding these negligibly-reactive compounds as VOM, or at any time thereafter, the Agency may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Agency, the amount of negligibly-reactive compounds in the source's emissions.

d) The USEPA will not be bound by any State determination as to appropriate methods for testing or monitoring negligibly-reactive compounds if such determination is not reflected in any of the test methods in subsection (b).

(Source: Amended at 44 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Air Quality Standards

2) Code Citation: 35 Ill. Adm. Code 243

3)

Section Numbers:	Proposed Actions:
243.108	Amendment
243.120	Amendment
243.122	Amendment
243.123	Amendment
243.124	Amendment
243.126	Amendment

4) Statutory Authority: 415 ILCS 5/7.2, 10, and 27

5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of May 21, 2020, proposing amendment in consolidated docket R19-14/R20-3/R20-11 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendment for 45 days from the date it appears in the *Illinois Register* before proceeding to adopt amendment based on this proposal.

The consolidated docket R19-14/R20-3/R20-11 proceeding relates to the Illinois ambient air quality requirements in 35 Ill. Adm. Code 243 of the Illinois air pollution control rules. This amendment would update the Illinois ambient air quality requirements to correspond with amendments to the federal National Ambient Air Quality Standards (NAAQSs) that the United States Environmental Protection Agency (USEPA) adopted during the second half of 2018 through the end of 2019.

The Federal NAAQS are codified at 40 C.F.R. 50. During this period, USEPA amended implementation of its NAAQSs as follows:

October 16, 2018 (83 Fed. Reg. 52157)	USEPA corrected the November 16, 2017 and June 4, 2018 area designations for the 2015 NAAQS for ozone (O_3). USEPA omitted McHenry and Monroe Counties in Illinois on November 16, 2017 (82 Fed. Reg. 54232, 54243-45) and June 4, 2018 (83 Fed. Reg. 75776, 25801-04). USEPA corrected the

	omissions, designating both "attainment/ unclassifiable." No Board action will be required based on this USEPA action.
December 27, 2018 (83 Fed. Reg. 66631)	USEPA redesignated all areas in Illinois, formerly designated unclassifiable, as unclassifiable/ attainment for the 2012 primary annual average NAAQS for fine particulate matter ($PM_{2.5}$). No Board action will be required based on this USEPA action.
March 18, 2019 (84 Fed. Reg. 9866)	USEPA concluded after review to retain the existing 2010 primary NAAQS for sulfur dioxide (SO_2). No Board action will be required based on this USEPA action.
March 29, 2019 (84 Fed. Reg. 11973)	USEPA designated a new FEM for O_3 in ambient air. The Board must incorporate this method into the Illinois rules. USEPA's issuing an updated version of the *List of Designated Reference and Equivalent Methods* will allow the Board to incorporate that latest version by reference and obviate action on the March 29, 2019 designation individually.
May 28, 2019 (84 Fed. Reg. 24395)	USEPA redesignated the Metro East area from "unclassifiable/attainment" to "attainment" for the 1997 primary and secondary NAAQS for $PM_{2.5}$. The effect is that the 1997 primary annual average NAAQS for $PM_{2.5}$ no longer applies in any area in Illinois. No Board action will be required based on this USEPA action. However, evaluating this action prompts the Board to remove the 1997 primary annual average NAAQS for $PM_{2.5}$ from the Illinois rules.
May 28, 2019 (84 Fed. Reg. 24508)	USEPA designated a new FRM for monitoring carbon monoxide in ambient air. The Board must incorporate this method into the Illinois rules.

	USEPA's issuing an updated version of the *List of Designated Reference and Equivalent Methods* will allow the Board to incorporate that latest version by reference and obviate action on the May 28, 2019 designation individually.
August 23, 2019 (84 Fed. Reg. 44238)	USEPA reclassified the Chicago-Naperville area from moderate to serious nonattainment for the 2008 primary and secondary NAAQS for O_3. This action changes the state implementation plan (SIP) requirements and attainment deadline for this area, but it does not affect the NAAQS standards that apply and how they apply. No Board action will be required based on this USEPA action.
September 13, 2019 (84 Fed. Reg. 48286)	USEPA reconsidered its 2016 designation of Williamson County as nonattainment for the 2010 NAAQS for SO_2. The effective date of the reconsideration is October 15, 2019. USEPA's reconsideration of the Williamson County area designation does not directly require Board action, but it does prompt Board action.
September 26, 2019 (84 Fed. Reg. 50833)	USEPA designated a new FRM for monitoring nitrogen dioxide in ambient air. The Board must incorporate this method into the Illinois rules. USEPA's issuing an updated version of the *List of Designated Reference and Equivalent Methods* will allow the Board to incorporate that latest version by reference and obviate action on the September 26, 2019 designation individually.
December 15, 2019	USEPA released an updated version of the List of Designated Reference and Equivalent Methods. This update version adds the FRMs and FEM that USEPA designated on March 29, 2019; May 28, 2019; and September 26, 2019. Updating the incorporation by reference in 35 Ill. Adm. Code

243.108 to this version of the *List* will incorporate those FRMs and FEM.

The Board deviated from the literal text of the USEPA amendment by using incorporation by reference rather than listing the designated methods. The Board removed the 1997 primary and secondary NAAQS for $PM_{2.5}$ from the Illinois rules and limited applicability of the 2010 NAAQS for SO_2 to Macon County. The Board further updated incorporations by reference to Code of Federal Regulations provisions to the latest version available.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" (IIS-RA(P)) that the Board added to consolidated docket R19-14/R20-3/R20-11 which list the limited revisions that are not based on current federal amendments. The tables contain the deviation from the literal text of the federal actions underlying this amendment, as well as updates to incorporations by reference to the *Code of Federal Regulations* that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the IIS-RA(P) in consolidated docket R19-14/R20-3/R20-11.

Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] 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 an 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? No

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)].

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated docket R19-14/R20-3/R20-11 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

The Board will conduct one public hearing on the proposed amendment because it will ultimately result in submission to the United States Environmental Protection Agency of an amendment to the state implementation plan (SIP). Section 110(a)(2) of the Federal Clean Air Act (42 U.S.C. § 7410(a)(2) (2018)) requires reasonable notice and hearing before a state undertakes an amendment to the SIP. The public hearing will occur by videoconference at the following time and between the following locations:

11:55 a.m., July 16, 2020
Room 11-512
James R. Thompson Center
100 W. Randolph St.
Chicago IL 60601

and

Sangamo Building
Illinois Pollution Control Board Hearing Room
1021 North Grand Avenue
Springfield IL 62702

Comments should reference consolidated docket R19-14/R20-3/R20-11 and be addressed to:

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

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NOTICE OF PROPOSED AMENDMENTS

Chicago IL 60601

Please direct inquiries to the following person and reference consolidated docket R19-14/R20-3/R20-11:

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

312/814-6924
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.pcb.illinois.gov.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that emit pollutants that could potentially affect ambient air quality in any area of Illinois. 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 emissions monitoring, annual reports, 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)].

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14) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.

15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER l: AIR QUALITY STANDARDS AND EPISODES

PART 243
AIR QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section
243.101 Definitions
243.102 Scope
243.103 Applicability
243.104 Nondegradation (Repealed)
243.105 Air Quality Monitoring Data Influenced by Exceptional Events
243.106 Monitoring (Repealed)
243.107 Reference Conditions
243.108 Incorporations by Reference

SUBPART B: STANDARDS AND MEASUREMENT METHODS

Section
243.120 PM_{10} and $PM_{2.5}$
243.121 Particulates (Repealed)
243.122 Sulfur Oxides (Sulfur Dioxide)
243.123 Carbon Monoxide
243.124 Nitrogen Oxides (Nitrogen Dioxide as Indicator)
243.125 Ozone
243.126 Lead

243.APPENDIX A Rule into Section Table (Repealed)
243.APPENDIX B Section into Rule Table (Repealed)
243.APPENDIX C Past Compliance Dates (Repealed)
243.TABLE A Schedule for Flagging and Documentation Submission for Data Influenced by Exceptional Events for Use in Initial Area Designations (Repealed)

AUTHORITY: Implementing Sections 7.2 and 10 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 10, and 27].

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SOURCE: Adopted as Chapter 2: Air Pollution, Part III: Air Quality Standards, in R71-23, filed and effective April 14, 1972; amended in R80-11, at 6 Ill. Reg. 5804, effective April 22, 1982; amended in R82-12, at 7 Ill. Reg. 9906, effective August 18, 1983; codified at 7 Ill. Reg. 13630; amended in R91-35 at 16 Ill. Reg. 8185, effective May 15, 1992; amended in R09-19 at 35 Ill. Reg. 18857, effective October 25, 2011; amended in R13-11 at 37 Ill. Reg. 12882, effective July 29, 2013; amended in R14-6 at 37 Ill. Reg. 19848, effective November 27, 2013; amended in R14-16 at 38 Ill. Reg. 12900, effective June 9, 2014; amended in R15-4 at 39 Ill. Reg. 5434, effective March 24, 2015; amended in R16-2 at 40 Ill. Reg. 4906, effective March 3, 2016; amended in R17-1 at 41 Ill. Reg. 1121, effective January 23, 2017; amended in R17-10 at 41 Ill. Reg. 13413, effective October 23, 2017; amended in R18-15 at 42 Ill. Reg. 9308, effective May 29, 2018; amended in R19-6 at 43 Ill. Reg. 3034, effective February 19, 2019; amended in R19-14/R20-3/R20-11 at 44 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 243.108 Incorporations by Reference

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions:

Government Printing Office (GPO), 732 Capitol Street NW, Washington, DC 20401 (telephone: 202-512-1800 or 866-512-1800; website: www.gpo.gov). The following documents incorporated by reference are available from this source:

Appendix A-1 to 40 CFR 50 (2019)~~(2018)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)), referenced in Section 243.122.

Appendix A-2 to 40 CFR 50 (2019)~~(2018)~~ (Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)), referenced in Section 243.122.

Appendix B to 40 CFR 50 (2019)~~(2018)~~ (Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)), referenced in appendix G to 40 CFR 50 (see below).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Appendix C to 40 CFR 50 (2019)~~(2018)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)), referenced in Section 243.123.

Appendix D to 40 CFR 50 (2019)~~(2018)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere), referenced in Section 243.125.

Appendix F to 40 CFR 50 (2019)~~(2018)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)), referenced in Section 243.124.

Appendix G to 40 CFR 50 (2019)~~(2018)~~ (Reference Method for the Determination of Lead in Suspended Particulate Matter Collected from Ambient Air), referenced in Section 243.126.

Appendix H to 40 CFR 50 (2019)~~(2018)~~ (Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix I to 40 CFR 50 (2019)~~(2018)~~ (Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix J to 40 CFR 50 (2019)~~(2018)~~ (Reference Method for the Determination of Particulate Matter as PM_{10} in the Atmosphere), referenced in Section 243.120.

Appendix K to 40 CFR 50 (2019)~~(2018)~~ (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Particulate Matter), referenced in Section 243.120.

Appendix L to 40 CFR 50 (2019)~~(2018)~~ (Reference Method for the Determination of Fine Particulate Matter as $PM_{2.5}$ in the Atmosphere), referenced in Section 243.120.

Appendix N to 40 CFR 50 (2019)~~(2018)~~ (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Particulate Matter), referenced in Section 243.120.

Appendix O to 40 CFR 50 (2019)~~(2018)~~ (Reference Method for the Determination of Coarse Particulate Matter as $PM_{10-2.5}$ in the Atmosphere), referenced in appendix Q to 40 CFR 50 and for use in federally required monitoring by the NCore system pursuant to 40 CFR 58.

Appendix P to 40 CFR 50 (2019)~~(2018)~~ (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix Q to 40 CFR 50 (2019)~~(2018)~~ (Reference Method for the Determination of Lead in Particulate Matter as PM_{10} Collected from Ambient Air), referenced in appendix R to 40 CFR 50.

Appendix R to 40 CFR 50 (2019)~~(2018)~~ (Interpretation of the National Ambient Air Quality Standards for Lead), referenced in Section 243.126.

Appendix S to 40 CFR 50 (2019)~~(2018)~~ (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide)), referenced in Section 243.124.

Appendix T to 40 CFR 50 (2019)~~(2018)~~ (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide)), referenced in Section 243.122.

Appendix U to 40 CFR 50 (2019)~~(2018)~~ (Interpretation of the Primary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Clean Air Act, 42 USC 7401 et seq. (2019)~~(2016)~~ (for definitions of terms only), referenced in Section 243.102.

BOARD NOTE: Segments of the Code of Federal Regulations and the United States Code are available for free download as PDF documents from the GPO FDsys website: http://www.gpo.gov/fdsys/.

USEPA, National Exposure Research Laboratory, Human Exposure & Atmospheric Sciences Division (MD-D205-03), Research Triangle Park, NC 27711. The following documents incorporated by reference are available from this source:

"List of Designated Reference and Equivalent Methods" (December 15, 2019)~~(June 15, 2018)~~ (referred to as the "List of Designated Methods" and referenced in Sections 243.101, 243.120, 243.122, 243.123, 243.124, 243.125, and 243.126.

BOARD NOTE: The List of Designated Methods is available for free download as a PDF document from the USEPA, Technology Transfer, Ambient Monitoring Technology Information Center website: http://www.epa.gov/ttn/amtic/criteria.html.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART B: STANDARDS AND MEASUREMENT METHODS

Section 243.120 PM_{10} and $PM_{2.5}$

a) 1987 Primary and Secondary 24-Hour NAAQS for PM_{10}

1) The level of the 1987 primary and secondary 24-hour NAAQS for PM_{10} is 150 $\mu g/m^3$, 24-hour average concentration. The 1987 primary and secondary NAAQS for PM_{10} is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu g/m^3$, as determined in accordance with appendix K to 40 CFR 50, incorporated by reference in Section 243.108, is equal to or less than one.

2) This subsection (a)(2) corresponds with 40 CFR 50.6(b), a provision marked "reserved" by USEPA. This statement maintains structural consistency with the corresponding federal regulation.

3) For the purpose of determining attainment of the 1987 primary and secondary 24-hour NAAQS for PM_{10}, particulate matter must be measured in the ambient air as PM_{10} by a method that fulfills either of the following requirements:

A) An FRM based on appendix J to 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108; or

B) An FEM designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108.

BOARD NOTE: This subsection (a) is derived from 40 CFR 50.6. ~~USEPA adopted 1997 primary NAAQS for PM_{10} at 62 Fed. Reg. 38652 (July 18, 1997). As a result of a judicial vacatur, USEPA later removed the transitional provision relative to the 1987 NAAQS at 65 Fed. Reg. 80776 (Dec. 22, 2000) and the 1997 NAAQS at 69 Fed. Reg. 45595 (July 30, 2004). Thus, the 1987 primary and secondary NAAQS for PM_{10} are included in this subsection (a).~~

b) 1997 ~~Primary and~~ Secondary Annual Average and Primary and Secondary 24-Hour NAAQS for $PM_{2.5}$

1) The 1997 ~~primary and~~ secondary annual average NAAQS for $PM_{2.5}$ is 15.0 $\mu g/m^3$, annual arithmetic mean concentration, and the 1997 primary and secondary 24-hour NAAQS for $PM_{2.5}$ is 65 $\mu g/m^3$, 24-hour average concentration, measured in the ambient air as $PM_{2.5}$ by a method that fulfills either of the following requirements:

A) An FRM based on appendix L of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108; or

B) An FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.

2) The 1997 ~~primary and~~ secondary annual average NAAQS for $PM_{2.5}$ is met when the annual arithmetic mean concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 15.0 $\mu g/m^3$.

3) The 1997 primary and secondary 24-hour NAAQS for $PM_{2.5}$ is met when the 98th percentile 24-hour concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 65 $\mu g/m^3$.

~~4) The 1997 primary annual $PM_{2.5}$ NAAQS in this subsection (b) does not apply in any area of Illinois except Madison, Monroe, and St. Clair Counties and the Baldwin Village area of Randolph County. The primary NAAQS for $PM_{2.5}$ in this subsection (b) will no longer apply in any area of Illinois after USEPA has redesignated that area as attainment for that standard. The 1997 secondary annual NAAQS for $PM_{2.5}$ and the 1997 24-hour $PM_{2.5}$ NAAQS in this subsection (b) remain applicable.~~

~~BOARD NOTE: USEPA has codified the area designations for Illinois in 40 CFR 81.314. All areas of Illinois were designated attainment or unclassifiable/attainment except Madison, Monroe, and St. Clair Counties and the Baldwin Village area of Randolph County.~~

BOARD NOTE: This subsection (b) is derived from 40 CFR 50.7 ~~and 50.13(d). The Board added the revocation clause of 40 CFR 50.13(d) as both this subsections (b)(4) and (c)(4), even though USEPA did not add the text to corresponding 40 CFR 50.7~~.

c) 2006 ~~Primary and~~ Secondary Annual Average and Primary and Secondary 24-Hour NAAQS for $PM_{2.5}$

1) The 2006 ~~primary and~~ secondary annual average NAAQS for $PM_{2.5}$ is 15.0 $\mu g/m^3$, annual arithmetic mean concentration, and the 2006 primary and secondary 24-hour NAAQS for $PM_{2.5}$ is 35 $\mu g/m^3$, 24-hour average concentration, measured in the ambient air as $PM_{2.5}$ by a method that fulfills either of the following requirements:

A) An FRM based on appendix L of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108; or

B) An FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.

2) The 2006 ~~primary and~~ secondary annual average NAAQS for $PM_{2.5}$ is met when the annual arithmetic mean concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 15.0 µg/m^3.

3) The 2006 primary and secondary 24-hour NAAQS for $PM_{2.5}$ is met when the 98th percentile 24-hour concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 35 µg/m^3.

~~4) The primary annual $PM_{2.5}$ NAAQS in this subsection (c) does not apply in any area of Illinois except Madison, Monroe, and St. Clair Counties and the Baldwin Village area of Randolph County. The primary annual $PM_{2.5}$ NAAQS in this subsection (c) will no longer apply in any area of Illinois after USEPA has redesignated that area as attainment for that standard. The secondary annual $PM_{2.5}$ NAAQS in this subsection (c) remains applicable.~~

~~BOARD NOTE: USEPA has codified the area designations for Illinois in 40 CFR 81.314. All areas of Illinois were designated attainment or unclassifiable/attainment except Madison, Monroe, and St. Clair Counties and the Baldwin Village area of Randolph County.~~

BOARD NOTE: ~~The primary and secondary annual average NAAQS for $PM_{2.5}$ in this subsection (c) is the 1997 primary annual average NAAQS for $PM_{2.5}$. USEPA retained the standard and included it with the 2006 standard in corresponding 40 CFR 50.13. See 71 Fed. Reg. 61144, 61176 (Oct. 17, 2006).~~ This subsection (c) is derived from 40 CFR 50.13.

d) 2012 Primary Annual Average and 24-Hour NAAQS for $PM_{2.5}$

1) The 2012 primary annual average NAAQS for $PM_{2.5}$ is 12.0 µg/m^3 annual arithmetic mean concentration, and the 2012 primary 24-hour NAAQS for $PM_{2.5}$ is 35 µg/m^3 24-hour average concentration, measured in the ambient air as $PM_{2.5}$ by a method that fulfills either of the following requirements:

A) An FRM based on appendix L of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed

in List of Designated Methods, incorporated by reference in Section 243.108; or

B) An FEM designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108.

2) The 2012 primary annual NAAQS for $PM_{2.5}$ is met when the annual arithmetic mean concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 12.0 $\mu g/m^3$.

3) The 2012 primary 24-hour NAAQS for $PM_{2.5}$ is met when the 98^{th} percentile 24-hour concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 35 $\mu g/m^3$.

BOARD NOTE: This subsection (d) is derived from 40 CFR 50.18.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 243.122 Sulfur Oxides (Sulfur Dioxide)

a) 1971 Primary Annual Average and 24-Hour NAAQS for Sulfur Oxides (as Sulfur Dioxide (SO_2))

1) The level of the 1971 primary annual average NAAQS for sulfur oxides is 0.030 ppm, not to be exceeded in a calendar year. The annual arithmetic mean must be rounded to three decimal places (fractional parts equal to or greater than 0.0005 ppm must be rounded up).

2) The level of the 1971 primary 24-hour NAAQS for sulfur oxides is 0.14 ppm, not to be exceeded more than once per calendar year. The 24-hour averages must be determined from successive non-overlapping 24-hour blocks starting at midnight each calendar day and must be rounded to two decimal places (fractional parts equal to or greater than 0.005 ppm must be rounded up).

3) Sulfur oxides must be measured in the ambient air as SO_2 by the FRM described in appendix A-2 to 40 CFR 50, incorporated by reference in

Section 243.108, or by an FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.

4) To demonstrate attainment, the annual arithmetic mean and the second-highest 24-hour averages must be based upon hourly data that are at least 75 percent complete in each calendar quarter. A 24-hour block average must be considered valid if at least 75 percent of the hourly averages for the 24-hour period are available. In the event that only 18-, 19-, 20-, 21-, 22-, or 23-hour averages are available, the 24-hour block average must be computed as the sum of the available hourly averages using the number of hours (i.e., 18, 19, etc.) as the divisor. If less than 18-hour averages are available, but the 24-hour average would exceed the level of the standard when zeros are substituted for the missing values, subject to the rounding rule of subsection (b) of this Section, this must be considered a valid 24-hour average. In this case, the 24-hour block average must be computed as the sum of the available hourly averages divided by 24.

5) The 1971 primary annual average and 24-hour NAAQS for sulfur oxides set forth in this subsection (a) apply only in Macon County~~remains applicable to all areas notwithstanding the promulgation of the 2010 primary one-hour NAAQS for sulfur oxides in subsection (c) of this Section. The Board will delete the 1971 primary annual average and 24-hour NAAQS for sulfur oxides set forth in this subsection (a) after fulfillment of the conditions recited by USEPA in corresponding 40 CFR 50.4(e)~~.

BOARD NOTE: Derived~~This subsection (a) is derived~~ from 40 CFR 50.4. This subsection (a) no longer applies in the following areas in Illinois. The Board will delete the 1971 primary annual average and 24-hour NAAQS for sulfur oxides set forth in this subsection (a) after 40 CFR 50.4 no longer applies: one year the effective date of a USEPA area designation for Macon County~~: Cook County (Lemont Township only), Peoria County (Hollis Township only), Tazewell County (Cincinnati and Pekin Townships only), Will County (DuPage and Lockport Townships only), Bureau County, Jasper County, Madison County (Wood River Township, an area of southeastern Alton Township, and an area of northern Chouteau Township only), Massac County, Putnam County, and Williamson County~~.

b) 1971 Secondary Three-Hour NAAQS for Sulfur Oxides (as SO_2)

1) The level of the 1971 secondary three-hour NAAQS for sulfur oxides is 0.5 ppm, not to be exceeded more than once per calendar year. The three-hour averages must be determined from successive non-overlapping three-hour blocks starting at midnight each calendar day and must be rounded to one decimal place (fractional parts equal to or greater than 0.05 ppm must be rounded up).

2) Sulfur oxides must be measured in the ambient air as SO_2 by the FRM described in appendix A-2 to 40 CFR 50, incorporated by reference in Section 243.108, or by an FEM designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108.

3) To demonstrate attainment, the second-highest three-hour average must be based upon hourly data that are at least 75 percent complete in each calendar quarter. A three-hour block average must be considered valid only if all three hourly averages for the three-hour period are available. If only one or two hourly averages are available, but the three-hour average would exceed the level of the standard when zeros are substituted for the missing values, subject to the rounding rule of subsection (b)(1), this must be considered a valid three-hour average. In all cases, the three-hour block average must be computed as the sum of the hourly averages divided by three.

BOARD NOTE: This subsection (b) is derived from 40 CFR 50.5.

c) 2010 Primary One-Hour NAAQS for Sulfur Oxides (as SO_2)

1) The level of the 2010 primary one-hour NAAQS for sulfur oxides is 75 ppb, measured in the ambient air as SO_2.

2) The 2010 one-hour primary NAAQS for sulfur oxides is met at an ambient air quality monitoring site when the three-year average of the annual (99^{th} percentile) of the daily maximum one-hour average concentrations is less than or equal to 75 ppb, as determined in accordance with appendix T of 40 CFR 50, incorporated by reference in Section 243.108.

3) The level of the 2010 one-hour primary NAAQS for sulfur oxides must be measured by an FRM based on appendix A-1 or A-2 of 40 CFR 50, incorporated by reference in Section 243.108, or by an FEM designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108.

BOARD NOTE: This subsection (c) is derived from 40 CFR 50.17. The 1971 primary NAAQS for SO_2 remains in effect until the federal conditions of 40 CFR 50.4(e) have been fulfilled, as outlined in subsection (a)(5) and the appended Board note.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 243.123 Carbon Monoxide

a) The 1971 eight-hour and one-hour primary NAAQS for carbon monoxide are as follows:

1) An eight-hour average concentration of 9 ppm (10 mg/m^3), not to be exceeded more than once per year; and

2) A one-hour average concentration of 35 ppm (40 mg/m^3), not to be exceeded more than once per year.

b) The levels of carbon monoxide in the ambient air must be measured by a method that fulfills either of the following requirements:

1) An FRM based on appendix C of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108; or

2) An FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.

c) An eight-hour average concentration must be considered valid if at least 75 percent of the hourly average for the eight-hour period is available. In the event that only six-hour (or seven-hour) averages are available, the eight-hour average must be computed on the basis of the hours available using six (or seven) as the divisor.

d) When summarizing data for comparison with the standards, averages must be stated to one decimal place. Comparison of the data with the levels of the standards in ppm must be made in terms of integers with fractional parts of 0.5 or greater rounded up.

BOARD NOTE: Derived~~This Section is derived~~ from 40 CFR 50.8 ~~(2012)~~.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 243.124 Nitrogen Oxides (Nitrogen Dioxide as Indicator)

a) The level of the 1971 primary annual average NAAQS for nitrogen oxides is 53 ppb, annual average concentration, measured in the ambient air as nitrogen dioxide (NO_2).

b) The level of the 2010 primary one-hour NAAQS for nitrogen oxides is 100 ppb, one-hour average concentration, measured in the ambient air as NO_2.

c) The level of the 1971 secondary annual average NAAQS for nitrogen oxides is 0.053 ppm (100 µg/m^3), annual arithmetic mean concentration, measured in the ambient air as NO_2.

d) The levels of the standards in subsections (a) through (c) of this Section must be measured by:

1) An FRM based on appendix F to 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108; or

2) By an FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.

e) The 1971 primary annual average NAAQS for nitrogen oxides in subsection (a) of this Section is met when the annual average concentration in a calendar year is less than or equal to 53 ppb, as determined in accordance with appendix S of 40 CFR 50, incorporated by reference in Section 243.108, for the annual standard.

f) The 2010 one-hour primary NAAQS for nitrogen oxides in subsection (b) of this Section is met when the three-year average of the annual 98th percentile of the daily maximum one-hour average concentration is less than or equal to 100 ppb, as determined in accordance with appendix S of 40 CFR 50, incorporated by reference in Section 243.108, for the 1-hour standard.

g) The 1971 secondary annual average NAAQS for nitrogen oxides in subsection (c) of this Section is attained when the annual arithmetic mean concentration in a calendar year is less than or equal to 0.053 ppm, rounded to three decimal places (fractional parts equal to or greater than 0.0005 ppm must be rounded up). To demonstrate attainment, an annual mean must be based upon hourly data that are at least 75 percent complete or upon data derived from manual methods that are at least 75 percent complete for the scheduled sampling days in each calendar quarter.

BOARD NOTE: Derived~~This Section is derived~~ from 40 CFR 50.11 ~~(2012)~~.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 243.126 Lead

a) 1978 Primary and Secondary Quarterly Average NAAQS for Lead

BOARD NOTE: Derived~~This subsection (a) is derived~~ from 40 CFR 50.12. USEPA designated Granite City as nonattainment with the 2008 primary and secondary three-month average NAAQS for lead effective December 31, 2010~~2011~~ and an area of Chicago effective December 31, 2011~~2012~~. See 76 Fed. Reg. 72097, 79108 (Nov. 22, 2011); 75 Fed. Reg. 71033, 71042 (Nov. 22, 2010). Thus, this subsection (a) was obsolete on December 31, 2012, and the Board removed it.

b) 2008 Primary and Secondary Three-Month Average NAAQS for Lead

1) The 2008 primary and secondary three-month average NAAQS for lead and its compounds is 0.15 µg/m^3, arithmetic mean concentration over a three-month period, measured in the ambient air as lead by either of the following:

A) An FRM based on appendix G of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108; or

B) An FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.

2) The 2008 primary and secondary three-month average NAAQS for lead are met when the maximum arithmetic three-month mean concentration for a three-year period, as determined in accordance with appendix R of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 0.15 µg/m^3.

BOARD NOTE: Derived~~This subsection (b) is derived~~ from 40 CFR 50.16.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Design, Operation and Maintenance Criteria

2) Code Citation: 35 Ill. Adm. Code 604

3)

Section Number:	Proposed Action:
604.1520	New Section

4) Statutory Authority: Implementing Section 14-19 and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5].

5) A Complete Description of the Subjects and Issues Involved: On April 16, 2020, the Board adopted the emergency rule, with an effective date of April 17, 2020. R 20-20, April 16, 2020; 44 Ill. Reg. 7777 (May 1, 2020). The emergency rule proposal attempted to extend the renewal period for cross connection control device inspectors (CCCDI) from May 1, 2020 until June 30, 2020, to August 31, 2020 until October 30, 2020. Because the 150-day duration of an emergency rule will expire before the extended deadline of October 30, 2020, the Board is proposing for first notice a general rule extending the CCCDI renewal period.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace an emergency rule currently in effect? Yes

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any rulemakings to this Part pending? No

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

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments must be filed with the Clerk of the Board. Public comments should reference Docket R20-20 and be addressed to:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

Clerk's Office
Illinois Pollution Control Board
JRTC
100 W. Randolph St., Suite 11-500
Chicago IL 60601

Public comments may also be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at www.ipcb.state.il.us.

Interested persons may request copies of the Board's opinion and order in R20-20 by calling the Clerk's office at 312/814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us.

Copies of the Board's opinion and order in R20-20 are available by downloading copies from the Board's Web site at pcb.illinois.gov or by calling the Clerk's office at 312/814-3620.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: Under Section 56.2 of the Act, "Section 5 of the Illinois Administrative Procedure Act relating to the procedures for rulemaking shall not apply to rules adopted under subsection (e)."

15) Regulatory Agenda on which this rulemaking was summarized: This rule did not appear in a regulatory agenda because the need for it was unanticipated.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 604
DESIGN, OPERATION AND MAINTENANCE CRITERIA

SUBPART A: GENERAL PROVISIONS

Section
604.100 Purpose
604.105 General Requirements
604.110 Location
604.115 Usage
604.120 Piping Identification
604.125 Automatic Equipment
604.130 Operational Testing Equipment
604.135 Repair Work and Emergency Operation
604.140 Nitrification Action Plan
604.145 Exceptions for Community Water Supplies
604.150 Protection of Community Water Supply Structures
604.155 Electrical Controls and Standby Power
604.160 Safety
604.165 Monthly Operating Report
604.170 Security

SUBPART B: SOURCE DEVELOPMENT

Section
604.200 General Requirements
604.205 Surface Water Quantity
604.210 Surface Water Quality
604.215 Surface Water Structures
604.220 Invasive Mussel Control
604.225 Reservoirs
604.230 Groundwater Quantity
604.235 Groundwater Quality
604.240 General Well Construction
604.245 Well Testing and Records

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

604.250 Aquifer Types and Construction Methods
604.255 Well Pumps, Discharge Piping and Appurtenances

SUBPART C: SOURCE WATER PROTECTION PLAN

Section
604.300 Purpose
604.305 Source Water Protection Plan Requirement and Contents
604.310 Vision Statement
604.315 Source Water Assessment
604.320 Source Water Protection Plan Objectives
604.325 Action Plan
604.330 Submission
604.335 Agency Approval
604.340 Evaluation and Revision

SUBPART D: AERATION

Section
604.400 General Requirements for Aeration
604.405 Forced or Induced Draft Aeration
604.410 Spray Aeration
604.415 Pressure Aeration
604.420 Packed Tower Aeration
604.425 Other Methods of Aeration

SUBPART E: CLARIFICATION

Section
604.500 General Clarification Requirements
604.505 Coagulation
604.510 Flocculation
604.515 Sedimentation
604.520 Solids Contact Unit
604.525 Tube or Plate Settlers
604.530 Other High Rate Clarification Processes

SUBPART F: FILTRATION

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

Section
604.600 Filtration
604.605 Rapid Rate Gravity Filters
604.610 Rapid Rate Pressure Filters
604.615 Deep Bed Rapid Rate Gravity Filters
604.620 Biologically Active Filtration

SUBPART G: DISINFECTION

Section
604.700 Disinfection Requirement
604.705 Chlorination Equipment
604.710 Points of Application
604.715 Contact Time
604.720 Inactivation of Pathogens
604.725 Residual Chlorine
604.730 Continuous Chlorine Analyzers
604.735 Chlorinator Piping

SUBPART H: SOFTENING

Section
604.800 Lime or Lime-soda Process
604.805 Cation Exchange Process

SUBPART I: STABILIZATION

Section
604.900 General Stabilization Requirements
604.905 Carbon Dioxide Addition
604.910 Phosphates
604.915 Split Treatment

SUBPART J: OTHER TREATMENT

Section
604.1000 Presedimentation
604.1005 Anion Exchange
604.1010 Iron and Manganese Control

604.1015 Taste and Odor Control
604.1020 Powdered Activated Carbon

SUBPART K: CHEMICAL APPLICATION

604.1100 General Chemical Application Requirements
604.1105 Feed Equipment and Chemical Storage
604.1110 Protective Equipment
604.1115 Chlorine Gas
604.1120 Acids and Caustics
604.1125 Chlorine Dioxide
604.1130 Sodium Chlorite
604.1135 Sodium Hypochlorite
604.1140 Ammonia
604.1145 Potassium Permanganate
604.1150 Fluoride

SUBPART L: PUMPING FACILITIES

604.1200 General
604.1205 Pumping Stations
604.1210 Pumps
604.1215 Booster Pumps
604.1220 Automatic and Remote-Controlled Stations
604.1225 Appurtenances

SUBPART M: STORAGE

604.1300 General Storage Requirements
604.1305 Overflow
604.1310 Access to Water Storage Structures
604.1315 Vents
604.1320 Level Controls
604.1325 Roof and Sidewalls
604.1330 Painting and Cathodic Protection
604.1335 Treatment Plant Storage
604.1340 Elevated Storage
604.1345 Hydropneumatic Storage
604.1350 Combination Pressure Tanks and Ground Storage

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

SUBPART N: DISTRIBUTION

604.1400 General Distribution System Requirements
604.1405 Installation of Water Mains
604.1410 Materials
604.1415 System Design
604.1420 Valves
604.1425 Hydrants
604.1430 Air Relief Valves
604.1435 Valve, Meter and Blow Off Chambers
604.1440 Sanitary Separation for Finished Water Mains
604.1445 Sanitary Separation for Raw Water Mains
604.1450 Surface Water Crossings
604.1455 Water Service Line
604.1460 Water Loading Stations

SUBPART O: CROSS CONNECTIONS

Section
604.1500 Cross Connections
604.1505 Cross Connection Control Program
604.1510 Cross Connection Control Device Inspectors
604.1515 Agency Approved Cross Connection Control Measures
604.1520 COVID-19 Emergency Provisions

604.TABLE A Steel Pipe

AUTHORITY: Implementing Section 14-19 and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5].

SOURCE: Adopted in R18-17 at 43 Ill. Reg. 8064, effective July 26, 2019; emergency amendment in R20-20 at 44 Ill. Reg. 7777, effective April 17, 2020, for a maximum of 150 days; amended in R20-21 at 44 Ill. Reg. _____, effective _____.

SUBPART O: CROSS CONNECTIONS

Section 604.1520 COVID-19 Emergency Provisions

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

Due to the public health emergency related to the COVID-19 outbreak, the CCCDI approval renewal application deadlines for 2020 pursuant to Section 604.1510(b)(2) are extended. For renewal year 2020, CCCDIs must renew their CCCDI Approval between August 31 and October 30. An application for CCCDI renewal will be sent by the Agency or its designee and must be completed and returned by October 30, 2020.

(Source: Added at 44 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: RCRA and UIC Permit Programs

2) Code Citation: 35 Ill. Adm. Code 702

3)

Section Number:	Proposed Action:
702.152	Amendment

4) Statutory Authority: 415 ILCS 5/7.2, 13(c), 22.4, and 27

5) A Complete Description of the Subjects and Issues Involved: The amendment to Part 702 are a single segment of consolidated docket R20-3/R20-11 rulemaking that also affects 35 Ill. Adm. Code 703, 720 through 726, 728, 733, 810, and 811. The consolidated R20-3/R20-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. A comprehensive description is contained in the Board's opinion and order of May 21, 2020, proposing amendments in consolidated docket R20-3/R20-11, which opinion and order is available from the address below.

The following briefly summarizes the federal actions included the consolidated R20-3/R20-11:

> On February 22, 2019 (83 Fed. Reg. 5816), USEPA established alternative rules for managing hazardous waste pharmaceuticals. The rules establish sector-specific standards that apply to hospitals, healthcare facilities, and reverse distributors managing hazardous waste pharmaceuticals in lieu of the general hazardous waste management standards. USEPA also changed the P075 hazardous waste listing to exclude therapeutic nicotine products.
>
> On December 9, 2019 (83 Fed. Reg. 67202), USEPA added aerosol cans to the Universal Waste Rule. This eases the regulatory burden of managing waste aerosol cans under the hazardous waste rules. It promotes collection and recycling of waste aerosol cans, encourages developing programs for collecting and recycling them, and diverts them from disposal in MSWLFs) and combustors.

Additionally, consolidated R20-3/R20-11 further includes limited non-substantive corrections and conforming revisions that the Board finds necessary to previously adopted rules. The Board received requests from JCAR and the Illinois Environmental Protection Agency for corrections to amendments adopted in prior rulemaking. The Board includes stylistic revisions to provisions opened for amendments, many of

anticipate changes ordinarily requested by the Joint Committee on Administrative Rules (JCAR).

Specifically, the amendment to Part 702 makes necessary corrections not directly derived from the present USEPA amendments, including a correction requested by the Joint Committee on Administrative Rules (JCAR).

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" (IIS-RA(P)) that the Board added to the record of consolidated docket R20-3/R20-11. 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 IIS-RA(P) in consolidated docket R20-3/R20-11.

Sections 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by 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? No

10) Are there any other rulemakings pending on this Part? No

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

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated docket R20-3/R20-11 and be addressed to:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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 consolidated docket R20-3/R20-11:

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

312/814-6924
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 pcb.illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. This proposed amendment does 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 amendment require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. This proposed amendment does 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 amendment may require the services of an attorney,

certified public accountant, chemist and registered professional engineer. This proposed amendment does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

14) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.

15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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

PART 702
RCRA AND UIC PERMIT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
702.101 Purpose, Scope, and Applicability
702.102 Electronic Reporting
702.103 Trade Secret or Non-Disclosable Information Submitted to the Agency or Board
702.104 References
702.105 Rulemaking
702.106 Adoption of Agency Criteria
702.107 Permit Appeals and Review of Agency Determinations
702.108 Variances and Adjusted Standards
702.109 Enforcement Actions
702.110 Definitions

SUBPART B: PERMIT APPLICATIONS

Section
702.120 Permit Application
702.121 Who Applies
702.122 Completeness
702.123 Information Requirements
702.124 Recordkeeping
702.125 Continuation of Expiring Permits
702.126 Signatories to Permit Applications and Reports

SUBPART C: PERMIT CONDITIONS

Section
702.140 Conditions Applicable to all Permits
702.141 Duty to Comply
702.142 Duty to Reapply

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

702.143 Need to Halt or Reduce Activity Not a Defense
702.144 Duty to Mitigate
702.145 Proper Operation and Maintenance
702.146 Permit Actions
702.147 Property Rights
702.148 Duty to Provide Information
702.149 Inspection and Entry
702.150 Monitoring and Records
702.151 Signature Requirements
702.152 Reporting Requirements
702.160 Establishing Permit Conditions
702.161 Duration of Permits
702.162 Schedules of Compliance
702.163 Alternative Schedules of Compliance
702.164 Recording and Reporting

SUBPART D: ISSUED PERMITS

Section
702.181 Effect of a Permit
702.182 Transfer
702.183 Modification
702.184 Causes for Modification
702.185 Facility Siting
702.186 Revocation
702.187 Minor Modifications

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 R81-32 at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9 at 9 Ill. Reg. 11926, effective July 24, 1985; amended in R85-23 at 10 Ill. Reg. 13274, effective July 29, 1986; amended in R86-1 at 10 Ill. Reg. 14083, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6131, effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 19376, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2579, effective January 15, 1988; amended in R87-29 at 12 Ill. Reg. 6673, effective March 28, 1988; amended in R87-39 at 12 Ill. Reg. 13083, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18452, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3089, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6273,

effective April 16, 1990; amended in R92-10 at 17 Ill. Reg. 5769, effective March 26, 1993; amended in R93-16 at 18 Ill. Reg. 6918, effective April 26, 1994; amended in R94-5 at 18 Ill. Reg. 18284, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9913, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11210, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 532, effective December 16, 1997; amended in R99-15 at 23 Ill. Reg. 9359, effective July 26, 1999; amended in R00-11/R01-1 at 24 Ill. Reg. 18585, effective December 7, 2000; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 438, effective December 20, 2006; amended in R11-2/R11-16 at 35 Ill. Reg. 17647, effective October 14, 2011; amended in R11-14 at 36 Ill. Reg. 1588, effective January 20, 2012; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 20953, effective November 19, 2018; amended in R20-3/R20-11 at 44 Ill. Reg. _____, effective _____.

SUBPART C: PERMIT CONDITIONS

Section 702.152 Reporting Requirements

a) Planned Changes. The permittee must give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.

b) Anticipated Noncompliance~~noncompliance~~. The permittee must give advance notice to the Agency of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements. For RCRA, see also 35 Ill. Adm. Code 703.247.

c) Transfers. This permit is not transferable to any person, except after notice to the Agency. The Agency may require modification of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the appropriate Act. (See Sections 702.182 and 702.183, in some cases modification is mandatory.)

d) Monitoring Reports. Monitoring results must be reported at the intervals specified in the permit.

e) Compliance Schedules. Reports of compliance or non-compliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit must be submitted no later than specified in Section 702.162.

f) Twenty-four hour reporting as required in 35 Ill. Adm. Code 703.245 or

704.181(d).

g) Other Noncompliance. The permittee must report all instances of noncompliance not reported pursuant to subsections (d), (e), and (f) at the time monitoring reports are submitted. The reports must contain the information referenced in subsection (f).

h) Other Information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Agency, it must promptly submit such facts or information.

BOARD NOTE: Derived from 40 CFR 144.51(l) and 270.30(l) ~~(2017)~~.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: RCRA Permit Program

2) Code Citation: 35 Ill. Adm. Code 703

3)

Section Numbers:	Proposed Actions:
703.123	Amendment
703.220	Amendment

4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27

5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 703 are a single segment of consolidated docket R20-3/R20-11 rulemaking that also affects 35 Ill. Adm. Code 702, 720 through 726, 728, 733, 810, and 811. The consolidated R20-3/R20-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. A comprehensive description is contained in the Board's opinion and order of May 21, 2020, proposing amendments in consolidated docket R20-3/R20-11, which opinion and order is available from the address below.

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register* summarizes the broader rulemaking that is consolidated docket R20-3/R20-11. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 703 incorporate segments of USEPA's Hazardous Waste Pharmaceuticals Rule and Universal Waste Aerosol Cans Rule into the Illinois hazardous waste regulations. The amendments include needed corrections in the rule, including corrections to prior amendments requested by the Joint Committee on Administrative Rules (JCAR).

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R20-3/R20-11. 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 consolidated docket R20-3/R20-11.

Sections 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to

this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by 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? No

10) Are there any other rulemakings pending on this Part? No

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 consolidated docket R20-3/R20-11 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 consolidated docket R20-3/R20-11:

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

312/814-6924

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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 pcb.illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations 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) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.

15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 703
RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section
703.100 Scope and Relation to Other Parts
703.101 Purpose
703.102 Electronic Reporting
703.110 References

SUBPART B: PROHIBITIONS

Section
703.120 Prohibitions in General
703.121 RCRA Permits
703.122 Specific Inclusions in Permit Program
703.123 Specific Exclusions and Exemptions from Permit Program
703.124 Discharges of Hazardous Waste
703.125 Reapplying for a Permit
703.126 Initial Applications
703.127 Federal Permits (Repealed)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section
703.140 Purpose and Scope
703.141 Permits by Rule
703.150 Application by Existing HWM Facilities and Interim Status Qualifications
703.151 Application by New HWM Facilities
703.152 Amended Part A Application
703.153 Qualifying for Interim Status
703.154 Prohibitions During Interim Status
703.155 Changes During Interim Status

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

703.156 Interim Status Standards
703.157 Grounds for Termination of Interim Status
703.158 Permits for Less Than an Entire Facility
703.159 Closure by Removal
703.160 Procedures for Closure Determination
703.161 Enforceable Document for Post-Closure Care

SUBPART D: APPLICATIONS

Section
703.180 Applications in General
703.181 Contents of Part A
703.182 Contents of Part B
703.183 General Information
703.184 Facility Location Information
703.185 Groundwater Protection Information
703.186 Exposure Information
703.187 Solid Waste Management Units
703.188 Other Information
703.189 Additional Information Required to Assure Compliance with MACT Standards
703.191 Public Participation: Pre-Application Public Notice and Meeting
703.192 Public Participation: Public Notice of Application
703.193 Public Participation: Information Repository
703.200 Specific Part B Application Information
703.201 Containers
703.202 Tank Systems
703.203 Surface Impoundments
703.204 Waste Piles
703.205 Incinerators that Burn Hazardous Waste
703.206 Land Treatment
703.207 Landfills
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AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective

December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R94-5 at 18 Ill. Reg. 18316, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9920, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11225, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 553, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7632, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17930, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2153, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9381, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9765, effective June 20, 2000; amended in R01-21/R01-23 at 25 Ill. Reg. 9313, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6539, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3496, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12683, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5966, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2845, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 487, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11672, effective July 14, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18505, effective November 12, 2010; amended in R13-15 at 37 Ill. Reg. 17659, effective October 24, 2013; amended in R16-7 at 40 Ill. Reg. 11271, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 20993, effective November 19, 2018; amended in R19-11 at 43 Ill. Reg. 5777, effective May 2, 2019; amended in R20-3/R20-11 at 44 Ill. Reg. _____, effective _____.

SUBPART B: PROHIBITIONS

Section 703.123 Specific Exclusions and Exemptions from Permit Program

The following persons are among those that are not required to obtain a RCRA permit:

a) A generator that accumulates hazardous waste on site in compliance with all of the conditions for exemption provided in 35 Ill. Adm. Code 722.114 through

722.117;

b) A farmer that disposes of hazardous waste pesticides from the farmer's own use, as provided in 35 Ill. Adm. Code 722.170;

c) A person that owns or operates a facility solely for the treatment, storage, or disposal of hazardous waste excluded from regulations pursuant to this Part by 35 Ill. Adm. Code 721.104 or 722.114 (VSQG exemption);

d) An owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;

e) An owner or operator of an elementary neutralization unit or wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110;

f) A transporter that stores manifested shipments of hazardous waste in containers that meet the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;

g) A person that adds absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) or a person that adds waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and 35 Ill. Adm. Code 724.117(b), 724.271, and 724.272 are complied with; and

h) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that manages the wastes listed in subsections (h)(1) through (h)(5). Such a handler or transporter is subject to regulation pursuant to 35 Ill. Adm. Code 733.

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

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

3) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104; ~~and~~

4) Lamps, as described in 35 Ill. Adm. Code 733.105; and~~.~~

5) Aerosol cans, as described in 35 Ill. Adm. Code 733.6.

i) This subsection (i) corresponds with 40 CFR 270.1(c)(2)(ix), which applies only to a facility outside Illinois. This statement maintains structural consistency with the corresponding USEPA rule.

j) Reverse Distributors Accumulating Potentially Creditable Hazardous Waste Pharmaceuticals and Evaluated Hazardous Waste Pharmaceuticals, as defined in Section 726.600. Reverse distributors are subject to regulation under Subpart P of 35 Ill. Adm. Code 726 for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

BOARD NOTE: Derived from 40 CFR 270.1(c)(2) ~~(2017)~~.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART E: SPECIAL FORMS OF PERMITS

Section 703.220 Emergency Permits

a) Notwithstanding any other provision of this Part or 35 Ill. Adm. Code 702 or 705, in the event that the Agency finds an imminent and substantial endangerment to human health or the environment, the Agency may issue a temporary emergency permit, as follows:

1) To a non-permitted facility to allow treatment, storage, or disposal of hazardous waste; or

2) To a permitted facility to allow treatment, storage, or disposal of a hazardous waste not covered by an effective permit.

b) This emergency permit must comply with all of the following requirements:

1) The emergency permit may ~~May~~ be oral or written. If oral, it must be followed in five days by a written emergency permit.

2) The emergency permit must ~~Shall~~ not exceed 90 days in duration.

3) The emergency permit must ~~Shall~~ clearly specify the hazardous wastes to

be received and the manner and location of their treatment, storage, or disposal.

4) The emergency permit may~~May~~ be terminated by the Agency at any time without process if it determines that termination is appropriate to adequately protect human health and the environment.

5) The emergency permit must~~Shall~~ be accompanied by a public notice published pursuant to 35 Ill. Adm. Code 705.162 including the following:

A) The name~~Name~~ and address of the office granting the emergency authorization;

B) The name~~Name~~ and location of the permitted HWM facility;

C) A brief description of the wastes involved;

D) A brief description of the action authorized and reasons for authorizing it; and

E) The duration~~Duration~~ of the emergency permit.

6) The emergency permit must~~Shall~~ incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this Part and 35 Ill. Adm. Code 724.

7) An emergency permit~~Emergency permits~~ that would authorize actions not in compliance with Board rules, other than procedural requirements, require a variance or provisional variance pursuant to Title IX of the Environmental Protection Act [415 ILCS 5/Title IX].

BOARD NOTE: Derived from 40 CFR 270.61 ~~(2005)~~.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Hazardous Waste Management System: General

2) Code Citation: 35 Ill. Adm. Code 720

3)

Section Numbers:	Proposed Actions:
720.109	Amendment
720.110	Amendment
720.111	Amendment

4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27

5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 720 are a single segment of consolidated docket R20-3/R20-11 rulemaking that also affects 35 Ill. Adm. Code 702, 705, 721 through 726, 728, 733, 810, and 811. The consolidated R20-3/R20-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. A comprehensive description is contained in the Board's opinion and order of May 21, 2020, proposing amendments in consolidated docket R20-3/R20-11, which opinion and order is available from the address below.

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register* summarizes the broader rulemaking that is consolidated docket R20-3/R20-11. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 720 incorporate segments of USEPA's Hazardous Waste Pharmaceuticals Rule and Universal Waste Aerosol Cans Rule into the Illinois hazardous waste regulations. The amendments include needed corrections in rule not directly related to USEPA amendments, including corrections to prior amendments requested by the Joint Committee on Administrative Rules (JCAR).

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R20-3/R20-11. 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 consolidated docket R20-3/R20-11.

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

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Does this rulemaking replace an emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

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 proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated docket R20-3/R20-11 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 consolidated docket R20-3/R20-11:

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

312/814-6924
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 pcb.illinois.gov.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations 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) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.

15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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 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 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

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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 R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 21215, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 446, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5817, effective May 2, 2019; amended in R20-3/R20-11 at 44 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 720.109 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 Clerk's Office On-Line (COOL) system at www.ipcb.state.il.us.

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.

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):

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), 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) is derived from 40 CFR 3.1, 3.2, 3.10, 3.20, and 3.1000 (2017).

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), 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).

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

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).

BOARD NOTE: Subsection (d) is derived from 40 CFR 3.2(b) and subpart D of 40 CFR 3 (2018).

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.

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) is derived from 40 CFR 3.4 and 3.2000(c) (2018).

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:

POLLUTION CONTROL BOARD

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1) The Administrative Procedure Act;

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;

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) will create any right or privilege to submit any document as an electronic document.

BOARD NOTE: Subsection (g) is derived from 40 CFR 3.2(c) (2018).

BOARD NOTE: Derived from 40 CFR 3, 145.11(a)(33), 271.10(b), 271.11(b), and 271.12(h) (2018).

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART B: DEFINITIONS AND REFERENCES

Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through 728, 733, 738, and 739 only, the following terms have the meanings given below:

"Aboveground tank" means a device meeting the definition of tank that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) can be visually inspected.

"Active life" of a facility means the period from the initial receipt of hazardous waste at the facility until the Agency receives certification of final closure.

"Active portion" means that portion of a facility where treatment, storage, or disposal operations are being or have been conducted after May 19, 1980, and which is not a closed portion. (See also "closed portion".)

"Acute hazardous waste" means hazardous waste that meets the listing criteria in 35 Ill. Adm. Code 721.111(a)(2) and therefore is either listed in 35 Ill. Adm. Code 721.131 with the assigned hazard code of (H) or is listed in 35 Ill. Adm. Code 721.133(e).
BOARD NOTE: These are USEPA hazardous waste numbers F020, F021, F022, F023, F026, and F027, and all USEPA hazardous waste numbers having the prefix "P".

"Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's designee.

"Aerosol can" means a non-refillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, the sole purpose of which is to expel a liquid, paste, or powder and that is fitted with a self-closing release device allowing the contents to be ejected by the gas.

"Agency" means the Illinois Environmental Protection Agency.
"Airbag waste" means any hazardous waste airbag modules or hazardous waste airbag inflators.

"Airbag waste collection facility" means any facility that receives airbag waste from airbag handlers subject to regulation under 35 Ill. Adm. Code 721.104(j) and which accumulates the waste for more than ten days.

"Airbag waste handler" means any person, by site, that generates airbag waste which is subject to regulation under 35 Ill. Adm. Code 721.104(j).

"Ancillary equipment" means any device, including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to storage or treatment tanks, between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

"Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

"Authorized representative" means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent, or person of equivalent responsibility.

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

"Board" means the Illinois Pollution Control Board.

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

Boiler by physical characteristics:

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and the unit's combustion chamber and primary energy recovery sections must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery sections (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery sections are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream) and fluidized bed combustion units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit may be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps.); or

Boiler by designation. The unit is one that the Board has determined, on a case-by-case basis, to be a boiler, after considering the standards in Section 720.132.

"Carbon dioxide stream" means carbon dioxide that has been captured from an emission source (e.g., a power plant), plus incidental associated substances derived from the source materials and the capture process, and any substances added to the stream to enable or improve the injection process.

"Carbon regeneration unit" means any enclosed thermal treatment device used to regenerate spent activated carbon.

"Cathode ray tube" or "CRT" means a vacuum tube, composed primarily of glass, which is the visual or video display component of an electronic device. A "used, intact CRT" means a CRT whose vacuum has not been released. A "used, broken CRT" means glass removed from its housing or casing whose vacuum has been released.

"Central accumulation area" means any on-site area where hazardous waste is accumulating in units subject to either 35 Ill. Adm. Code 722.116 (for an SQG) or 35 Ill. Adm. Code 722.117 (for an LQG). A central accumulation area at an eligible academic entity that chooses to operate under Subpart K of 35 Ill. Adm. Code 722 is also subject to 35 Ill. Adm. Code 722.311 when accumulating unwanted material or hazardous waste.

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

"Closed portion" means that portion of a facility that an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements. (See also "active portion".)

"Component" means either the tank or ancillary equipment of a tank system.

"Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

"Contained" means held in a unit (including a land-based unit, as defined in this Section) that meets either of the following containment situations:

Containment situation 1 (non-hazardous waste containment):

The unit is in good condition, with no leaks or other continuing or intermittent unpermitted releases of the hazardous secondary materials to the environment, and is designed, as appropriate for the hazardous secondary materials, to prevent unpermitted releases of hazardous secondary materials to the environment. "Unpermitted releases" are releases that are not covered by a permit (such as a permit to discharge to water or air) and may include, but are not limited to, releases through surface transport by precipitation run-off, releases to soil and groundwater, windblown dust, fugitive air emissions, and catastrophic unit failures;

The unit is properly labeled or otherwise has a system (such as a log) to immediately identify the hazardous secondary materials in the unit; and

The unit holds hazardous secondary materials that are compatible with other hazardous secondary materials placed in the unit, is compatible with the materials used to construct the unit and addresses any potential risks of fires or explosions.

Containment situation 2 (hazardous waste containment):

Hazardous secondary materials in units that meet the applicable requirements of 35 Ill. Adm. Code 724 or 725 are presumptively contained.

"Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

"Containment building" means a hazardous waste management unit that is used to store or treat hazardous waste pursuant to the provisions of Subpart DD of 35 Ill. Adm. Code 724 and Subpart DD of 35 Ill. Adm. Code 725.

"Contingency plan" means a document setting out an organized, planned and coordinated course of action to be followed in case of a fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment.

"Corrosion expert" means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"CRT collector" means a person who receives used, intact CRTs for recycling, repair, resale, or donation.

"CRT exporter" means any person in the United States that initiates a transaction to send used CRTs outside the United States or its territories for recycling or reuse, or any intermediary in the United States arranging for such export.

"CRT glass manufacturer" means an operation or part of an operation that uses a furnace to manufacture CRT glass.

"CRT processing" means conducting all of the following activities:

Receiving broken or intact CRTs;

Intentionally breaking intact CRTs or further breaking or separating broken CRTs; and

Sorting or otherwise managing glass removed from CRT monitors.

"Designated facility" means either of the following entities:

A hazardous waste treatment, storage, or disposal facility that has been designated on the manifest by the generator, pursuant to 35 Ill. Adm. Code 722.120, of which any of the following is true:

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

The facility has received a RCRA permit from USEPA pursuant to 40 CFR 124 and 270;

The facility has received a RCRA permit from a state authorized by USEPA pursuant to 40 CFR 271; or

The facility is regulated pursuant to 35 Ill. Adm. Code 721.106(c)(2) or Subpart F of 35 Ill. Adm. Code 266; or

A generator site designated by the hazardous waste generator on the manifest to receive back its own waste as a return shipment from a designated hazardous waste treatment, storage, or disposal facility that has rejected the waste in accordance with 35 Ill. Adm. Code 724.172(f) or 725.172(f).

If a waste is destined to a facility in a state other than Illinois that has been authorized by USEPA pursuant to 40 CFR 271, but which has not yet obtained authorization to regulate that waste as hazardous, then the designated facility must be a facility allowed by the receiving state to accept such waste.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in 35 Ill. Adm. Code 733.113(a) and (c) and 733.133(a) and (c). A facility at which a particular category of universal waste is only accumulated is

not a destination facility for the purposes of managing that category of universal waste.

"Dike" means an embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids, or other materials.

"Dioxins and furans" means tetra-, penta-, hexa-, hepta-, and octa-chlorinated dibenzodioxins and furans.

"Director" means the Director of the Illinois Environmental Protection Agency.

"Discharge" or "hazardous waste discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

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

"Drip pad" means an engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey preservative kick-back or drippage from treated wood, precipitation and surface water run-on to an associated collection system at wood preserving plants.

"Electronic import-export reporting compliance date" means the date that USEPA will announce in the Federal Register, on or after which exporters, importers, and receiving facilities will be required to submit certain export and import related documents to USEPA using USEPA's Waste Import Export Tracking System, or its successor system.
BOARD NOTE: A compliance date in Illinois regulations is limited to a date certain on or after the Board has adopted the date by rulemaking. Adoption by rulemaking of the electronic import-export reporting compliance date can occur

only after USEPA has made its announcement in the Federal Register. Until the Board has incorporated a date certain by rulemaking, the Board intends that no "electronic import-export reporting compliance date" will apply in the context of the Illinois rules. The federal electronic import-export reporting compliance date named by USEPA, however, may apply as provided by federal law.

"Electronic manifest" or "e-Manifest" means the electronic format of the hazardous waste manifest that is obtained from USEPA's national e-Manifest System and transmitted electronically to the e-Manifest System, and which is the legal equivalent of USEPA Forms 8700-22 (Manifest) and 8700-22A (Continuation Sheet).

"Electronic Manifest System" or "e-Manifest System" means USEPA's national information technology system through which the e-Manifest may be obtained, completed, transmitted, and distributed to users of the e-Manifest System and to regulatory agencies.

"Elementary neutralization unit" means a device of which the following is true:

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

It meets the definition of tank, tank system, container, transport vehicle, or vessel in this Section.

"EPA region" or "USEPA region" means the states and territories found in any one of the following ten regions:

Region I: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.

Region II: New York, New Jersey, Commonwealth of Puerto Rico, and the U.S. Virgin Islands.

Region III: Pennsylvania, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia.

Region IV: Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, and Florida.

Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio.

Region VI: New Mexico, Oklahoma, Arkansas, Louisiana, and Texas.

Region VII: Nebraska, Kansas, Missouri, and Iowa.

Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah, and Colorado.

Region IX: California, Nevada, Arizona, Hawaii, Guam, American Samoa, and Commonwealth of the Northern Mariana Islands.

Region X: Washington, Oregon, Idaho, and Alaska.

"Equivalent method" means any testing or analytical method approved by the Board pursuant to Section 720.120.

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility that was in operation or for which construction commenced on or before November 19, 1980. A facility had commenced construction if the owner or operator had obtained the federal, State, and local approvals or permits necessary to begin physical construction and either of the following had occurred:

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

The owner or operator had entered into contractual obligations that could not be canceled or modified without substantial loss for physical construction of the facility to be completed within a reasonable time.

"Existing portion" means that land surface area of an existing waste management unit, included in the original Part A permit application, on which wastes have been placed prior to the issuance of a permit.

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste and which was in operation, or for which installation was commenced, on or prior to July 14,

1986. Installation will be considered to have commenced if the owner or operator has obtained all federal, State, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either of the following is true:

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

The owner or operator has entered into contractual obligations that cannot be canceled or modified without substantial loss for physical construction of the site or installation of the tank system to be completed within a reasonable time.

"Explosives or munitions emergency" means a situation involving the suspected or detected presence of unexploded ordnance (UXO), damaged or deteriorated explosives or munitions, an improvised explosive device (IED), other potentially explosive material or device, or other potentially harmful military chemical munitions or device, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. Such situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.

"Explosives or munitions emergency response" means all immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in-place render-safe procedures, treatment, or destruction of the explosives or munitions or transporting those items to another location to be rendered safe, treated, or destroyed. Any reasonable delay in the completion of an explosives or munitions emergency response caused by a necessary, unforeseen, or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at RCRA facilities.

"Explosives or munitions emergency response specialist" means an individual trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include United States Department of

Defense (USDOD) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), and USDOD-certified civilian or contractor personnel and other federal, State, or local government or civilian personnel who are similarly trained in explosives or munitions emergency responses.

"Facility" means the following:

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

For implementing corrective action pursuant to 35 Ill. Adm. Code 724.201 or 35 Ill. Adm. Code 727.201, all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. This definition also applies to facilities implementing corrective action pursuant to RCRA section 3008(h).

Notwithstanding the immediately-preceding paragraph of this definition, a remediation waste management site is not a facility that is subject to 35 Ill. Adm. Code 724.201, but a facility that is subject to corrective action requirements if the site is located within such a facility.

"Federal agency" means any department, agency, or other instrumentality of the federal government, any independent agency or establishment of the federal government, including any government corporation and the Government Printing Office.

"Federal, State, and local approvals or permits necessary to begin physical construction" means permits and approvals required under federal, State, or local hazardous waste control statutes, regulations, or ordinances.

"Final closure" means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities pursuant to 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.116.

"Food-chain crops" means tobacco, crops grown for human consumption, and crops grown for feed for animals whose products are consumed by humans.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike and the surface of the waste contained therein.

"Free liquids" means liquids that readily separate from the solid portion of a waste under ambient temperature and pressure.

"Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Groundwater" means water below the land surface in a zone of saturation.

"Hazardous secondary material" means a secondary material (e.g., spent material, by-product, or sludge) that, when discarded, would be identified as hazardous waste pursuant to 35 Ill. Adm. Code 721.

"Hazardous secondary material generator" means any person whose act or process produces hazardous secondary materials at the generating facility. For purposes of this definition, "generating facility" means all contiguous property owned, leased, or otherwise controlled by the hazardous secondary material generator. For the purposes of Sections 721.102(a)(2)(B) and 721.104(a)(23), a facility that collects hazardous secondary materials from other persons is not the hazardous secondary material generator.

"Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste constituent" means a constituent that caused the hazardous waste to be listed in Subpart D of 35 Ill. Adm. Code 721, or a constituent listed in 35 Ill. Adm. Code 721.124.

"Hazardous waste management unit" is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile,

a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system, and a container storage area. A container alone does not constitute a unit; the unit includes containers, and the land or pad upon which they are placed.

"Incinerator" means any enclosed device of which the following is true:

The facility uses controlled flame combustion, and both of the following are true of the facility:

The facility does not meet the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor

The facility is not listed as an industrial furnace; or

The facility meets the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a hazardous waste that is unsuitable for the following:

Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

Commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire, or explosion, violent reaction, toxic dusts, mists, fumes or gases, or flammable fumes or gases.

(See Appendix E to 35 Ill. Adm. Code 724 and Appendix E to 35 Ill. Adm. Code 725 for references that list examples.)

"Individual generation site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

"Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy:

Cement kilns;

Lime kilns;

Aggregate kilns;

Phosphate kilns;

Coke ovens;

Blast furnaces;

Smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces);

Titanium dioxide chloride process oxidation reactors;

Methane reforming furnaces;

Pulping liquor recovery furnaces;

Combustion devices used in the recovery of sulfur values from spent sulfuric acid;

Halogen acid furnaces (HAFs) for the production of acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least three percent, the acid product is used in a manufacturing process, and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20 percent, as generated; and

Any other such device as the Agency determines to be an industrial furnace based on one or more of the following factors:

The design and use of the device primarily to accomplish recovery of material products;

The use of the device to burn or reduce raw materials to make a material product;

The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

The use of the device in common industrial practice to produce a material product; and

Other relevant factors.

"Infrared incinerator" means any enclosed device that uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Inground tank" means a device meeting the definition of tank whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

"In operation" refers to a facility that is treating, storing, or disposing of hazardous waste.

"Injection well" means a well into which fluids are being injected. (See also "underground injection".)

"Inner liner" means a continuous layer of material placed inside a tank or container that protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

"Installation inspector" means a person who, by reason of knowledge of the physical sciences and the principles of engineering, acquired by a professional

education and related practical experience, is qualified to supervise the installation of tank systems.

"Intermediate facility" means any facility that stores hazardous secondary materials for more than ten days and which is neither a hazardous secondary material generator nor a reclaimer of hazardous secondary material.

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

"Lamp" or "universal waste lamp" means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, or infrared regions of the electromagnetic spectrum. Examples of common universal waste lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high-pressure sodium, and metal halide lamps.

"Land-based unit" means an area where hazardous secondary materials are placed in or on the land before recycling. This definition does not include land-based production units.

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

"Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit (CAMU).

"Landfill cell" means a discrete volume of a hazardous waste landfill that uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

"Large quantity generator" or "LQG" means a generator that generates any of the following amounts of material in a calendar month:

Greater than or equal to 1,000 kg (2,200 lbs) of non-acute hazardous

waste;

Greater than 1 kg (2.2 lbs) of acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e); or

Greater than 100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e).

"LDS" means leak detection system.

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

"Liner" means a continuous layer of natural or manmade materials beneath or on the sides of a surface impoundment, landfill, or landfill cell that restricts the downward or lateral escape of hazardous waste, hazardous waste constituents, or leachate.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

"Management" or "hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.

"Manifest" means the shipping document USEPA Form 8700-22 (including, if necessary, USEPA Form 8700-22A), or the e-Manifest, originated and signed in accordance with the applicable requirements of 35 Ill. Adm. Code 722 through 727.

"Manifest tracking number" means the alphanumeric identification number (i.e., a

unique three letter suffix preceded by nine numerical digits) that is pre-printed in Item 4 of the manifest by a registered source.

"Mercury-containing equipment" means a device or part of a device (including thermostats but excluding batteries and lamps) that contains elemental mercury integral to its function.

"Military munitions" means all ammunition products and components produced or used by or for the United States Department of Defense or the United States Armed Services for national defense and security, including military munitions under the control of the United States Department of Defense (USDOD), the United States Coast Guard, the United States Department of Energy (USDOE), and National Guard personnel. The term military munitions includes: confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by USDOD components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components of these items and devices. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components of these items and devices. However, the term does include non-nuclear components of nuclear devices, managed under USDOE's nuclear weapons program after all sanitization operations required under the Atomic Energy Act of 1954 (42 USC 2014 et seq.), as amended, have been completed.

"Mining overburden returned to the mine site" means any material overlying an economic mineral deposit that is removed to gain access to that deposit and is then used for reclamation of a surface mine.

"Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container; tank; surface impoundment; pile; land treatment unit; landfill; incinerator; boiler; industrial furnace; underground injection well with appropriate technical standards pursuant to 35 Ill. Adm. Code 730; containment building; corrective action management unit (CAMU); unit eligible for a research, development, and demonstration permit pursuant to 35 Ill. Adm. Code 703.231; or staging pile.

"Movement" means hazardous waste that is transported to a facility in an

individual vehicle.

"NAICS Code" means the code number assigned a facility using the "North American Industry Classification System", incorporated by reference in Section 720.111.

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

"New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation commenced after July 14, 1986; except, however, for purposes of 35 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for which construction commenced after July 14, 1986. (See also "existing tank system".)

"No free liquids", as used in 35 Ill. Adm. Code 721.104(a)(26) and (b)(18), means that solvent-contaminated wipes may not contain free liquids, as determined by Method 9095B (Paint Filter Liquids Test), included in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", incorporated by reference in Section 720.111, and that there is no free liquid in the container holding the wipes. No free liquids may also be determined using another standard or test method that the Agency has determined by permit condition is equivalent to Method 9095B.

"Non-acute hazardous waste" means hazardous waste that is not acute hazardous waste, as defined in this Section.

"On-ground tank" means a device meeting the definition of tank that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surfaces so that the external tank bottom cannot be visually inspected.

"On-site" means the same or geographically contiguous property that may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Non-contiguous properties owned by the same

person but connected by a right-of-way that the owner controls and to which the public does not have access is also considered on-site property.

"Open burning" means the combustion of any material without the following characteristics:

Control of combustion air to maintain adequate temperature for efficient combustion;

Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

Control of emission of the gaseous combustion products.

(See also "incineration" and "thermal treatment".)

"Operator" means the person responsible for the overall operation of a facility.

"Owner" means the person that owns a facility or part of a facility.

"Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725 at a facility that contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile, or other hazardous waste management unit, while other units of the same facility continue to operate.

"Person" means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.

"Personnel" or "facility personnel" means all persons who work at or oversee the operations of a hazardous waste facility and whose actions or failure to act may result in noncompliance with 35 Ill. Adm. Code 724 or 725.

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, other than any article that fulfills one of

the following descriptions:

It is a new animal drug under section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA; 21 USC 321(v)), incorporated by reference in Section 720.111(c);

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services pursuant to FFDCA section 512 (21 USC 360b), incorporated by reference in Section 720.111(c), to be an exempted new animal drug; or

It is an animal feed under FFDCA section 201(w) (21 USC 321(w)), incorporated by reference in Section 720.111(c), that bears or contains any substances described in either of the two preceding paragraphs of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 260.10 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug". This is very similar to the language of section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC 136(u)). The three exceptions, taken together, appear intended not to include as pesticide any material within the scope of federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

"Pile" means any non-containerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage, and that is not a containment building.

"Plasma arc incinerator" means any enclosed device that uses a high intensity electrical discharge or arc as a source of heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Point source" means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code 310.110.

"Qualified groundwater scientist" means a scientist or engineer who has received a baccalaureate or postgraduate degree in the natural sciences or engineering, and has sufficient training and experience in groundwater hydrology and related fields, as demonstrated by state registration, professional certifications, or completion of accredited university courses that enable the individual to make sound professional judgments regarding groundwater monitoring and contaminant rate and transport.
BOARD NOTE: State registration includes, but is not limited to, registration as a professional engineer with the Department of Professional Regulation, pursuant to 225 ILCS 325 and 68 Ill. Adm. Code 1380. Professional certification includes, but is not limited to, certification under the certified groundwater professional program of the National Ground Water Association.

"RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 USC 6901 et seq.).

"RCRA standardized permit" means a RCRA permit issued pursuant to Subpart J of 35 Ill. Adm. Code 703 and Subpart G of 35 Ill. Adm. Code 702 that authorizes management of hazardous waste. The RCRA standardized permit may have two parts: a uniform portion issued in all cases and a supplemental portion issued at the discretion of the Agency.

"Recognized trader" means a person domiciled in the United States, by site of business, who acts to arrange and facilitate transboundary movements of wastes destined for recovery or disposal operations, either by purchasing from and subsequently selling to United States and foreign facilities, or by acting under arrangements with a United States waste facility to arrange for the export or import of the wastes.

"Regional Administrator" means the Regional Administrator for the USEPA region in which the facility is located or the Regional Administrator's designee.

"Remanufacturing" means processing a higher-value hazardous secondary material in order to manufacture a product that serves a similar functional purpose as the original commercial-grade material. For this definition, a hazardous

secondary material is considered higher-value if it was generated from the use of a commercial-grade material in a manufacturing process and can be remanufactured into a similar commercial-grade material.

"Remediation waste" means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris that are managed for implementing cleanup.

"Remediation waste management site" means a facility where an owner or operator is or will be treating, storing, or disposing of hazardous remediation wastes. A remediation waste management site is not a facility that is subject to corrective action pursuant to 35 Ill. Adm. Code 724.201, but a remediation waste management site is subject to corrective action requirements if the site is in a facility that is subject to corrective action pursuant to 35 Ill. Adm. Code 724.201.

"Replacement unit" means a landfill, surface impoundment, or waste pile unit from which all or substantially all of the waste is removed, and which is subsequently reused to treat, store, or dispose of hazardous waste. Replacement unit does not include a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with a closure or corrective action plan approved by USEPA or the Agency.

"Representative sample" means a sample of a universe or whole (e.g., waste pile, lagoon, groundwater) that can be expected to exhibit the average properties of the universe or whole.

"Run-off" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

"Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

"Saturated zone" or "zone of saturation" means that part of the earth's crust in which all voids are filled with water.

"SIC code" means "Standard Industrial Classification code", as assigned to a site by the United States Department of Transportation, Federal Highway Administration, based on the particular activities that occur on the site, as set forth

in its publication "Standard Industrial Classification Manual", incorporated by reference in Section 720.111(a).

"Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant.

"Sludge dryer" means any enclosed thermal treatment device that is used to dehydrate sludge and which has a total thermal input, excluding the heating value of the sludge itself, of 2,500 Btu/lb or less of sludge treated on a wet-weight basis.

"Small quantity generator" or "SQG" means a generator that generates the following amounts of material in a calendar month:

Greater than 100 kg (220 lbs) but less than 1,000 kilograms (2,200 lbs) of non-acute hazardous waste;

Less than or equal to 1 kg (2.2 lbs) of acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e); and

Less than or equal to 100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e).

"Solid waste" means a solid waste as defined in 35 Ill. Adm. Code 721.102.

"Solvent-contaminated wipe" means the following:

A wipe that, after use or after cleaning up a spill, fulfills one or more of the following conditions:

The wipe contains one or more of the F001 through F005 solvents listed in 35 Ill. Adm. Code 721.131 or the corresponding P- or U-listed solvents found in 35 Ill. Adm. Code 721.133;

The wipe exhibits a hazardous characteristic found in Subpart C of 35 Ill. Adm. Code 721 when that characteristic results from a solvent listed in 35 Ill. Adm. Code 721; or

The wipe exhibits only the hazardous waste characteristic of ignitability found in 35 Ill. Adm. Code 721.121 due to the presence of one or more solvents that are not listed in 35 Ill. Adm. Code 721.

Solvent-contaminated wipes that contain listed hazardous waste other than solvents, or exhibit the characteristic of toxicity, corrosivity, or reactivity due to contaminants other than solvents, are not eligible for the exclusions at 35 Ill. Adm. Code 721.104(a)(26) and (b)(18).

"Sorbent" means a material that is used to soak up free liquids by either adsorption or absorption, or both. "Sorb" means to either adsorb or absorb, or both.

"Staging pile" means an accumulation of solid, non-flowing "remediation waste" (as defined in this Section) that is not a containment building and that is used only during remedial operations for temporary storage at a facility. Staging piles must be designated by the Agency according to 35 Ill. Adm. Code 724.654.

"State" means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"Storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

"Sump" means any pit or reservoir that meets the definition of tank and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment, or disposal facilities; except that, as used in the landfill, surface impoundment, and waste pile rules, sump means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

"Surface impoundment" or "impoundment" means a facility or part of a facility

that is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials) that is designed to hold an accumulation of liquid wastes or wastes containing free liquids and which is not an injection well. Examples of surface impoundments are holding, storage, settling and aeration pits, ponds, and lagoons.

"Tank" means a stationary device, designed to contain an accumulation of hazardous waste that is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) that provide structural support.

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

"TEQ" means toxicity equivalence, the international method of relating the toxicity of various dioxin and furan congeners to the toxicity of 2,3,7,8-tetrachlorodibenzo-p-dioxin.

"Thermal treatment" means the treatment of hazardous waste in a device that uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. (See also "incinerator" and "open burning".)

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and mercury-containing ampules that have been removed from such a temperature control device in compliance with 35 Ill. Adm. Code 733.113(c)(2) or 733.133(c)(2).

"Totally enclosed treatment facility" means a facility for the treatment of hazardous waste that is directly connected to an industrial production process and which is constructed and operated in a manner that prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

"Transfer facility" means any transportation-related facility, including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous waste or hazardous secondary materials are held during the normal course of transportation.

"Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

"Transportation" means the movement of hazardous waste by air, rail, highway, or water.

"Transporter" means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.

"Treatability study" means the following:

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

Whether the waste is amenable to the treatment process;

What pretreatment (if any) is required;

The optimal process conditions needed to achieve the desired treatment;

The efficiency of a treatment process for a specific waste or wastes; and

The characteristics and volumes of residuals from a particular treatment process;

Also included in this definition for the purpose of 35 Ill. Adm. Code 721.104(e) and (f) exemptions are liner compatibility, corrosion and other material compatibility studies, and toxicological and health effects studies. A treatability study is not a means to commercially treat or dispose of hazardous waste.

"Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize the waste, recover energy or material resources from the waste, or render the waste non-hazardous or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for

storage, or reduced in volume.

"Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed, or immobilized.

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled, or driven well or through a dug well, where the depth of the dug well is greater than the largest surface dimension. (See also "injection well".)

"Underground tank" means a device meeting the definition of tank whose entire surface area is totally below the surface of and covered by the ground.

"Unfit-for-use tank system" means a tank system that has been determined, through an integrity assessment or other inspection, to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

"United States" means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"Universal waste" means any of the following hazardous wastes that are managed pursuant to the universal waste requirements of 35 Ill. Adm. Code 733:

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

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

Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104; ~~and~~

Lamps, as described in 35 Ill. Adm. Code 733.105; and~~.~~

Aerosol cans, as described in 35 Ill. Adm. Code 733.106.

"Universal waste handler" means either of the following:

A generator (as defined in this Section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates the universal waste, and sends that universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

"Universal waste handler" does not mean either of the following:

A person that treats (except under the provisions of Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles (except under 35 Ill. Adm. Code 733.113(e) or 733.133(e)) universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

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

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

"USDOT" or "Department of Transportation" means the United States Department of Transportation.

"Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

"USEPA" or "EPA" means the United States Environmental Protection Agency.

"USEPA hazardous waste number" or "EPA hazardous waste number" means the number assigned by USEPA to each hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721 and to each characteristic identified in Subpart C of 35 Ill. Adm.

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"USEPA identification number" or "USEPA ID number" is the unique alphanumeric identifier that USEPA assigns a hazardous waste generator; transporter; treatment, storage, or disposal facility; or reclamation facility upon notification in compliance with the requirements of section 3010 of RCRA (42 USC 6930).

"User of the Electronic Manifest System" or "user of the e-Manifest System" means a hazardous waste generator, a hazardous waste transporter, an owner or operator of a hazardous waste treatment, storage, recycling, or disposal facility, or any other person or entity that fulfills both of the following conditions:

The person or entity~~that~~ is required to use a manifest to comply with any federal or state requirement to track the shipment, transportation, and receipt of either of the following:

hazardous waste or other waste material that is shipped from the site of generation to an off-site designated facility for treatment, storage, recycling, or disposal; or

rejected wastes or regulated container residues that are shipped from a designated facility to an alternative facility, or returned to the generator; and

The person or entity~~which~~ elects to use either of the following:

the e-Manifest System to obtain, complete and transmit an e-Manifest format supplied by the USEPA e-Manifest System; or

the paper manifest form and submits to the e-Manifest System for data processing purposes a paper copy of the manifest (or data from such a paper copy), in accordance with 35 Ill. Adm. Code 724.171(a)(2)(E) or 725.171(a)(2)(E).

A paper copy submitted for data processing purposes is submitted for data exchange purposes only and is not the official copy of record for legal purposes.

"USPS" means the United States Postal Service.

"Very small quantity generator" or "VSQG" means a generator that generates less than or equal to the following amounts of material in a calendar month:

100 kg (220 lbs) of nonacute hazardous waste;
1 kg (2.2 lbs) of acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e); and

100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e).

"Vessel" includes every description of watercraft used or capable of being used as a means of transportation on the water.

"Wastewater treatment unit" means a device of which the following is true:

It is part of a wastewater treatment facility that has an NPDES permit pursuant to 35 Ill. Adm. Code 309 or a pretreatment permit or authorization to discharge pursuant to 35 Ill. Adm. Code 310;

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

It meets the definition of tank or tank system in this Section.

"Water (bulk shipment)" means the bulk transportation of hazardous waste that is loaded or carried on board a vessel without containers or labels.

"Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

"Well injection" (See "underground injection".)

"Wipe" means a woven or non-woven shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material.

"Zone of engineering control" means an area under the control of the owner or operator that, upon detection of a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to groundwater or surface water.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 720.111 References

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, 401 North Michigan Avenue, Suite 2000, Chicago, IL 60611, 312-755-5000, www.acgme.org:

"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: www.acgme.org/Portals/0/PDFs/~~acWebsite/about/~~ab_ACGMEglossary.pdf.

ACI. Available from the American Concrete Institute, 38800 Country Club Dr., Farmington Hills, MI 48331-3439:

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, 1899 L Street, N.W., 11th Floor, Washington, DC 20036, 202-293-8020. www.ansi.org:

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

API. Available from the American Petroleum Institute, 200 Massachusetts Avenue, N.W., Suite 1100, Washington, DC 20001-5571, 202-682-8000~~. www.api.org~~:

"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, Two Park Avenue, New York, NY 10016-5990, 800-843-2763, https://www.asme.org:

"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, P.O. Box C, 700 West Conshohocken, PA 19428-2959, 610-832-9500, www.astm.org:

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 Publishing Office, 732 N. Capitol Street, N.W., Washington, DC 20401, 202-512-1800, www.gpo.gov:

Standard Industrial Classification Manual (1987), 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.

ISO. Available from the International Organization for Standardization, BIBC II, Chemin de Blandonnet 8, CP 401, 1214 Vernier, Geneva, Switzerland (phone: +41 22 749 01 11; www.iso.org/store):

International Standard ISO 3166-1:2013, "Codes for the representation of names of countries and their subdivisions − Part 1: Country code", Third edition (2013), referenced in 35 Ill. Adm. Code 702.183 and Section 722.182.

BOARD NOTE: ISO maintains a web page with a free on-line list of country codes accessible at www.iso.org/obp/ui/#search.

NACE. Available from the National Association of Corrosion Engineers, 15835 Park Ten Place, Houston, TX 77084, 281-228-6200, www.nace.org:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", 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, Quincy, MA 02169-7471, 617-770-3000 or 800-344-3555, www.nfpa.org:

"Flammable and Combustible Liquids Code", NFPA 30 (1977), referenced in 35 Ill. Adm. Code 722.116.

"Flammable and Combustible Liquids Code", NFPA 30 (1981), referenced in 35 Ill. Adm. Code 722.116.

"Flammable and Combustible Liquids Code", NFPA 30 (1984), referenced in 35 Ill. Adm. Code 721.298, 724.298, 725.298, 726.211, and 727.290.

"Flammable and Combustible Liquids Code", NFPA 30 (1987), referenced in 35 Ill. Adm. Code 721.298, 722.116, 724.298, 725.298, 726.211, and 727.290.

"Flammable and Combustible Liquids Code", NFPA 30 (2003), as supplemented by TIA 03-1 (2004), and corrected by Errata 30-03-01 (2004), referenced in 35 Ill. Adm. Code 721.298, 722.116, 724.298, 725.298, 726.211, and 727.290.

"Standard System for the Identification of the Hazards of Materials for Emergency Response", NFPA 704 (2012 or 2017), referenced in 35 Ill. Adm. Code 722.114 and 722.116.

NTIS. Available from the National Technical Information Service, U.S. Department of Commerce, 5301 Shawnee Road, Alexandria, VA 22312, 703-605-6000 or 800-553-6847, www.ntis.gov:

"APTI Course 415: Control of Gaseous Emissions", 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"", www.apti-learn.net.

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"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", 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 Gravimetry", 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 www.epagov/cwa-methods. Revision A is also from the USEPA, National Service Center for Environmental Publications (NSCEP) website at www.epa.gov/nscep (search "821R10001").

"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, National Service Center for Environmental Publications (NSCEP) website at www.epa.gov/nscep (search "600479020").

"North American Industry Classification System", July 2017, 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 at www.census.gov/eos/www/naics.

"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 USEPA, National Service Center for Environmental Publications (NSCEP) website at www.epa.gov/nscep (search "454R92019").

"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, and 728.107 (in addition to the references cited below for specific methods), www.epa.gov/hw-sw846:

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 Dibenzo-p-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® Bags), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0050 (December 1996) (Isokinetic HCl/Cl_2 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/Cl_2 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 Tables~~Table~~ H and U 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 Tables~~Table~~ H and U 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.

OECD. Organization for Economic Cooperation and Development, Environment Directorate, 2 rue André Pascal, F-75775 Paris Cedex 16, France, +33 1 45 24 82 00 (www.oecd.org), also OECD Washington Center, 1776 I Street, N.W., Suite 450, Washington, DC 20006, 202-785-6323 (www.oecd.org/washington):

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 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/environment/waste/guidance-manual-control-transboundary-movements-recoverable-wastes.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), "CO_2 Evolution (Modified Sturm Test)", referenced in 35 Ill. Adm. Code 724.414.

STI. Available from the Steel Tank Institute, 944 Donata Ct., Lake Zurich, IL 60047, 847-438-8265, www.steeltank.com:

"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), 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, 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, referenced in 35 Ill. Adm. Code 726.303.

"DOD Multimodal Dangerous Goods Declaration" (DD Form 2890), as in effect in September 2015, referenced in 35 Ill. Adm. Code 726.303.

BOARD NOTE: DOD 6055.09, DD Form 626, DD Form 1348, DD Form 1907, and DD Form 2890 are available on-line for download in pdf format from www.esd.whs.mil/DD/.

USEPA, e-Manifest System. Available from United States Environmental Protection Agency, e-Manifest System (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. Available at 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 Ground Water and Drinking Water, State Programs Division, 1200 Pennsylvania Ave., N.W. (Mail Code 4606M), Washington, DC 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 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, Revised", 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 at www3.epa.gov/scram001/ guidance/guide/EPA-454R-92-019_OCR.pdf.

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 Petitioner", 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 Publishing Office, Washington, DC 20401, 202-783-3238, www.ecfr.gov or https://www.govinfo.gov/app/collection/cfr:

10 CFR 20.2006 (2019)~~(2018)~~ (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 (2019)~~(2018)~~ (Water Effluent Concentrations), referenced in 35 Ill. Adm. Code 702.110, 730.103, and 730.151.

Appendix G to 10 CFR 20 (2019)~~(2018)~~ (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 (2019)~~(2018)~~ (Packaging and Transportation of Radioactive Material), referenced generally in 35 Ill. Adm. Code 726.430.

10 CFR 71.5 (2019)~~(2018)~~ (Transportation of Licensed Material), referenced in 35 Ill. Adm. Code 726.425.

15 CFR 30.4(b) (2019)~~(2018)~~ (Electronic Export Information Filing, Procedures, Deadlines, and Certification Statements), referenced in 35 Ill. Adm. Code 721.139.

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15 CFR 30.6 (2019)~~(2018)~~ (Electronic Export Information Data Elements), referenced in 35 Ill. Adm. Code 721.139.

21 CFR 203.3(y) (2019) ("Prescription Drug"), referenced in 35 Ill. Adm. Code 726.600.

21 CFR 1300 through 1317 (2019) (Drug Enforcement Administration, Department of Justice), referenced in 35 Ill. Adm. Code 726.604 and 726.606.

21 CFR 1300.01 (2019) (Definitions Relating to Controlled Substances), referenced in 35 Ill. Adm. Code 726.604 and 726.606.

21 CFR 1300.05 (2019) (Definitions Relating to the Disposal of Controlled Substances), referenced in 35 Ill. Adm. Code 726.606.

21 CFR 1308.11 through 1308.15 (2019) (Schedules), referenced in 35 Ill. Adm. Code 726.606.

21 CFR 1317.90 (2019) (Methods of Destruction), referenced in 35 Ill. Adm. Code 726.606.

21 CFR 1317.95 (2019) (Destruction Procedures), referenced in 35 Ill. Adm. Code 726.606.

29 CFR 1910.1200 (2019)~~(2018)~~ (Hazard Communication), referenced in 35 Ill. Adm. Code 722.115.

33 CFR 153.203 (2019)~~(2018)~~ (Procedure for the Notice of Discharge), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

40 CFR 3.3 (2019)~~(2018)~~ (What Definitions Are Applicable to This Part?), referenced in Section 720.104.

40 CFR 3.10 (2019)~~(2018)~~ (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 720.104.

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40 CFR 3.2000 (2019)~~(2018)~~ (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 720.104.

40 CFR 51.100(ii) (2019)~~(2018)~~ (Definitions), referenced in 35 Ill. Adm. Code 726.200.

Appendix W to 40 CFR 51 (2019)~~(2018)~~ (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 (2019)~~(2018)~~ (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 (2019)~~(2018)~~ (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 (2019)~~(2018)~~ (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 (2019)~~(2018)~~ (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 (2019)~~(2018)~~ (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 (2019)~~(2018)~~ (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 (2019)~~(2018)~~ (National Emission Standard for Benzene Waste Operations), referenced in 35 Ill. Adm. Code 724.982 and 725.983.

40 CFR 63 (2019)~~(2018)~~ (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 (2019)~~(2018)~~ (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 (2019)~~(2018)~~ (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 (2019)~~(2018)~~ (Test Methods), referenced in 35 Ill. Adm. Code 721.983 and 725.984.

Appendix C to 40 CFR 63 (2019)~~(2018)~~ (Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit), referenced in 35 Ill. Adm. Code 725.984.

Appendix D to 40 CFR 63 (2019)~~(2018)~~ (Test Methods), referenced in 35 Ill. Adm. Code 721.983 and 725.984.

40 CFR 136.3 (Identification of Test Procedures) (2019)~~(2018)~~, referenced in 35 Ill. Adm. Code 702.110, 704.150, 704.187, and 730.103.

40 CFR 144.70 (2019)~~(2018)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 704.240.

40 CFR 232.2 (2019)~~(2018)~~ (Definitions), referenced in 35 Ill. Adm. Code 721.104.

40 CFR 257 (2019)~~(2018)~~ (Criteria for Classification of Solid Waste Disposal Facilities and Practices), referenced in 35 Ill. Adm. Code 739.181.

Subpart B of 40 CFR 257 (2019)~~(2018)~~ (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 722.114.

40 CFR 258 (2019)~~(2018)~~ (Criteria for Municipal Solid Waste Landfills), referenced in 35 Ill. Adm. Code 739.181.

40 CFR 260.21(b) (2019)~~(2018)~~ (Alternative Equivalent Testing Methods), referenced in Section 720.121.

40 CFR 261.151 (2019)~~(2018)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 721.251.

Appendix III to 40 CFR 261 (2019)~~(2018)~~ (Chemical Analysis Test Methods), referenced in 35 Ill. Adm. Code 704.150 and 704.187.

Appendix to 40 CFR 262 (2019)~~(2018)~~ (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 (2019)~~(2018)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 724.251 and 727.240.

40 CFR 264.1311 (2019)~~(2018)~~ (Manifest Transactions Subject to Fees), referenced in 35 Ill. Adm. Code 725.171.

40 CFR 264.1312 (2019)~~(2018)~~ (User Fee Calculation Methodology), referenced in 35 Ill. Adm. Code 725.171.

40 CFR 264.1313 (2019)~~(2018)~~ (User Fee Revisions), referenced in 35 Ill. Adm. Code 725.171.

40 CFR 264.1314 (2019)~~(2018)~~ (How to Make User Fee Payments), referenced in 35 Ill. Adm. Code 725.171.

40 CFR 264.1315 (2019)~~(2018)~~ (Sanctions for Delinquent Payments), referenced in 35 Ill. Adm. Code 725.171.

40 CFR 264.1316 (2019)~~(2018)~~ (Informal Fee Dispute Resolution), referenced in 35 Ill. Adm. Code 725.171.

Subpart FF of 40 CFR 264 (2019)~~(2018)~~ (Fees for the Electronic Hazardous Waste Manifest Program), referenced in Sections 720.104 and 720.105.

Appendix I to 40 CFR 264 (2019)~~(2018)~~ (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 724.

Appendix IV to 40 CFR 264 (2019)~~(2018)~~ (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 (2019)~~(2018)~~ (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 (2019)~~(2018)~~ (Political Jurisdictions in Which Compliance with § 264.18(a) Must Be Demonstrated), referenced in 35 Ill. Adm. Code 703.306, 724.118, and 727.110.

40 CFR 265.1311 (2019)~~(2018)~~ (Manifest Transactions Subject to Fees), referenced in 35 Ill. Adm. Code 725.171.

40 CFR 265.1312 (2019)~~(2018)~~ (User Fee Calculation Methodology), referenced in 35 Ill. Adm. Code 725.171.

40 CFR 265.1313 (2019)~~(2018)~~ (User Fee Revisions), referenced in 35 Ill. Adm. Code 725.171.

40 CFR 265.1314 (2019)~~(2018)~~ (How to Make User Fee Payments), referenced in 35 Ill. Adm. Code 725.171.

40 CFR 265.1315 (2019)~~(2018)~~ (Sanctions for Delinquent Payments), referenced in 35 Ill. Adm. Code 725.171.

40 CFR 265.1316 (2019)~~(2018)~~ (Informal Fee Dispute Resolution), referenced in 35 Ill. Adm. Code 725.171.

Subpart FF of 40 CFR 265 (2019)~~(2018)~~ (Fees for the Electronic Hazardous Waste Manifest Program), referenced in Sections 720.104 and 720.105.

Appendix I to 40 CFR 265 (2019)~~(2018)~~ (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 725.

Appendix III to 40 CFR 265 (2019)~~(2018)~~ (EPA Interim Primary Drinking Water Standards), referenced in Appendix C to 35 Ill. Adm. Code 725.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Appendix IV to 40 CFR 265 (2019)~~(2018)~~ (Tests for Significance), referenced in Appendix D to 35 Ill. Adm. Code 725.

Appendix V to 40 CFR 265 (2019)~~(2018)~~ (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.

Appendix IX to 40 CFR 266 (2019)~~(2018)~~ (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 (2019)~~(2018)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 727.240.

40 CFR 270.5 (2019)~~(2018)~~ (Noncompliance and Program Reporting by the Director), referenced in 35 Ill. Adm. Code 703.305.

40 CFR 302 (2019)~~(2018)~~ (Designation, Reportable Quantities, and Notification), referenced in 35 Ill. Adm. Code 721.293.

40 CFR 403.5 (2019) (National Pretreatment Standards: Prohibited Discharges), referenced in 35 Ill. Adm. Code 721.104 and 726.605.

40 CFR 711.15(a)(4)(i)(C) (2019)~~(2018)~~ (Designation, Reportable Quantities, and Notification), referenced in 35 Ill. Adm. Code 721.104.

40 CFR 761 (2019)~~(2018)~~ (Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions), referenced generally in 35 Ill. Adm. Code 728.145.

40 CFR 761.3 (2019)~~(2018)~~ (Definitions), referenced in 35 Ill. Adm. Code 728.102 and 739.110.

40 CFR 761.60 (2019)~~(2018)~~ (Disposal Requirements), referenced in 35 Ill. Adm. Code 728.142.

40 CFR 761.65 (2019)~~(2018)~~ (Storage for Disposal), referenced in 35 Ill. Adm. Code 728.150.

40 CFR 761.70 (2019)~~(2018)~~ (Incineration), referenced in 35 Ill. Adm. Code 728.142.

Subpart B of 49 CFR 107 (2019)~~(2018)~~ (Exemptions), referenced generally in 35 Ill. Adm. Code 724.986 and 725.987.

49 CFR 171 (2019)~~(2018)~~ (General Information, Regulations, and Definitions), referenced generally in 35 Ill. Adm. Code 721.104, 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 171.3 (2019)~~(2018)~~ (Hazardous Waste), referenced in 35 Ill. Adm. Code 722.133.

49 CFR 171.8 (2019)~~(2018)~~ (Definitions and Abbreviations), referenced in 35 Ill. Adm. Code 726.609, 733.118, 733.138, 733.152, 733.155, and 739.143.

49 CFR 171.15 (2019)~~(2018)~~ (Immediate Notice of Certain Hazardous Materials Incidents), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 171.16 (2019)~~(2018)~~ (Detailed Hazardous Materials Incident Reports), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 172 (2019)~~(2018)~~ (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, 726.609, 733.114, 733.118, 733.134, 733.138, 733.152, 733.155, and 739.143.

Table to 49 CFR 172.101 (2019)~~(2018)~~ (Hazardous Materials Table), referenced in 35 Ill. Adm. Code 721.104, 722.183, 722.184, 724.112, and 725.112.

49 CFR 172.304 (2019)~~(2018)~~ (Marking Requirements), referenced in 35 Ill. Adm. Code 722.132 and 766.608.

Subpart C of 49 CFR 172 (2019)~~(2018)~~ (Shipping Papers), referenced in 35 Ill. Adm. Code 722.124 and 726.610.

Subpart D of 49 CFR 172 (2019) (Marking), referenced in 35 Ill. Adm. Code 726.608.

Subpart E of 49 CFR 172 (2019)~~(2018)~~ (Labeling), referenced in 35 Ill. Adm. Code 722.114~~, and~~ 722.115, and 726.608.

Subpart F of 49 CFR 172 (2019)~~(2018)~~ (Placarding), referenced in 35 Ill. Adm. Code 722.114, 722.115,~~ and~~ 722.133, and 726.608.

49 CFR 173 (2019)~~(2018)~~ (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, 726.608, 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 173.2 (2019)~~(2018)~~ (Hazardous Materials Classes and Index to Hazard Class Definitions), referenced in 35 Ill. Adm. Code 733.152.

49 CFR 173.12 (2019)~~(2018)~~ (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 (2019)~~(2018)~~ (Reuse, Reconditioning, and Remanufacture of Packagings), referenced in 35 Ill. Adm. Code 725.273.

49 CFR 173.50 (2019)~~(2018)~~ (Class 1 − Definitions), referenced in 35 Ill. Adm. Code 721.123.

49 CFR 173.54 (2019)~~(2018)~~ (Forbidden Explosives), referenced in 35 Ill. Adm. Code 721.123.

49 CFR 173.115 (2019)~~(2018)~~ (Class 2, Divisions 2.1, 2.2, and 2.3 − Definitions), referenced in 35 Ill. Adm. Code 721.121.

49 CFR 173.127 (2019)~~(2018)~~ (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 (2019)~~(2018)~~ (Carriage by Rail), referenced generally in 35 Ill. Adm. Code 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 175 (2019)~~(2018)~~ (Carriage by Aircraft), referenced generally in 35 Ill. Adm. Code 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 176 (2019)~~(2018)~~ (Carriage by Vessel), referenced generally in 35 Ill. Adm. Code 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 177 (2019)~~(2018)~~ (Carriage by Public Highway), referenced generally in 35 Ill. Adm. Code 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 177.817 (2019)~~(2018)~~ (Shipping Papers), referenced in 35 Ill. Adm. Code 722.124.

49 CFR 178 (2019)~~(2018)~~ (Specifications for Packagings), referenced generally in 35 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416, 725.987, 726.608, 726.609, 733.118, 733.138, 733.152,

and 739.143.

49 CFR 179 (2019)~~(2018)~~ (Specifications for Tank Cars), referenced in 35 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416, 725.987, 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 180 (2019)~~(2018)~~ (Continuing Qualification and Maintenance of Packagings), referenced generally in 35 Ill. Adm. Code 721.986, 724.986, 725.987, 726.608, 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 190 (2019)~~(2018)~~ (Pipeline Safety Programs and Rulemaking Procedures), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 191 (2019)~~(2018)~~ (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 (2019)~~(2018)~~ (Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 193 (2019)~~(2018)~~ (Liquefied Natural Gas Facilities: Federal Safety Standards), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 194 (2019)~~(2018)~~ (Response Plans for Onshore Oil Pipelines), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 195 (2019)~~(2018)~~ (Transportation of Hazardous Liquids by Pipeline), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 196 (2019)~~(2018)~~ (Protection of Underground Pipelines from Excavation Activity), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 198 (2019)~~(2018)~~ (Regulations for Grants to Aid State Pipeline Safety Programs), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 199 (2019)~~(2018)~~ (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 (2018)~~(2017)~~), 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 (2018)~~(2017)~~), 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) (2018)~~(2017)~~), referenced in Section 720.110 and 35 Ill. Adm. Code 733.109.

Section 201(ff) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(ff) (2018)), referenced in Section 726.600.

Section 102(27) of the Controlled Substances Act (21 USC 802(27) (2018) ("Ultimate User")), referenced in 35 Ill. Adm. Code 726.606.

Section 1004 of the Resource Conservation and Recovery Act (42 USC 6903 (2018)~~(2017)~~), referenced in 35 Ill. Adm. Code 721.931, 721.951, 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 (2018)~~(2017)~~), referenced in 35 Ill. Adm. Code 721.104.

Section 1412 of the Department of Defense Authorization Act of 1986 (50 USC 1521(j)(1) (2018)~~(2015)~~), referenced in 35 Ill. Adm. Code 726.301.

d) This Section incorporates no later editions or amendments.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Identification and Listing of Hazardous Waste

2) Code Citation: 35 Ill. Adm. Code 721

3)

Section Numbers:	Proposed Actions:
721.104	Amendment
721.107	Amendment
721.109	Amendment
721.122	Amendment
721.133	Amendment

4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27

5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 721 are a single segment of consolidated docket R20-3/R20-11 rulemaking that also affects 35 Ill. Adm. Code 702, 705, 720, 722 through 726, 728, 733, 810, and 811. The consolidated R20-3/R20-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. A comprehensive description is contained in the Board's opinion and order of May 21, 2020, proposing amendments in consolidated docket R20-3/R20-11, which opinion and order is available from the address below.

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register*, summarizes the broader rulemaking that is consolidated docket R20-3/R20-11. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 721 incorporate segments of USEPA's Hazardous Waste Pharmaceuticals Part and Universal Waste Aerosol Cans Part into the Illinois hazardous waste regulations. The amendments include needed corrections in rule not directly related to USEPA amendments, including a correction to prior amendments requested by the Joint Committee on Administrative Rules (JCAR).

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R20-3/R20-11. 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 consolidated docket R20-3/R20-11.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Sections 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by 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? No

10) Are there any other rulemakings pending on this Part? No

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 consolidated docket R20-3/R20-11 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 consolidated docket R20-3/R20-11:

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Chicago IL 60601

312/814-6924
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 pcb.illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations 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) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.

15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 721
IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

Section
721.101 Purpose and Scope
721.102 Definition of Solid Waste
721.103 Definition of Hazardous Waste
721.104 Exclusions
721.105 Special Requirements for Hazardous Waste Generated by Small Quantity Generators (Repealed)
721.106 Requirements for Recyclable Materials
721.107 Residues of Hazardous Waste in Empty Containers
721.108 PCB Wastes Regulated under TSCA
721.109 Requirements for Universal Waste

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

Section
721.110 Criteria for Identifying the Characteristics of Hazardous Waste
721.111 Criteria for Listing Hazardous Waste

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section
721.120 General
721.121 Characteristic of Ignitability
721.122 Characteristic of Corrosivity
721.123 Characteristic of Reactivity
721.124 Toxicity Characteristic

POLLUTION CONTROL BOARD

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SUBPART D: LISTS OF HAZARDOUS WASTE

Section
721.130 General
721.131 Hazardous Wastes from Nonspecific Sources
721.132 Hazardous Waste from Specific Sources
721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof
721.135 Wood Preserving Wastes

SUBPART E: EXCLUSIONS AND EXEMPTIONS

Section
721.138 Exclusion of Comparable Fuel and Syngas Fuel (Repealed)
721.139 Conditional Exclusion for Used, Broken CRTs and Processed CRT Glass Undergoing Recycling
721.140 Conditional Exclusion for Used, Intact CRTs Exported for Recycling
721.141 Notification and Recordkeeping for Used, Intact CRTs Exported for Reuse

SUBPART H: FINANCIAL REQUIREMENTS FOR MANAGEMENT OF EXCLUDED HAZARDOUS SECONDARY MATERIALS

Section
721.240 Applicability
721.241 Definitions of Terms as Used in This Subpart
721.242 Cost Estimate
721.243 Financial Assurance Condition
721.247 Liability Requirements
721.248 Incapacity of Owners or Operators, Guarantors, or Financial Institutions
721.249 Use of State-Required Mechanisms
721.250 State Assumption of Responsibility
721.251 Wording of the Instruments

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section
721.270 Applicability
721.271 Condition of Containers
721.272 Compatibility of Hazardous Secondary Materials with Containers

721.273 Management of Containers
721.275 Secondary Containment
721.276 Special Requirements for Ignitable or Reactive Hazardous Secondary Material
721.277 Special Requirements for Incompatible Materials
721.279 Air Emission Standards

SUBPART J: TANK SYSTEMS

Section
721.290 Applicability
721.291 Assessment of Existing Tank System's Integrity
721.293 Containment and Detection of Releases
721.294 General Operating Requirements
721.296 Response to Leaks or Spills and Disposition of Leaking or Unfit-for-Use Tank Systems
721.297 Termination of Remanufacturing Exclusion
721.298 Special Requirements for Ignitable or Reactive Materials
721.299 Special Requirements for Incompatible Materials
721.300 Air Emission Standards

SUBPART M: EMERGENCY PREPAREDNESS AND RESPONSE FOR MANAGEMENT OF EXCLUDED HAZARDOUS SECONDARY MATERIALS

Section
721.500 Applicability
721.510 Preparedness and Prevention
721.511 Emergency Procedures for Facilities Generating or Accumulating 6,000 kg or Less of Hazardous Secondary Material
721.520 Contingency Planning and Emergency Procedures for Facilities Generating or Accumulating More Than 6,000 kg of Hazardous Secondary Material

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section
721.930 Applicability
721.931 Definitions
721.932 Standards: Process Vents
721.933 Standards: Closed-Vent Systems and Control Devices
721.934 Test Methods and Procedures
721.935 Recordkeeping Requirements

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section
721.950 Applicability
721.951 Definitions
721.952 Standards: Pumps in Light Liquid Service
721.953 Standards: Compressors
721.954 Standards: Pressure Relief Devices in Gas/Vapor Service
721.955 Standards: Sampling Connection Systems
721.956 Standards: Open-Ended Valves or Lines
721.957 Standards: Valves in gas/Vapor Service or in Light Liquid Service
721.958 Standards: Pumps and Valves in Heavy Liquid Service, Pressure Relief Devices in Light Liquid or Heavy Liquid Service, and Flanges and Other Connectors
721.959 Standards: Delay of Repair
721.960 Standards: Closed-Vent Systems and Control Devices
721.961 Alternative Standards for Valves in Gas/Vapor Service or in Light Liquid Service: Percentage of Valves Allowed to Leak
721.962 Alternative Standards for Valves in Gas/Vapor Service or in Light Liquid Service: Skip Period Leak Detection and Repair
721.963 Test Methods and Procedures
721.964 Recordkeeping Requirements

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS AND CONTAINERS

Section
721.980 Applicability
721.981 Definitions
721.982 Standards: General
721.983 Material Determination Procedures
721.984 Standards: Tanks
721.986 Standards: Containers
721.987 Standards: Closed-Vent Systems and Control Devices
721.988 Inspection and Monitoring Requirements
721.989 Recordkeeping Requirements

721.APPENDIX A Representative Sampling Methods
721.APPENDIX B Method 1311 Toxicity Characteristic Leaching Procedure (TCLP) (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

721.APPENDIX C	Chemical Analysis Test Methods (Repealed)
721.TABLE A	Analytical Characteristics of Organic Chemicals (Repealed)
721.TABLE B	Analytical Characteristics of Inorganic Species (Repealed)
721.TABLE C	Sample Preparation/Sample Introduction Techniques (Repealed)
721.APPENDIX G	Basis for Listing Hazardous Wastes
721.APPENDIX H	Hazardous Constituents
721.APPENDIX I	Wastes Excluded by Administrative Action
721.TABLE A	Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Non-Specific Sources
721.TABLE B	Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Specific Sources
721.TABLE C	Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof
721.TABLE D	Wastes Excluded by the Board by Adjusted Standard
721.APPENDIX J	Method of Analysis for Chlorinated Dibenzo-p-Dioxins and Dibenzofurans (Repealed)
721.APPENDIX Y	Table to Section 721.138: Maximum Contaminant Concentration and Minimum Detection Limit Values for Comparable Fuel Specification (Repealed)
721.APPENDIX Z	Table to Section 721.102: Recycled Materials that Are Solid Waste

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

SOURCE: Adopted in 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 R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9 at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989;

amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17531, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1718, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9135, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9481, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1281, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9108, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6584, effective April 22, 2002; amended in R03-18 at 27 Ill. Reg. 12760, effective July 17, 2003; amended in R04-16 at 28 Ill. Reg. 10693, effective July 19, 2004; amended in R05-8 at 29 Ill. Reg. 6003, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2992, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 791, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11786, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 986, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18611, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17734, effective October 14, 2011; amended in R13-5 at 37 Ill. Reg. 3213, effective March 4, 2013; amended in R14-13 at 38 Ill. Reg. 12442, effective May 27, 2014; amended in R15-1 at 39 Ill. Reg. 1607, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11367, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 21673, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 496, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5884, effective May 2, 2019; amended in R20-3/R20-11 at 44 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 721.104 Exclusions

a) Materials That Are Not Solid Wastes. The following materials are not solid wastes for the purpose of this Part:

1) Sewage.

   A) Domestic sewage (untreated sanitary wastes that pass through a sewer system); and

   B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment, except as prohibited by 35 Ill. Adm. Code 726.605 and 40 CFR 403.5(b), incorporated by reference in 35 Ill. Adm. Code 720.111.

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

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

3) Irrigation return flows.

4) Source, by-product, or special nuclear material, as defined by section 11 of the Atomic Energy Act of 1954, as amended (42 USC 2014), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

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

6) Pulping liquors (i.e., black liquors) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless it is accumulated speculatively, as defined in Section 721.101(c).

7) Spent sulfuric acid used to produce virgin sulfuric acid, provided it is not accumulated speculatively, as defined in Section 721.101(c).

8) Secondary materials that are reclaimed and returned to the original process

or processes in which they were generated, where they are reused in the production process, provided that the following is true:

A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

B) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);

C) The secondary materials are never accumulated in such tanks for over 12 months without being reclaimed; and

D) The reclaimed material is not used to produce a fuel or used to produce products that are used in a manner constituting disposal.

9) Wood preserving wastes.

A) Spent wood preserving solutions that have been used and which are reclaimed and reused for their original intended purpose;

B) Wastewaters from the wood preserving process that have been reclaimed and which are reused to treat wood; and

C) Prior to reuse, the wood preserving wastewaters and spent wood preserving solutions described in subsections (a)(9)(A) and (a)(9)(B), so long as they meet all of the following conditions:

i) The wood preserving wastewaters and spent wood preserving solutions are reused on-site at water-borne plants in the production process for their original intended purpose;

ii) Prior to reuse, the wastewaters and spent wood preserving solutions are managed to prevent release to either land or groundwater or both;

iii) Any unit used to manage wastewaters or spent wood preserving solutions prior to reuse can be visually or

otherwise determined to prevent such releases;

iv) Any drip pad used to manage the wastewaters or spent wood preserving solutions prior to reuse complies with the standards in Subpart W of 35 Ill. Adm. Code 725, regardless of whether the plant generates a total of less than 100 kg/month of hazardous waste; and

v) Prior to operating pursuant to this exclusion, the plant owner or operator prepares a one-time notification to the Agency stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that document in its on-site records until closure of the facility. The exclusion applies only so long as the plant meets all of the conditions. If the plant goes out of compliance with any condition, it may apply to the Agency for reinstatement. The Agency must reinstate the exclusion in writing if it finds that the plant has returned to compliance with all conditions and that the violations are not likely to recur. If the Agency denies an application, it must transmit to the applicant specific, detailed statements in writing as to the reasons it denied the application. The applicant under this subsection (a)(9)(C)(v) may appeal the Agency's determination to deny the reinstatement, to grant the reinstatement with conditions, or to terminate a reinstatement before the Board pursuant to Section 40 of the Act.

10) USEPA hazardous waste numbers K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the toxicity characteristic specified in Section 721.124, when subsequent to generation these materials are recycled to coke ovens, to the tar recovery process as a

feedstock to produce coal tar, or are mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the waste from the point it is generated to the point it is recycled to coke ovens, to tar recovery, to the tar refining processes, or prior to when it is mixed with coal.

11) Nonwastewater splash condenser dross residue from the treatment of USEPA hazardous waste number K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.

12) Certain oil-bearing hazardous secondary materials and recovered oil, as follows:

A) Oil-bearing hazardous secondary materials (i.e., sludges, by-products, or spent materials) that are generated at a petroleum refinery (standard industrial classification (SIC) code 2911) and are inserted into the petroleum refining process (SIC code 2911: including, but not limited to, distillation, catalytic cracking, fractionation, or thermal cracking units (i.e., cokers)), unless the material is placed on the land, or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under this subsection (a)(12), provided that the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated or sent directly to another petroleum refinery and still be excluded under this provision. Except as provided in subsection (a)(12)(B), oil-bearing hazardous secondary materials generated elsewhere in the petroleum industry (i.e., from sources other than petroleum refineries) are not excluded under this Section. Residuals generated from processing or recycling materials excluded under this subsection (a)(12)(A), where such materials as generated would have otherwise met a listing under Subpart D, are designated as USEPA hazardous waste number F037 listed wastes when disposed of or intended for disposal.

B) Recovered oil that is recycled in the same manner and with the same conditions as described in subsection (a)(12)(A). Recovered

oil is oil that has been reclaimed from secondary materials (including wastewater) generated from normal petroleum industry practices, including refining, exploration and production, bulk storage, and transportation incident thereto (SIC codes 1311, 1321, 1381, 1382, 1389, 2911, 4612, 4613, 4922, 4923, 4789, 5171, and 5172). Recovered oil does not include oil-bearing hazardous wastes listed in Subpart D; however, oil recovered from such wastes may be considered recovered oil. Recovered oil does not include used oil, as defined in 35 Ill. Adm. Code 739.100.

13) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.

14) Shredded circuit boards being recycled, provided that they meet the following conditions:

A) The circuit boards are stored in containers sufficient to prevent a release to the environment prior to recovery; and

B) The circuit boards are free of mercury switches, mercury relays, nickel-cadmium batteries, and lithium batteries.

15) Condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with federal Clean Air Act regulation 40 CFR 63.446(e). The exemption applies only to combustion at the mill generating the condensates.

16) This subsection (a)(16) corresponds with 40 CFR 261.4(a)(16), marked "reserved" by USEPA. This statement maintains structural consistency with the federal regulations.

17) Spent materials (as defined in Section 721.101) (other than hazardous wastes listed in Subpart D) generated within the primary mineral processing industry from which minerals, acids, cyanide, water, or other values are recovered by mineral processing or by beneficiation, provided that the following is true:

A) The spent material is legitimately recycled to recover minerals, acids, cyanide, water, or other values;

B) The spent material is not accumulated speculatively;

C) Except as provided in subsection (a)(17)(D), the spent material is stored in tanks, containers, or buildings that meet the following minimum integrity standards: a building must be an engineered structure with a floor, walls, and a roof all of which are made of non-earthen materials providing structural support (except that smelter buildings may have partially earthen floors, provided that the spent material is stored on the non-earthen portion), and have a roof suitable for diverting rainwater away from the foundation; a tank must be free standing, not be a surface impoundment (as defined in 35 Ill. Adm. Code 720.110), and be manufactured of a material suitable for containment of its contents; a container must be free standing and be manufactured of a material suitable for containment of its contents. If a tank or container contains any particulate that may be subject to wind dispersal, the owner or operator must operate the unit in a manner that controls fugitive dust. A tank, container, or building must be designed, constructed, and operated to prevent significant releases to the environment of these materials.

D) The Agency must allow by permit in writing that solid mineral processing spent materials only may be placed on pads, rather than in tanks, containers, or buildings if the facility owner or operator can demonstrate the following: the solid mineral processing secondary materials do not contain any free liquid; the pads are designed, constructed, and operated to prevent significant releases of the spent material into the environment; and the pads provide the same degree of containment afforded by the non-RCRA tanks, containers, and buildings eligible for exclusion.

i) The Agency must also consider whether storage on pads poses the potential for significant releases via groundwater, surface water, and air exposure pathways. Factors to be considered for assessing the groundwater, surface water, and air exposure pathways must include the following: the volume and physical and chemical properties of the spent material, including its potential for migration off the pad;

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

ii) Pads must meet the following minimum standards: they must be designed of non-earthen material that is compatible with the chemical nature of the mineral processing spent material; they must be capable of withstanding physical stresses associated with placement and removal; they must have run-on and run-off controls; they must be operated in a manner that controls fugitive dust; and they must have integrity assurance through inspections and maintenance programs.

iii) Before making a determination under this subsection (a)(17)(D), the Agency must provide notice and the opportunity for comment to all persons potentially interested in the determination. This can be accomplished by placing notice of this action in major local newspapers, or broadcasting notice over local radio stations.

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

E) The owner or operator provides a notice to the Agency, providing the following information: the types of materials to be recycled, the type and location of the storage units and recycling processes, and the annual quantities expected to be placed in land-based units. This notification must be updated when there is a change in the type of materials recycled or the location of the recycling process.

F) For purposes of subsection (b)(7), mineral processing spent materials must be the result of mineral processing and may not include any listed hazardous wastes. Listed hazardous wastes and characteristic hazardous wastes generated by non-mineral processing industries are not eligible for the conditional exclusion from the definition of solid waste.

18) Petrochemical recovered oil from an associated organic chemical manufacturing facility, where the oil is to be inserted into the petroleum refining process (SIC code 2911) along with normal petroleum refinery process streams, provided that both of the following conditions are true of the oil:

A) The oil is hazardous only because it exhibits the characteristic of ignitability (as defined in Section 721.121) or toxicity for benzene (Section 721.124, USEPA hazardous waste number D018);

B) The oil generated by the organic chemical manufacturing facility is not placed on the land, or speculatively accumulated before being recycled into the petroleum refining process. An "associated organic chemical manufacturing facility" is a facility for which all of the following is true: its primary SIC code is 2869, but its operations may also include SIC codes 2821, 2822, and 2865; it is physically co-located with a petroleum refinery; and the petroleum refinery to which the oil being recycled is returned also provides hydrocarbon feedstocks to the organic chemical manufacturing facility. "Petrochemical recovered oil" is oil that has been reclaimed from secondary materials (i.e., sludges, by-products, or spent materials, including wastewater) from normal organic chemical manufacturing operations, as well as oil recovered from organic chemical manufacturing processes.

19) Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid, unless the material is placed on the land or accumulated speculatively, as defined in Section 721.101(c).

20) Hazardous secondary materials used to make zinc fertilizers, provided that the following conditions are satisfied:

A) Hazardous secondary materials used to make zinc micronutrient fertilizers must not be accumulated speculatively, as defined in Section 721.101(c)(8).

B) A generator or intermediate handler of zinc-bearing hazardous secondary materials that are to be incorporated into zinc fertilizers must fulfill the following conditions:

i) It must submit a one-time notice to the Agency that contains the name, address, and USEPA identification number of the generator or intermediate handler facility, that provides a brief description of the secondary material that will be subject to the exclusion, and which identifies when the manufacturer intends to begin managing excluded zinc-bearing hazardous secondary materials under the conditions specified in this subsection (a)(20).

ii) It must store the excluded secondary material in tanks, containers, or buildings that are constructed and maintained in a way that prevents releases of the secondary materials into the environment. At a minimum, any building used for this purpose must be an engineered structure made of non-earthen materials that provide structural support, and it must have a floor, walls, and a roof that prevent wind dispersal and contact with rainwater. A tank used for this purpose must be structurally sound and, if outdoors, it must have a roof or cover that prevents contact with wind and rain. A container used for this purpose must be kept closed, except when it is necessary to add or remove material, and it must be in sound condition. Containers that are stored outdoors must be managed within storage areas that fulfill the conditions of subsection (a)(20)(F).

iii) With each off-site shipment of excluded hazardous secondary materials, it must provide written notice to the receiving facility that the material is subject to the conditions of this subsection (a)(20).

iv) It must maintain records at the generator's or intermediate handler's facility, for no less than three years, of all shipments of excluded hazardous secondary materials. For each shipment these records must, at a minimum, contain the information specified in subsection (a)(20)(G).

C) A manufacturer of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials must fulfill the following conditions:

i) It must store excluded hazardous secondary materials in accordance with the storage requirements for generators and intermediate handlers, as specified in subsection (a)(20)(B)(ii).

ii) It must submit a one-time notification to the Agency that, at a minimum, specifies the name, address, and USEPA identification number of the manufacturing facility and which identifies when the manufacturer intends to begin managing excluded zinc-bearing hazardous secondary materials under the conditions specified in this subsection (a)(20).

iii) It must maintain for a minimum of three years records of all shipments of excluded hazardous secondary materials received by the manufacturer, which must at a minimum identify for each shipment the name and address of the generating facility, the name of transporter, and the date on which the materials were received, the quantity received, and a brief description of the industrial process that generated the material.

iv) It must submit an annual report to the Agency that identifies the total quantities of all excluded hazardous secondary materials that were used to manufacture zinc fertilizers or zinc fertilizer ingredients in the previous year, the name and address of each generating facility, and the industrial processes from which the hazardous secondary materials were generated.

D) Nothing in this Section preempts, overrides, or otherwise negates the provision in 35 Ill. Adm. Code 722.111 that requires any person who generates a solid waste to determine if that waste is a hazardous waste.

E) Interim status and permitted storage units that have been used to store only zinc-bearing hazardous wastes prior to the submission of the one-time notice described in subsection (a)(20)(B)(i), and that afterward will be used only to store hazardous secondary materials excluded under this subsection (a)(20), are not subject to the closure requirements of 35 Ill. Adm. Code 724 and 725.

F) A container used to store excluded secondary material must fulfill the following conditions:

i) It must have containment structures or systems sufficiently impervious to contain leaks, spills, and accumulated precipitation;

ii) It must provide for effective drainage and removal of leaks, spills, and accumulated precipitation; and

iii) It must prevent run-on into the containment system.

BOARD NOTE: Subsections (a)(20)(F)(i) through (a)(20)(F)(iii) are derived from 40 CFR 261.4(a)(20)(ii)(B)(*1*) through (a)(20)(ii)(B)(*3*). The Board added the preamble to these federal paragraphs as subsection (a)(20)(F) to comport with Illinois Administrative Code codification requirements.

G) Required records of shipments of excluded hazardous secondary materials must, at a minimum, contain the following information:

i) The name of the transporter and date of the shipment;

ii) The name and address of the facility that received the excluded material, along with documentation confirming receipt of the shipment; and

iii) The type and quantity of excluded secondary material in each shipment.

BOARD NOTE: Subsections (a)(20)(G)(i) through (a)(20)(G)(iii) are derived from 40 CFR 261.4(a)(20)(ii)(D)(*1*) through (a)(20)(ii)(D)(*3*). The Board added the preamble to these federal paragraphs as subsection (a)(20)(G) to comport with Illinois Administrative Code codification requirements.

21) Zinc fertilizers made from hazardous wastes or hazardous secondary materials that are excluded under subsection (a)(20), provided that the following conditions are fulfilled:

A) The fertilizers meet the following contaminant limits:

i) For metal contaminants:

Constituent	Maximum Allowable Total Concentration in Fertilizer, per Unit (1%) of Zinc (ppm)
Arsenic	0.3
Cadmium	1.4
Chromium	0.6
Lead	2.8
Mercury	0.3

ii) For dioxin contaminants, the fertilizer must contain no more than eight parts per trillion of dioxin, measured as toxic equivalent (TEQ).

B) The manufacturer performs sampling and analysis of the fertilizer product to determine compliance with the contaminant limits for metals no less frequently than once every six months, and for dioxins no less frequently than once every 12 months. Testing must also be performed whenever changes occur to manufacturing processes or ingredients that could significantly affect the amounts of contaminants in the fertilizer product. The manufacturer may use any reliable analytical method to demonstrate that no constituent of concern is present in the product at concentrations above the applicable limits. It is the responsibility of the manufacturer to ensure that the sampling and analysis are unbiased, precise, and representative of the products introduced into commerce.

C) The manufacturer maintains, for no less than three years, records of all sampling and analyses performed for purposes of determining compliance with subsection (a)(21)(B). Such records must at a minimum include the following:

i) The dates and times product samples were taken, and the dates the samples were analyzed;

ii) The names and qualifications of the persons taking the samples;

iii) A description of the methods and equipment used to take the samples;

iv) The name and address of the laboratory facility at which analyses of the samples were performed;

v) A description of the analytical methods used, including any cleanup and sample preparation methods; and

vi) All laboratory analytical results used to determine compliance with the contaminant limits specified in this subsection (a)(21).

22) Used CRTs

A) Used, intact CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste within the United States, unless they are disposed of or speculatively accumulated, as defined in Section 721.101(c)(8), by a CRT collector or glass processor.

B) Used, intact CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste when exported for recycling, provided that they meet the requirements of Section 721.140.

C) Used, broken CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste, provided that they meet the requirements of Section 721.139.

D) Glass removed from CRTs is not a solid waste provided that it meets the requirements of Section 721.139(c).

23) Hazardous Secondary Materials Reclaimed under the Control of the Generator. Hazardous secondary material generated and legitimately reclaimed within the United States or its territories and under the control of the generator, provided that the material complies with subsections (a)(23)(A) and (a)(23)(B):

A) Excluded Hazardous Secondary Materials

i) The hazardous secondary material is generated and reclaimed at the generating facility. (For purposes of this subsection (a)(23)(A)(i), "generating facility" means all contiguous property owned, leased, or otherwise controlled by the hazardous secondary material generator.);

ii) The hazardous secondary material is generated and reclaimed at different facilities, if the reclaiming facility is controlled by the generator or if both the generating facility and the reclaiming facility are controlled by a person as defined in 35 Ill. Adm. Code 720.110, and if the generator provides one of the following certifications:

"On behalf of [insert generator facility name], I certify that this facility will send the indicated hazardous secondary material to [insert reclaimer facility name], which is controlled by [insert generator facility name] and that [insert name of either facility] has acknowledged full responsibility for the safe management of the hazardous secondary material."

or

"On behalf of [insert generator facility name], I certify that this facility will send the indicated hazardous secondary material to [insert reclaimer

facility name], that both facilities are under common control, and that [insert name of either facility] has acknowledged full responsibility for the safe management of the hazardous secondary material."

For purposes of this subsection (a)(23)(A)(ii), "control" means the power to direct the policies of the facility, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate facilities on behalf of a different person, as defined in 35 Ill. Adm. Code 720.110, cannot be deemed to "control" such facilities. The generating and receiving facilities must both maintain at their facilities, for no less than three years, records of hazardous secondary materials sent or received under this exclusion. In both cases, the records must contain the name of the transporter, the date of the shipment, and the type and quantity of the hazardous secondary material shipped or received under the exclusion. These requirements may be satisfied by routine business records (e.g., financial records, bills of lading, copies of USDOT shipping papers, or electronic confirmations); or

iii) The hazardous secondary material is generated pursuant to a written contract between a tolling contractor and a toll manufacturer and is reclaimed by the tolling contractor, if the tolling contractor certifies as follows:

"On behalf of [insert tolling contractor name], I certify that [insert tolling contractor name] has a written contract with [insert toll manufacturer name] to manufacture [insert name of product or intermediate] which is made from specified unused materials, and that [insert tolling contractor name] will reclaim the hazardous secondary materials generated during this manufacture. On behalf of [insert tolling contractor name], I also certify that [insert tolling contractor name] retains ownership of, and responsibility for, the hazardous secondary

materials that are generated during the course of the manufacture, including any releases of hazardous secondary materials that occur during the manufacturing process."

The tolling contractor must maintain at its facility, for no less than three years, records of hazardous secondary materials received pursuant to its written contract with the tolling manufacturer, and the tolling manufacturer must maintain at its facility, for no less than three years, records of hazardous secondary materials shipped pursuant to its written contract with the tolling contractor. In both cases, the records must contain the name of the transporter, the date of the shipment, and the type and quantity of the hazardous secondary material shipped or received pursuant to the written contract. These requirements may be satisfied by routine business records (e.g., financial records, bills of lading, copies of USDOT shipping papers, or electronic confirmations). For purposes of this subsection (a)(23)(A)(ii), "tolling contractor" means a person who arranges for the production of a product or intermediate made from specified unused materials through a written contract with a toll manufacturer. "Toll manufacturer" means a person who produces a product or intermediate made from specified unused materials pursuant to a written contract with a tolling contractor.

B) Management of Hazardous Secondary Materials

i) The hazardous secondary material is contained, as defined in 35 Ill. Adm. Code 720.110. A hazardous secondary material released to the environment is discarded material and a solid waste unless it is immediately recovered for the purpose of reclamation. Hazardous secondary material managed in a unit with leaks or other continuing or intermittent unpermitted releases is discarded material and a solid waste;

ii) The hazardous secondary material is not speculatively accumulated, as defined in Section 721.101(c)(8);

iii) Notice is provided, as required by 35 Ill. Adm. Code 720.142;

iv) The hazardous secondary material is not otherwise subject to material-specific management conditions under subsection (a) when reclaimed, and it is not a spent lead acid battery (see 35 Ill. Adm. Code 726.180 and 733.102);

v) Persons performing the recycling of hazardous secondary materials under this exclusion must maintain documentation of their legitimacy determination on-site. Documentation must be a written description of how the recycling meets all three factors in 35 Ill. Adm. Code 720.143(a) and how the factor in 35 Ill. Adm. Code 720.143(b) was considered. Documentation must be maintained for three years after the recycling operation has ceased; and

vi) The emergency preparedness and response requirements found in Subpart M are met.

24) Hazardous Secondary Materials Transferred for Off-Site Reclamation. Hazardous secondary material that is generated and then transferred to another person for the purpose of reclamation is not a solid waste if the management of the material fulfills the conditions of subsections (a)(24)(A) through (a)(24)(G):

A) The hazardous secondary material must not be speculatively accumulated, as defined in Section 721.101(c)(8).

B) No person or facility other than the hazardous secondary material generator, the transporter, an intermediate facility, or a reclaimer manages the material; the hazardous secondary material must not be stored for more than ten days at a transfer facility, as defined in Section 721.110; and the hazardous secondary material must be packaged according to applicable USDOT regulations codified as

49 CFR 173, 178, and 179, incorporated by reference in 35 Ill. Adm. Code 720.111, while in transport.

C) The hazardous secondary material must not otherwise be subject to material-specific management conditions pursuant to other provisions of this subsection (a) when reclaimed, and the hazardous secondary material must not be a spent lead-acid battery (see 35 Ill. Adm. Code 726.180 and 733.102).

D) The reclamation of the hazardous secondary material must be legitimate, as determined pursuant to 35 Ill. Adm. Code 720.143.

E) The hazardous secondary material generator must satisfy each of the following conditions:

i) The hazardous secondary material must be contained as defined in 35 Ill. Adm. Code 720.110. A hazardous secondary material released to the environment is discarded and a solid waste unless it is immediately recovered for the purpose of recycling. Hazardous secondary material managed in a unit that leaks or which otherwise continuously releases hazardous secondary material is discarded material and a solid waste.

ii) Prior to arranging for transport of hazardous secondary materials to a reclamation facility where the hazardous secondary material is managed in a unit that is not subject to a RCRA permit or interim status standards, the hazardous secondary material generator must make reasonable efforts to ensure that each reclaimer intends to properly and legitimately reclaim the hazardous secondary material and not discard it, and that each reclaimer will manage the hazardous secondary material in a manner that is protective of human health and the environment. If the hazardous secondary material will pass through an intermediate facility where the hazardous secondary materials is managed at that facility in a unit that is not subject to a RCRA permit or interim status standards, the hazardous secondary material generator must make

contractual arrangements with the intermediate facility to ensure that the hazardous secondary material is sent to the reclamation facility identified by the hazardous secondary material generator, and the hazardous secondary material generator must perform reasonable efforts to ensure that the intermediate facility will manage the hazardous secondary material in a manner that is protective of human health and the environment. Reasonable efforts must be repeated at a minimum of every three years for the hazardous secondary material generator to claim the exclusion and to send the hazardous secondary materials to each reclaimer and any intermediate facility. In making these reasonable efforts, the generator may use any credible evidence available, including information gathered by the hazardous secondary material generator, provided by the reclaimer or intermediate facility, or provided by a third party. The hazardous secondary material generator must affirmatively answer all of the questions in subsection (a)(24)(H) for each reclamation facility and any intermediate facility.

BOARD NOTE: The Board moved the required generator inquiries of 40 CFR 261.4(a)(24)(v)(B)(*1*) through (a)(24)(v)(B)(*5*) to subsection (a)(24)(H) to comply with codification requirements.

iii) The hazardous secondary material generator must maintain for a minimum of three years documentation and certification that reasonable efforts were made for each reclamation facility and, if applicable, intermediate facility where the facility manages the hazardous secondary materials in a unit that is not subject to a RCRA permit or interim status standards prior to transferring hazardous secondary material. Documentation and certification must be made available upon request by USEPA or the Agency within 72 hours, or within a longer period of time as specified by USEPA or the Agency. The certification statement must include the printed name and official title of an authorized representative of the hazardous secondary material generator company, the authorized representative's

signature, and the date signed. The certification statement must also incorporate the following language:

"I hereby certify in good faith and to the best of my knowledge that, prior to arranging for transport of excluded hazardous secondary materials to [insert name(s) of reclamation facility and any intermediate facility], reasonable efforts were made in accordance with 35 Ill. Adm. Code 721.104(a)(24)(E)(ii) to ensure that the hazardous secondary materials would be recycled legitimately, and otherwise managed in a manner that is protective of human health and the environment, and that such efforts were based on current and accurate information."

BOARD NOTE: The Board combined the documentation, certification, and records retention requirements of corresponding 40 CFR 261.4(a)(24)(v)(C)(*1*) through (a)(24)(v)(C)(*3*) into subsection (a)(24)(E)(iii) to comply with codification requirements.

iv) The hazardous secondary material generator must maintain certain records at the generating facility for a minimum of three years that document every off-site shipment of hazardous secondary materials. The documentation for each shipment must, at a minimum, include the following information about the shipment: the name of the transporter and date of the shipment; the name and address of each reclaimer and intermediate facility to which the hazardous secondary material was sent; and the type and quantity of hazardous secondary material in the shipment.

BOARD NOTE: The Board combined and moved the shipping documentation and records retention requirements of corresponding 40 CFR 261.4(a)(24)(v)(C) and (a)(24)(v)(C)(1) through (a)(24)(v)(C)(3) to this single subsection (a)(24)(E)(iv). This combination allowed compliance with codification requirements relating to the maximum permissible indent level.

v) The hazardous secondary material generator must maintain at the generating facility, for a minimum of three years, for every off-site shipment of hazardous secondary materials, confirmations of receipt from each reclaimer and intermediate facility to which its hazardous secondary materials were sent. Each confirmation of receipt must include the name and address of the reclaimer (or intermediate facility), the type and quantity of the hazardous secondary materials received, and the date on which the facility received the hazardous secondary materials. The generator may satisfy this requirement using routine business records (e.g., financial records, bills of lading, copies of USDOT shipping papers, or electronic confirmations of receipt).

vi) The hazardous secondary material generator must comply with the emergency preparedness and response conditions in Subpart M.

BOARD NOTE: The Board intends that "RCRA permit" in subsections (a)(24)(E)(ii) and (a)(24)(E)(iii) include a permit issued by USEPA or a sister state pursuant to section 3005 of RCRA (42 USC 6925).

F) The reclaimer of hazardous secondary material or any intermediate facility, as defined in 35 Ill. Adm. Code 720.110, that manages material which is excluded from regulation pursuant to this subsection (a)(24) must satisfy all of the following conditions:

i) The owner or operator of a reclamation or intermediate facility must maintain at its facility for a minimum of three years records of every shipment of hazardous secondary material that the facility received and, if applicable, for every shipment of hazardous secondary material that the facility received and subsequently sent off-site from the facility for further reclamation. For each shipment, these records must, at a minimum, contain the following information: the name of the transporter and date of the

shipment; the name and address of the hazardous secondary material generator and, if applicable, the name and address of the reclaimer or intermediate facility from which the facility received the hazardous secondary materials; the type and quantity of hazardous secondary material in the shipment; and, for hazardous secondary materials that the facility subsequently transferred off-site for further reclamation after receiving it, the name and address of the (subsequent) reclaimer and any intermediate facility to which the facility sent the hazardous secondary material.

BOARD NOTE: The Board combined the provisions from 40 CFR 261.4(a)(24)(vi)(A) and (a)(24)(vi)(A)(1) through (a)(24)(vi)(A)(3) that enumerate the required information into this single subsection (a)(24)(F)(i). This combination allowed compliance with codification requirements relating to the maximum permissible indent level.

ii) The intermediate facility must send the hazardous secondary material to the reclaimers designated by the generator of the hazardous secondary materials.

iii) The reclaimer or intermediate facility that receives a shipment of hazardous secondary material must send a confirmation of receipt to the hazardous secondary material generator for each off-site shipment of hazardous secondary materials. A confirmation of receipt must include the name and address of the reclaimer (or intermediate facility), the type and quantity of the hazardous secondary materials received, and the date on which the facility received the hazardous secondary materials. The reclaimer or intermediate facility may satisfy this requirement using routine business records (e.g., financial records, bills of lading, copies of USDOT shipping papers, or electronic confirmations of receipt).

iv) The reclaimer or intermediate facility must manage the hazardous secondary material in a manner that is at least as protective of human health and the environment as that

employed for analogous raw material, and the material must be contained. An "analogous raw material" is a raw material for which the hazardous secondary material substitutes and that serves the same function and has similar physical and chemical properties as the hazardous secondary material.

v) A reclaimer of hazardous secondary materials must manage any residuals that are generated from its reclamation processes in a manner that is protective of human health and the environment. If any residuals of the reclamation process exhibit a characteristic of hazardous waste, as defined in Subpart C, or if the residuals themselves are specifically listed as hazardous waste in Subpart D, those residuals are hazardous waste. The reclaimer and any subsequent persons must manage that hazardous waste in accordance with the applicable requirements of 35 Ill. Adm. Code: Subtitle G or similar regulations authorized by USEPA as equivalent to 40 CFR 260 through 272.

vi) The reclaimer and intermediate facility must have financial assurance that satisfies the requirements of Subpart H.

G) In addition, any person claiming the exclusion for recycled hazardous secondary material pursuant to this subsection (a)(24) must provide notification as required by 35 Ill. Adm. Code 720.142.

H) For the purposes of the reasonable inquiries required by subsection (a)(24)(E)(ii), the hazardous secondary material generator must affirmatively answer all of the following questions for each reclamation facility and any intermediate facility:

i) Does the available information indicate that the reclamation process is legitimate pursuant to 35 Ill. Adm. Code 720.143? In answering this question, the hazardous secondary material generator can rely on its existing knowledge of the physical and chemical properties of the hazardous secondary material, as well as information from

other sources (e.g., the reclamation facility, audit reports, etc.) about the reclamation process.

ii) Does the publicly available information indicate that the reclamation facility and any intermediate facility that is used by the hazardous secondary material generator notified the appropriate authorities of hazardous secondary materials reclamation activities pursuant to 35 Ill. Adm. Code 720.142, and have they notified the appropriate authorities that the financial assurance condition is satisfied per subsection (a)(24)(F)(vi)? In answering these questions, the hazardous secondary material generator can rely on the available information documenting the reclamation facility's and any intermediate facility's compliance with the notification requirements per 35 Ill. Adm. Code 720.142, including the requirement in 35 Ill. Adm. Code 720.142(a)(5) to notify USEPA or the Agency whether the reclaimer or intermediate facility has financial assurance.

iii) Does publicly available information indicate that the reclamation facility or any intermediate facility that is used by the hazardous secondary material generator has not had any formal enforcement actions taken against the facility in the previous three years for violations of the RCRA hazardous waste regulations and has not been classified as a significant noncomplier with RCRA Subtitle C? In answering this question, the hazardous secondary material generator can rely on the publicly available information from USEPA or the state. If the reclamation facility or any intermediate facility that is used by the hazardous secondary material generator has had a formal enforcement action taken against the facility in the previous three years for violations of the RCRA hazardous waste regulations and has been classified as a significant non-complier with RCRA Subtitle C, does the hazardous secondary material generator have credible evidence that the facility will manage the hazardous secondary materials properly? In answering this question, the hazardous secondary material

generator can obtain additional information from USEPA, the state, or the facility itself that the facility has addressed the violations, 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.

iv) Does the available information indicate that the reclamation facility and any intermediate facility that is used by the hazardous secondary material generator have the equipment and trained personnel to safely recycle the hazardous secondary material? In answering this question, the generator may rely on a description by the reclamation facility or by an independent third party of the equipment and trained personnel to be used to recycle the generator's hazardous secondary material.

v) If residuals are generated from the reclamation of the excluded hazardous secondary materials, does the reclamation facility have the permits required (if any) to manage the residuals? If not, does the reclamation facility have a contract with an appropriately permitted facility to dispose of the residuals? If not, does the hazardous secondary material generator have credible evidence that the residuals will be managed in a manner that is protective of human health and the environment? In answering these questions, the hazardous secondary material generator can rely on publicly available information from USEPA or the state, or information provided by the facility itself.

BOARD NOTE: The Board moved the required generator inquiries into a reclamation or intermediate facility of 40 CFR 261.4(a)(24)(v)(B) and (a)(24)(v)(B)(1) through (a)(24)(v)(B)(5) to this subsection (a)(24)(H) to comply with codification requirements.

25) Hazardous secondary material that is exported from the United States and reclaimed at a reclamation facility located in a foreign country is not a solid waste, provided that the hazardous secondary material generator

complies with the applicable requirements of subsections (a)(24)(A) through (a)(24)(E) and (a)(24)(H) (excepting subsection (a)(24)(H)(ii) for foreign reclaimers and foreign intermediate facilities), and that the hazardous secondary material generator also complies with the following requirements:

A) The generator must notify USEPA of an intended export before the hazardous secondary material is scheduled to leave the United States. The generator must submit a complete notification at least 60 days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a 12-month or lesser period. The notification must be in writing, signed by the hazardous secondary material generator, and include the following information:

i) The name, mailing address, telephone number and USEPA identification number (if applicable) of the hazardous secondary material generator;

ii) A description of the hazardous secondary material and the USEPA hazardous waste number that would apply if the hazardous secondary material were managed as hazardous waste and the USDOT proper shipping name, hazard class and identification number (UN or NA) for each hazardous secondary material as identified in the hazardous materials table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111;

iii) The estimated frequency or rate at which the hazardous secondary material is to be exported and the period of time over which the hazardous secondary material is to be exported;

iv) The estimated total quantity of hazardous secondary material;

v) All points of entry to and departure from each foreign country through which the hazardous secondary material will pass;

vi) A description of the means by which each shipment of the hazardous secondary material will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), types of container (drums, boxes, tanks, etc.), etc.);

vii) A description of the manner in which the hazardous secondary material will be reclaimed in the country of import;

viii) The name and address of the reclaimer, any intermediate facility, and any alternate reclaimer and intermediate facilities; and

ix) The name of any countries of transit through which the hazardous secondary material will be sent and a description of the approximate length of time it will remain in such countries and the nature of its handling while there (for purposes of this Section, the terms "USEPA Acknowledgement of Consent", "country of import", and "country of transit" are used as defined in 35 Ill. Adm. Code 722.181 with the exception that the terms in this Section refer to hazardous secondary materials, rather than hazardous waste).

B) The generator must submit notifications electronically using USEPA's Waste Import Export Tracking System (WIETS).

C) Except for changes to the telephone number required in subsection (a)(25)(A)(i) and decreases in the quantity of hazardous secondary material indicated pursuant to subsection (a)(25)(A)(iv), when the conditions specified on the original notification change (including any exceedance of the estimate of the quantity of hazardous secondary material specified in the original notification), the hazardous secondary material generator must provide USEPA with a written renotification of the change. The shipment must not occur until consent of the country of import to the changes (except for changes to subsection (a)(25)(A)(ix) and in the ports of entry to and departure from countries of transit pursuant to subsection

(a)(25)(A)(v)) has been obtained and the hazardous secondary material generator receives from USEPA a USEPA Acknowledgment of Consent reflecting the country of import's consent to the changes.

D) Upon request by USEPA, the hazardous secondary material generator must~~shall~~ furnish to USEPA any additional information that a country of import requests in order to respond to a notification.

E) USEPA will provide a complete notification to the country of import and any countries of transit. A notification is complete when USEPA receives a notification that USEPA determines satisfies the requirements of subsection (a)(25)(A). When a claim of confidentiality is asserted with respect to any notification information required by subsection (a)(25)(A), USEPA may find the notification not complete until any such claim is resolved in accordance with 35 Ill. Adm. Code 720.102.

F) The export of hazardous secondary material under this subsection (a)(25) is prohibited unless the country of import consents to the intended export. When the country of import consents in writing to the receipt of the hazardous secondary material, USEPA will send an USEPA Acknowledgment of Consent to the hazardous secondary material generator. When the country of import objects to receipt of the hazardous secondary material or withdraws a prior consent, USEPA will notify the hazardous secondary material generator in writing. USEPA will also notify the hazardous secondary material generator of any responses from countries of transit.

G) For exports to OECD member countries, the receiving country may respond to the notification using tacit consent. If no objection has been lodged by any country of import or countries of transit to a notification provided pursuant to subsection (a)(25)(A) within 30 days after the date of issuance of the acknowledgement of receipt of notification by the competent authority of the country of import, the transboundary movement may commence. In such cases, USEPA will send a USEPA Acknowledgment of Consent to

inform the hazardous secondary material generator that the country of import and any relevant countries of transit have not objected to the shipment and are thus presumed to have consented tacitly. Tacit consent expires one calendar year after the close of the 30-day period; renotification and renewal of all consents is required for exports after that date.

H) A copy of the USEPA Acknowledgment of Consent must accompany the shipment. The shipment must conform to the terms of the USEPA Acknowledgment of Consent.

I) If the shipment cannot be delivered for any reason to the reclaimer, intermediate facility or the alternate reclaimer or alternate intermediate facility, the hazardous secondary material generator must re-notify USEPA of a change in the conditions of the original notification to allow shipment to a new reclaimer in accordance with subsection (a)(25)(C) of this Section and obtain another USEPA Acknowledgment of Consent.

J) Hazardous secondary material generators must keep a copy of each notification of intent to export and each USEPA Acknowledgment of Consent for a period of three years following receipt of the USEPA Acknowledgment of Consent. They may satisfy this recordkeeping requirement by retaining electronically submitted notifications or electronically generated Acknowledgements in their account on USEPA's WIETS, provided that such copies are readily available for viewing and production if requested by any USEPA or Agency inspector. No hazardous secondary material generator may be held liable for the inability to produce a notification or Acknowledgement for inspection under this Section if it can demonstrate that the inability to produce such copies is due exclusively to technical difficulty with USEPA's WIETS for which the hazardous secondary material generator bears no responsibility.

K) Hazardous secondary material generators must file with USEPA, no later than March 1 of each year, a report summarizing the types, quantities, frequency and ultimate destination of all hazardous secondary materials exported during the previous calendar year.

Annual reports must be submitted electronically using USEPA's WIETS. Such reports must include the following information:

i) Name, mailing and site address, and USEPA identification number (if applicable) of the hazardous secondary material generator;

ii) The calendar year covered by the report;

iii) The name and site address of each reclaimer and intermediate facility;

iv) By reclaimer and intermediate facility, for each hazardous secondary material exported, a description of the hazardous secondary material and the USEPA hazardous waste number that would apply if the hazardous secondary material were managed as hazardous waste; the USDOT hazard class, incorporated by reference in 35 Ill. Adm. Code 720.111; the name and USEPA identification number (if applicable) for each transporter used, the total amount of hazardous secondary material shipped, and the number of shipments pursuant to each notification; and

v) A certification signed by the hazardous secondary material generator that states as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

L) Any person claiming an exclusion under this subsection (a)(25) must provide notification as required by 35 Ill. Adm. Code 720.142.

26) Solvent-contaminated wipes that are sent for cleaning and reuse are not solid wastes from the point of generation, provided that all of the following conditions are fulfilled:

A) The solvent-contaminated wipes, when accumulated, stored, and transported, are contained in non-leaking, closed containers that are labeled "Excluded Solvent-Contaminated Wipes". The containers must be able to contain free liquids, should free liquids occur. During accumulation, a container is considered closed when there is complete contact between the fitted lid and the rim, except when it is necessary to add or remove solvent-contaminated wipes. When the container is full, when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container must be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions;

B) The solvent-contaminated wipes may be accumulated by the generator for up to 180 days from the start date of accumulation for each container prior to being sent for cleaning;

C) At the point of being sent for cleaning on-site or at the point of being transported off-site for cleaning, the solvent-contaminated wipes must contain no free liquids, as defined in 35 Ill. Adm. Code 720.110;

D) Free liquids removed from the solvent-contaminated wipes or from the container holding the wipes must be managed according to the applicable regulations found in this Part and 35 Ill. Adm. Code 720, 722 through 728, and 733;

E) Generators must maintain at their site the following documentation:

i) The name and address of the laundry or dry cleaner that is receiving the solvent-contaminated wipes;

ii) The documentation that the 180-day accumulation time limit in 35 Ill. Adm. Code 721.104(a)(26)(B) is being met; and

iii) A description of the process the generator is using to ensure that the solvent-contaminated wipes contain no free liquids at the point of being laundered or dry cleaned on-site or at the point of being transported off-site for laundering or dry cleaning; and

F) The solvent-contaminated wipes are sent to a laundry or dry cleaner whose discharge, if any, is regulated under sections 301 and 402 or section 307 of the federal Clean Water Act (33 USC 1311 and 1341 or 33 USC 1317) or equivalent Illinois or sister-state requirements approved by USEPA pursuant to 33 USC 1311 through 1346 and 1370.

27) Hazardous secondary material that is generated and then transferred to another person for the purpose of remanufacturing is not a solid waste, provided that the following conditions are fulfilled:

BOARD NOTE: The North American Industrial Classification System (NAICS) codes used in this subsection (a)(27) are defined in the NAICS Manual, available from the Office of Management and Budget and incorporated by reference in 35 Ill. Adm. Code 720.111.

A) The hazardous secondary material consists of one or more of the following spent solvents: toluene, xylenes, ethylbenzene, 1,2,4-trimethylbenzene, chlorobenzene, n-hexane, cyclohexane, methyl tert-butyl ether, acetonitrile, chloroform, chloromethane, dichloromethane, methyl isobutyl ketone, N,N-dimethylformamide, tetrahydrofuran, n-butyl alcohol, ethanol, or methanol.

B) The hazardous secondary material originated from using one or more of the solvents listed in subsection (a)(27)(A) in a commercial grade for reacting, extracting, purifying, or blending chemicals (or for rinsing out the process lines associated with these functions) in the pharmaceutical manufacturing (NAICS 325412),

basic organic chemical manufacturing (NAICS 325199), plastics and resins manufacturing (NAICS 325211), or the paints and coatings manufacturing sectors (NAICS 325510).

C) The hazardous secondary material generator sends the hazardous secondary material spent solvents listed in subsection (a)(27)(A) to a remanufacturer in the pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics and resins manufacturing (NAICS 325211), or the paints and coatings manufacturing sectors (NAICS 325510).

D) After remanufacturing one or more of the solvents listed in subsection (a)(27)(A), the use of the remanufactured solvent must be limited to reacting, extracting, purifying, or blending chemicals (or for rinsing out the process lines associated with these functions) in the pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics and resins manufacturing (NAICS 325211), and the paints and coatings manufacturing sectors (NAICS 325510) or to using them as ingredients in a product. These allowed uses correspond to chemical functional uses enumerated in 40 CFR 711.15(b)(4)(i)(C) (Reporting Information to EPA), incorporated by reference in 35 Ill. Adm. Code 720.111, including Industrial Function Category Codes U015 (solvents consumed in a reaction to produce other chemicals) and U030 (solvents that become part of the mixture).

BOARD NOTE: The Board observes that the citation to Toxic Substances Control Act function categories and use of the word "including" to preface specific example Industrial Function Category Codes does not expand the range of permissible uses beyond the express limitations recited in the first segment of this subsection (a)(27)(D) and subsection (a)(27)(E).

E) After remanufacturing one or more of the solvents listed in subsection (a)(27)(i), the use of the remanufactured solvent does not involve cleaning or degreasing oil, grease, or similar material from textiles, glassware, metal surfaces, or other articles. (These disallowed continuing uses correspond to chemical functional uses in Industrial Function Category Code U029 (solvents (for cleaning

and degreasing)) in 40 CFR 711.15(b)(4)(i)(C), incorporated by reference in 35 Ill. Adm. Code 720.111.

F) Both the hazardous secondary material generator and the remanufacturer must fulfill the following requirements:

i) The generator and remanufacturer must notify USEPA Region 5 and the Agency, and update the notification every two years per 35 Ill. Adm. Code 720.142;

ii) The generator and remanufacturer must develop and maintain an up-to-date remanufacturing plan that identifies the information enumerated in subsection (a)(27)(G);

BOARD NOTE: The Board moved corresponding 40 CFR 261.4(a)(27)(vi)(B)(1) through (a)(27)(vi)(B)(1) to appear as subsections (a)(27)(G)(i) through (a)(27)(G)(v) to comport with codification requirements.

iii) The generator and remanufacturer must maintain records of shipments and confirmations of receipts for a period of three years from the dates of the shipments;

iv) The generator and remanufacturer must, prior to remanufacturing, store the hazardous spent solvents in tanks or containers that meet technical standards found in Subparts I and J, with the tanks and containers being labeled or otherwise having an immediately available record of the material being stored;

v) The generator and remanufacturer must, during remanufacturing, and during storage of the hazardous secondary materials prior to remanufacturing, the remanufacturer certifies that the remanufacturing equipment, vents, and tanks are equipped with and are operating air emission controls in compliance with the applicable Clean Air Act regulations of 40 CFR 60, 61 and 63, incorporated by reference in 35 Ill. Adm. Code 720.111; or, absent such Clean Air Act standards for the

particular operation or piece of equipment covered by the remanufacturing exclusion, are in compliance with the appropriate standards in Subparts AA (vents), BB (equipment) and CC (tank storage); and

vi) The generator and remanufacturer must meet the requirements prohibiting speculative accumulation in Section 721.101(c)(8).

G) The following information items are required elements for a remanufacturing plan.

i) The name, address and USEPA ID number of the generators and the remanufacturers;

ii) The types and estimated annual volumes of spent solvents to be remanufactured;

iii) The processes and industry sectors that generate the spent solvents;

iv) The specific uses and industry sectors for the remanufactured solvents; and

v) A certification from the remanufacturer stating as follows: "On behalf of [insert remanufacturer facility name], I certify that this facility is a remanufacturer under pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics and resins manufacturing (NAICS 325211), and/or the paints and coatings manufacturing sectors (NAICS 325510), and will accept the spent solvent(s) for the sole purpose of remanufacturing into commercial-grade solvent(s) that will be used for reacting, extracting, purifying, or blending chemicals (or for rinsing out the process lines associated with these functions) or for use as product ingredient(s). I also certify that the remanufacturing equipment, vents, and tanks are equipped with and are operating air emission controls in compliance

with the appropriate Clean Air Act regulations under 40 CFR 60, 61 or 63, or, absent such Clean Air Act standards for the particular operation or piece of equipment covered by the remanufacturing exclusion, are in compliance with the appropriate standards in Subparts AA (vents), BB (equipment) and CC (tank storage)."

BOARD NOTE: Subsections (a)(27)(G)(i) through (a)(27)(G)(v) correspond with 40 CFR 261.4(a)(27)(vi)(B)(*1*) through (a)(27)(vi)(B)(*1*), moved to this subsection (a)(27)(G) to comport with codification requirements.

b) Solid Wastes That Are Not Hazardous Wastes. The following solid wastes are not hazardous wastes:

1) Household waste, including household waste that has been collected, transported, stored, treated, disposed of, recovered (e.g., refuse-derived fuel), or reused. "Household waste" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels, and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A resource recovery facility managing municipal solid waste must not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this Part, if the following describe the facility:

A) The facility receives and burns only the following waste:

i) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); or

ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and

B) The facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

BOARD NOTE: The U.S. Supreme Court determined, in City of Chicago v. Environmental Defense Fund, Inc., 511 U.S. 328, 114 S. Ct. 1588, 128 L. Ed. 2d 302 (1994), that this exclusion and RCRA section 3001(i) (42 USC 6921(i)) do not exclude the ash from facilities covered by this subsection (b)(1) from regulation as a hazardous waste. At 59 Fed. Reg. 29372 (June 7, 1994), USEPA granted facilities managing ash from such facilities that is determined a hazardous waste under Subpart C until December 7, 1994 to file a Part A permit application pursuant to 35 Ill. Adm. Code 703.181. At 60 Fed. Reg. 6666 (Feb. 3, 1995), USEPA stated that it interpreted that the point at which ash becomes subject to RCRA Subtitle C regulation is when that material leaves the combustion building (including connected air pollution control equipment).

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

A) The growing and harvesting of agricultural crops; or

B) The raising of animals, including animal manures.

3) Mining overburden returned to the mine site.

4) Coal and Fossil Fuel Combustion Waste

A) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, except as provided in 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

B) The following wastes generated primarily from processes that support the combustion of coal or other fossil fuels that are co-disposed with the wastes in subsection (b)(4)(A), except as provided by 35 Ill. Adm. Code 726.112 for facilities that burn or process hazardous waste:

i) Coal Pile Run-Off. For purposes of this subsection (b)(4), "coal pile run-off" means any precipitation that drains off coal piles.

ii) Boiler Cleaning Solutions. For purposes of this subsection (b)(4), "boiler cleaning solutions" means water solutions and chemical solutions used to clean the fire-side and waterside of the boiler.

iii) Boiler Blowdown. For purposes of this subsection (b)(4), "boiler blowdown" means water purged from boilers used to generate steam.

iv) Process Water Treatment and Demineralizer Regeneration Wastes. For purposes of this subsection (b)(4), "process water treatment and demineralizer regeneration wastes" means sludges, rinses, and spent resins generated from processes to remove dissolved gases, suspended solids, and dissolved chemical salts from combustion system process water.

v) Cooling Tower Blowdown. For purposes of this subsection (b)(4), "cooling tower blowdown" means water purged from a closed cycle cooling system. Closed cycle cooling systems include cooling towers, cooling ponds, or spray canals.

vi) Air Heater and Precipitator Washes. For purposes of this subsection (b)(4), "air heater and precipitator washes" means wastes from cleaning air preheaters and electrostatic precipitators.

vii) Effluents from Floor and Yard Drains and Sumps. For purposes of this subsection (b)(4), "effluents from floor and yard drains and sumps" means wastewaters, such as wash water, collected by or from floor drains, equipment drains, and sumps located inside the power plant building; and wastewaters, such as rain run-off, collected by yard drains and sumps located outside the power plant building.

viii) Wastewater Treatment Sludges. For purposes of this subsection (b)(4), "wastewater treatment sludges" refers to sludges generated from the treatment of wastewaters specified in subsections (b)(4)(B)(i) through (b)(4)(B)(vi).

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

6) Chromium Wastes

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

i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium;

ii) The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and

iii) The waste is typically and frequently managed in non-oxidizing environments.

B) The following are specific wastes that meet the standard in subsection (b)(6)(A) (so long as they do not fail the test for the toxicity characteristic for any other constituent and do not exhibit any other characteristic):

i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse,

through-the-blue, and shearling;

ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue;

iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, and through-the-blue;

vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries; and

viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.

7) Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock, and overburden from the mining of uranium ore), except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

A) For purposes of this subsection (b)(7), beneficiation of ores and minerals is restricted to the following activities: crushing; grinding; washing; dissolution; crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcining to remove water or carbon dioxide; roasting; autoclaving or chlorination in preparation for leaching (except where the roasting (or autoclaving or chlorination) and leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity concentration; magnetic separation; electrostatic separation; floatation; ion exchange; solvent extraction; electrowinning; precipitation; amalgamation; and heap, dump, vat tank, and in situ leaching.

B) For the purposes of this subsection (b)(7), solid waste from the processing of ores and minerals includes only the following wastes as generated:

i) Slag from primary copper processing;

ii) Slag from primary lead processing;

iii) Red and brown muds from bauxite refining;

iv) Phosphogypsum from phosphoric acid production;

v) Slag from elemental phosphorus production;

vi) Gasifier ash from coal gasification;

vii) Process wastewater from coal gasification;

viii) Calcium sulfate wastewater treatment plant sludge from primary copper processing;

ix) Slag tailings from primary copper processing;

x) Fluorogypsum from hydrofluoric acid production;

xi) Process wastewater from hydrofluoric acid production;

xii) Air pollution control dust or sludge from iron blast furnaces;

xiii) Iron blast furnace slag;

xiv) Treated residue from roasting and leaching of chrome ore;

xv) Process wastewater from primary magnesium processing by the anhydrous process;

xvi) Process wastewater from phosphoric acid production;

xvii) Basic oxygen furnace and open-hearth furnace air pollution control dust or sludge from carbon steel production;

xviii) Basic oxygen furnace and open-hearth furnace slag from carbon steel production;

xix) Chloride processing waste solids from titanium tetrachloride production; and

xx) Slag from primary zinc production.

C) A residue derived from co-processing mineral processing secondary materials with normal beneficiation raw materials or with normal mineral processing raw materials remains excluded under this subsection (b) if the following conditions are fulfilled:

i) The owner or operator processes at least 50 percent by weight normal beneficiation raw materials or normal mineral processing raw materials; and

ii) The owner or operator legitimately reclaims the secondary

mineral processing materials.

8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

9) Solid waste that consists of discarded arsenical-treated wood or wood products that fails the test for the toxicity characteristic for USEPA hazardous waste numbers D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons that utilize the arsenical-treated wood and wood products for these materials' intended end use.

10) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 721.124 (USEPA hazardous waste numbers D018 through D043 only) and which are subject to corrective action regulations under 35 Ill. Adm. Code 731.

11) This subsection (b)(11) corresponds with 40 CFR 261.4(b)(11), which expired by its own terms on January 25, 1993. This statement maintains structural parity with USEPA regulations.

12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems, that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.

13) Non-terne plated used oil filters that are not mixed with wastes listed in Subpart D, if these oil filters have been gravity hot-drained using one of the following methods:

A) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;

B) Hot-draining and crushing;

C) Dismantling and hot-draining; or

D) Any other equivalent hot-draining method that will remove used oil.

14) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.

15) Leachate or gas condensate collected from landfills where certain solid wastes have been disposed of, under the following circumstances:

A) The following conditions must be fulfilled:

i) The solid wastes disposed of would meet one or more of the listing descriptions for the following USEPA hazardous waste numbers that are generated after the effective date listed for the waste:

USEPA Hazardous Waste Numbers	Listing Effective Date
K169, K170, K171, and K172	February 8, 1999
K174 and K175	May 7, 2001
K176, K177, and K178	May 20, 2002
K181	August 23, 2005

ii) The solid wastes described in subsection (b)(15)(A)(i) were disposed of prior to the effective date of the listing (as set forth in that subsection);

iii) The leachate or gas condensate does not exhibit any characteristic of hazardous waste nor is derived from any other listed hazardous waste; and

iv) Discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is subject to regulation under section 307(b) or 402 of the federal Clean Water Act (33 USC 1317(b) or 1342).

B) Leachate or gas condensate derived from K169, K170, K171, K172, K176, K177, K178, or K181 waste will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge. There is one exception: if the surface impoundment is used to temporarily store leachate or gas condensate in response to an emergency situation (e.g., shutdown of wastewater treatment system), provided the impoundment has a double liner, and provided the leachate or gas condensate is removed from the impoundment and continues to be managed in compliance with the conditions of this subsection (b)(15) after the emergency ends.

16) This subsection (b)(16) corresponds with 40 CFR 261.4(b)(16), which USEPA has marked "reserved". This statement maintains structural parity with USEPA regulations.

17) This subsection (b)(17) corresponds with 40 CFR 261.4(b)(17), which pertains exclusively to waste generated by a specific facility outside Illinois. This statement maintains structural parity with USEPA regulations.

18) Solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for disposal are not hazardous wastes from the point of generation provided that all of the following conditions are fulfilled:

A) The solvent-contaminated wipes, when accumulated, stored, and transported, are contained in non-leaking, closed containers that are labeled "Excluded Solvent-Contaminated Wipes". The containers must be able to contain free liquids, should free liquids occur. During accumulation, a container is considered closed when there is complete contact between the fitted lid and the rim, except when it is necessary to add or remove solvent-contaminated wipes. When the container is full, when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container must be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions;

B) The solvent-contaminated wipes may be accumulated by the generator for up to 180 days from the start date of accumulation for each container prior to being sent for disposal;

C) At the point of being transported for disposal, the solvent-contaminated wipes must contain no free liquids, as defined in 35 Ill. Adm. Code 720.110;

D) Free liquids removed from the solvent-contaminated wipes or from the container holding the wipes must be managed according to the applicable regulations found in this Part and 35 Ill. Adm. Code 720, 722 through 728, and 733;

E) Generators must maintain at their site the following documentation:

i) The name and address of the landfill or combustor that is receiving the solvent-contaminated wipes;

ii) The documentation that the 180-day accumulation time limit in 35 Ill. Adm. Code 721.104(b)(18)(B) is being met; and

iii) A description of the process the generator is using to ensure that the solvent-contaminated wipes contain no free liquids at the point of being transported for disposal; and

F) The solvent-contaminated wipes are sent for disposal at one of the following facilities:

i) A municipal solid waste landfill regulated under RCRA Subtitle D regulations: 35 Ill. Adm. Code 810 through 815, including the landfill design criteria of 35 Ill. Adm. Code 811.303 through 811.309, 811.315 through 811.317, and Subpart E of 35 Ill. Adm. Code 811 or 35 Ill. Adm. Code 814.302 and 814.402; 40 CFR 258, including the landfill design criteria of 40 CFR 258.40; or equivalent regulations of a sister state that USEPA has approved pursuant to 42 USC 6943 and 6947; or

ii) A hazardous waste landfill regulated under RCRA Subtitle C regulations: 35 Ill. Adm. Code 724 or 725; 40 CFR 264 or 265; or equivalent regulations of a sister state that USEPA has approved pursuant to 42 USC 6926; or

iii) A municipal waste combustor or other combustion facility regulated under section 129 of the Clean Air Act (42 USC 7429) or equivalent Illinois or sister-state regulations approved by USEPA pursuant to 42 USC 7429; or

iv) A hazardous waste combustor, boiler, or industrial furnace regulated under RCRA Subtitle C regulations: 35 Ill. Adm. Code 724 or 725 or Subpart H of 35 Ill. Adm. Code 726; 40 CFR 264 or 265 or subpart H of 40 CFR 266; or equivalent regulations of a sister state that USEPA has approved pursuant to 42 USC 6926.

c) Hazardous wastes that are exempted from certain regulations. A hazardous waste that is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit, or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728 or to the notification requirements of section 3010 of RCRA (42 USC 6930) until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing or for storage or transportation of product or raw materials.

d) Samples

1) Except as provided in subsections (d)(2) and (d)(4), a sample of solid waste or a sample of water, soil, or air that is collected for the sole purpose of testing to determine its characteristics or composition is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, and 722 through 728. The sample qualifies when it fulfills one of the following conditions:

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

testing;

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

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

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

E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or

F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).

2) In order to qualify for the exemption in subsection (d)(1)(A) or (d)(1)(B), a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must do the following:

A) Comply with USDOT, U.S. Postal Service (USPS), or any other applicable shipping requirements; or

B) Comply with the following requirements if the sample collector determines that USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample:

i) Assure that the following information accompanies the sample: The sample collector's name, mailing address, and telephone number; the laboratory's name, mailing address, and telephone number; the quantity of the sample; the date of the shipment; and a description of the sample; and

ii) Package the sample so that it does not leak, spill, or vaporize from its packaging.

3) This exemption does not apply if the laboratory determines that the waste

is hazardous, but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1).

4) In order to qualify for the exemption in subsections (d)(1)(A) and (d)(1)(B), the mass of a sample that will be exported to a foreign laboratory or that will be imported to a U.S. laboratory from a foreign source must additionally not exceed 25 kg.

e) Treatability Study Samples

1) Except as is provided in subsections (e)(2) and (e)(4), a person that generates or collects samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of section 3010 of RCRA (42 USC 6930). Nor are such samples included in the quantity determinations of 35 Ill. Adm. Code 722.114 and 722.116 when:

A) The sample is being collected and prepared for transportation by the generator or sample collector;

B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or

C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.

2) The exemption in subsection (e)(1) is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that the following conditions are fulfilled:

A) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with non-acute hazardous waste, 1,000 kg of non-acute hazardous waste other than contaminated media, 1 kg of acute hazardous waste, or 2,500 kg of media contaminated with acute hazardous waste for each process being evaluated for each generated waste stream;

B) The mass of each shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with non-acute hazardous waste, or may include 2,500 kg of media contaminated with acute hazardous waste, 1,000 kg of hazardous waste, and 1 kg of acute hazardous waste;

C) The sample must be packaged so that it does not leak, spill, or vaporize from its packaging during shipment and the requirements of subsection (e)(2)(C)(i) or (e)(2)(C)(ii) are met.

i) The transportation of each sample shipment complies with USDOT, USPS, or any other applicable shipping requirements; or

ii) If the USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address, and telephone number of the originator of the sample; the name, address, and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its USEPA hazardous waste number;

D) The sample is shipped to a laboratory or testing facility that is exempt under subsection (f), or has an appropriate RCRA permit or interim status;

E) The generator or sample collector maintains the following records for a period ending three years after completion of the treatability study:

i) Copies of the shipping documents;

ii) A copy of the contract with the facility conducting the treatability study; and

iii) Documentation showing the following: The amount of waste shipped under this exemption; the name, address, and

USEPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and whether or not unused samples and residues were returned to the generator; and

F) The generator reports the information required in subsection (e)(2)(E)(iii) in its report under 35 Ill. Adm. Code 722.141.

3) The Agency may grant requests on a case-by-case basis for up to an additional two years for treatability studies involving bioremediation. The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsections (e)(2)(A), (e)(2)(B), and (f)(4), for up to an additional 5,000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, and 1 kg of acute hazardous waste under the circumstances set forth in either subsection (e)(3)(A) or (e)(3)(B), subject to the limitations of subsection (e)(3)(C):

A) In response to requests for authorization to ship, store, and conduct further treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process (e.g., batch versus continuous), the size of the unit undergoing testing (particularly in relation to scale-up considerations), the time or quantity of material required to reach steady-state operating conditions, or test design considerations, such as mass balance calculations.

B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies when the following occurs: There has been an equipment or mechanical failure during the conduct of the treatability study, there is need to verify the results of a previously-conducted treatability study, there is a need to study and analyze alternative techniques within a previously-evaluated treatment process, or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment.

C) The additional quantities and timeframes allowed in subsections (e)(3)(A) and (e)(3)(B) are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (e)(2)(F). The generator or sample collector must apply to the Agency and provide in writing the following information:

i) The reason why the generator or sample collector requires additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;

ii) Documentation accounting for all samples of hazardous waste from the waste stream that have been sent for or undergone treatability studies, including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;

iii) A description of the technical modifications or change in specifications that will be evaluated and the expected results;

iv) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and

v) Such other information as the Agency determines is necessary.

4) In order to qualify for the exemption in subsection (e)(1)(A), the mass of a sample that will be exported to a foreign laboratory or testing facility, or that will be imported to a U.S. laboratory or testing facility from a foreign source must additionally not exceed 25 kg.

5) Final Agency determinations pursuant to this subsection (e) may be appealed to the Board.

f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 722 through 726, and 728 or to the notification requirements of section 3010 of RCRA (42 USC 6930), provided that the requirements of subsections (f)(1) through (f)(11) are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11). Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11) apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.

1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection (f).

2) The laboratory or testing facility conducting the treatability study has a USEPA identification number.

3) No more than a total of 10,000 kg of "as received" media contaminated with non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, or 250 kg of other "as received" hazardous waste is subject to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.

4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, 1,000 kg of non-acute hazardous wastes other than contaminated media, and 1 kg of acute hazardous waste. This quantity limitation does not include treatment materials (including non-hazardous solid waste) added to "as received" hazardous waste.

5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for

treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.

6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.

7) The facility maintains records for three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:

A) The name, address, and USEPA identification number of the generator or sample collector of each waste sample;

B) The date the shipment was received;

C) The quantity of waste accepted;

D) The quantity of "as received" waste in storage each day;

E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;

F) The date the treatability study was concluded;

G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the USEPA identification number.

8) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.

9) The facility prepares and submits a report to the Agency, by March 15 of each year, that includes the following information for the previous calendar year:

A) The name, address, and USEPA identification number of the facility conducting the treatability studies;

B) The types (by process) of treatability studies conducted;

C) The names and addresses of persons for whom studies have been conducted (including their USEPA identification numbers);

D) The total quantity of waste in storage each day;

E) The quantity and types of waste subjected to treatability studies;

F) When each treatability study was conducted; and

G) The final disposition of residues and unused sample from each treatability study.

10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702, 703, and 721 through 728, unless the residues and unused samples are returned to the sample originator under the exemption of subsection (e).

11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.

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

"Dredged material" has the meaning ascribed it in 40 CFR 232.2 (Definitions), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

"Permit" means any of the following:

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

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

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

h) Carbon Dioxide Stream Injected for Geologic Sequestration. Carbon dioxide streams that are captured and transported for purposes of injection into an underground injection well subject to the requirements for Class VI carbon sequestration injection wells, including the requirements in 35 Ill. Adm. Code 704 and 730, are not a hazardous waste, provided the following conditions are met:

1) Transportation of the carbon dioxide stream must be in compliance with U.S. Department of Transportation requirements, including the pipeline safety laws (chapter 601 of subtitle VIII of 49 USC, incorporated by reference in 35 Ill. Adm. Code 720.111) and regulations (49 CFR 190 through 199, incorporated by reference in 35 Ill. Adm. Code 720.111) of the U.S. Department of Transportation, and pipeline safety regulations adopted and administered by a state authority pursuant to a certification under 49 USC 60105, incorporated by reference in 35 Ill. Adm. Code 720.111, and 49 CFR 171 through 180, incorporated by reference in 35 Ill. Adm. Code 720.111, as applicable;

BOARD NOTE: The parenthetical language relating to pipeline transportation does not preclude transportation by air, water, highway, or rail that complies with U.S. Department of Transportation regulations at 49 CFR 171 through 180. For this reason, the Board has added citations of those regulations.

2) Injection of the carbon dioxide stream must comply with the applicable requirements for Class VI carbon sequestration injection wells, including the applicable requirements in 35 Ill. Adm. Code 704 and 730;

3) No hazardous wastes may be mixed with, or otherwise co-injected with, the carbon dioxide stream; and

4) Required Certifications

A) Any generator of a carbon dioxide stream, who claims that a carbon dioxide stream is excluded under this subsection (h), must have an authorized representative (as defined in 35 Ill. Adm. Code 720.110) sign a certification statement worded as follows:

"I certify under penalty of law that the carbon dioxide stream that I am claiming to be excluded under 35 Ill. Adm. Code 721.104(h) has not been mixed with hazardous wastes, and I have transported the carbon dioxide stream in compliance with (or have contracted with a pipeline operator or transporter to transport the carbon dioxide stream in compliance with) U.S. Department of Transportation requirements, including the pipeline safety laws (49 USC 60101 et seq.) and regulations (49 CFR 190 through 199) of the U.S. Department of Transportation, and the pipeline safety regulations adopted and administered by a state authority pursuant to a certification under 49 USC 60105, as applicable, for injection into a well subject to the requirements for the Class VI Underground Injection Control Program of the federal Safe Drinking Water Act (42 USC 300f et seq.)."

B) Any Class VI carbon sequestration injection well owner or operator, who claims that a carbon dioxide stream is excluded under this subsection (h), must have an authorized representative (as defined in 35 Ill. Adm. Code 720.110) sign a certification statement worded as follows:

"I certify under penalty of law that the carbon dioxide stream that I am claiming to be excluded under 35 Ill.

Adm. Code 721.104(h) has not been mixed with, or otherwise co-injected with, hazardous waste at the UIC Class VI permitted facility, and that injection of the carbon dioxide stream is in compliance with the applicable requirements for UIC Class VI wells, including the applicable requirements in 35 Ill. Adm. Code 704 and 730."

C) The signed certification statement must be kept on-site, for no less than three years, and must be made available within 72 hours after a written request from the Agency or USEPA, or their designee. The signed certification statement must be renewed every year that the exclusion is claimed, by having an authorized representative (as defined in 35 Ill. Adm. Code 720.110) annually prepare and sign a new copy of the certification statement within one year after the date of the previous statement. The signed certification statement must also be readily accessible on the facility's publicly-available website (if such website exists) as a public notification with the title of "Carbon Dioxide Stream Certification" at the time the exclusion is claimed.

i) This subsection corresponds with 40 CFR ~~§~~ 261.4(i), which USEPA marked "Reserved". This statement maintains structural consistency with the federal regulation.

j) Airbag Waste

1) At the airbag waste handler or during transport to an airbag waste collection facility or designated facility, airbag waste is not subject to regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728 and is not subject to the notification requirements of section 3010 of RCRA provided that the airbag waste handler or transporter fulfills the following conditions:

A) The airbag waste handler or transporter accumulates the airbag waste in a quantity of no more than 250 airbag modules or airbag inflators for no longer than 180 days;

B) The airbag waste handler or transporter packages the airbag waste in a container designed to address the risk posed by the airbag waste and labeled "Airbag Waste – Do Not Reuse";

C) The airbag waste handler or transporter sends the airbag waste directly to either of the following facilities:

i) An airbag waste collection facility in the United States that is under the control of a vehicle manufacturer or its authorized representative or which is under the control of a person authorized to administer a remedy program in response to a vehicle safety recall under 49 USC 30120; or

ii) A designated facility, as defined in 35 Ill. Adm. Code 720.110;

D) The transport of the airbag waste complies with all applicable USDOT regulations in 49 CFR 171 through 180 during transit; and

E) The airbag waste handler maintains at the handler facility, for no less than three years, records of each off-site shipment of airbag waste and each confirmation of receipt from the receiving facility. For each shipment, these records must, at a minimum, contain the name of the transporter, the date of the shipment, the name and address of the receiving facility, and the type and quantity of airbag waste (i.e., airbag modules or airbag inflators) in the shipment. A confirmation of receipt must include the name and address of the receiving facility, the type and quantity of the airbag waste (i.e., airbag modules and airbag inflators) received, and the date when the airbag waste collection facility received the airbag waste. The airbag waste handler must make shipping records and confirmations of receipt available for inspection and may satisfy this requirement using routine business records (e.g., electronic or paper financial records, bills of lading, copies of USDOT shipping papers, electronic confirmations of receipt, etc.).

2) Once the airbag waste arrives at an airbag waste collection facility or designated facility, it becomes subject to all applicable hazardous waste regulations. The facility receiving airbag waste is considered the

hazardous waste generator for the purposes of the hazardous waste regulations and must comply with the requirements of 35 Ill. Adm. Code 722.

3) Reuse in vehicles of defective airbag modules or defective airbag inflators that are subject to a recall under 49 USC 30120 is considered sham recycling and prohibited under 35 Ill. Adm. Code 721.102(g).

BOARD NOTE: This precludes any possibility that reuse qualifies for recycling-based exclusion from the definition of solid waste. Federal law prohibits selling defective recalled motor vehicle equipment if it may reasonably be used for its original purpose. (See 42 USC 30120(j).)

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 721.107 Residues of Hazardous Waste in Empty Containers

a) Applicability of rules.

1) Any hazardous waste remaining in either an empty container or an inner liner removed from an empty container, as defined in subsection (b), is not subject to regulation under 35 Ill. Adm. Code 702, 703, or 721 through 728, or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act.

2) Any hazardous waste in either a container that is not empty or an inner liner that is removed from a container that is not empty, as defined in subsection (b), is subject to regulations under 35 Ill. Adm. Code 702, 703, and 721 through 728 and to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act.

b) Definition of "empty":

1) A container or an inner liner removed from a container that has held any hazardous waste, except a waste that is a compressed gas or that is identified as an acute hazardous waste listed in Section 721.131 or 721.133(e), is empty if the conditions of subsections (b)(1)(A) and (b)(1)(B) exist, subject to the limitations of subsection (b)(1)(C):

A) All wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping, and aspirating, and

B) No more than 2.5 centimeters (one inch) of residue remain on the bottom of the container or inner liner, or

C) Weight Limits~~limits.~~

i) No more than three percent by weight of the total capacity of the container remains in the container or inner liner if the container is less than or equal to 119 gallons (450 liters) in size; or

ii) No more than 0.3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is greater than 119 gallons (450 liters) in size.

2) A container that has held a hazardous waste that is a compressed gas is empty when the pressure in the container approaches ambient atmospheric pressure.

3) A container or an inner liner removed from a container that has held an acute hazardous waste listed in Section 721.131 or 721.133(e) is empty if any of the following occurs:

A) The container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;

B) The container or inner liner has been cleaned by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal; or

C) In the case of a container, the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container has been removed.

c) A container that held hazardous waste pharmaceuticals is determined empty under 35 Ill. Adm. Code 726.607, in lieu of under this Section, except as provided by 35 Ill. Adm. Code 726.607(c) and (d).

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 721.109 Requirements for Universal Waste

The wastes listed in this Section are exempt from regulation under 35 Ill. Adm. Code 702, 703, 722 through 726, and 728, except as specified in 35 Ill. Adm. Code 733, and are therefore not fully regulated as hazardous waste. The following wastes are subject to regulation under 35 Ill. Adm. Code 733:

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

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

c) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104; ~~and~~

d) Lamps, as described in 35 Ill. Adm. Code 733.105; and~~.~~

e) Aerosol cans, as described in 35 Ill. Adm. Code 733.106.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section 721.122 Characteristic of Corrosivity

a) A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has either of the following properties:

1) It is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5, as determined by a pH meter using Method 9040C (pH Electrometric Measurement) in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2) It is a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 mm

(0.250 inch) per year at a test temperature of 55 °C (130 °F)~~55° C (130° F)~~, as determined by Method 1110A (Corrosivity Toward Steel) in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

BOARD NOTE: The corrosivity characteristic determination currently does not apply to non-liquid wastes, as discussed by USEPA at 45 Fed. Reg. 33109, May 19, 1980 and at 55 Fed. Reg. 22549, June 1, 1990.

b) A solid waste that exhibits the characteristic of corrosivity has the USEPA hazardous waste number of D002.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART D: LISTS OF HAZARDOUS WASTE

Section 721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof

The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded, as described in Section 721.102(a)(2)(A); when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment; when they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are applied to land in lieu of their original intended use; or when, in lieu of their original intended use, they are produced for use as (or as a component of) a fuel, distributed for use as a fuel, or burned as a fuel.

a) Any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f).

b) Any off-specification commercial chemical product or manufacturing chemical intermediate that, if it met specifications, would have the generic name listed in subsection (e) or (f).

c) Any residue remaining in a container or inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f), unless the container is empty, as defined in Section 721.107(b)(3) or 35 Ill. Adm. Code

726.607.

BOARD NOTE: Unless the residue is being beneficially used or reused; legitimately recycled or reclaimed; or accumulated, stored, transported, or treated prior to such use, reuse, recycling, or reclamation, the Board considers the residue to be intended for discard, and thus a hazardous waste. An example of a legitimate reuse of the residue would be where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue would be where the drum is sent to a drum reconditioner that reconditions the drum but discards the residue.

d) Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) or any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water of any off-specification chemical product or manufacturing chemical intermediate that, if it met specifications, would have the generic name listed in subsection (e) or (f).

BOARD NOTE: The phrase "commercial chemical product or manufacturing chemical intermediate having the generic name listed in..." refers to a chemical substance that is manufactured or formulated for commercial or manufacturing use that consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in subsection (e) or (f). Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in subsection (e) or (f), such waste will be listed in either Sections 721.131 or 721.132 or will be identified as a hazardous waste by the characteristics set forth in Subpart C.

e) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products or manufacturing chemical intermediates referred to in subsections (a) through (d) are identified as acute hazardous waste (H). These wastes and their corresponding USEPA hazardous waste numbers are the following:

BOARD NOTE: For the convenience of the regulated community, the primary

hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). The absence of a letter indicates that the compound is only listed for acute toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by USEPA hazardous waste number.

Alphabetical Listing

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance	Hazard Code
P023	107-20-0	Acetaldehyde, chloro-	
P002	591-08-2	Acetamide, N-(aminothioxomethyl)	
P057	640-19-7	Acetamide, 2-fluoro-	
P058	62-74-8	Acetic acid, fluoro-, sodium salt	
P002	591-08-2	1-Acetyl-2-thiourea	
P003	107-02-8	Acrolein	
P070	116-06-3	Aldicarb	
P203	1646-88-4	Aldicarb sulfone	
P004	309-00-2	Aldrin	
P005	107-18-6	Allyl alcohol	
P006	20859-73-8	Aluminum phosphide	(R, T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol	
P008	504-24-5	4-Aminopyridine	
P009	131-74-8	Ammonium picrate	(R)
P119	7803-55-6	Ammonium vanadate	
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium	
P010	7778-39-4	Arsenic acid H_3AsO_4	
P012	1327-53-3	Arsenic oxide As_2O_3	
P011	1303-28-2	Arsenic oxide As_2O_5	
P011	1303-28-2	Arsenic pentoxide	
P012	1327-53-3	Arsenic trioxide	
P038	692-42-2	Arsine, diethyl-	
P036	696-28-6	Arsonous dichloride, phenyl-	
P054	151-56-4	Aziridine	
P067	75-55-8	Aziridine, 2-methyl	
P013	542-62-1	Barium cyanide	

P024	106-47-8	Benzenamine, 4-chloro-
P077	100-01-6	Benzenamine, 4-nitro-
P028	100-44-7	Benzene, (chloromethyl)-
P042	51-43-4	1,2-Benzenediol, 4-(1-hydroxy-2-(methylamino)ethyl) -, (R)-
P046	122-09-8	Benzeneethanamine, α,α-dimethyl-
P014	108-98-5	Benzenethiol
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate
P188	57-64-7	Benzoic acid, 2-hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo(2,3-b) indol-5-yl methylcarbamate ester (1:1)
P001	81-81-2*	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations greater than 0.3 percent
P028	100-44-7	Benzyl chloride
P015	7440-41-7	Beryllium powder
P017	598-31-2	Bromoacetone
P018	357-57-3	Brucine
P045	39196-18-6	2-Butanone,3,3-dimethyl-1-(methylthio)-, O-((methylamino)carbonyl) oxime
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide $Ca(CN)_2$
P189	55285-14-8	Carbamic acid, ((dibutylamino)-thio)methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester
P191	644-64-4	Carbamic acid, dimethyl-, 1-((dimethyl-amino)carbonyl) -5-methyl-1H-pyrazol-3-yl ester
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P127	1563-66-2	Carbofuran

P022	75-15-0	Carbon disulfide
P095	75-44-5	Carbonic dichloride
P189	55285-14-8	Carbosulfan
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl)thiourea
P027	542-76-7	3-Chloropropionitrile
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide CuCN
P202	64-00-6	m-Cumenyl methylcarbamate
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride CNCl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P016	542-88-1	Dichloromethyl ether
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P038	692-42-2	Diethylarsine
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P191	644-64-4	Dimetilan
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1α,4α,4aβ,5α,8α,8aβ)-
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1α,4α,4aβ,5β,8β,8aβ)-
P037	60-57-1	2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aα,2β,2aα,3β,6β,6aα,7β,7aα)-

P051	72-20-8*	2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aα,2β,2aβ,3α,6α,6aβ,7β,7aα)-, and metabolites	
P044	60-51-5	Dimethoate	
P046	122-09-8	α,α-Dimethylphenethylamine	
P047	534-52-1*	4,6-Dinitro-o-cresol and salts	
P048	51-28-5	2,4-Dinitrophenol	
P020	88-85-7	Dinoseb	
P085	152-16-9	Diphosphoramide, octamethyl-	
P111	107-49-3	Diphosphoric acid, tetraethyl ester	
P039	298-04-4	Disulfoton	
P049	541-53-7	Dithiobiuret	
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-((methylamino)-carbonyl)oxime	
P050	115-29-7	Endosulfan	
P088	145-73-3	Endothall	
P051	72-20-8	Endrin	
P051	72-20-8	Endrin, and metabolites	
P042	51-43-4	Epinephrine	
P031	460-19-5	Ethanedinitrile	
P194	23135-22-0	Ethanimidothioic acid, 2-(dimethylamino)-N-(((methylamino)carbonyl)oxy)-2-oxo-, methyl ester	
P066	16752-77-5	Ethanimidothioic acid, N-(((methylamino)carbonyl)oxy)-, methyl ester	
P101	107-12-0	Ethyl cyanide	
P054	151-56-4	Ethyleneimine	
P097	52-85-7	Famphur	
P056	7782-41-4	Fluorine	
P057	640-19-7	Fluoroacetamide	
P058	62-74-8	Fluoroacetic acid, sodium salt	
P198	23422-53-9	Formetanate hydrochloride	
P197	17702-57-7	Formparanate	
P065	628-86-4	Fulminic acid, mercury (2+) salt	(R, T)

P059	76-44-8	Heptachlor	
P062	757-58-4	Hexaethyl tetraphosphate	
P116	79-19-6	Hydrazinecarbothioamide	
P068	60-34-4	Hydrazine, methyl-	
P063	74-90-8	Hydrocyanic acid	
P063	74-90-8	Hydrogen cyanide	
P096	7803-51-2	Hydrogen phosphide	
P060	465-73-6	Isodrin	
P192	119-38-0	Isolan	
P202	64-00-6	3-Isopropylphenyl-N-methylcarbamate	
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-	
P196	15339-36-3	Manganese, bis(dimethylcarbamodithioato-S,S')-	
P196	15339-36-3	Manganese dimethyldithiocarbamate	
P092	62-38-4	Mercury, (acetato-O)phenyl-	
P065	628-86-4	Mercury fulminate	(R, T)
P082	62-75-9	Methanamine, N-methyl-N-nitroso-	
P064	624-83-9	Methane, isocyanato-	
P016	542-88-1	Methane, oxybis(chloro-	
P112	509-14-8	Methane, tetranitro-	(R)
P118	75-70-7	Methanethiol, trichloro-	
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-(3-(((methylamino)-carbonyl)oxy)phenyl)-, monohydrochloride	
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-(2-methyl-4-(((methylamino)carbonyl)oxy) phenyl)-	
P199	2032-65-7	Methiocarb	
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide	
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	

P066	16752-77-5	Methomyl	
P068	60-34-4	Methyl hydrazine	
P064	624-83-9	Methyl isocyanate	
P069	75-86-5	2-Methyllactonitrile	
P071	298-00-0	Methyl parathion	
P190	1129-41-5	Metolcarb	
P128	315-18-4	Mexacarbate	
P072	86-88-4	α-Naphthylthiourea	
P073	13463-39-3	Nickel carbonyl	
P073	13463-39-3	Nickel carbonyl $Ni(CO)_4$, (T-4)-	
P074	557-19-7	Nickel cyanide	
P074	557-19-7	Nickel cyanide $Ni(CN)_2$	
P075	54-11-5*	Nicotine, and salts (excluding patches, gums and lozenges that are FDA-approved over-the-counter nicotine replacement therapies)	
P076	10102-43-9	Nitric oxide	
P077	100-01-6	p-Nitroaniline	
P078	10102-44-0	Nitrogen dioxide	
P076	10102-43-9	Nitrogen oxide NO	
P078	10102-44-0	Nitrogen oxide NO_2	
P081	55-63-0	Nitroglycerine	(R)
P082	62-75-9	N-Nitrosodimethylamine	
P084	4549-40-0	N-Nitrosomethylvinylamine	
P085	152-16-9	Octamethylpyrophosphoramide	
P087	20816-12-0	Osmium oxide OsO_4, (T-4)-	
P087	20816-12-0	Osmium tetroxide	
P088	145-73-3	7-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic acid	
P194	23135-22-0	Oxamyl	
P089	56-38-2	Parathion	
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-	
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)	
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate	
P048	51-28-5	Phenol, 2,4-dinitro-	
P047	534-52-1*	Phenol, 2-methyl-4,6-dinitro-, and salts	

P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate	
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate	
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-	
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt	(R)
P092	62-38-4	Phenylmercury acetate	
P093	103-85-5	Phenylthiourea	
P094	298-02-2	Phorate	
P095	75-44-5	Phosgene	
P096	7803-51-2	Phosphine	
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester	
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-(2-(ethylthio)ethyl) ester	
P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-((ethylthio)methyl) ester	
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-(2-(methylamino)-2-oxoethyl) ester	
P043	55-91-4	Phosphorofluoridic acid, bis(1-methylethyl)ester	
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester	
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	
P097	52-85-7	Phosphorothioic acid, O-(4-((dimethylamino)sulfonyl)phenyl) O,O-dimethyl ester	
P071	298-00-0	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	
P204	57-47-6	Physostigmine	
P188	57-64-7	Physostigmine salicylate	
P110	78-00-2	Plumbane, tetraethyl-	
P098	151-50-8	Potassium cyanide	
P098	151-50-8	Potassium cyanide KCN	
P099	506-61-6	Potassium silver cyanide	

P201	2631-37-0	Promecarb	
P203	1646-88-4	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-((methylamino)carbonyl) oxime	
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O-((methylamino)carbonyl)oxime	
P101	107-12-0	Propanenitrile	
P027	542-76-7	Propanenitrile, 3-chloro-	
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-	
P081	55-63-0	1,2,3-Propanetriol, trinitrate-	(R)
P017	598-31-2	2-Propanone, 1-bromo-	
P102	107-19-7	Propargyl alcohol	
P003	107-02-8	2-Propenal	
P005	107-18-6	2-Propen-1-ol	
P067	75-55-8	1,2-Propylenimine	
P102	107-19-7	2-Propyn-1-ol	
P008	504-24-5	4-Pyridinamine	
P075	54-11-5*	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)- and salts (excluding patches, gums and lozenges that are FDA-approved over-the-counter nicotine replacement therapies)	
P204	57-47-6	Pyrrolo(2,3-b)indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-	
P114	12039-52-0	Selenious acid, dithallium (1+) salt	
P103	630-10-4	Selenourea	
P104	506-64-9	Silver cyanide	
P104	506-64-9	Silver cyanide AgCN	
P105	26628-22-8	Sodium azide	
P106	143-33-9	Sodium cyanide	
P106	143-33-9	Sodium cyanide NaCN	
P108	57-24-9*	Strychnidin-10-one, and salts	
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-	
P108	57-24-9*	Strychnine and salts	
P115	7446-18-6	Sulfuric acid, dithallium (1+) salt	
P109	3689-24-5	Tetraethyldithiopyrophosphate	

P110	78-00-2	Tetraethyl lead	
P111	107-49-3	Tetraethylpyrophosphate	
P112	509-14-8	Tetranitromethane	(R)
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester	
P113	1314-32-5	Thallic oxide	
P113	1314-32-5	Thallium oxide Tl_2O_3	
P114	12039-52-0	Thallium (I) selenite	
P115	7446-18-6	Thallium (I) sulfate	
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester	
P045	39196-18-4	Thiofanox	
P049	541-53-7	Thioimidodicarbonic diamide $((H_2N)C(S))_2NH$	
P014	108-98-5	Thiophenol	
P116	79-19-6	Thiosemicarbazide	
P026	5344-82-1	Thiourea, (2-chlorophenyl)-	
P072	86-88-4	Thiourea, 1-naphthalenyl-	
P093	103-85-5	Thiourea, phenyl-	
P123	8001-35-2	Toxaphene	
P185	26419-73-8	Tirpate	
P118	75-70-7	Trichloromethanethiol	
P119	7803-55-6	Vanadic acid, ammonium salt	
P120	1314-62-1	Vanadium oxide V_2O_5	
P120	1314-62-1	Vanadium pentoxide	
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-	
P001	81-81-2*	Warfarin, and salts, when present at concentrations greater than 0.3 percent	
P121	557-21-1	Zinc cyanide	
P121	557-21-1	Zinc cyanide $Zn(CN)_2$	
P205	137-30-4	Zinc, bis(dimethylcarbamodithioato-S,S')-	
P122	1314-84-7	Zinc phosphide Zn_3P_2, when present at concentrations greater than 10 percent	(R, T)
P205	137-30-4	Ziram	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance	Hazard Code
P001	81-81-2*	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations greater than 0.3 percent	
P001	81-81-2*	Warfarin, and salts, when present at concentrations greater than 0.3 percent	
P002	591-08-2	Acetamide, N-(aminothioxomethyl)	
P002	591-08-2	1-Acetyl-2-thiourea	
P003	107-02-8	Acrolein	
P003	107-02-8	2-Propenal	
P004	309-00-2	Aldrin	
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1α,4α,4aβ,5α,8α,8aβ)-	
P005	107-18-6	Allyl alcohol	
P005	107-18-6	2-Propen-1-ol	
P006	20859-73-8	Aluminum phosphide	(R, T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol	
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-	
P008	504-24-5	4-Aminopyridine	
P008	504-24-5	4-Pyridinamine	
P009	131-74-8	Ammonium picrate	(R)
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt	(R)
P010	7778-39-4	Arsenic acid H_3AsO_4	
P011	1303-28-2	Arsenic oxide As_2O_5	
P011	1303-28-2	Arsenic pentoxide	
P012	1327-53-3	Arsenic oxide As_2O_3	
P012	1327-53-3	Arsenic trioxide	
P013	542-62-1	Barium cyanide	
P014	108-98-5	Benzenethiol	
P014	108-98-5	Thiophenol	
P015	7440-41-7	Beryllium powder	
P016	542-88-1	Dichloromethyl ether	
P016	542-88-1	Methane, oxybis(chloro-	
P017	598-31-2	Bromoacetone	

P017	598-31-2	2-Propanone, 1-bromo-
P018	357-57-3	Brucine
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-
P020	88-85-7	Dinoseb
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide $Ca(CN)_2$
P022	75-15-0	Carbon disulfide
P023	107-20-0	Acetaldehyde, chloro-
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	Benzenamine, 4-chloro-
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl)thiourea
P026	5344-82-1	Thiourea, (2-chlorophenyl)-
P027	542-76-7	3-Chloropropionitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P028	100-44-7	Benzene, (chloromethyl)-
P028	100-44-7	Benzyl chloride
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide CuCN
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P031	460-19-5	Ethanedinitrile
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride CNCl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P036	696-28-6	Arsonous dichloride, phenyl-
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P037	60-57-1	2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aα,2β,2aα,3β,6β,6aα,7β,7aα)-
P038	692-42-2	Arsine, diethyl-
P038	692-42-2	Diethylarsine
P039	298-04-4	Disulfoton

P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-(2-(ethylthio)ethyl) ester
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P042	51-43-4	1,2-Benzenediol, 4-(1-hydroxy-2-(methylamino)ethyl)-, (R)-
P042	51-43-4	Epinephrine
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P043	55-91-4	Phosphorofluoridic acid, bis(1-methylethyl)ester
P044	60-51-5	Dimethoate
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-(2-(methylamino)-2-oxoethyl) ester
P045	39196-18-6	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-((methylamino)carbonyl) oxime
P045	39196-18-4	Thiofanox
P046	122-09-8	Benzeneethanamine, α,α-dimethyl-
P046	122-09-8	α,α-Dimethylphenethylamine
P047	534-52-1*	4,6-Dinitro-o-cresol and salts
P047	534-52-1*	Phenol, 2-methyl-4,6-dinitro-, and salts
P048	51-28-5	2,4-Dinitrophenol
P048	51-28-5	Phenol, 2,4-dinitro-
P049	541-53-7	Dithiobiuret
P049	541-53-7	Thioimidodicarbonic diamide $((H_2N)C(S))_2NH$
P050	115-29-7	Endosulfan
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide
P051	72-20-8*	2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aα,2β,2aβ,3α,6α,6aβ,7β,7aα)-, and metabolites
P051	72-20-8	Endrin
P051	72-20-8	Endrin, and metabolites

P054	151-56-4	Aziridine	
P054	151-56-4	Ethyleneimine	
P056	7782-41-4	Fluorine	
P057	640-19-7	Acetamide, 2-fluoro-	
P057	640-19-7	Fluoroacetamide	
P058	62-74-8	Acetic acid, fluoro-, sodium salt	
P058	62-74-8	Fluoroacetic acid, sodium salt	
P059	76-44-8	Heptachlor	
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1α,4α,4aβ,5β,8β,8aβ)-	
P060	465-73-6	Isodrin	
P062	757-58-4	Hexaethyl tetraphosphate	
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester	
P063	74-90-8	Hydrocyanic acid	
P063	74-90-8	Hydrogen cyanide	
P064	624-83-9	Methane, isocyanato-	
P064	624-83-9	Methyl isocyanate	
P065	628-86-4	Fulminic acid, mercury (2+) salt	(R, T)
P065	628-86-4	Mercury fulminate	(R, T)
P066	16752-77-5	Ethanimidothioic acid, N-(((methylamino)-carbonyl)oxy)-, methyl ester	
P066	16752-77-5	Methomyl	
P067	75-55-8	Aziridine, 2-methyl	
P067	75-55-8	1,2-Propylenimine	
P068	60-34-4	Hydrazine, methyl-	
P068	60-34-4	Methyl hydrazine	
P069	75-86-5	2-Methyllactonitrile	
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-	
P070	116-06-3	Aldicarb	
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O-((methylamino)carbonyl)oxime	
P071	298-00-0	Methyl parathion	
P071	298-00-0	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	
P072	86-88-4	α-Naphthylthiourea	
P072	86-88-4	Thiourea, 1-naphthalenyl-	

P073	13463-39-3	Nickel carbonyl	
P073	13463-39-3	Nickel carbonyl $Ni(CO)_4$, (T-4)-	
P074	557-19-7	Nickel cyanide	
P074	557-19-7	Nickel cyanide $Ni(CN)_2$	
P075	54-11-5*	Nicotine, and salts (excluding patches, gums and lozenges that are FDA-approved over-the-counter nicotine replacement therapies)	
P075	54-11-5*	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)- and salts (excluding patches, gums and lozenges that are FDA-approved over-the-counter nicotine replacement therapies)	
P076	10102-43-9	Nitric oxide	
P076	10102-43-9	Nitrogen oxide NO	
P077	100-01-6	Benzenamine, 4-nitro-	
P077	100-01-6	p-Nitroaniline	
P078	10102-44-0	Nitrogen dioxide	
P078	10102-44-0	Nitrogen oxide NO_2	
P081	55-63-0	Nitroglycerine	(R)
P081	55-63-0	1,2,3-Propanetriol, trinitrate-	(R)
P082	62-75-9	Methanamine, N-methyl-N-nitroso-	
P082	62-75-9	N-Nitrosodimethylamine	
P084	4549-40-0	N-Nitrosomethylvinylamine	
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-	
P085	152-16-9	Diphosphoramide, octamethyl-	
P085	152-16-9	Octamethylpyrophosphoramide	
P087	20816-12-0	Osmium oxide OsO_4, (T-4)-	
P087	20816-12-0	Osmium tetroxide	
P088	145-73-3	Endothall	
P088	145-73-3	7-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic acid	
P089	56-38-2	Parathion	
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester	
P092	62-38-4	Mercury, (acetato-O)phenyl-	
P092	62-38-4	Phenylmercury acetate	
P093	103-85-5	Phenylthiourea	
P093	103-85-5	Thiourea, phenyl-	
P094	298-02-2	Phorate	

P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-((ethylthio)methyl) ester	
P095	75-44-5	Carbonic dichloride	
P095	75-44-5	Phosgene	
P096	7803-51-2	Hydrogen phosphide	
P096	7803-51-2	Phosphine	
P097	52-85-7	Famphur	
P097	52-85-7	Phosphorothioic acid, O-(4-((dimethylamino)sulfonyl)phenyl) O,O-dimethyl ester	
P098	151-50-8	Potassium cyanide	
P098	151-50-8	Potassium cyanide KCN	
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium	
P099	506-61-6	Potassium silver cyanide	
P101	107-12-0	Ethyl cyanide	
P101	107-12-0	Propanenitrile	
P102	107-19-7	Propargyl alcohol	
P102	107-19-7	2-Propyn-1-ol	
P103	630-10-4	Selenourea	
P104	506-64-9	Silver cyanide	
P104	506-64-9	Silver cyanide AgCN	
P105	26628-22-8	Sodium azide	
P106	143-33-9	Sodium cyanide	
P106	143-33-9	Sodium cyanide NaCN	
P108	57-24-9*	Strychnidin-10-one, and salts	
P108	57-24-9*	Strychnine and salts	
P109	3689-24-5	Tetraethyldithiopyrophosphate	
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester	
P110	78-00-2	Plumbane, tetraethyl-	
P110	78-00-2	Tetraethyl lead	
P111	107-49-3	Diphosphoric acid, tetraethyl ester	
P111	107-49-3	Tetraethylpyrophosphate	
P112	509-14-8	Methane, tetranitro-	(R)
P112	509-14-8	Tetranitromethane	(R)
P113	1314-32-5	Thallic oxide	
P113	1314-32-5	Thallium oxide Tl_2O_3	
P114	12039-52-0	Selenious acid, dithallium (1+) salt	
P114	12039-52-0	Thallium (I) selenite	
P115	7446-18-6	Sulfuric acid, dithallium (1+) salt	

P115	7446-18-6	Thallium (I) sulfate	
P116	79-19-6	Hydrazinecarbothioamide	
P116	79-19-6	Thiosemicarbazide	
P118	75-70-7	Methanethiol, trichloro-	
P118	75-70-7	Trichloromethanethiol	
P119	7803-55-6	Ammonium vanadate	
P119	7803-55-6	Vanadic acid, ammonium salt	
P120	1314-62-1	Vanadium oxide V_2O_5	
P120	1314-62-1	Vanadium pentoxide	
P121	557-21-1	Zinc cyanide	
P121	557-21-1	Zinc cyanide $Zn(CN)_2$	
P122	1314-84-7	Zinc phosphide Zn_3P_2, when present at concentrations greater than 10 percent	(R, T)
P123	8001-35-2	Toxaphene	
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate	
P127	1563-66-2	Carbofuran	
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)	
P128	315-18-4	Mexacarbate	
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-((methylamino)-carbonyl)oxime	
P185	26419-73-8	Tirpate	
P188	57-64-7	Benzoic acid, 2-hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo(2,3-b)indol-5-yl methylcarbamate ester (1:1)	
P188	57-64-7	Physostigmine salicylate	
P189	55285-14-8	Carbamic acid, ((dibutylamino)-thio)methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester	
P189	55285-14-8	Carbosulfan	
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester	
P190	1129-41-5	Metolcarb	
P191	644-64-4	Carbamic acid, dimethyl-, 1-((dimethyl-amino)carbonyl)-5-methyl-1H-pyrazol-3-yl ester	

P191	644-64-4	Dimetilan
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester
P192	119-38-0	Isolan
P194	23135-22-0	Ethanimidothioic acid, 2-(dimethylamino)-N-(((methylamino)carbonyl)oxy)-2-oxo-, methyl ester
P194	23135-22-0	Oxamyl
P196	15339-36-3	Manganese, bis(dimethylcarbamodithioato-S,S')-
P196	15339-36-3	Manganese dimethyldithiocarbamate
P197	17702-57-7	Formparanate
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-(2-methyl-4-(((methylamino)carbonyl)oxy)phenyl)-
P198	23422-53-9	Formetanate hydrochloride
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-(3-(((methylamino)-carbonyl)oxy)phenyl)-, monohydrochloride
P199	2032-65-7	Methiocarb
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate
P201	2631-37-0	Promecarb
P202	64-00-6	m-Cumenyl methylcarbamate
P202	64-00-6	3-Isopropylphenyl-N-methylcarbamate
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate
P203	1646-88-4	Aldicarb sulfone
P203	1646-88-4	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-((methylamino)carbonyl) oxime
P204	57-47-6	Physostigmine
P204	57-47-6	Pyrrolo(2,3-b)indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-
P205	137-30-4	Zinc, bis(dimethylcarbamodithioato-S,S')-
P205	137-30-4	Ziram

BOARD NOTE: An asterisk (*) following the CAS number indicates that the CAS number is given for the parent compound only.

f) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in subsections (a) through (d), are identified as toxic wastes (T) unless otherwise designated. These wastes and their corresponding USEPA hazardous waste numbers are the following:

BOARD NOTE: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The absence of a letter indicates that the compound is only listed for toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by USEPA hazardous waste number.

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance	Hazard Code
U394	30558-43-1	A2213	
U001	75-07-0	Acetaldehyde	(I)
U034	75-87-6	Acetaldehyde, trichloro-	
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-	
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-	
U240	P 94-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters	
U112	141-78-6	Acetic acid, ethyl ester	(I)
U144	301-04-2	Acetic acid, lead (2+) salt	
U214	563-68-8	Acetic acid, thallium (1+) salt	
See F027	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-	
U002	67-64-1	Acetone	(I)
U003	75-05-8	Acetonitrile	(I, T)
U004	98-86-2	Acetophenone	
U005	53-96-3	2-Acetylaminofluorene	
U006	75-36-5	Acetyl chloride	(C, R, T)
U007	79-06-1	Acrylamide	
U008	79-10-7	Acrylic acid	(I)
U009	107-13-1	Acrylonitrile	
U011	61-82-5	Amitrole	

U012	62-53-3	Aniline	(I, T)
U136	75-60-5	Arsinic acid, dimethyl-	
U014	492-80-8	Auramine	
U015	115-02-6	Azaserine	
U010	50-07-7	Azirino(2',3':3,4)pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8-(((aminocarbonyl)oxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, (1a-S-(1aα,8β,8aα,8bα))-	
U280	101-27-9	Barban	
U278	22781-23-3	Bendiocarb	
U364	22961-82-6	Bendiocarb phenol	
U271	17804-35-2	Benomyl	
U157	56-49-5	Benz(j)aceanthrylene, 1,2-dihydro-3-methyl-	
U016	225-51-4	Benz(c)acridine	
U017	98-87-3	Benzal chloride	
U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-	
U018	56-55-3	Benz(a)anthracene	
U094	57-97-6	Benz(a)anthracene, 7,12-dimethyl-	
U012	62-53-3	Benzenamine	(I, T)
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis(N,N-dimethyl-	
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride	
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-	
U328	95-53-4	Benzenamine, 2-methyl-	
U353	106-49-0	Benzenamine, 4-methyl-	
U158	101-14-4	Benzenamine, 4,4'-methylenebis(2-chloro-	
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride	
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-	
U019	71-43-2	Benzene	(I, T)
U038	510-15-6	Benzeneacetic acid, 4-chloro-α-(4-chlorophenyl)-α-hydroxy-, ethyl ester	
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-	
U035	305-03-3	Benzenebutanoic acid, 4-(bis(2-chloroethyl)amino)-	

U037	108-90-7	Benzene, chloro-	
U221	25376-45-8	Benzenediamine, ar-methyl-	
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester	
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester	
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester	
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester	
U070	95-50-1	Benzene, 1,2-dichloro-	
U071	541-73-1	Benzene, 1,3-dichloro-	
U072	106-46-7	Benzene, 1,4-dichloro-	
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene)bis(4-chloro-	
U017	98-87-3	Benzene, (dichloromethyl)-	
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl-	(R, T)
U239	1330-20-7	Benzene, dimethyl-	(I)
U201	108-46-3	1,3-Benzenediol	
U127	118-74-1	Benzene, hexachloro-	
U056	110-82-7	Benzene, hexahydro-	(I)
U220	108-88-3	Benzene, methyl-	
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-	
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-	
U055	98-82-8	Benzene, (1-methylethyl)-	(I)
U169	98-95-3	Benzene, nitro-	(I, T)
U183	608-93-5	Benzene, pentachloro-	
U185	82-68-8	Benzene, pentachloronitro-	
U020	98-09-9	Benzenesulfonic acid chloride	(C, R)
U020	98-09-9	Benzenesulfonyl chloride	(C, R)
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-	
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-chloro-	
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-methoxy-	
U023	98-07-7	Benzene, (trichloromethyl)-	(C, R, T)
U234	99-35-4	Benzene, 1,3,5-trinitro-	(R, T)

U021	92-87-5	Benzidene	
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-	
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-	
U090	94-58-6	1,3-Benzodioxole, 5-propyl-	
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate	
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-	
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-	
U064	189-55-9	Benzo(rst)pentaphene	
U248	81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations of 0.3 percent or less	
U022	50-32-8	Benzo(a)pyrene	
U197	106-51-4	p-Benzoquinone	
U023	98-07-7	Benzotrichloride	(C, R, T)
U085	1464-53-5	2,2'-Bioxirane	(I, T)
U021	92-87-5	(1,1'-Biphenyl)-4,4'-diamine	
U073	91-94-1	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-	
U091	119-90-4	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-	
U095	119-93-7	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-	
U225	75-25-2	Bromoform	
U030	101-55-3	4-Bromophenyl phenyl ether	
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-	
U031	71-36-3	1-Butanol	(I)
U159	78-93-3	2-Butanone	(I, T)
U160	1338-23-4	2-Butanone, peroxide	(R, T)
U053	4170-30-3	2-Butenal	
U074	764-41-0	2-Butene, 1,4-dichloro-	(I, T)
U143	303-34-4	2-Butenoic acid, 2-methyl-, 7-((2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl)-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, (1S-(1α(Z), 7(2S*,3R*), 7aα))-	

U031	71-36-3	n-Butyl alcohol	(I)
U136	75-60-5	Cacodylic acid	
U032	13765-19-0	Calcium chromate	
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester	
U271	17804-35-2	Carbamic acid, (1-((butylamino)carbonyl)-1H-benzimidazol-2-yl)-, methyl ester	
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester	
U238	51-79-6	Carbamic acid, ethyl ester	
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester	
U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl ester	
U409	23564-05-8	Carbamic acid, (1,2-phenylenebis(iminocarbonothioyl))bis-, dimethyl ester	
U097	79-44-7	Carbamic chloride, dimethyl-	
U114	P 111-54-6	Carbamodithioic acid, 1,2-ethanediylbis-, salts and esters	
U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester	
U389	2303-17-5	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester	
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester	
U279	63-25-2	Carbaryl	
U372	10605-21-7	Carbendazim	
U367	1563-38-8	Carbofuran phenol	
U215	6533-73-9	Carbonic acid, dithallium (1+) salt	
U033	353-50-4	Carbonic difluoride	(R, T)
U156	79-22-1	Carbonochloridic acid, methyl ester	(I, T)
U033	353-50-4	Carbon oxyfluoride	(R, T)
U211	56-23-5	Carbon tetrachloride	
U034	75-87-6	Chloral	
U035	305-03-3	Chlorambucil	
U036	57-74-9	Chlordane, α and γ isomers	
U026	494-03-1	Chlornaphazin	
U037	108-90-7	Chlorobenzene	

U038	510-15-6	Chlorobenzilate	
U039	59-50-7	p-Chloro-m-cresol	
U042	110-75-8	2-Chloroethyl vinyl ether	
U044	67-66-3	Chloroform	
U046	107-30-2	Chloromethyl methyl ether	
U047	91-58-7	β-Chloronaphthalene	
U048	95-57-8	o-Chlorophenol	
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride	
U032	13765-19-0	Chromic acid H_2CrO_4, calcium salt	
U050	218-01-9	Chrysene	
U051		Creosote	
U052	1319-77-3	Cresol (Cresylic acid)	
U053	4170-30-3	Crotonaldehyde	
U055	98-82-8	Cumene	(I)
U246	506-68-3	Cyanogen bromide CNBr	
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione	
U056	110-82-7	Cyclohexane	(I)
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1α,2α,3β,4α,5α,6β)-	
U057	108-94-1	Cyclohexanone	(I)
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	
U058	50-18-0	Cyclophosphamide	
U240	P 94-75-7	2,4-D, salts and esters	
U059	20830-81-3	Daunomycin	
U060	72-54-8	DDD	
U061	50-29-3	DDT	
U062	2303-16-4	Diallate	
U063	53-70-3	Dibenz(a,h)anthracene	
U064	189-55-9	Dibenzo(a,i)pyrene	
U066	96-12-8	1,2-Dibromo-3-chloropropane	
U069	84-74-2	Dibutyl phthalate	
U070	95-50-1	o-Dichlorobenzene	
U071	541-73-1	m-Dichlorobenzene	
U072	106-46-7	p-Dichlorobenzene	
U073	91-94-1	3,3'-Dichlorobenzidine	
U074	764-41-0	1,4-Dichloro-2-butene	(I, T)
U075	75-71-8	Dichlorodifluoromethane	
U078	75-35-4	1,1-Dichloroethylene	

U079	156-60-5	1,2-Dichloroethylene	
U025	111-44-4	Dichloroethyl ether	
U027	108-60-1	Dichloroisopropyl ether	
U024	111-91-1	Dichloromethoxy ethane	
U081	120-83-2	2,4-Dichlorophenol	
U082	87-65-0	2,6-Dichlorophenol	
U084	542-75-6	1,3-Dichloropropene	
U085	1464-53-5	1,2:3,4-Diepoxybutane	(I, T)
U395	5952-26-1	Diethylene glycol, dicarbamate	
U108	123-91-1	1,4-Diethyleneoxide	
U028	117-81-7	Diethylhexyl phthalate	
U086	1615-80-1	N,N'-Diethylhydrazine	
U087	3288-58-2	O,O-Diethyl S-methyl dithiophosphate	
U088	84-66-2	Diethyl phthalate	
U089	56-53-1	Diethylstilbestrol	
U090	94-58-6	Dihydrosafrole	
U091	119-90-4	3,3'-Dimethoxybenzidine	
U092	124-40-3	Dimethylamine	(I)
U093	60-11-7	p-Dimethylaminoazobenzene	
U094	57-97-6	7,12-Dimethylbenz(a)anthracene	
U095	119-93-7	3,3'-Dimethylbenzidine	
U096	80-15-9	α, α-Dimethylbenzylhydroperoxide	(R)
U097	79-44-7	Dimethylcarbamoyl chloride	
U098	57-14-7	1,1-Dimethylhydrazine	
U099	540-73-8	1,2-Dimethylhydrazine	
U101	105-67-9	2,4-Dimethylphenol	
U102	131-11-3	Dimethyl phthalate	
U103	77-78-1	Dimethyl sulfate	
U105	121-14-2	2,4-Dinitrotoluene	
U106	606-20-2	2,6-Dinitrotoluene	
U107	117-84-0	Di-n-octyl phthalate	
U108	123-91-1	1,4-Dioxane	
U109	122-66-7	1,2-Diphenylhydrazine	
U110	142-84-7	Dipropylamine	(I)
U111	621-64-7	Di-n-propylnitrosamine	
U041	106-89-8	Epichlorohydrin	
U001	75-07-0	Ethanal	(I)
U404	121-44-8	Ethanamine, N,N-diethyl-	
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-	

U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-	
U067	106-93-4	Ethane, 1,2-dibromo-	
U076	75-34-3	Ethane, 1,1-dichloro-	
U077	107-06-2	Ethane, 1,2-dichloro-	
U131	67-72-1	Ethane, hexachloro-	
U024	111-91-1	Ethane, 1,1'-(methylenebis(oxy))bis(2-chloro-	
U117	60-29-7	Ethane, 1,1'-oxybis-	(I)
U025	111-44-4	Ethane, 1,1'-oxybis(2-chloro-	
U184	76-01-7	Ethane, pentachloro-	
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-	
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-	
U218	62-55-5	Ethanethioamide	
U226	71-55-6	Ethane, 1,1,1-trichloro-	
U227	79-00-5	Ethane, 1,1,2-trichloro-	
U410	59669-26-0	Ethanimidothioic acid, N,N'-(thiobis((methylimino)carbonyloxy))bis-, dimethyl ester	
U394	30558-43-1	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester	
U359	110-80-5	Ethanol, 2-ethoxy-	
U173	1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-	
U395	5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate	
U004	98-86-2	Ethanone, 1-phenyl-	
U043	75-01-4	Ethene, chloro-	
U042	110-75-8	Ethene, (2-chloroethoxy)-	
U078	75-35-4	Ethene, 1,1-dichloro-	
U079	156-60-5	Ethene, 1,2-dichloro-, (E)-	
U210	127-18-4	Ethene, tetrachloro-	
U228	79-01-6	Ethene, trichloro-	
U112	141-78-6	Ethyl acetate	(I)
U113	140-88-5	Ethyl acrylate	(I)
U238	51-79-6	Ethyl carbamate (urethane)	
U117	60-29-7	Ethyl ether	(I)
U114	P 111-54-6	Ethylenebisdithiocarbamic acid, salts and esters	
U067	106-93-4	Ethylene dibromide	

U077	107-06-2	Ethylene dichloride	
U359	110-80-5	Ethylene glycol monoethyl ether	
U115	75-21-8	Ethylene oxide	(I, T)
U116	96-45-7	Ethylenethiourea	
U076	75-34-3	Ethylidene dichloride	
U118	97-63-2	Ethyl methacrylate	
U119	62-50-0	Ethyl methanesulfonate	
U120	206-44-0	Fluoranthene	
U122	50-00-0	Formaldehyde	
U123	64-18-6	Formic acid	(C, T)
U124	110-00-9	Furan	(I)
U125	98-01-1	2-Furancarboxaldehyde	(I)
U147	108-31-6	2,5-Furandione	
U213	109-99-9	Furan, tetrahydro-	(I)
U125	98-01-1	Furfural	(I)
U124	110-00-9	Furfuran	(I)
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-, D-	
U206	18883-66-4	D-Glucose, 2-deoxy-2-(((methylnitrosoamino)-carbonyl)amino)-	
U126	765-34-4	Glycidylaldehyde	
U163	70-25-7	Guanidine, N-methyl-N'-nitro-N-nitroso-	
U127	118-74-1	Hexachlorobenzene	
U128	87-68-3	Hexachlorobutadiene	
U130	77-47-4	Hexachlorocyclopentadiene	
U131	67-72-1	Hexachloroethane	
U132	70-30-4	Hexachlorophene	
U243	1888-71-7	Hexachloropropene	
U133	302-01-2	Hydrazine	(R, T)
U086	1615-80-1	Hydrazine, 1,2-diethyl-	
U098	57-14-7	Hydrazine, 1,1-dimethyl-	
U099	540-73-8	Hydrazine, 1,2-dimethyl-	
U109	122-66-7	Hydrazine, 1,2-diphenyl-	
U134	7664-39-3	Hydrofluoric acid	(C, T)
U134	7664-39-3	Hydrogen fluoride	(C, T)
U135	7783-06-4	Hydrogen sulfide	
U135	7783-06-4	Hydrogen sulfide H_2S	
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl-	(R)
U116	96-45-7	2-Imidazolidinethione	

U137	193-39-5	Indeno(1,2,3-cd)pyrene	
U190	85-44-9	1,3-Isobenzofurandione	
U140	78-83-1	Isobutyl alcohol	(I, T)
U141	120-58-1	Isosafrole	
U142	143-50-0	Kepone	
U143	303-34-4	Lasiocarpene	
U144	301-04-2	Lead acetate	
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-	
U145	7446-27-7	Lead phosphate	
U146	1335-32-6	Lead subacetate	
U129	58-89-9	Lindane	
U163	70-25-7	MNNG	
U147	108-31-6	Maleic anhydride	
U148	123-33-1	Maleic hydrazide	
U149	109-77-3	Malononitrile	
U150	148-82-3	Melphalan	
U151	7439-97-6	Mercury	
U152	126-98-7	Methacrylonitrile	(I, T)
U092	124-40-3	Methanamine, N-methyl-	(I)
U029	74-83-9	Methane, bromo-	
U045	74-87-3	Methane, chloro-	(I, T)
U046	107-30-2	Methane, chloromethoxy-	
U068	74-95-3	Methane, dibromo-	
U080	75-09-2	Methane, dichloro-	
U075	75-71-8	Methane, dichlorodifluoro-	
U138	74-88-4	Methane, iodo-	
U119	62-50-0	Methanesulfonic acid, ethyl ester	
U211	56-23-5	Methane, tetrachloro-	
U153	74-93-1	Methanethiol	(I, T)
U225	75-25-2	Methane, tribromo-	
U044	67-66-3	Methane, trichloro-	
U121	75-69-4	Methane, trichlorofluoro-	
U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	
U154	67-56-1	Methanol	(I)
U155	91-80-5	Methapyrilene	
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta(cd)pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-	

U247	72-43-5	Methoxychlor	
U154	67-56-1	Methyl alcohol	(I)
U029	74-83-9	Methyl bromide	
U186	504-60-9	1-Methylbutadiene	(I)
U045	74-87-3	Methyl chloride	(I, T)
U156	79-22-1	Methyl chlorocarbonate	(I, T)
U226	71-55-6	Methylchloroform	
U157	56-49-5	3-Methylcholanthrene	
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)	
U068	74-95-3	Methylene bromide	
U080	75-09-2	Methylene chloride	
U159	78-93-3	Methyl ethyl ketone (MEK)	(I, T)
U160	1338-23-4	Methyl ethyl ketone peroxide	(R, T)
U138	74-88-4	Methyl iodide	
U161	108-10-1	Methyl isobutyl ketone	(I)
U162	80-62-6	Methyl methacrylate	(I, T)
U161	108-10-1	4-Methyl-2-pentanone	(I)
U164	56-04-2	Methylthiouracil	
U010	50-07-7	Mitomycin C	
U059	20830-81-3	5,12-Naphthacenedione, 8-acetyl-10-((3-amino-2,3,6-trideoxy-α-L-lyxo-hexapyranosyl)oxyl)-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-	
U167	134-32-7	1-Naphthalenamine	
U168	91-59-8	2-Naphthalenamine	
U026	494-03-1	Naphthaleneamine, N,N'-bis(2-chloroethyl)-	
U165	91-20-3	Naphthalene	
U047	91-58-7	Naphthalene, 2-chloro-	
U166	130-15-4	1,4-Naphthalenedione	
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-((3,3'-dimethyl-(1,1'-biphenyl)-4,4'-diyl)bis(azo)bis(5-amino-4-hydroxy)-, tetrasodium salt	
U279	63-25-2	1-Naphthalenol, methylcarbamate	
U166	130-15-4	1,4-Naphthoquinone	
U167	134-32-7	α-Naphthylamine	
U168	91-59-8	β-Naphthylamine	
U217	10102-45-1	Nitric acid, thallium (1+) salt	

U169	98-95-3	Nitrobenzene	(I, T)
U170	100-02-7	p-Nitrophenol	
U171	79-46-9	2-Nitropropane	(I, T)
U172	924-16-3	N-Nitrosodi-n-butylamine	
U173	1116-54-7	N-Nitrosodiethanolamine	
U174	55-18-5	N-Nitrosodiethylamine	
U176	759-73-9	N-Nitroso-N-ethylurea	
U177	684-93-5	N-Nitroso-N-methylurea	
U178	615-53-2	N-Nitroso-N-methylurethane	
U179	100-75-4	N-Nitrosopiperidine	
U180	930-55-2	N-Nitrosopyrrolidine	
U181	99-55-8	5-Nitro-o-toluidine	
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide	
U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide	
U115	75-21-8	Oxirane	(I, T)
U126	765-34-4	Oxiranecarboxyaldehyde	
U041	106-89-8	Oxirane, (chloromethyl)-	
U182	123-63-7	Paraldehyde	
U183	608-93-5	Pentachlorobenzene	
U184	76-01-7	Pentachloroethane	
U185	82-68-8	Pentachloronitrobenzene (PCNB)	
See F027	87-86-5	Pentachlorophenol	
U161	108-10-1	Pentanol, 4-methyl-	(I)
U186	504-60-9	1,3-Pentadiene	(I)
U187	62-44-2	Phenacetin	
U188	108-95-2	Phenol	
U048	95-57-8	Phenol, 2-chloro-	
U039	59-50-7	Phenol, 4-chloro-3-methyl-	
U081	120-83-2	Phenol, 2,4-dichloro-	
U082	87-65-0	Phenol, 2,6-dichloro-	
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-	
U101	105-67-9	Phenol, 2,4-dimethyl-	
U052	1319-77-3	Phenol, methyl-	
U132	70-30-4	Phenol, 2,2'-methylenebis(3,4,6-trichloro-	
U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methylcarbamate	
U170	100-02-7	Phenol, 4-nitro-	

See F027	87-86-5	Phenol, pentachloro-	
See F027	58-90-2	Phenol, 2,3,4,6-tetrachloro-	
See F027	95-95-4	Phenol, 2,4,5-trichloro-	
See F027	88-06-2	Phenol, 2,4,6-trichloro-	
U150	148-82-3	L-Phenylalanine, 4-(bis(2-chloroethyl)amino)-	
U145	7446-27-7	Phosphoric acid, lead (2+) salt (2:3)	
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester	
U189	1314-80-3	Phosphorus sulfide	(R)
U190	85-44-9	Phthalic anhydride	
U191	109-06-8	2-Picoline	
U179	100-75-4	Piperidine, 1-nitroso-	
U192	23950-58-5	Pronamide	
U194	107-10-8	1-Propanamine	(I, T)
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-	
U110	142-84-7	1-Propanamine, N-propyl-	(I)
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-	
U083	78-87-5	Propane, 1,2-dichloro-	
U149	109-77-3	Propanedinitrile	
U171	79-46-9	Propane, 2-nitro-	(I, T)
U027	108-60-1	Propane, 2,2'-oxybis(2-chloro-	
See F027	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	
U193	1120-71-4	1,3-Propane sultone	
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)	
U140	78-83-1	1-Propanol, 2-methyl-	(I, T)
U002	67-64-1	2-Propanone	(I)
U007	79-06-1	2-Propenamide	
U084	542-75-6	1-Propene, 1,3-dichloro-	
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-	
U009	107-13-1	2-Propenenitrile	
U152	126-98-7	2-Propenenitrile, 2-methyl-	(I, T)
U008	79-10-7	2-Propenoic acid	(I)
U113	140-88-5	2-Propenoic acid, ethyl ester	(I)
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester	
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester	(I, T)
U373	122-42-9	Propham	
U411	114-26-1	Propoxur	

See F027	93-72-1	Propionic acid, 2-(2,4,5-trichlorophenoxy)-	
U194	107-10-8	n-Propylamine	(I, T)
U083	78-87-5	Propylene dichloride	
U387	52888-80-9	Prosulfocarb	
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-	
U196	110-86-1	Pyridine	
U191	109-06-8	Pyridine, 2-methyl-	
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-(bis(2-chloroethyl) amino)-	
U164	56-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	
U180	930-55-2	Pyrrolidine, 1-nitroso-	
U200	50-55-5	Reserpine	
U201	108-46-3	Resorcinol	
U203	94-59-7	Safrole	
U204	7783-00-8	Selenious acid	
U204	7783-00-8	Selenium dioxide	
U205	7488-56-4	Selenium sulfide	(R, T)
U205	7488-56-4	Selenium sulfide SeS_2	(R, T)
U015	115-02-6	L-Serine, diazoacetate (ester)	
See F027	93-72-1	Silvex (2,4,5-TP)	
U206	18883-66-4	Streptozotocin	
U103	77-78-1	Sulfuric acid, dimethyl ester	
U189	1314-80-3	Sulfur phosphide	(R)
See F027	93-76-5	2,4,5-T	
U207	95-94-3	1,2,4,5-Tetrachlorobenzene	
U208	630-20-6	1,1,1,2-Tetrachloroethane	
U209	79-34-5	1,1,2,2-Tetrachloroethane	
U210	127-18-4	Tetrachloroethylene	
See F027	58-90-2	2,3,4,6-Tetrachlorophenol	
U213	109-99-9	Tetrahydrofuran	(I)
U214	563-68-8	Thallium (I) acetate	
U215	6533-73-9	Thallium (I) carbonate	
U216	7791-12-0	Thallium (I) chloride	
U216	7791-12-0	Thallium chloride TlCl	
U217	10102-45-1	Thallium (I) nitrate	
U218	62-55-5	Thioacetamide	
U410	59669-26-0	Thiodicarb	

U153	74-93-1	Thiomethanol	(I, T)
U244	137-26-8	Thioperoxydicarbonic diamide $((H_2N)C(S))_2S_2$, tetramethyl-	
U409	23564-05-8	Thiophanate-methyl	
U219	62-56-6	Thiourea	
U244	137-26-8	Thiram	
U220	108-88-3	Toluene	
U221	25376-45-8	Toluenediamine	
U223	26471-62-5	Toluene diisocyanate	(R, T)
U328	95-53-4	o-Toluidine	
U353	106-49-0	p-Toluidine	
U222	636-21-5	o-Toluidine hydrochloride	
U389	2303-17-5	Triallate	
U011	61-82-5	1H-1,2,4-Triazol-3-amine	
U227	79-00-5	Ethane, 1,1,2-trichloro-	
U227	79-00-5	1,1,2-Trichloroethane	
U228	79-01-6	Trichloroethylene	
U121	75-69-4	Trichloromonofluoromethane	
See F027	95-95-4	2,4,5-Trichlorophenol	
See F027	88-06-2	2,4,6-Trichlorophenol	
U404	121-44-8	Triethylamine	
U234	99-35-4	1,3,5-Trinitrobenzene	(R, T)
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-	
U235	126-72-7	Tris (2,3-dibromopropyl) phosphate	
U236	72-57-1	Trypan blue	
U237	66-75-1	Uracil mustard	
U176	759-73-9	Urea, N-ethyl-N-nitroso-	
U177	684-93-5	Urea, N-methyl-N-nitroso-	
U043	75-01-4	Vinyl chloride	
U248	81-81-2	Warfarin, and salts, when present at concentrations of 0.3 percent or less	
U239	1330-20-7	Xylene	(I)
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-((3,4,5-trimethoxybenzoyl)oxy)-, methyl ester, (3β,16β,17α,18β,20α)-	
U249	1314-84-7	Zinc phosphide Zn_3P_2, when present at concentrations of 10 percent or less	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Numerical Listing

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance	Hazard Code
U001	75-07-0	Acetaldehyde	(I)
U001	75-07-0	Ethanal	(I)
U002	67-64-1	Acetone	(I)
U002	67-64-1	2-Propanone	(I)
U003	75-05-8	Acetonitrile	(I, T)
U004	98-86-2	Acetophenone	
U004	98-86-2	Ethanone, 1-phenyl-	
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-	
U005	53-96-3	2-Acetylaminofluorene	
U006	75-36-5	Acetyl chloride	(C, R, T)
U007	79-06-1	Acrylamide	
U007	79-06-1	2-Propenamide	
U008	79-10-7	Acrylic acid	(I)
U008	79-10-7	2-Propenoic acid	(I)
U009	107-13-1	Acrylonitrile	
U009	107-13-1	2-Propenenitrile	
U010	50-07-7	Azirino(2',3':3,4)pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8-(((aminocarbonyl)oxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, (1a-S-(1aα,8β,8aα,8bα))-	
U010	50-07-7	Mitomycin C	
U011	61-82-5	Amitrole	
U011	61-82-5	1H-1,2,4-Triazol-3-amine	
U012	62-53-3	Aniline	(I, T)
U012	62-53-3	Benzenamine	(I, T)
U014	492-80-8	Auramine	
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis(N,N-dimethyl-	
U015	115-02-6	Azaserine	
U015	115-02-6	L-Serine, diazoacetate (ester)	
U016	225-51-4	Benz(c)acridine	
U017	98-87-3	Benzal chloride	

U017	98-87-3	Benzene, (dichloromethyl)-	
U018	56-55-3	Benz(a)anthracene	
U019	71-43-2	Benzene	(I, T)
U020	98-09-9	Benzenesulfonic acid chloride	(C, R)
U020	98-09-9	Benzenesulfonyl chloride	(C, R)
U021	92-87-5	Benzidene	
U021	92-87-5	(1,1'-Biphenyl)-4,4'-diamine	
U022	50-32-8	Benzo(a)pyrene	
U023	98-07-7	Benzene, (trichloromethyl)-	(C, R, T)
U023	98-07-7	Benzotrichloride	(C, R, T)
U024	111-91-1	Dichloromethoxy ethane	
U024	111-91-1	Ethane, 1,1'-(methylenebis(oxy))bis(2-chloro-	
U025	111-44-4	Dichloroethyl ether	
U025	111-44-4	Ethane, 1,1'-oxybis(2-chloro-	
U026	494-03-1	Chlornaphazin	
U026	494-03-1	Naphthaleneamine, N,N'-bis(2-chloroethyl)-	
U027	108-60-1	Dichloroisopropyl ether	
U027	108-60-1	Propane, 2,2'-oxybis(2-chloro-	
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	
U028	117-81-7	Diethylhexyl phthalate	
U029	74-83-9	Methane, bromo-	
U029	74-83-9	Methyl bromide	
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-	
U030	101-55-3	4-Bromophenyl phenyl ether	
U031	71-36-3	1-Butanol	(I)
U031	71-36-3	n-Butyl alcohol	(I)
U032	13765-19-0	Calcium chromate	
U032	13765-19-0	Chromic acid H_2CrO_4, calcium salt	
U033	353-50-4	Carbonic difluoride	(R, T)
U033	353-50-4	Carbon oxyfluoride	(R, T)
U034	75-87-6	Acetaldehyde, trichloro-	
U034	75-87-6	Chloral	
U035	305-03-3	Benzenebutanoic acid, 4-(bis(2-chloroethyl)amino)-	
U035	305-03-3	Chlorambucil	
U036	57-74-9	Chlordane, α and γ isomers	

U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	
U037	108-90-7	Benzene, chloro-	
U037	108-90-7	Chlorobenzene	
U038	510-15-6	Benzeneacetic acid, 4-chloro-α-(4-chlorophenyl)-α-hydroxy-, ethyl ester	
U038	510-15-6	Chlorobenzilate	
U039	59-50-7	p-Chloro-m-cresol	
U039	59-50-7	Phenol, 4-chloro-3-methyl-	
U041	106-89-8	Epichlorohydrin	
U041	106-89-8	Oxirane, (chloromethyl)-	
U042	110-75-8	2-Chloroethyl vinyl ether	
U042	110-75-8	Ethene, (2-chloroethoxy)-	
U043	75-01-4	Ethene, chloro-	
U043	75-01-4	Vinyl chloride	
U044	67-66-3	Chloroform	
U044	67-66-3	Methane, trichloro-	
U045	74-87-3	Methane, chloro-	(I, T)
U045	74-87-3	Methyl chloride	(I, T)
U046	107-30-2	Chloromethyl methyl ether	
U046	107-30-2	Methane, chloromethoxy-	
U047	91-58-7	β-Chloronaphthalene	
U047	91-58-7	Naphthalene, 2-chloro-	
U048	95-57-8	o-Chlorophenol	
U048	95-57-8	Phenol, 2-chloro-	
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride	
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride	
U050	218-01-9	Chrysene	
U051		Creosote	
U052	1319-77-3	Cresol (Cresylic acid)	
U052	1319-77-3	Phenol, methyl-	
U053	4170-30-3	2-Butenal	
U053	4170-30-3	Crotonaldehyde	
U055	98-82-8	Benzene, (1-methylethyl)-	(I)
U055	98-82-8	Cumene	(I)
U056	110-82-7	Benzene, hexahydro-	(I)
U056	110-82-7	Cyclohexane	(I)
U057	108-94-1	Cyclohexanone	(I)

U058	50-18-0	Cyclophosphamide
U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide
U059	20830-81-3	Daunomycin
U059	20830-81-3	5,12-Naphthacenedione, 8-acetyl-10-((3-amino-2,3,6-trideoxy)-α-L-lyxo-hexapyranosyl)oxyl)-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene)bis(4-chloro-
U060	72-54-8	DDD
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-chloro-
U061	50-29-3	DDT
U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester
U062	2303-16-4	Diallate
U063	53-70-3	Dibenz(a,h)anthracene
U064	189-55-9	Benzo(rst)pentaphene
U064	189-55-9	Dibenzo(a,i)pyrene
U066	96-12-8	1,2-Dibromo-3-chloropropane
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-
U067	106-93-4	Ethane, 1,2-dibromo-
U067	106-93-4	Ethylene dibromide
U068	74-95-3	Methane, dibromo-
U068	74-95-3	Methylene bromide
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester
U069	84-74-2	Dibutyl phthalate
U070	95-50-1	Benzene, 1,2-dichloro-
U070	95-50-1	o-Dichlorobenzene
U071	541-73-1	Benzene, 1,3-dichloro-
U071	541-73-1	m-Dichlorobenzene
U072	106-46-7	Benzene, 1,4-dichloro-
U072	106-46-7	p-Dichlorobenzene
U073	91-94-1	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-
U073	91-94-1	3,3'-Dichlorobenzidine

U074	764-41-0	2-Butene, 1,4-dichloro-	(I, T)
U074	764-41-0	1,4-Dichloro-2-butene	(I, T)
U075	75-71-8	Dichlorodifluoromethane	
U075	75-71-8	Methane, dichlorodifluoro-	
U076	75-34-3	Ethane, 1,1-dichloro-	
U076	75-34-3	Ethylidene dichloride	
U077	107-06-2	Ethane, 1,2-dichloro-	
U077	107-06-2	Ethylene dichloride	
U078	75-35-4	1,1-Dichloroethylene	
U078	75-35-4	Ethene, 1,1-dichloro-	
U079	156-60-5	1,2-Dichloroethylene	
U079	156-60-5	Ethene, 1,2-dichloro-, (E)-	
U080	75-09-2	Methane, dichloro-	
U080	75-09-2	Methylene chloride	
U081	120-83-2	2,4-Dichlorophenol	
U081	120-83-2	Phenol, 2,4-dichloro-	
U082	87-65-0	2,6-Dichlorophenol	
U082	87-65-0	Phenol, 2,6-dichloro-	
U083	78-87-5	Propane, 1,2-dichloro-	
U083	78-87-5	Propylene dichloride	
U084	542-75-6	1,3-Dichloropropene	
U084	542-75-6	1-Propene, 1,3-dichloro-	
U085	1464-53-5	2,2'-Bioxirane	(I, T)
U085	1464-53-5	1,2:3,4-Diepoxybutane	(I, T)
U086	1615-80-1	N,N'-Diethylhydrazine	
U086	1615-80-1	Hydrazine, 1,2-diethyl-	
U087	3288-58-2	O,O-Diethyl S-methyl dithiophosphate	
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester	
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester	
U088	84-66-2	Diethyl phthalate	
U089	56-53-1	Diethylstilbestrol	
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-	
U090	94-58-6	1,3-Benzodioxole, 5-propyl-	
U090	94-58-6	Dihydrosafrole	
U091	119-90-4	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-	

U091	119-90-4	3,3'-Dimethoxybenzidine	
U092	124-40-3	Dimethylamine	(I)
U092	124-40-3	Methanamine, N-methyl-	(I)
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-	
U093	60-11-7	p-Dimethylaminoazobenzene	
U094	57-97-6	Benz(a)anthracene, 7,12-dimethyl-	
U094	57-97-6	7,12-Dimethylbenz(a)anthracene	
U095	119-93-7	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-	
U095	119-93-7	3,3'-Dimethylbenzidine	
U096	80-15-9	α, α-Dimethylbenzylhydroperoxide	(R)
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl-	(R)
U097	79-44-7	Carbamic chloride, dimethyl-	
U097	79-44-7	Dimethylcarbamoyl chloride	
U098	57-14-7	1,1-Dimethylhydrazine	
U098	57-14-7	Hydrazine, 1,1-dimethyl-	
U099	540-73-8	1,2-Dimethylhydrazine	
U099	540-73-8	Hydrazine, 1,2-dimethyl-	
U101	105-67-9	2,4-Dimethylphenol	
U101	105-67-9	Phenol, 2,4-dimethyl-	
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester	
U102	131-11-3	Dimethyl phthalate	
U103	77-78-1	Dimethyl sulfate	
U103	77-78-1	Sulfuric acid, dimethyl ester	
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-	
U105	121-14-2	2,4-Dinitrotoluene	
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-	
U106	606-20-2	2,6-Dinitrotoluene	
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester	
U107	117-84-0	Di-n-octyl phthalate	
U108	123-91-1	1,4-Diethyleneoxide	
U108	123-91-1	1,4-Dioxane	
U109	122-66-7	1,2-Diphenylhydrazine	
U109	122-66-7	Hydrazine, 1,2-diphenyl-	
U110	142-84-7	Dipropylamine	(I)
U110	142-84-7	1-Propanamine, N-propyl-	(I)

U111	621-64-7	Di-n-propylnitrosamine	
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-	
U112	141-78-6	Acetic acid, ethyl ester	(I)
U112	141-78-6	Ethyl acetate	(I)
U113	140-88-5	Ethyl acrylate	(I)
U113	140-88-5	2-Propenoic acid, ethyl ester	(I)
U114	P 111-54-6	Carbamodithioic acid, 1,2-ethanediylbis-, salts and esters	
U114	P 111-54-6	Ethylenebisdithiocarbamic acid, salts and esters	
U115	75-21-8	Ethylene oxide	(I, T)
U115	75-21-8	Oxirane	(I, T)
U116	96-45-7	Ethylenethiourea	
U116	96-45-7	2-Imidazolidinethione	
U117	60-29-7	Ethane, 1,1'-oxybis-	(I)
U117	60-29-7	Ethyl ether	(I)
U118	97-63-2	Ethyl methacrylate	
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester	
U119	62-50-0	Ethyl methanesulfonate	
U119	62-50-0	Methanesulfonic acid, ethyl ester	
U120	206-44-0	Fluoranthene	
U121	75-69-4	Methane, trichlorofluoro-	
U121	75-69-4	Trichloromonofluoromethane	
U122	50-00-0	Formaldehyde	
U123	64-18-6	Formic acid	(C, T)
U124	110-00-9	Furan	(I)
U124	110-00-9	Furfuran	(I)
U125	98-01-1	2-Furancarboxaldehyde	(I)
U125	98-01-1	Furfural	(I)
U126	765-34-4	Glycidylaldehyde	
U126	765-34-4	Oxiranecarboxyaldehyde	
U127	118-74-1	Benzene, hexachloro-	
U127	118-74-1	Hexachlorobenzene	
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	
U128	87-68-3	Hexachlorobutadiene	
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1α,2α,3β,4α,5α,6β)-	
U129	58-89-9	Lindane	

U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	
U130	77-47-4	Hexachlorocyclopentadiene	
U131	67-72-1	Ethane, hexachloro-	
U131	67-72-1	Hexachloroethane	
U132	70-30-4	Hexachlorophene	
U132	70-30-4	Phenol, 2,2'-methylenebis(3,4,6-trichloro-	
U133	302-01-2	Hydrazine	(R, T)
U134	7664-39-3	Hydrofluoric acid	(C, T)
U134	7664-39-3	Hydrogen fluoride	(C, T)
U135	7783-06-4	Hydrogen sulfide	
U135	7783-06-4	Hydrogen sulfide H_2S	
U136	75-60-5	Arsinic acid, dimethyl-	
U136	75-60-5	Cacodylic acid	
U137	193-39-5	Indeno(1,2,3-cd)pyrene	
U138	74-88-4	Methane, iodo-	
U138	74-88-4	Methyl iodide	
U140	78-83-1	Isobutyl alcohol	(I, T)
U140	78-83-1	1-Propanol, 2-methyl-	(I, T)
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-	
U141	120-58-1	Isosafrole	
U142	143-50-0	Kepone	
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta(cd)pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-	
U143	303-34-4	2-Butenoic acid, 2-methyl-, 7-((2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl)-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, (1S-(1α(Z), 7(2S*,3R*), 7aα))-	
U143	303-34-4	Lasiocarpene	
U144	301-04-2	Acetic acid, lead (2+) salt	
U144	301-04-2	Lead acetate	
U145	7446-27-7	Lead phosphate	
U145	7446-27-7	Phosphoric acid, lead (2+) salt (2:3)	
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-	
U146	1335-32-6	Lead subacetate	

U147	108-31-6	2,5-Furandione	
U147	108-31-6	Maleic anhydride	
U148	123-33-1	Maleic hydrazide	
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-	
U149	109-77-3	Malononitrile	
U149	109-77-3	Propanedinitrile	
U150	148-82-3	Melphalan	
U150	148-82-3	L-Phenylalanine, 4-(bis(2-chloroethyl)amino)-	
U151	7439-97-6	Mercury	
U152	126-98-7	Methacrylonitrile	(I, T)
U152	126-98-7	2-Propenenitrile, 2-methyl-	(I, T)
U153	74-93-1	Methanethiol	(I, T)
U153	74-93-1	Thiomethanol	(I, T)
U154	67-56-1	Methanol	(I)
U154	67-56-1	Methyl alcohol	(I)
U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-	
U155	91-80-5	Methapyrilene	
U156	79-22-1	Carbonochloridic acid, methyl ester	(I, T)
U156	79-22-1	Methyl chlorocarbonate	(I, T)
U157	56-49-5	Benz(j)aceanthrylene, 1,2-dihydro-3-methyl-	
U157	56-49-5	3-Methylcholanthrene	
U158	101-14-4	Benzenamine, 4,4'-methylenebis(2-chloro-	
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)	
U159	78-93-3	2-Butanone	(I, T)
U159	78-93-3	Methyl ethyl ketone (MEK)	(I, T)
U160	1338-23-4	2-Butanone, peroxide	(R, T)
U160	1338-23-4	Methyl ethyl ketone peroxide	(R, T)
U161	108-10-1	Methyl isobutyl ketone	(I)
U161	108-10-1	4-Methyl-2-pentanone	(I)
U161	108-10-1	Pentanol, 4-methyl-	(I)
U162	80-62-6	Methyl methacrylate	(I, T)
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester	(I, T)
U163	70-25-7	Guanidine, N-methyl-N'-nitro-N-nitroso-	
U163	70-25-7	MNNG	
U164	56-04-2	Methylthiouracil	

U164	56-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	
U165	91-20-3	Naphthalene	
U166	130-15-4	1,4-Naphthalenedione	
U166	130-15-4	1,4-Naphthoquinone	
U167	134-32-7	1-Naphthalenamine	
U167	134-32-7	α-Naphthylamine	
U168	91-59-8	2-Naphthalenamine	
U168	91-59-8	β-Naphthylamine	
U169	98-95-3	Benzene, nitro-	(I, T)
U169	98-95-3	Nitrobenzene	(I, T)
U170	100-02-7	p-Nitrophenol	
U170	100-02-7	Phenol, 4-nitro-	
U171	79-46-9	2-Nitropropane	(I, T)
U171	79-46-9	Propane, 2-nitro-	(I, T)
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-	
U172	924-16-3	N-Nitrosodi-n-butylamine	
U173	1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-	
U173	1116-54-7	N-Nitrosodiethanolamine	
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-	
U174	55-18-5	N-Nitrosodiethylamine	
U176	759-73-9	N-Nitroso-N-ethylurea	
U176	759-73-9	Urea, N-ethyl-N-nitroso-	
U177	684-93-5	N-Nitroso-N-methylurea	
U177	684-93-5	Urea, N-methyl-N-nitroso-	
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester	
U178	615-53-2	N-Nitroso-N-methylurethane	
U179	100-75-4	N-Nitrosopiperidine	
U179	100-75-4	Piperidine, 1-nitroso-	
U180	930-55-2	N-Nitrosopyrrolidine	
U180	930-55-2	Pyrrolidine, 1-nitroso-	
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-	
U181	99-55-8	5-Nitro-o-toluidine	
U182	123-63-7	Paraldehyde	
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-	
U183	608-93-5	Benzene, pentachloro-	
U183	608-93-5	Pentachlorobenzene	
U184	76-01-7	Ethane, pentachloro-	

U184	76-01-7	Pentachloroethane	
U185	82-68-8	Benzene, pentachloronitro-	
U185	82-68-8	Pentachloronitrobenzene (PCNB)	
U186	504-60-9	1-Methylbutadiene	(I)
U186	504-60-9	1,3-Pentadiene	(I)
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-	
U187	62-44-2	Phenacetin	
U188	108-95-2	Phenol	
U189	1314-80-3	Phosphorus sulfide	(R)
U189	1314-80-3	Sulfur phosphide	(R)
U190	85-44-9	1,3-Isobenzofurandione	
U190	85-44-9	Phthalic anhydride	
U191	109-06-8	2-Picoline	
U191	109-06-8	Pyridine, 2-methyl-	
U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-	
U192	23950-58-5	Pronamide	
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide	
U193	1120-71-4	1,3-Propane sultone	
U194	107-10-8	1-Propanamine	(I, T)
U194	107-10-8	n-Propylamine	(I, T)
U196	110-86-1	Pyridine	
U197	106-51-4	p-Benzoquinone	
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione	
U200	50-55-5	Reserpine	
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-((3,4,5-trimethoxybenzoyl)oxy)-, methyl ester, (3β,16β,17α,18β,20α)-	
U201	108-46-3	1,3-Benzenediol	
U201	108-46-3	Resorcinol	
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-	
U203	94-59-7	Safrole	
U204	7783-00-8	Selenious acid	
U204	7783-00-8	Selenium dioxide	
U205	7488-56-4	Selenium sulfide	(R, T)
U205	7488-56-4	Selenium sulfide SeS_2	(R, T)
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-, D-	

U206	18883-66-4	D-Glucose, 2-deoxy-2-(((methylnitrosoamino)-carbonyl)amino)-	
U206	18883-66-4	Streptozotocin	
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-	
U207	95-94-3	1,2,4,5-Tetrachlorobenzene	
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-	
U208	630-20-6	1,1,1,2-Tetrachloroethane	
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-	
U209	79-34-5	1,1,2,2-Tetrachloroethane	
U210	127-18-4	Ethene, tetrachloro-	
U210	127-18-4	Tetrachloroethylene	
U211	56-23-5	Carbon tetrachloride	
U211	56-23-5	Methane, tetrachloro-	
U213	109-99-9	Furan, tetrahydro-	(I)
U213	109-99-9	Tetrahydrofuran	(I)
U214	563-68-8	Acetic acid, thallium (1+) salt	
U214	563-68-8	Thallium (I) acetate	
U215	6533-73-9	Carbonic acid, dithallium (1+) salt	
U215	6533-73-9	Thallium (I) carbonate	
U216	7791-12-0	Thallium (I) chloride	
U216	7791-12-0	Thallium chloride TlCl	
U217	10102-45-1	Nitric acid, thallium (1+) salt	
U217	10102-45-1	Thallium (I) nitrate	
U218	62-55-5	Ethanethioamide	
U218	62-55-5	Thioacetamide	
U219	62-56-6	Thiourea	
U220	108-88-3	Benzene, methyl-	
U220	108-88-3	Toluene	
U221	25376-45-8	Benzenediamine, ar-methyl-	
U221	25376-45-8	Toluenediamine	
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride	
U222	636-21-5	o-Toluidine hydrochloride	
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl-	(R, T)
U223	26471-62-5	Toluene diisocyanate	(R, T)
U225	75-25-2	Bromoform	
U225	75-25-2	Methane, tribromo-	
U226	71-55-6	Ethane, 1,1,1-trichloro-	
U226	71-55-6	Methylchloroform	
U227	79-00-5	Ethane, 1,1,2-trichloro-	

U227	79-00-5	1,1,2-Trichloroethane	
U228	79-01-6	Ethene, trichloro-	
U228	79-01-6	Trichloroethylene	
U234	99-35-4	Benzene, 1,3,5-trinitro-	(R, T)
U234	99-35-4	1,3,5-Trinitrobenzene	(R, T)
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)	
U235	126-72-7	Tris(2,3-dibromopropyl) phosphate	
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-((3,3'-dimethyl-(1,1'-biphenyl)-4,4'-diyl)bis(azo)bis(5-amino-4-hydroxy)-, tetrasodium salt	
U236	72-57-1	Trypan blue	
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-(bis(2-chloroethyl)amino)-	
U237	66-75-1	Uracil mustard	
U238	51-79-6	Carbamic acid, ethyl ester	
U238	51-79-6	Ethyl carbamate (urethane)	
U239	1330-20-7	Benzene, dimethyl-	(I, T)
U239	1330-20-7	Xylene	(I, T)
U240	P 94-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters	
U240	P 94-75-7	2,4-D, salts and esters	
U243	1888-71-7	Hexachloropropene	
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-	
U244	137-26-8	Thioperoxydicarbonic diamide $((H_2N)C(S))_2S_2$, tetramethyl-	
U244	137-26-8	Thiram	
U246	506-68-3	Cyanogen bromide CNBr	
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-methoxy-	
U247	72-43-5	Methoxychlor	
U248	81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations of 0.3 percent or less	
U248	81-81-2	Warfarin, and salts, when present at concentrations of 0.3 percent or less	

U249	1314-84-7	Zinc phosphide Zn_3P_2, when present at concentrations of 10 percent or less
U271	17804-35-2	Benomyl
U271	17804-35-2	Carbamic acid, (1-((butylamino)carbonyl)-1H-benzimidazol-2-yl)-, methyl ester
U278	22781-23-3	Bendiocarb
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate
U279	63-25-2	Carbaryl
U279	63-25-2	1-Naphthalenol, methylcarbamate
U280	101-27-9	Barban
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester
U328	95-53-4	Benzenamine, 2-methyl-
U328	95-53-4	o-Toluidine
U353	106-49-0	Benzenamine, 4-methyl-
U353	106-49-0	p-Toluidine
U359	110-80-5	Ethanol, 2-ethoxy-
U359	110-80-5	Ethylene glycol monoethyl ether
U364	22961-82-6	Bendiocarb phenol
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-
U367	1563-38-8	Carbofuran phenol
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester
U372	10605-21-7	Carbendazim
U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl ester
U373	122-42-9	Propham
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester
U387	52888-80-9	Prosulfocarb
U389	2303-17-5	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester
U389	2303-17-5	Triallate
U394	30558-43-1	A2213

U394	30558-43-1	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester
U395	5952-26-1	Diethylene glycol, dicarbamate
U395	5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate
U404	121-44-8	Ethanamine, N,N-diethyl-
U404	121-44-8	Triethylamine
U409	23564-05-8	Carbamic acid, (1,2-phenylenebis(iminocarbonothioyl))bis-, dimethyl ester
U409	23564-05-8	Thiophanate-methyl
U410	59669-26-0	Ethanimidothioic acid, N,N'-(thiobis((methylimino)carbonyloxy))bis-, dimethyl ester
U410	59669-26-0	Thiodicarb
U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methylcarbamate
U411	114-26-1	Propoxur

(Source: Amended at 44 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standards Applicable to Generators of Hazardous Waste

2) Code Citation: 35 Ill. Adm. Code 722

3)

Section Numbers:	Proposed Actions:
722.110	Amendment
722.113	Amendment
722.114	Amendment
722.115	Amendment
722.116	Amendment
722.117	Amendment
722.122	Amendment
722.123	Amendment
722.141	Amendment
722.181	Amendment
722.182	Amendment

4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27

5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 722 are a single segment of consolidated docket R20-3/R20-11 rulemaking that also affects 35 Ill. Adm. Code 702, 705, 720, 721, 723 through 726, 728, 733, 810, and 811. The consolidated R20-3/R20-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. A comprehensive description is contained in the Board's opinion and order of May 21, 2020, proposing amendments in consolidated docket R20-3/R20-11, which opinion and order is available from the address below.

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register*, summarizes the broader rulemaking that is consolidated docket R20-3/R20-11. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 722 incorporate segments of USEPA's Hazardous Waste Pharmaceuticals Rule into the Illinois hazardous waste regulations. The amendments include needed corrections in rule not directly related to USEPA amendments, including a correction to prior amendments requested by JCAR.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R20-3/R20-11. 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 consolidated docket R20-3/R20-11.

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

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? No

10) Are there any other rulemakings pending on this Part? No

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 consolidated docket R20-3/R20-11 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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Please direct inquiries to the following person and reference consolidated docket R20-3/R20-11:

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

312/814-6924
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 pcb.illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations 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) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis

and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.

15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 722
STANDARDS APPLICABLE TO
GENERATORS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section
722.101 Definitions
722.105 Electronic Reporting
722.110 Purpose, Scope, and Applicability
722.111 Hazardous Waste Determination
722.112 USEPA Identification Numbers (Repealed)
722.113 Generator Category Determination
722.114 Conditions for Exemption for a Very Small Quantity Generator
722.115 Satellite Accumulation Area Regulations for a Small Quantity Generator or Large Quantity Generator
722.116 Conditions for Exemption for a Small Quantity Generator That Accumulates Hazardous Waste
722.117 Conditions for Exemption for a Large Quantity Generator That Accumulates Hazardous Waste
722.118 USEPA Identification Numbers and Re-Notification for a Small Quantity Generator or Large Quantity Generator

SUBPART B: MANIFEST REQUIREMENTS APPLICABLE TO
SMALL AND LARGE QUANTITY GENERATORS

Section
722.120 General Requirements
722.121 Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests
722.122 Number of Copies
722.123 Use of the Manifest
722.124 Use of the Electronic Manifest
722.125 Electronic Manifest Signatures
722.127 Waste Minimization Certification

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART C: PRE-TRANSPORT REQUIREMENTS APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS

Section
722.130 Packaging
722.131 Labeling
722.132 Marking
722.133 Placarding
722.134 Accumulation Time (Repealed)
722.135 Liquids in Landfills Prohibition

SUBPART D: RECORDKEEPING AND REPORTING REQUIREMENTS APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS

Section
722.140 Recordkeeping
722.141 Annual Reporting for Large Quantity Generators
722.142 Exception Reporting
722.143 Additional Reporting
722.144 Recordkeeping for Small Quantity Generators
722.150 Applicability (Repealed)
722.151 Definitions (Repealed)
722.152 General Requirements (Repealed)
722.153 Notification of Intent to Export (Repealed)
722.154 Special Manifest Requirements (Repealed)
722.155 Exception Report (Repealed)
722.156 Annual Reports (Repealed)
722.157 Recordkeeping (Repealed)
722.158 International Agreements (Repealed)
722.160 Imports of Hazardous Waste (Repealed)

SUBPART G: FARMERS

Section
722.170 Farmers

SUBPART H: TRANSBOUNDARY SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY OR DISPOSAL

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section
722.180 Applicability
722.181 Definitions
722.182 General Conditions
722.183 Exports of Hazardous Waste
722.184 Imports of Hazardous Waste
722.185 Contracts (Repealed)
722.186 Provisions Relating to Recognized Traders (Repealed)
722.187 Reporting and Recordkeeping (Repealed)
722.189 OECD Waste Lists (Repealed)

SUBPART K: ALTERNATIVE REQUIREMENTS FOR HAZARDOUS WASTE DETERMINATION AND ACCUMULATION OF UNWANTED MATERIAL FOR LABORATORIES OWNED BY ELIGIBLE ACADEMIC ENTITIES

Section
722.300 Definitions
722.301 Applicability
722.302 Opting into the Subpart K Requirements
722.303 Notice of Election into the Subpart K Requirements
722.304 Notice of Withdrawal from the Subpart K Requirements
722.305 Summary of the Requirements of this Subpart K
722.306 Container Standards in the Laboratory
722.307 Personnel Training
722.308 Removing Unwanted Material from the Laboratory
722.309 Hazardous Waste Determination and Removal of Unwanted Material from the Laboratory
722.310 Hazardous Waste Determination in the Laboratory
722.311 Hazardous Waste Determination at an On-Site Central Accumulation Area
722.312 Hazardous Waste Determination at an On-Site Treatment, Storage, or Disposal Facility
722.313 Laboratory Clean-Outs
722.314 Laboratory Management Plan
722.315 Unwanted Material That Is Not Solid Waste or Hazardous Waste
722.316 Non-Laboratory Hazardous Waste Generated at an Eligible Academic Entity

SUBPART L: ALTERNATIVE STANDARDS FOR EPISODIC GENERATION

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section
722.330 Applicability
722.331 Definitions for this Subpart L
722.332 Conditions for a Generator Managing Hazardous Waste from an Episodic Event
722.333 Request to Manage One Additional Episodic Event Per Calendar Year

SUBPART M: PREPAREDNESS, PREVENTION, AND EMERGENCY PROCEDURES FOR LARGE QUANTITY GENERATORS

Section
722.350 Applicability
722.351 Maintenance and Operation of Facility
722.352 Required Equipment
722.353 Testing and Maintenance of Equipment
722.354 Access to Communications or Alarm System
722.355 Required Aisle Space
722.356 Arrangements with Local Authorities
722.360 Purpose and Implementation of Contingency Plan
722.361 Content of Contingency Plan
722.362 Copies of Contingency Plan
722.363 Amendment of Contingency Plan
722.364 Emergency Coordinator
722.365 Emergency Procedures

722.APPENDIX A Hazardous Waste Manifest (Repealed)

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

SOURCE: Adopted in 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 R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989; amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at

15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg. 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 603, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17950, effective September 28, 1998; amended in R00-5 at 24 Ill. Reg. 1136, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9822, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5105, effective June 20, 2000; amended in R05-2 at 29 Ill. Reg. 6312, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3138, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 871, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11927, effective July 14, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18817, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17888, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8773, effective June 4, 2012; amended in R13-15 at 37 Ill. Reg. 17763, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1700, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11717, effective August 9, 2016; recodified at 42 Ill. Reg. 11553; amended in R17-14/R17-15/R18-12/R18-31at 42 Ill. Reg. 22047, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 563, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5955, effective May 2, 2019; amended in R20-3/R20-11 at 44 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 722.110 Purpose, Scope, and Applicability

a) This Part establishes standards for generators of hazardous waste, as defined by 35 Ill. Adm. Code 720.110.

1) A person who generates a hazardous waste, as defined by 35 Ill. Adm. Code 721, is subject to all the applicable independent requirements in the following provisions:

A) Independent Requirements of a VSQG.

i) Section 722.111(a) through (d) (hazardous waste determination and recordkeeping); and

ii) Section 722.113 (generator category determination).

B) Independent Requirements of a SQG

i) Section 722.111 (hazardous waste determination and recordkeeping);

ii) Section 722.113 (generator category determination);

iii) Section 722.118 (USEPA identification numbers and re-notification for SQGs and LQGs);

iv) Subpart B (manifest requirements applicable to SQGs and LQGs);

v) Subpart C (pre-transport requirements applicable to SQGs and LQGs);

vi) Section 722.140 (recordkeeping);

vii) Section 722.144 (recordkeeping for SQGs); and

viii) Subpart H (transboundary movements of hazardous waste for recovery or disposal).

C) Independent Requirements of a LQG

i) Section 722.111 (hazardous waste determination and recordkeeping);

ii) Section 722.113 (generator category determination);

iii) Section 722.118 (USEPA identification numbers and re-notification for SQGs and LQGs);

iv) Subpart B (manifest requirements applicable to SQGs and LQGs);

v) Subpart C (pre-transport requirements applicable to SQGs and LQGs;

vi) Subpart D (recordkeeping and reporting applicable to SQGs and LQGs, except Section 722.144); and

vii) Subpart H (transboundary movements of hazardous waste for recovery or disposal).

2) A generator that accumulates hazardous waste on site is a person that stores hazardous waste; this generator is subject to the applicable requirements of 35 Ill. Adm. Code 702, 703, and 724 through 727 and section 3010 of RCRA (42 USC 6930), unless the generator is one of the following:

A) A VSQG that meets the conditions for exemption in Section 722.114;

B) A SQG that meets the conditions for exemption in Sections 722.115 and 722.116; or

C) A LQG that meets the conditions for exemption in Sections 722.115 and 722.117.

3) A generator must not transport, offer its hazardous waste for transport, or otherwise cause its hazardous waste to be sent to a facility that is not a designated facility, as defined in 35 Ill. Adm. Code 720.110, or which is not otherwise authorized to receive the generator's hazardous waste.

b) Determining Generator Category. A generator must use Section 722.113 to determine which provisions of this Part are applicable to the generator based on the quantity of hazardous waste generated per calendar month.

c) This subsection (c) corresponds with 40 CFR 262.10(c), which USEPA removed and marked "reserved". This statement maintains structural consistency with the federal provision.

d) Any person that exports or imports hazardous waste must comply with Section 722.118 and Subpart H.

e) Any person that imports hazardous waste into the United States must comply with

the generator standards of this Part.

f) A farmer that generates waste pesticides that are hazardous waste and which complies with Section 722.170 is not required to comply with other standards in this Part or 35 Ill. Adm. Code 702, 703, 724, 725, 727, or 728 with respect to such pesticides.

g) Generator Violation and Noncompliance

1) A generator's violation of an independent requirement is subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act.

2) A generator's noncompliance with a condition for exemption in this Part is not subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act as a violation of a condition for exemption provided in this Part. Noncompliance by any generator with an applicable condition for exemption from storage permit and operations requirements means that the facility is a storage facility operating without an exemption from the permit, interim status, and operations requirements in 35 Ill. Adm. Code 702, 703, and 724 through 727, and the notification requirements of section 3010 of RCRA (42 USC 6930). Without an exemption, any violations of such storage requirements are subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act.

h) An owner or operator that initiates a shipment of hazardous waste from a treatment, storage, or disposal facility must comply with the generator standards established in this Part.

i) A person responding to an explosives or munitions emergency in accordance with 35 Ill. Adm. Code 724.101(g)(8)(A)(iv) or (g)(8)(D) or 35 Ill. Adm. Code 725.101(c)(11)(A)(iv) or (c)(11)(D) and 35 Ill. Adm. Code 703.121(a)(4) or (c) is not required to comply with the standards of this Part.

j) This subsection (j) corresponds with 40 CFR 262.10(j), which USEPA removed and marked "reserved". This statement maintains structural consistency with USEPA rules.

k) This subsection (k) corresponds with 40 CFR 262.10(k), a provision that relates only to facilities in the Commonwealth of Massachusetts. This statement maintains structural consistency with USEPA rules.

l) The laboratories owned by an eligible academic entity that chooses to be subject to the requirements of Subpart K are not subject to the requirements set forth in subsections (l)(1) and (l)(2), except as specifically otherwise provided in Subpart K. For purposes of this subsection (l), the terms "laboratory" and "eligible academic entity" must have the meanings given them in Section 722.300.

1) The independent requirements of Section 722.111 or the regulations in Section 722.115 for an LQG or an SQG, except as provided in Subpart K; and

2) The conditions of Section 722.114, for a VSQG, except as provided in Subpart K.

m) A reverse distributor (as defined in 35 Ill. Adm. Code 726.600) is subject to Subpart P of 35 Ill. Adm. Code 726 for the management of hazardous waste pharmaceuticals in lieu of this Part.

n) A healthcare facility (as defined in 35 Ill. Adm. Code 726.600) must determine whether it is subject to Subpart P of 35 Ill. Adm. Code 726 for the management of hazardous waste pharmaceuticals, based on the total hazardous waste it generates per calendar month (including both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste). A healthcare facility that generates more than 100 kg (220 pounds) of hazardous waste in a calendar month, or more than 1 kg (2.2 pounds) of acute hazardous waste in a calendar month, or more than 100 kg (220 pounds) in a calendar month of any residue or contaminated soil, water, or other debris resulting from the clean-up of a spill, into or on any land or water, of any acute hazardous wastes listed in 35 Ill. Adm. Code 721.131 or 721.133(e), is subject to Subpart P of 35 Ill. Adm. Code 726 for the management of hazardous waste pharmaceuticals in lieu of this Part. A healthcare facility that is a VSQG when counting all of its hazardous waste, including both its hazardous waste pharmaceuticals and its non-pharmaceutical hazardous waste, remains subject to Section 722.114 and is not subject to Subpart P of 35 Ill. Adm. Code 726, except that the healthcare facility remains subject to 35 Ill. Adm. Code 726.605 and 726.607 and the optional provisions of 35 Ill. Adm. Code 726.604.

BOARD NOTE: A generator that treats, stores, or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in 35 Ill. Adm. Code 702, 703, 724 through 728, 733, and 739.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 722.113 Generator Category Determination

A generator must determine its generator category. A generator's category is based on the amount of hazardous waste generated each calendar month and may change from calendar month to calendar month. This Section sets forth procedures to determine whether a generator is a VSQG, an SQG, or an LQG for a particular calendar month, as defined in 35 Ill. Adm. Code 720.110.

a) Generators of Either Acute Hazardous Waste or Non-acute Hazardous Waste. A generator that either generates acute hazardous waste or non-acute hazardous waste in a calendar month must determine its generator category for that month by doing the following:

1) Counting the total amount of hazardous waste generated in the calendar month;

2) Subtracting from the total any amounts of waste exempt from counting, as described in subsections (c) and (d); and

3) Determining the resulting generator category for the hazardous waste generated using the table in subsection (g).

b) Generators of Both Acute and Nonacute Hazardous Waste. A generator that generates both acute hazardous waste and non-acute hazardous waste in the same calendar month must determine its generator category for that month by doing the following:

1) Counting separately the total amount of acute hazardous waste and the total amount of non-acute hazardous waste generated in the calendar month;

2) Subtracting from each total any amounts of waste exempt from counting,

as described in subsections (c) and (d);

3) Determining separately the resulting generator categories for the quantities of acute and non-acute hazardous waste generated using the table in subsection (g); and

4) Comparing the resulting generator categories from subsection (b)(3) and applying the more stringent generator category to the accumulation and management of both non-acute hazardous waste and acute hazardous waste generated for that calendar month.

c) When making the monthly quantity-based determinations required by this Part, the generator must include all hazardous waste that it generates, except the following hazardous wastes:

1) Hazardous waste that is exempt from regulation under 35 Ill. Adm. Code 721.104(c) through (f), 721.106(a)(3), 721.107(a)(1), or 721.108;

2) Hazardous waste that is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities, as defined in 35 Ill. Adm. Code 720.110;

3) Hazardous waste that is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under 35 Ill. Adm. Code 721.106(c)(2);

4) Hazardous waste that is used oil managed under the requirements of 35 Ill. Adm. Code 721.106(a)(4) and 739;

5) Hazardous waste that is spent lead-acid batteries managed under the requirements of Subpart G of 35 Ill. Adm. Code 726;

6) Hazardous waste that is universal waste managed under 35 Ill. Adm. Code 721.109 and 733;

7) Hazardous waste that is a hazardous waste that is an unused commercial chemical product (listed in Subpart D of 35 Ill. Adm. Code 721 or exhibiting one or more characteristics in Subpart C of 35 Ill. Adm. Code 721) that is generated solely as a result of a laboratory clean-out conducted

at an eligible academic entity pursuant to Section 722.313. For purposes of this provision, the term eligible academic entity must have the meaning as defined in Section 722.300; ~~or~~

8) Hazardous waste that is managed as part of an episodic event in compliance with the conditions of Subpart L; or~~.~~

9) A hazardous waste pharmaceutical, as defined in 35 Ill. Adm. Code 726.600, that is subject to or managed under Subpart P of 35 Ill. Adm. Code 726, or a hazardous waste pharmaceutical that is also a Drug Enforcement Administration controlled substance that is conditionally exempt under 35 Ill. Adm. Code 726.606.

d) In determining the quantity of hazardous waste generated in a calendar month, a generator need not include any of the following:

1) Hazardous waste when it is removed from on-site accumulation, so long as the hazardous waste was previously counted once for the purposes of this Section;

2) Hazardous waste generated by onsite treatment (including reclamation) of the generator's hazardous waste, so long as the hazardous waste that is treated was previously counted once for the purposes of this Section; and

3) Hazardous waste spent materials that are generated, reclaimed, and subsequently reused on site, so long as such spent materials have been previously counted once for the purposes of this Section.

e) Based on the generator category, as determined under this Section, the generator must meet the applicable independent requirements listed in Section 722.110. A generator's category also determines which of the provisions of Sections 722.114, 722.115, 722.116, or 722.117 must be met to obtain an exemption from the storage facility permit, interim status, and operating requirements when accumulating hazardous waste.

f) Mixing Hazardous Waste with Solid Waste

1) VSQG Waste

A) Hazardous waste generated by a VSQG may be mixed with solid wastes. A VSQG may mix a portion or all of its hazardous waste with solid waste and remain subject to Section 722.114, even though the resultant mixture exceeds the quantity limits identified in the definition of VSQG at 35 Ill. Adm. Code 720.110, unless the mixture exhibits one or more of the characteristics of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.

B) If the resulting mixture described in subsection (f)(1)(A) exhibits a characteristic of hazardous waste, this resultant mixture is a newly-generated hazardous waste. The VSQG must count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the VSQG calendar month quantity limits identified in the definition of generator categories found in 35 Ill. Adm. Code 720.110. If the total quantity exceeds the very small generator calendar quantity limits, to remain exempt from the permitting, interim status, and operating standards, the VSQG must meet the conditions for exemption applicable to either an SQG or an LQG. The VSQG must also comply with the applicable independent requirements for either an SQG or an LQG.

C) If a VSQG's waste is mixed with used oil, the mixture is subject to 35 Ill. Adm. Code 739. Any material produced from such a mixture by processing, blending, or other treatment is also regulated under 35 Ill. Adm. Code 739.

2) SQG and LQG Waste

A) Hazardous wastes generated by an SQG or LQG may be mixed with solid waste. These mixtures are subject to the following requirements: the mixture rule in 35 Ill. Adm. Code 721.103(a)(2)(iv), (b)(2) and (b)(3), and (g)(2)(A); the prohibition against dilution rule at 35 Ill. Adm. Code 728.103(a); the land disposal restriction requirements of 35 Ill. Adm. Code 728.140 if a characteristic hazardous waste is mixed with a solid waste so that it no longer exhibits the hazardous characteristic; and the hazardous waste determination requirement at Section 722.111.

B) If the resulting mixture described in subsection (f)(2)(A) is found to be a hazardous waste, this resultant mixture is a newly-generated hazardous waste. An SQG must count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the SQG calendar monthly quantity limits identified in the definition of generator categories found in 35 Ill. Adm. Code 720.110. If the total quantity exceeds the small generator calendar quantity limits, to remain exempt from the permitting, interim status, and operating standards, the SQG must meet the conditions for exemption applicable to an LQG. The SQG must also comply with the applicable independent requirements for an LQG.

g) Generator Categories Based on Quantity of Waste Generated in a Calendar Month

Quantity of acute hazardous waste generated in a calendar month	Quantity of non-acute hazardous waste generated in a calendar month	Quantity of residues from a cleanup of acute hazardous waste generated in a calendar month	Generator category
> 1 kg (> 2.2 lb)	Any amount	Any amount	LQG
Any amount	≥ 1,000 kg (≥ 2,200 lbs)	Any amount	LQG
Any amount	Any amount	> 100 kg (> 220 lbs)	LQG
≤ 1 kg (≤ 2.2 lbs)	> 100 kg and < 1,000 kg (> 220 lbs and < 2,200 lbs)	≤ 100 kg (≤ 220 lbs)	SQG
≤ 1 kg (≤ 2.2 lbs)	≤ 100 kg	≤ 100 kg (≤ 220 lbs)	VSQG

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 722.114 Conditions for Exemption for a Very Small Quantity Generator

a) Provided that a VSQG meets all the conditions for exemption listed in this Section, hazardous waste generated by the VSQG is not subject to the requirements of 35 Ill. Adm. Code 702, 703, 705, and 722 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), and the VSQG may accumulate hazardous waste on site without complying with these requirements, except that the VSQG must comply with this Section and Sections 722.110 through 722.113. The conditions for exemption are as follows:

1) In a calendar month, the VSQG generates less than or equal to the amounts specified in the definition of "VSQG" in 35 Ill. Adm. Code 720.110;

2) The VSQG complies with Section 722.111(a) through (d);

3) If the VSQG accumulates at any time greater than one kg (2.2 lbs) of acute hazardous waste or 100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e), all quantities of that acute hazardous waste are subject to the following additional conditions for exemption:

A) The waste is held on site for no more than 90 days beginning on the date when the accumulated wastes exceed the amounts provided in subsection (a)(1); and

B) The conditions for exemption in Section 722.117(a) through (g).

4) If the VSQG accumulates at any time 1,000 kg (2,200 lbs) or greater of non-acute hazardous waste, all quantities of that hazardous waste are subject to the following additional conditions for exemption:

A) The waste is held on site for no more than 180 days, or 270 days, if applicable, beginning on the date when the accumulated waste exceed the amounts provided in subsection (a)(1);

BOARD NOTE: Section 722.116(c) allows an SQG that must transport its waste or offer its waste for transportation over a distance of 200 miles for off-site treatment, storage, or disposal to

accumulate the waste for up to 270 days.

B) The quantity of waste accumulated on site never exceeds 6,000 kg (13,200 lbs); and

C) The VSQG fulfills the conditions for exemption in Section 722.116(b)(2) through (f).

5) A VSQG that accumulates hazardous waste in amounts less than or equal to the limits in subsections (a)(3) and (a)(4) must either treat or dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility. The facility, if located in the U.S., must be one of the following:

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

B) An interim status facility under Subpart C of 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code 725;

C) A facility authorized to manage hazardous waste by a state whose hazardous waste management program is approved by USEPA under 40 CFR 271;

D) A municipal solid waste landfill that is subject to the standards of 40 CFR 258 and which is permitted, licensed, or registered by a USEPA-authorized state to manage municipal solid waste;

E) A solid waste management facility that is permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if the facility is a non-municipal non-hazardous waste disposal unit, the facility must comply with the requirements in subpart B of 40 CFR 257, incorporated by reference in 35 Ill. Adm. Code 720.111;

F) A facility engaging in either of the following activities:

i) Beneficial use or reuse, or legitimate recycling or reclamation of its waste; or

ii) Treating its waste prior to beneficial use or reuse, or legitimate recycling or reclamation;

G) For universal waste managed under 35 Ill. Adm. Code 733, a universal waste handler or destination facility subject to the requirements of 35 Ill. Adm. Code 733;

H) An LQG under the control of the same person as the VSQG, provided the following conditions are met:

i) The VSQG and the LQG are under the control of the same person, as defined in 35 Ill. Adm. Code 720.110. "Control~~,~~", for the purposes of this Section, means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that a contractor that operates a generator facility on behalf of a different person, as defined in 35 Ill. Adm. Code 720.110, cannot be deemed to "control" the VSQG and LQG.

ii) The VSQG marks its containers of hazardous waste with the words "Hazardous Waste" and an indication of the hazards of the contents. Examples of indication of the hazards include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labelling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200, incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;

I) A reverse distributor (as defined in 35 Ill. Adm. Code 726.600), if the hazardous waste pharmaceutical is a potentially creditable hazardous waste pharmaceutical generated by a healthcare facility (as defined in 35 Ill. Adm. Code 726.600);~~This subsection (a)(5)(I) corresponds with 40 CFR 262.114(a)(5)(ix), which USEPA~~

~~marked "Reserved". This statement maintains structural consistency with the federal regulation;~~

J) A healthcare facility (as defined in 35 Ill. Adm. Code 726.600) that meets the conditions in 35 Ill. Adm. Code 726.602(l) and 726.603(b), as applicable, to accept non-creditable hazardous waste pharmaceuticals and potentially creditable hazardous waste pharmaceuticals from an off-site healthcare facility that is a VSQG; or~~This subsection (a)(5)(J) corresponds with 40 CFR 262.114(a)(5)(x), which USEPA marked "Reserved". This statement maintains structural consistency with the federal regulation;~~

K) For airbag waste, an airbag waste collection facility or a designated facility subject to the requirements of 35 Ill. Adm. Code 721.104(j).

b) The placement of bulk or noncontainerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.

c) A VSQG experiencing an episodic event may generate and accumulate hazardous waste in accordance with Subpart L in lieu of Sections 722.115, 722.116, and 722.117.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 722.115 Satellite Accumulation Area Regulations for a Small Quantity Generator or Large Quantity Generator

a) A generator may accumulate as much as 55 gallons (208 ℓ) of non-acute hazardous waste or either one quart (0.94 ℓ) of liquid acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) or 1 kg (2.2 lbs) of solid acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with the requirements of 35 Ill. Adm. Code 702, 703, 705, and 724 through 727, provided that the generator complies with all of the conditions for exemption in this Section. A generator

may comply with the conditions for exemption in this Section instead of complying with the conditions for exemption in Section 722.116(b) or 722.117(a), except as required in Section 722.115(a)(7) and (a)(8). The conditions for exemption for satellite accumulation are the following:

1) If a container holding hazardous waste is not in good condition, or if the container begins to leak, the generator must immediately transfer the hazardous waste from the leaking container to a container that is in good condition and not leaking, or immediately transfer and manage the waste in a central accumulation area operated in compliance with Section 722.116(b) or 722.117(a).

2) The generator must use a container made of or lined with materials that will not react with and which are otherwise compatible with the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.

3) Special Standards for Incompatible Wastes

   A) The generator must not place incompatible wastes or incompatible wastes and materials (see appendix V of 40 C.F.R. 265, incorporated by reference in 35 Ill. Adm. Code 720.111, for examples) in the same container, unless the generator complies with Section 725.117(b).

   B) The generator must not place hazardous waste in an unwashed container that previously held an incompatible waste or material (see appendix V of 40 C.F.R. 265, incorporated by reference in 35 Ill. Adm. Code 720.111, for examples), unless the generator complies with Section 725.117(b).

   C) The generator must separate a container holding hazardous waste or otherwise protect it by any practical means from any other incompatible waste or other materials accumulated nearby in other containers.

4) A container holding hazardous waste must be closed at all times during accumulation, except at the following times:

A) When the generator is adding, removing, or consolidating waste; or

B) When the generator is engaged in necessary temporary venting of a container for either of the following reasons:

i) For the proper operation of equipment; or

ii) To prevent dangerous situations, such as build-up of extreme pressure.

5) A generator must mark or label its container with the following:

A) The words "Hazardous Waste"; and

B) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic) listed in Subpart C or D of 35 Ill. Adm. Code 721; hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111.

6) A generator who accumulates either acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) or non-acute hazardous waste in excess of the amounts listed in subsection (a) at or near any point of generation must do the following:

A) Either:

i~~A~~) Comply within three consecutive calendar days with the applicable central accumulation area regulations in Section 722.116(b) or 722.117(a)~~;~~, or

ii~~B~~) Remove the excess from the satellite accumulation area within three consecutive calendar days to any of a central

accumulation area operated in accordance with the applicable regulations in Section 722.116(b) or 722.117(a), an on-site interim status or permitted treatment, storage, or disposal facility, or an off-site designated facility.~~the following:~~

~~i)~~ ~~A central accumulation area operated in accordance with the applicable regulations in Section 722.116(b) or 722.117(a);~~

~~ii)~~ ~~An on-site interim status or permitted treatment, storage, or disposal facility, or~~

~~iii)~~ ~~An off-site designated facility; and~~

BC) During the three-consecutive-calendar-day period provided by subsection (a)(6)(A)(ii), the generator must continue to comply with subsections (a)(1) through (a)(5). The generator must mark or label the containers holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

7) All satellite accumulation areas operated by an SQG must meet the preparedness and prevention regulations of Section 722.116(b)(8) and emergency procedures at Section 722.116(b)(9).

8) All satellite accumulation areas operated by an LQG must meet the Preparedness, Prevention and Emergency Procedures in Subpart M.

b) This subsection (b) corresponds with 40 CFR 262.115(b), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulation.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 722.116 Conditions for Exemption for a Small Quantity Generator That Accumulates Hazardous Waste

An SQG may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of 35 Ill. Adm. Code 702, 703, 705, and 724 through 727, or

the notification requirements of section 3010 of RCRA (42 USC 6930), provided that all of the following conditions for exemption listed in this Section are met:

a) Generation. The generator must generate in a calendar month no more than the amounts specified in the definition of "SQG" in 35 Ill. Adm. Code 720.110.

b) Accumulation. The generator must accumulate hazardous waste on site for no more than 180 days, unless in compliance with the conditions for exemption allowing longer accumulation in subsections (d) and (e). The following accumulation conditions also apply:

1) Accumulation Limit. The quantity of hazardous waste accumulated on site must never exceed 6,000 kg (13,200 lbs);

2) Accumulation of Hazardous Waste in Containers

A) Condition of Containers. If a container holding hazardous waste is not in good condition or the container begins to leak, the SQG must immediately transfer the hazardous waste from this container to a container that is in good condition or immediately manage the waste in some other way that complies with the conditions for exemption of this Section.

B) Compatibility of Waste with Container. The SQG must use a container made of or lined with materials that will not react with and which are otherwise compatible with the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.

C) Management of Containers

i) A container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.

ii) A container holding hazardous waste must not be opened, handled, or accumulated in a manner that may rupture the container or cause it to leak.

D) Inspections. At least weekly, the SQG must inspect central accumulation areas. The SQG must look for leaking containers and for deterioration of containers caused by corrosion or other factors. See subsection (b)(2)(A) for remedial action required if deterioration or leaks are detected.

E) Special Conditions for Accumulation of Incompatible Wastes

i) The SQG must not place incompatible wastes or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) must not be placed in the same container, unless the generator complies with 35 Ill. Adm. Code 725.117(b).

ii) The SQG must not place hazardous waste in an unwashed container that previously held an incompatible waste or material (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111), unless the generator complies with 35 Ill. Adm. Code 725.117(b).

iii) The SQG must separate or protect a container accumulating hazardous waste, by means of a dike, berm, wall, or other device, from any waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments.

3) Accumulation of Hazardous Waste in Tanks

A) This subsection (b)(3)(A) corresponds with 40 CFR 262.116(b)(3)(i), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulation.

B) An SQG of hazardous waste must comply with the following general operating conditions:

i) Treatment or accumulation of hazardous waste in tanks

must comply with 35 Ill. Adm. Code 725.117(b).

ii) The SQG must not place hazardous wastes or treatment reagents in a tank if the hazardous wastes or treatment reagents could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life.

iii) The SQG must operate uncovered tanks must be operated to ensure at least 60 centimeters (2 feet) of freeboard, unless the tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.

iv) Where hazardous waste is continuously fed into a tank, the SQG must equip the tank with a means to stop this inflow (*e.g.*, waste feed cutoff system or by-pass system to a stand-by tank).

C) Except as noted in subsection (b)(3)(iv), an SQG that accumulates hazardous waste in tanks must inspect each of the following, where present:

i) Discharge control equipment (e.g., waste feed cutoff systems, by-pass systems, and drainage systems) at least once each operating day, to ensure that it is in good working order;

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

iii) The level of waste in the tank at least once each operating day, to ensure compliance with subsection (b)(3)(ii)(C);

iv) The construction materials of the tank at least weekly, to

detect corrosion or leaking of fixtures or seams; and

v) The construction materials of discharge confinement structures and the immediately surrounding area (e.g., dikes) at least weekly, to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation). The SQG must remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, the SQG must immediately take remedial action.

D) A SQG accumulating hazardous waste in tanks or tank systems that have full secondary containment and that either use leak detection equipment to alert personnel to leaks, or implement established workplace practices to ensure leaks are promptly identified, must inspect at least weekly, where applicable, the areas identified in subsections (b)(3)(C)(i) through (b)(3)(C)(v). Use of the alternate inspection schedule must be documented in the generator's operating record. This documentation must include a description of the established workplace practices at the SQG.

E) This subsection (b)(3)(E) corresponds with 40 CFR 262.116(b)(3)(v), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulation.

F) An SQG accumulating hazardous waste in tanks must remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures upon closure of the facility. At closure, as throughout the operating period, unless the SQG can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(c) or (d), that any solid waste removed from its tank is not a hazardous waste, then it must manage such waste in accordance with all applicable provisions of this Part and 35 Ill. Adm. Code 722, 723, 725 and 728.

G) An SQG must comply with the following special conditions for

accumulation of ignitable or reactive waste:

i) Ignitable or reactive waste must not be placed in a tank, unless the waste is treated, rendered, or mixed before or immediately after placement in a tank so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123, and the SQG complies with 35 Ill. Adm. Code 725.117(b); the generator accumulates or treats the waste is in such a way that the waste is protected from any material or conditions that may cause it to ignite or react; or the SQG uses the tank solely for emergencies.

ii) An SQG that treats or accumulates ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks contained in NFPA 30 (1977 or 1981), incorporated by reference in 35 Ill. Adm. Code 720.111.

iii) An SQG must not place incompatible wastes, or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) in the same tank or place hazardous waste in an unwashed tank that previously held an incompatible waste or material, unless the generator complies with 35 Ill. Adm. Code 725.117(b).

4) Accumulation of Hazardous Waste on Drip Pads. If the waste is placed on drip pads, the SQG must comply with the following:

A) Subpart W of 35 Ill. Adm. Code 725 (except 35 Ill. Adm. Code 725.545(c));

B) The SQG must remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that the generator removes from the drip pad are then subject to the 180-day accumulation limit in subsection (b) and Section 722.115 if hazardous wastes are being managed in satellite accumulation areas prior to being

moved to the central accumulation area; and

C) The SQG must maintain on site at the facility the following records readily available for inspection:

i) A written description of procedures that are followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and

ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.

5) Accumulation of Hazardous Waste in Containment Buildings. If the SQG places waste in containment buildings, the SQG must comply with Subpart DD of 35 Ill. Adm. Code 725. The SQG must label its containment buildings with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site. The SQG must also provide in a conspicuous place an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111. The SQG must also maintain both of the following:

A) The professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. This certification must be in the generator's files prior to operation of the unit; and

B) The following records, by use of inventory logs, monitoring equipment, or any other effective means:

i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with maintaining the 90 day limit, and documentation that the SQG complies with the procedures; or

ii) Documentation that the SQG empties the unit at least once every 90 days.

iii) The SQG must maintain inventory logs or records with the above information on site and readily available for inspection.

6) Labeling and Marking of Containers and Tanks

A) Containers. An SQG must mark or label its containers with the following:

i) The words "Hazardous Waste";

ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111; and

iii) The date upon which each period of accumulation begins clearly visible for inspection on each container.

B) Tanks. An SQG accumulating hazardous waste in tanks must do the following:

i) Mark or label its tanks with the words "Hazardous Waste";

ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;

iii) Use inventory logs, monitoring equipment, or other records to demonstrate that hazardous waste has been emptied within 180 days of first entering the tank if using a batch process or, in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 180 days of first entering; and

iv) Keep inventory logs or records with the above information on site and readily available for inspection.

7) Land Disposal Restrictions. An SQG must comply with all the applicable requirements under 35 Ill. Adm. Code 728.

8) Preparedness and Prevention

A) Maintenance and Operation of Facility. An SQG must maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment.

B) Required Equipment. An SQG must equip all areas where

hazardous waste is either generated or accumulated with the items in subsections (b)(8)(B)(i) through (b)(8)(B)(iv) (unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below or the actual waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below). An SQG may determine the most appropriate places to locate equipment necessary to prepare for and respond to emergencies.

i) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

ii) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;

iii) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

iv) Water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems.

C) Testing and Maintenance of Equipment. The SQG must test and maintain all communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, as necessary to assure its proper operation in time of emergency.

D) Access to Communications or Alarm System

i) Whenever the SQG pours, mixes, spreads, or otherwise handles hazardous waste, all personnel involved in the operation must have immediate access (i.e., direct or

unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under subsection (a)(8)(B).

ii) When there is just one employee on the premises while the facility is operating, the employee must have immediate access (i.e., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, that is capable of summoning external emergency assistance, unless such a device is not required under subsection (a)(8)(B).

E) Required Aisle Space. The SQG must maintain aisle space that allows the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

F) Arrangements with Local Authorities

i) The SQG must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the Local Emergency Planning Committee, if this is the appropriate organization with which to make arrangements. An SQG attempting to make arrangements with its local fire department must determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals. As part of this coordination, the SQG must attempt to make arrangements, as necessary, to familiarize the above organizations with the layout of the facility, the properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to

roads inside the facility, and possible evacuation routes, as well as the types of injuries or illnesses that could result from fires, explosions, or releases at the facility. Where more than one police or fire department might respond to an emergency, the SQG must attempt to make arrangements designating primary emergency authority to a specific fire or police department and with any others to provide support to the primary emergency authority. BOARD NOTE: The State Emergency Response Commission (SERC) maintains an on-line listing of Local Emergency Planning Committees in Illinois by jurisdiction: www.illinois.gov/iema/Preparedness/SERC/Documents/LEPC_ReleaseReportingContactList.pdf.

ii) An SQG must maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the operating record that either confirms these arrangements actively exist or, in cases where no arrangements exist, confirming that the SQG attempted to make these arrangements.

iii) A facility possessing 24-hour response capabilities may seek a waiver from the authority having jurisdiction over the fire code within Illinois or the facility's locality, as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided that the SQG documents the waiver in the operating record.

9) Emergency Procedures. The SQG must comply with the following conditions for those areas of the generator facility where hazardous waste is generated and accumulated:

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

subsection (b)(9)(D). This employee is the emergency coordinator.

B) The SQG must post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste:

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

ii) The location of fire extinguishers and spill control material, and, if present, fire alarm; and

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

C) The SQG must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures that are relevant to their responsibilities during normal facility operations and emergencies;

D) The emergency coordinator or his or her designee must respond to any emergencies that arise. The required responses are the following:

i) In the event of a fire, the emergency coordinator must call the fire department or attempt to extinguish the fire using a fire extinguisher;

ii) When a spill occurs, the SQG must contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil. The SQG can either itself conduct this containment and cleanup or have a contractor perform the work on its behalf;

iii) When a fire, explosion, or other release occurs that could threaten human health outside the facility, or when the SQG has knowledge that a spill has reached surface water, the SQG must immediately notify the National Response

Center (using the 24-hour toll free number, 800-424–8802). The report must include the name, address, and USEPA identification number of the SQG; the date, time, and type of incident (*e.g.*, spill or fire); the quantity and type of hazardous waste involved in the incident; the extent of any injuries; and the estimated quantity and disposition of any recovered materials.

c) Transporting Waste More Than 200 Miles. An SQG that must transport its waste or offer its waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on site for 270 days or less without having a permit or interim status, provided that the SQG complies with the conditions of subsection (b).

d) Accumulation Time Limit Extension. An SQG that accumulates hazardous waste for more than 180 days (or for more than 270 days if the SQG must transport its waste or offer its waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal) is subject to the requirements of 35 Ill. Adm. Code 702, 703, 724, 725, 727, and 728, unless the Agency has granted the SQG an extension to the 180-day (or 270-day if applicable) period. The Agency may grant an extension if hazardous wastes must remain on site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days on a case-by-case basis.

BOARD NOTE: The Agency may grant a provisional variance that extends the permissible accumulation period pursuant to sections 35(b) and 36(c) of the Act. This subsection provides the basis for granting and maximum duration of an extension.

e) Rejected Loads~~Load. An SQG may accumulate returned waste on site in accordance with subsections (a) and (b) if the SQG sent the shipment of hazardous waste to a designated facility believing that the designated facility could accept and manage the waste but which the generator later received that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172 may accumulate the returned waste on site in accordance with subsections (a) through (d). Upon receipt of the returned shipment, the SQG must do either of the following:~~

1) An SQG may accumulate returned waste on site in accordance with subsections (a) through (d) under the following conditions:

A) The SQG sent the shipment of hazardous waste to a designated facility believing that the designated facility could accept and manage the waste; and

B) The generator later received that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172.

2) Upon receipt of the returned shipment, the SQG must do either of the following:

A~~1~~) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

B~~2~~) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

f) An SQG experiencing an episodic event may accumulate hazardous waste in accordance with Subpart L in lieu of Section 722.117.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 722.117 Conditions for Exemption for a Large Quantity Generator That Accumulates Hazardous Waste

An LQG may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of 35 Ill. Adm. Code 702, 703 and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), provided that the LQG meets all of the following conditions for exemption:

a) Accumulation. The LQG may accumulate hazardous waste on site for no more than 90 days, unless in compliance with the accumulation time limit extension or F006 accumulation conditions for exemption in subsections (b) through (e). The following accumulation conditions also apply:

1) Accumulation of Hazardous Waste in Containers. If the hazardous waste

is placed in containers, the LQG must comply with the following requirements:

A) Air Emission Standards. The LQG must comply with the applicable requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 725;

B) Condition of Containers. If a container holding hazardous waste is not in good condition, or if the container begins to leak, the LQG must immediately transfer the hazardous waste from the leaking container to a container that is in good condition or otherwise immediately manage the waste in some other way that complies with the conditions for exemption of this Section;

C) Compatibility of Waste with Container. The LQG must use a container made of or lined with materials that will not react with and are otherwise compatible with the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired;

D) Management of Containers

i) The LQG must always keep a container holding hazardous waste closed during accumulation, except when it is necessary to add or remove waste.

ii) The LQG must not open, handle, or store a container holding hazardous waste in a manner that may rupture the container or cause the container to leak.

E) Inspections. At least weekly, the LQG must inspect central accumulation areas. The LQG must look for leaking containers and for deterioration of containers caused by corrosion or other factors. See subsection (a)(1)(B) for remedial action required if the LQG detects deterioration or leaks.

F) Special Conditions for Accumulation of Ignitable and Reactive Wastes

i) The LQG must locate containers holding ignitable or reactive waste at least 15 meters (50 feet) from the facility's property line, unless the LQG obtains a written approval from the authority having jurisdiction over the local fire code that allows hazardous waste accumulation to occur within this restricted area. The LQG must maintain a record of the written approval as long as the LQG accumulates ignitable or reactive hazardous waste in this area.

ii) The LQG must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. The LQG must separate and protect this waste from sources of ignition or reaction, including, but not limited to, the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), or radiant heat. While handling ignitable or reactive waste, the LQG must confine smoking and open flame to specially designated locations. The LQG must conspicuously place "No Smoking" signs wherever there is a hazard from ignitable or reactive waste.

G) Special Conditions for Accumulation of Incompatible Wastes

i) The LQG must not place incompatible wastes or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) in the same container, unless the LQG complies with 35 Ill. Adm. Code 725.117(b).

ii) The LQG must not place hazardous waste in an unwashed container that previously held an incompatible waste or material (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111), unless the LQG complies with 35 Ill. Adm. Code 725.117(b).

iii) The LQG must separate a container holding hazardous

waste or otherwise protect it by means of a dike, berm, wall, or other device from any other incompatible waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments.

2) Accumulation of Hazardous Waste in Tanks. If the LQG places the waste in tanks, the LQG must comply with the applicable requirements of Subpart J, except 35 Ill. Adm. Code 725.297(c) (Closure and Post-Closure Care) and 35 Ill. Adm. Code 725.300 (Waste Analysis and Trial Tests) and the applicable requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 725.

3) Accumulation of Hazardous Waste on Drip Pads. If the LQG places hazardous waste on drip pads, the LQG must comply with the following:

A) Subpart W of 35 Ill. Adm. Code 725;

B) The LQG must remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that the LQG removes from the drip pad are subject to the 90-day accumulation limit in subsection (a) and Section 722.115, if the LQG manages the hazardous wastes in satellite accumulation areas prior to moving them to a central accumulation area; and

C) The LQG must maintain on site at the facility the following records readily available for inspection:

i) A written description of procedures that the LQG follows to ensure that it removes all wastes from the drip pad and associated collection system at least once every 90 days; and

ii) Documentation of each waste removal, including the quantity of waste that the LQG removed from the drip pad and the sump or collection system and the date and time of removal.

4) Accumulation of Hazardous Waste in Containment Buildings. If the LQG places the waste in containment buildings, the LQG must comply with

Subpart DD of 35 Ill. Adm. Code 725. The LQG must label its containment building with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site. The LQG must also provide in a conspicuous place an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111. The LQG must also maintain both of the following:

A) The professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. This certification must be in the LQG's files prior to operation of the unit; and

B) The following records, by use of inventory logs, monitoring equipment, or any other effective means:

i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the ~~16(d) and~~ generator is consistent with respecting the 90-day limit, and documentation that the LQG complies with the procedures

ii) Documentation that the LQG empties the unit at least once every 90 days.

iii) The LQG must maintain inventory logs or records with the above information on site and readily available for inspection.

5) Labeling and Marking of Containers and Tanks

A) Containers. An LQG must mark or label its containers with the following:

i) The words "Hazardous Waste";

ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (labeling) and subpart F (placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111; and

iii) The date upon which each period of accumulation begins clearly visible for inspection on each container.

B) Tanks. An LQG accumulating hazardous waste in tanks must do the following:

i) Mark or label its tanks with the words "Hazardous Waste";

ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;

iii) Use inventory logs, monitoring equipment or other records to demonstrate that hazardous waste has been emptied within 90 days of first entering the tank if using a batch process or, in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 90 days of first entering; and

iv) Keep inventory logs or records with the above information on site and readily available for inspection.

6) Emergency Procedures. The LQG must comply with the standards in Subpart M (Preparedness, Prevention and Emergency Procedures for Large Quantity Generators).

7) Personnel Training

A) Personnel Training Program

i) Facility personnel must successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic) or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this Part. The LQG must ensure that this program includes all the elements described in the document required under subsection (a)(7)(D).

ii) A person trained in hazardous waste management procedures must direct the program, and the program must include instruction that teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which the LQG employs them.

iii) At a minimum, the design of the training program must ensure that facility personnel can respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, where applicable, procedures for using,

inspecting, repairing, and replacing facility emergency and monitoring equipment; key parameters for automatic waste feed cut-off systems; communications or alarm systems; response to fires or explosions; response to ground-water contamination incidents; and shutdown of operations.

iv) For facility employees that receive emergency response training pursuant to 29 CFR 1910.120(p)(8) (Emergency response program) and 1910.120(q) (Emergency response to hazardous substance releases), incorporated by reference in 35 Ill. Adm. Code 720.111, the LQG is not required to provide separate emergency response training pursuant to this Section, provided that the overall facility training meets all the conditions of exemption in this Section.

B) Facility personnel must successfully complete the program required in subsection (a)(7)(A) within six months after the date of their employment, assignment to the facility, or assignment to a new position at the facility, whichever is later. An employee must not work in unsupervised positions until he or she has completed the training standards of subsection (a)(7)(A).

C) Facility personnel must take part in an annual review of the initial training required in subsection (a)(7)(A).

D) The LQG must maintain the following documents and records at the facility:

i) The job title for each position at the facility related to hazardous waste management and the name of the employee filling each job;

ii) A written job description for each position listed under subsection (a)(7)(D)(i). This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but the description must include the requisite skill, education, other qualifications, and duties of facility personnel assigned to each position;

iii) A written description of the type and amount of both introductory and continuing training that the LQG will give to each person filling a position listed under subsection (a)(7)(D)(i);

iv) Records documenting that the LQG has given and facility personnel has completed the training or job experience required by subsections (a)(7)(A), (B), and (C).

E) The LQG must keep training records on current personnel until closure of the facility. The LQG must keep training records on former employees for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

8) Closure. An LQG accumulating hazardous wastes in containers, tanks, drip pads, and containment buildings, prior to closing the facility or a unit at the facility, must meet the following conditions:

A) Notification for Closure of a Waste Accumulation Unit. An LQG must perform one of the following when closing a waste accumulation unit:

i) Place a notice in the operating record within 30 days after closure identifying the location of the unit within the facility; or

ii) Meet the closure performance standards of subsection (a)(8)(C) for container, tank, and containment building waste accumulation units or subsection (a)(8)(D) for drip pads and notify USEPA and the Agency following the procedures in subsection (a)(8)(B)(ii) for the waste accumulation unit. If the waste accumulation unit is subsequently reopened, the LQG may remove the notice from the operating record.

B) Notification for Closure of the Facility

i) Notify the Agency using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) no later than 30 days prior to closing the facility.

ii) Notify the Agency using USEPA Form 8700-12 within 90 days after closing the facility that it has complied with the closure performance standards of subsection (a)(8)(C) or (a)(8)(D). If the facility cannot meet the closure performance standards of subsection (a)(8)(C) or (a)(8)(D), notify the Agency using USEPA Form 8700-12 that it will close as a landfill under 35 Ill. Adm. Code 725.410 in the case of a container, tank, or containment building units. If the facility cannot meet the closure performance standards of subsection (a)(8)(C) or (a)(8)(D), notify using USEPA Form 8700-12 that it will close under the standards of 35 Ill. Adm. Code 725.545(b) for a facility with drip pads.

iii) An LQG may request additional time to clean close, but it must notify the Agency using USEPA Form 8700-12 within 75 days after the date provided in subsection (a)(8)(B)(i) to request an extension and provide an explanation as to why the additional time is required.

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

C) Closure Performance Standards for Container, Tank Systems, and Containment Building Waste Accumulation Units

i) At closure, the LQG must close the waste accumulation unit or facility in a manner that minimizes the need for further maintenance by controlling, minimizing, or eliminating the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground or

surface waters or to the atmosphere to the extent necessary to protect human health and the environment.

ii) The LQG must remove or decontaminate all contaminated equipment, structures, soil, and any remaining hazardous waste residues from waste accumulation units, including containment system components (pads, liners, etc.), contaminated soils and subsoils, bases, and structures and equipment contaminated with waste, unless 35 Ill. Adm. Code 721.103(d) applies.

iii) The LQG must manage any hazardous waste generated in the process of closing the LQG's facility or units accumulating hazardous waste in accordance with all applicable standards of 35 Ill. Adm. Code 722, 723, 725, and 728, including removing any hazardous waste contained in these units within 90 days of generating the waste and managing these wastes in a permitted or interim status hazardous waste treatment, storage, and disposal facility.

iv) If the LQG demonstrates that it cannot practicably remove or decontaminate any contaminated soils and wastes, as required in subsection (a)(8)(B)(ii), then the waste accumulation unit is a landfill, and the LQG must close the waste accumulation unit and perform post-closure~~postclosure~~ care in accordance with the closure and post-closure care requirements that apply to landfills (35 Ill. Adm. Code 725.410). In addition, the LQG must meet all of the requirements for landfills specified in Subparts G and H of 35 Ill. Adm. Code 725 for the purposes of closure, post-closure, and financial responsibility, for a waste accumulation unit that is a landfill.

D) Closure Performance Standards for Drip Pad Waste Accumulation Units. At closure, the LQG must comply with the closure requirements of subsections (a)(8)(B) and (a)(8)(C)(i), and (a)(8)(C)(iii) and 35 Ill. Adm. Code 725.545(a) and (b).

E) The closure requirements of this subsection (a)(8) do not apply to satellite accumulation areas.

9) Land Disposal Restrictions. The LQG must comply with all applicable requirements of 35 Ill. Adm. Code 728.

b) Accumulation Time Limit Extension. An LQG that accumulates hazardous waste for more than 90 days is subject to the requirements of 35 Ill. Adm. Code 702, 703, and 724 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), unless the Agency has granted the LQG an extension to the 90-day period. The Agency may grant an extension if hazardous wastes must remain on site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days on a case-by-case basis.

BOARD NOTE: The Agency may grant a provisional variance that extends the permissible accumulation period pursuant to sections 35(b) and 36(c) of the Act. This subsection provides the basis for granting and maximum duration of an extension.

c) Accumulation of F006 Waste. An LQG also generating wastewater treatment sludges from electroplating operations that meet the listing description for USEPA hazardous waste number F006 may accumulate F006 waste on site for more than 90 days but not more than 180 days without being subject to 35 Ill. Adm. Code 702, 703, and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), provided that the LQG complies with all of the following additional conditions for exemption:

1) The LQG has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants entering F006 waste or otherwise being released to the environment prior to recycling of the waste;

2) The F006 waste is legitimately recycled through metals recovery;

3) The LQG accumulates no more than 20,000 kg of F006 waste on site at any one time; and

4) The LQG manages the F006 waste in accordance with the following

requirements:

A) Requirements for Managing F006 Waste

i) If the LQG places the F006 waste in containers, the LQG must comply with the applicable conditions for exemption in subsection (a)(1).

ii) If the LQG places the F006 waste in tanks, the LQG must comply with the applicable conditions for exemption in subsection (a)(2).

iii) If the LQG places the F006 waste in containment buildings, the LQG must comply with Subpart DD of 35 Ill. Adm. Code 725. Prior to operation of the unit, the LQG must place in the operating record of the facility the certification of a professional engineer that the containment building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. The LQG must also place in the operating record either documentation that the LQG empties the unit is at least once every 180 days or all three of the following items: a written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the facility waste generation and management practices showing that the practices are consistent with the 180-day limit, and documentation that the LQG is complying with the procedures.

B) The LQG is exempt from all requirements of Subparts G and H of 35 Ill. Adm. Code 725, except for those referenced in subsection (a)(8).

C) The LQG must clearly mark the date upon which each period of accumulation begins, and the date must be clearly visible for inspection on each container.

D) While accumulating waste on site, the LQG must clearly labeled or mark each container and tank is with the following:

i) The words "Hazardous Waste"; and

ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172; a hazard statement or pictogram consistent with 29 CFR 1910.1200; or a chemical hazard label consistent with NFPA 704, each incorporated by reference in 35 Ill. Adm. Code 720.111.

E) The LQG must comply with the requirements in subsections (a)(6) and (a)(7).

d) F006 Waste Transported over 200 Miles. An LQG also generating wastewater treatment sludges from electroplating operations that meet the listing description for the USEPA hazardous waste number F006 may accumulate F006 waste on site for more than 90 days but not more than 270 days without being subject to 35 Ill. Adm. Code 702, 703, and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), if the LQG must transport this waste or offer this waste for transportation over a distance of 200 miles or more for off-site metals recovery and the LQG complies with all of the conditions for exemption of subsections (c)(1) through (c)(4).

e) F006 Waste Accumulation Time Extension. An LQG accumulating F006 waste in accordance with subsections (c) and (d) that either accumulates F006 waste on site for more than 180 days (or for more than 270 days if the LQG must transport this waste or offer this waste for transportation over a distance of 200 miles or more) or accumulates more than 20,000 kg (44,000 lbs) of F006 waste on site is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 702, 703, 724, 725, 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), unless the Agency has granted the LQG an extension to the 180-day period (or 270-day period, if applicable) or an exception to the 20,000-kg (44,000-lb) accumulation limit. The Agency may grant an extension of the accumulation period or an exception to the accumulation limit if F006 waste must remain on site for longer than 180 days (or 270 days, if applicable) or if more than 20,000 kg (44,000 lbs) of F006 waste must remain on site due to

unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days or an exception to the accumulation limit on a case-by-case basis.

BOARD NOTE: The Agency may grant a provisional variance that extends the permissible accumulation period or accumulation amount limit pursuant to sections 35(b) and 36(c) of the Act. This subsection provides the basis for granting and maximum duration of an extension.

f) Consolidation of Hazardous Waste Received from VSQGs. An LQG may accumulate on site hazardous waste received from a VSQG under control of the same person (as defined in 35 Ill. Adm. Code 720.110), without a storage facility permit or interim status and without complying with the requirements of 35 Ill. Adm. Code 702, 703, and 724 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), provided that the LQG complies with the following conditions. "Control", for the purposes of this Section, means the power to direct the policies of the LQG and VSQG, whether by the ownership of stock, voting rights, or otherwise, except that a contractor that operates a LQG or VSQG facility on behalf of a different person is not be deemed to "control" the LQG or VSQG.

1) The LQG must notify the Agency at least 30 days prior to receiving the first shipment from a VSQG using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12); and

A) The LQG must identify on the form the names and site addresses for the VSQG as well as the name and business telephone number for a contact person for the VSQG; and

B) The LQG must submit an updated USEPA Form 8700-12 within 30 days after a change in the name or site address for the VSQG.

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

2) The LQG maintains records of shipments for three years from the date the LQG receives the hazardous waste from the VSQG. These records must

identify the name, site address, and contact information for the VSQG and include a description of the hazardous waste received, including the quantity and the date the LQG received the waste.

3) The LQG must comply with the independent requirements identified in Section 722.110(a)(1)(C) and the conditions for exemption in this Section for all hazardous waste received from a VSQG. For purposes of the labeling and marking regulations in subsection (a)(5), the LQG must label the container or unit with the date accumulation started (i.e., the date the LQG received the hazardous waste from the VSQG). If the LQG is consolidating incoming hazardous waste from a VSQG with either its own hazardous waste or with hazardous waste from other VSQGs, the LQG must label each container or unit with the earliest date when the VSQG first accumulated on site any hazardous waste in the container.

g) Rejected Load. An LQG may accumulate the returned waste on site in accordance with subsections (a) and (b) if the LQG sent the shipment of hazardous waste to a designated facility believing that the designated facility can accept and manage the waste and later received that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172. Upon receipt of the returned shipment, the LQG must do either of the following:

1) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

2) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART B: MANIFEST REQUIREMENTS APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS

Section 722.122 Number of Copies

The manifest consists of at least that number of copies that will provide the generator; each transporter; and the owner or operator of the designated receiving treatment, storage, or disposal facility each with one copy for their records, plus provide one copy to be returned to the

generator~~, plus provide two copies to be sent to the Agency, one by each of the generator and the receiving treatment, storage, or disposal facility owner or operator~~.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 722.123 Use of the Manifest

a) The generator must do the following:

1) Sign the manifest certification by hand;

2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and

3) Retain one copy, in accordance with Section 722.140(a).~~; and~~

~~4) Send one copy of the manifest to the Agency within two working days.~~

b) The generator must give the transporter the remaining copies of the manifest.

c) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed in accordance with this Section to the owner or operator of the designated receiving facility, if that facility is in the United States, or to the last water (bulk shipment) transporter to handle the waste in the United States, if the waste is exported by water. Copies of the manifest are not required for each transporter.

d) For rail shipments of hazardous waste within the United States that originate at the site of generation, the generator must send at least three copies of the manifest dated and signed in accordance with this Section to the following persons:

1) The next non-rail transporter, if any;

2) The designated receiving facility, if the waste is transported solely by rail; or

3) The last rail transporter to handle the waste in the United States, if the waste is exported by rail.

BOARD NOTE: See Section 723.120(e) and (f) for special provisions for rail or water (bulk shipment) transporters.

e) For shipments of hazardous waste to a designated receiving facility in an authorized state that has not yet obtained authorization to regulate that particular waste as hazardous, the generator must assure that the designated receiving facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated receiving facility.

f) For rejected shipments of hazardous waste or container residues contained in non-empty containers that the designated facility has returned to the generator (following the procedures of 35 Ill. Adm. Code 724.172(f) or 725.172(f)), the generator must do each of the following:

1) The generator must sign the hazardous waste manifest (USEPA Form 8700-22) as follows:

A) Item 20 of the new manifest if a new manifest is used for the returned shipment; or

B) Item 18c of the original manifest if the original manifest is used for the returned shipment;

2) The generator must provide a copy of the manifest to the transporter;

3) Within 30 days after delivery of the rejected shipment or container residues contained in non-empty containers, the generator must send a copy of the manifest to the designated facility that returned the shipment to the generator; and

4) The generator must retain a copy of each manifest at the generator's site for at least three years from the date of delivery.

BOARD NOTE: The use of the term "non-empty containers" in this subsection (f) derives from the language of corresponding 40 CFR 262.23(f). "Non-empty containers", for the purposes of this subsection (f), are containers that are not deemed "empty" by the empty container rule of 35 Ill. Adm. Code 721.107. That rule allows a container that still contains waste residues to be considered "empty"

under specified conditions. Thus, "container residues contained in non-empty containers" are subject to regulation as hazardous waste, and the requirements of this subsection (f) apply to those residues.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART D: RECORDKEEPING AND REPORTING REQUIREMENTS APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS

Section 722.141 Annual Reporting for Large Quantity Generators

a) A generator that is an LQG for at least one month of any calendar year (reporting year) shipping any hazardous waste off site to a treatment, storage or disposal facility within the United States must complete and submit an annual report to the Agency by March 1 of the following year. The annual report must be submitted on a form supplied by the Agency, and it must cover generator activities during the previous calendar year.

b) Any generator that is an LQG for at least one month of any calendar year (reporting year) treating, storing, or disposing of hazardous waste on site must complete and submit to the Agency by March 1 of the following ~~even-numbered~~ year an annual report on a form provided by the Agency covering those wastes in accordance with the provisions of 35 Ill. Adm. Code 702, 703, and 724 through 727. This requirement also applies to an LQG that receives hazardous waste from a VSQG pursuant to Section 722.117(f).

c) Exports of hazardous waste to foreign countries are not required to be reported on the annual report form. Section 722.183(g) establishes a separate annual report requirement for hazardous waste exporters.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART H: TRANSBOUNDARY SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY OR DISPOSAL

Section 722.181 Definitions

In addition to the definitions in 35 Ill. Adm. Code 720.110, the following definitions apply to this Subpart H and to other provisions within this Part 722 as specifically indicated:

"Amber control procedures" means the controls listed in Section D of Annex A ("Amber Control Procedure") to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).
BOARD NOTE: The Board added this definition.

"Amber waste" means a waste listed in Appendix 4 ("List of Wastes Subject to the Amber Control Procedure") to Annex A and in Annex C ("OECD Consolidated List of Wastes Subject to the Amber Control Procedure") to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).
BOARD NOTE: The Board added this definition.

"Competent authority" means the regulatory authority or authorities of countries concerned having jurisdiction over transboundary~~trans-boundary~~ movements of wastes.
BOARD NOTE: Under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention), party countries are required to establish or designate competent authorities to facilitate implementation of the Convention. Basel Convention, art. 5 (as amended through May 27, 2014). The Basel Convention, United Nations Environment Programme maintains an on-line list of competent authorities by country: http://www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx.

"Countries concerned" means the countries of export or import and any countries of transit. Use of singular "concerned country" is contemplated within this definition where the text refers only to a single country.

"Country of export" means any country from which a transboundary~~trans-boundary~~ movement of hazardous waste is planned to be initiated or is initiated.

"Country of import" means any country to which a transboundary~~trans-boundary~~ movement of hazardous waste is planned or takes place for the purpose of submitting the waste to recovery or disposal operations in that country.

"Country of transit" means any country other than the country of export or country of import across which a transboundary~~trans-boundary~~ movement of waste is planned to be initiated or takes place.

"Disposal operations" means activities that do not lead to the possibility of

resource recovery, recycling, reclamation, direct re-use, or alternate uses, which include the following:

D1 Release or Deposit into or onto land, other than by any of operations D2 through D5 or D12.

D2 Land treatment, such as biodegradation of liquids or sludges in soils.

D3 Deep injection, such as injection into wells, salt domes, or naturally occurring repositories.

D4 Surface impoundment, such as placing of liquids or sludges into pits, ponds, or lagoons.

D5 Specially engineered landfill, such as placement into lined discrete cells which are capped and isolated from one another and the environment.

D6 Release into a water body other than a sea or ocean, and other than by operation D4.

D7 Release into a sea or ocean, including sea-bed insertion, other than by operation D4.

D8 Biological treatment not specified elsewhere in operations D1 through D12 that results in final compounds or mixtures which are discarded by means of any of operations D1 through D12.

D9 Physical or chemical treatment not specified elsewhere in operations D1 through D12, such as evaporation, drying, calcination, neutralization, or precipitation, that results in final compounds or mixtures which are discarded by means of any of operations D1 through D12.

D10 Incineration on land.

D11 Incineration at sea.

D12 Permanent storage.

D13 Blending or mixing, prior to any of operations D1 through D12.

D14 Repackaging, prior to any of operations D1 through D13.

D15 Interim storage, prior to any of operations D1 through D12 (for transboundary movements other than with Canada).

DC15 Release, including the venting of compressed or liquified gases, or treatment, other than by any of operations D1 to D12 (for transboundary movements with Canada only).

DC16 Testing of a new technology to dispose of a hazardous waste (for transboundary movements with Canada only).

DC17 Interim storage, prior to any of operations D1 through D12 (for transboundary movements with Canada only).

"Export" means the transportation of hazardous waste from a location under the jurisdiction of the United States to a location under the jurisdiction of another country, or a location not under the jurisdiction of any country, for the purposes of recovery or disposal operations at the destination.

"Exporter" (designated as “primary exporter” in the certification statement on the RCRA hazardous waste manifest (USEPA Form 8700-22)) means either the person domiciled in the United States that originates the movement document in accordance with Section 722.183(d) or the manifest in accordance with Subpart B specifyingspecifing a foreign receiving facility as the destination of the hazardous waste or any recognized trader that proposes export of the hazardous wastes for recovery or disposal operations in the country of import.

"Foreign exporter" means the person under the jurisdiction of the country of export that has, or will have at the time the planned transboundarytrans-boundary movement commences, possession or other forms of legal control of the hazardous waste and that proposes shipment of hazardous waste to the United States for recovery or disposal operations.

"Foreign importer" means the person assigned possession or other form of legal

control of the hazardous waste upon receipt of the exported hazardous waste in the country of import.

"Foreign receiving facility" means a facility that operates or is authorized to operate under the importing country's applicable domestic law to receive the hazardous wastes and to perform recovery or disposal operations on them.

"Green control procedures" means the controls listed in Section C of Annex A ("Green Control Procedure") to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).
BOARD NOTE: The Board added this definition.

"Green waste" means a waste listed in Appendix 3 ("List of Wastes Subject to the Green Control Procedures") to Annex A and in Annex B ("OECD Consolidated List of Wastes Subject to the Green Control Procedure") to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).
BOARD NOTE: The Board added this definition.

"Import" means the transportation of hazardous waste from a location under the jurisdiction of another country to a location under the jurisdiction of the United States for the purposes of recovery or disposal operations at the destination.

"Importer" means the person that is assigned possession or other form of legal control of the hazardous waste at the time the imported hazardous waste is received in the United States.

"OECD" means the Organisation for Economic Co-operation and Development.

"OECD area" means all land or marine areas under the national jurisdiction of any OECD member country. When the regulations refer to shipments to or from an OECD member country, this means OECD area.

"OECD Guidance Manual" means "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 segments incorporated by reference in 35 Ill. Adm. Code 722.111(a), which set forth the substantive

requirements of OECD decision C(2001)107/FINAL, as amended by C(2004)20; C(2005)141 and C(2008)156.
BOARD NOTE: The Board added this definition. Although USEPA conventionally refers to the OECD requirements by the designation "C(2001)107/FINAL", USEPA incorporated the OECD Guidance Manual by reference for the substance of the OECD requirements. The substance of the OECD requirements requires reference to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention) for full meaning, and the OECD Guidance Manual includes Annexes A through C, which present the full text of OECD decision C(2001)107/FINAL and the Basel Convention. For these reasons, the Board refers directly to the OECD Guidance Manual and incorporates Annexes A through C of the Guidance Manual by reference.

"OECD member country" means any of the countries that are members of the OECD and participate in the OECD Guidance Manual.
BOARD NOTE: Corresponding 40 CFR 262.81 states that USEPA provides a list of OECD memberMember countries on the Internet. (https://www.epa.gov/hwgenerators/international-agreements-transboundary-shipments-hazardous-waste#oecd).

"Receiving facility" means a facility within the jurisdiction of the United States that operates or is authorized to operate to receive hazardous wastes and to perform recovery or disposal operations on them under RCRA and other applicable domestic laws.

"Recognized trader" means a person that, with appropriate authorization of countries concerned, acts in the role of principal to purchase and subsequently sell wastes; this person has legal control of such wastes from time of purchase to time of sale; such a person may act to arrange and facilitate transboundarytrans-boundary movements of wastes destined for recovery operations.

"Recovery facility" means a facility that, under applicable domestic law, is operating or is authorized to operate in the country of import to receive wastes and to perform recovery operations on them.

"Recovery operations" means activities leading to resource recovery, recycling, reclamation, direct re-use, or alternative uses, which include the following types of operations:

R1 Use as a fuel (other than in direct incineration) or other means to generate energy,

R2 Solvent reclamation or regeneration,

R3 Recycling or reclamation of organic substances that are not used as solvents,

R4 Recycling or reclamation of metals and metal compounds,

R5 Recycling or reclamation of other inorganic materials,

R6 Regeneration of acids or bases,

R7 Recovery of components used for pollution abatement,

R8 Recovery of components from used catalysts,

R9 Used oil re-refining or other reuses of previously used oil,

R10 Land treatment resulting in benefit to agriculture or ecological improvement,

R11 Uses of residual materials obtained from any of the operations numbered R1 through R10 (for transboundary shipments other than with Canada),

R12 Exchange of wastes for submission to any of the operations numbered R1 through R11 (for transboundary shipments other than with Canada), and

R13 Accumulation of material intended for any operation numbered R1 through R12 (for transboundary shipments other than with Canada).

RC14 Recovery or regeneration of a substance or use or re-use of a recyclable material, other than by any of operations R1 through R10 (for transboundary shipments with Canada only).

RC15 Testing of a new technology to recycle a hazardous recyclable material (for transboundary shipments with Canada only).

RC16 Interim storage prior to any of operations R1 through R11 or RC14 (for transboundary shipments with Canada only).

"Transboundary~~Trans-boundary~~ movement" means any movement of hazardous wastes from an area under the national jurisdiction of one country to an area under the national jurisdiction of another country.

"USEPA Acknowledgment of Consent" or "AOC" means the letter USEPA sends to the exporter documenting the specific terms of the country of import's consent and any countries of transit's consents.
BOARD NOTE: Corresponding 40 CFR 262.81 provides that the AOC meets the definition of "export license" in 15 CFR 30.1.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 722.182 General Conditions

a) Scope. The level of control for exports and imports of waste is indicated by designation of the waste as either Green waste or Amber waste, as such are defined in Section 722.181, and whether the waste is or is not hazardous waste.

1) Green Wastes

A) Green waste that is not hazardous waste is subject to existing controls normally applied to commercial transactions and is not subject to the requirements of this Subpart H.

B) Green waste that is hazardous waste is subject to the requirements of this Subpart H.

2) Amber Wastes

A) Amber waste that is hazardous waste is subject to the Amber control procedures set forth in this Subpart H, even if it is imported to or exported from a country that does not consider the

waste to be hazardous or control the transboundary shipment as a hazardous waste import or export.

i) For exports, exporter must comply with Section 722.183.

ii) For imports, the recovery or disposal facility and the importer must comply with Section 722.184.

B) Amber waste that is not hazardous waste, but which is considered hazardous by the other country, is subject to the Amber control procedures in the country that considers the waste hazardous, and are not subject to the requirements of this Subpart H. All responsibilities of the U.S. importer or exporter shift to the foreign importer or foreign exporter in the other country that considers the waste hazardous unless the parties make other arrangements through contracts.

BOARD NOTE: Some Amber wastes are not listed or otherwise identified as hazardous under RCRA, and therefore are not subject to the requirements of this Subpart H. Regardless of the status of the waste under RCRA, however, other federal environmental statutes (e.g., the Toxic Substances Control Act (42 USC 2601 et seq.)) restrict certain waste imports or exports. These other federal restrictions continue to apply without regard to the applicability or inapplicability of this Subpart H.

3) Mixtures

A) A Green waste that is mixed with one or more other Green wastes such that the resulting mixture is not hazardous waste is not subject to the requirements of this Subpart H.

BOARD NOTE: USEPA has noted that the law of some countries may require that mixtures of different Green wastes be subject to the Amber control procedures.

B) A Green waste that is mixed with one or more Amber wastes, in any amount, de minimis or otherwise, or a mixture of two or more Amber wastes that is hazardous waste is subject to the

requirements of this Subpart H.

BOARD NOTE: USEPA has noted that the law of some countries may require that a mixture of a Green waste and more than a de minimis amount of an Amber waste or a mixture of two or more Amber wastes be subject to the Amber control procedures.

4) Waste that is not yet OECD-listed waste is eligible for transboundary~~trans-boundary~~ movements, as follows:

A) If such waste is hazardous waste, the waste is subject to the requirements of this Subpart H.

B) If such waste is not hazardous waste, the waste is not subject to the requirements of this Subpart H.

b) General Conditions Applicable to Transboundary~~Trans-Boundary~~ Movements of Hazardous Waste

1) The hazardous waste must be destined for recovery or disposal operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the country of import;

2) The transboundary~~trans-boundary~~ movement must comply with applicable international transport agreements; and

BOARD NOTE: These international agreements include, but are not limited to, the Chicago Convention (1944), ADR (1957), ADNR (1970), MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG Code (1985), COTIF (1985), and RID (1985).

3) Any transit of hazardous waste through one or more countries must comply with all applicable international and national laws and regulations.

c) Duty to return wastes subject to the Amber control procedures during transit through the United States. When a transboundary~~trans-boundary~~ movement of hazardous waste subject to the Amber control procedures does not comply with the requirements of the notification and movement documents or otherwise constitutes illegal shipment, and if alternative arrangements cannot be made to

recover or dispose of these wastes in an environmentally sound manner, the waste must be returned to the country of export. The U.S. transporter must inform EPA at the specified mailing address in subsection (e) of the need to return the shipment. USEPA will then inform the competent authority of the country of export, citing the reasons for returning the waste. The U.S. transporter must complete the return within 90 days from the time USEPA informs the country of export of the need to return the waste, unless informed in writing by USEPA of another timeframe agreed to by the concerned countries.

d) Laboratory Analysis Exemption. Export or import of a hazardous waste sample is exempt from the requirements of this Subpart H if the sample is destined for laboratory analysis to assess its physical or chemical characteristics or to determine its suitability for recovery or disposal operations, the sample does not exceed 25 kg (55 pounds) in quantity, the sample is appropriately packaged and labeled, and the sample complies with the conditions of 35 Ill. Adm. Code 721.104(d) or (e).

e) USEPA Address for Submittals by Postal Mail or Hand Delivery. Submittals required in this Subpart H to be made by postal mail or hand delivery should be sent to the following addresses:

1) For Postal Mail Delivery:

Office of Enforcement and Compliance Assurance
Office of Federal Activities
International Compliance Assurance Division (2254A)
Environmental Protection Agency
1200 Pennsylvania Avenue NW.
Washington, DC 20460.

2) For Hand-Delivery:

Office of Enforcement and Compliance Assurance
Office of Federal Activities
International Compliance Assurance Division
Environmental Protection Agency
William Jefferson Clinton South Bldg., Room 6144
12th St. and Pennsylvania Ave NW.
Washington, DC 20004.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 44 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standards Applicable to Transporters of Hazardous Waste

2) Code Citation: 35 Ill. Adm. Code 723

3)

Section Numbers:	Proposed Actions:
723.120	Amendment
723.121	Amendment

4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27.

5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 723 are a single segment of consolidated docket R20-3/R20-11 rulemaking that also affects 35 Ill. Adm. Code 702, 705, 720 through 722, 724 through 726, 728, 733, 810, and 811. The consolidated R20-3/R20-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. A comprehensive description is contained in the Board's opinion and order of May 21, 2020, proposing amendments in consolidated docket R20-3/R20-11, which opinion and order is available from the address below.

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register* summarizes the broader rulemaking that is consolidated docket R20-3/R20-11. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 723 incorporate needed corrections in rule not directly related to USEPA amendments, including a correction to prior amendments requested by the Joint Committee on Administrative Rules (JCAR).

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R20-3/R20-11. 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 consolidated docket R20-3/R20-11.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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? No

10) Are there any other rulemakings pending on this Part? No

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 proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated docket R20-3/R20-11 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 consolidated docket R20-3/R20-11:

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

312/814-6924
michael.mccambridge@illinois.gov

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's Website at pcb.illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations 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) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.

15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 723
STANDARDS APPLICABLE TO
TRANSPORTERS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section
723.110 Scope
723.111 USEPA Identification Number
723.112 Transfer Facility Requirements
723.113 Electronic Reporting

SUBPART B: COMPLIANCE WITH THE MANIFEST SYSTEM AND RECORDKEEPING

Section
723.120 The Manifest System
723.121 Compliance with the Manifest
723.122 Recordkeeping
723.125 Electronic Manifest Signatures

SUBPART C: HAZARDOUS WASTE DISCHARGES

Section
723.130 Immediate Action
723.131 Discharge Cleanup

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

SOURCE: Adopted in 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 R84-9 at 9 Ill. Reg. 11961, effective July 24, 1985; amended in R86-19 at 10 Ill. Reg. 20718, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13570, effective August 4, 1987; amended in R87-5 at

11 Ill. Reg. 19412, effective November 12, 1987; amended in R95-6 at 19 Ill. Reg. 9945, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 589, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17965, effective September 28, 1998; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3180, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 881, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11969, effective July 14, 2008; amended in R11-2/R11-16 at 35 Ill. Reg. 17959, effective October 14, 2011; amended in R15-1 at 39 Ill. Reg. 1711, effective January 12, 2015; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 22595, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 585, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5995, effective May 2, 2019; amended in R20-3/R20-11 at 44 Ill. Reg. _____, effective _____.

SUBPART B: COMPLIANCE WITH THE MANIFEST SYSTEM AND RECORDKEEPING

Section 723.120 The Manifest System

a) No Acceptance Without a Manifest

1) Manifest Requirement. A transporter may not accept hazardous waste from a generator unless the transporter is also provided with a manifest form (USEPA Form 8700-22, and if necessary, USEPA Form 8700-22A) signed in accordance with the provisions of 35 Ill. Adm. Code 723.123, or is provided with an e-Manifest that is obtained, completed, and transmitted in accordance with 35 Ill. Adm. Code 722.120(a)(3) and signed with a valid and enforceable electronic signature as described in 35 Ill. Adm. Code 722.125.

2) Exports. For exports of hazardous waste subject to Subpart H of 35 Ill. Adm. Code 722, a transporter may not accept hazardous waste without a manifest signed by the generator in accordance with this Section, as appropriate, and for exports occurring under the terms of a consent issued by USEPA on or after December 31, 2016, a movement document that includes all information required by 35 Ill. Adm. Code 722.183(d).

3) This subsection (a)(3) corresponds with 40 CFR 263.20(a)(3), an applicability statement that became obsolete for the purposes of the Illinois rules on September 6, 2006. This statement maintains structural parity with the corresponding federal regulations.

4) Use of e-Manifest − Legal Equivalence to Paper Forms for Participating Transporters. E-Manifests that are obtained, completed, and transmitted in accordance with 35 Ill. Adm. Code 722.120(a)(3), and used in accordance with this Section in lieu of USEPA Forms 8700-22 and 8700-22A, are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in these regulations to obtain, complete, sign, carry, provide, give, use, or retain a manifest.

A) Any requirement in 35 Ill. Adm. Code 720 through 728 to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 35 Ill. Adm. Code 722.125.

B) Any requirement in 35 Ill. Adm. Code 720 through 728 to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when a copy of an e-Manifest is transmitted to the other person by submission to the e-Manifest System.

C) Any requirement in 35 Ill. Adm. Code 720 through 728 for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an e-Manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the waste shipment, except that, to the extent that the hazardous materials regulation on shipping papers for carriage by public highway requires transporters of hazardous materials to carry a paper document to comply with 49 CFR 177.817, incorporated by reference in 35 Ill. Adm. Code 720.111, a hazardous waste transporter must carry one printed copy of the e-Manifest on the transport vehicle.

D) Any requirement in 35 Ill. Adm. Code 720 through 728 for a transporter to keep or retain a copy of a manifest is satisfied by the retention of an e-Manifest in the transporter's account on the e-Manifest System, provided that such copies are readily available for viewing and production if requested by any USEPA or authorized state inspector.

E) No transporter may be held liable for the inability to produce an e-Manifest for inspection under this Section if that transporter can demonstrate that the inability to produce the e-Manifest is exclusively due to a technical difficulty with the USEPA e-Manifest System for which the transporter bears no responsibility.

BOARD NOTE: The Board has rendered the language "any requirement in these regulations" in corresponding 40 CFR 263.20(a)(4)(i) through (a)(4)(iv) as "any requirement in any provision of 35 Ill. Adm. Code 720 through 728" in the appropriate segments of this subsection (a)(4).

5) A transporter may participate in the e-Manifest System either by accessing the e-Manifest System from the transporter's own electronic equipment, or by accessing the e-Manifest System from the equipment provided by a participating generator, by another transporter, or by a designated facility.

6) Special Procedures When e-Manifest Is Not Available. If after a manifest has been originated electronically and signed electronically by the initial transporter, and the e-Manifest System should become unavailable for any reason, then the following requirements apply:

A) The transporter in possession of the hazardous waste when the e-Manifest becomes unavailable must reproduce sufficient copies of the printed manifest that is carried on the transport vehicle pursuant to subsection (a)(4)(C)~~(i)~~ or obtain and complete another paper manifest for this purpose. The transporter must reproduce sufficient copies to provide the transporter and all subsequent waste handlers with a copy for their files, plus two additional copies that will be delivered to the designated facility with the hazardous waste.

B) On each printed copy, the transporter must include a notation in the Special Handling and Additional Description space (Item 14) that the paper manifest is a replacement manifest for a manifest originated in the e-Manifest System, must include (if not pre-printed on the replacement manifest) the manifest tracking number of the e-Manifest that is replaced by the paper manifest, and must also include a brief explanation why the e-Manifest was not

available for completing the tracking of the shipment electronically.

C) A transporter signing a replacement manifest to acknowledge receipt of the hazardous waste must ensure that each paper copy is individually signed and that a legible handwritten signature appears on each copy.

D) From the point at which the e-Manifest is no longer available for tracking the waste shipment, the paper replacement manifest copies must be carried, signed, retained as records, and given to a subsequent transporter or to the designated facility, following the instructions, procedures, and requirements that apply to the use of all other paper manifests.

7) Special Procedures for Electronic Signature Methods Undergoing Tests. If a transporter using an e-Manifest signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the transporter must sign the e-Manifest electronically and also sign with an ink signature the transporter acknowledgement of receipt of materials on the printed copy of the manifest that is carried on the vehicle in accordance with subsection (a)(4)(C)(i). This printed copy bearing the generator's and transporter's ink signatures must also be presented by the transporter to the designated facility to sign in ink to indicate the receipt of the waste materials or to indicate discrepancies. After the owner or operator of the designated facility has signed this printed manifest copy with its ink signature, the printed manifest copy must be delivered to the designated facility with the waste materials.

8) This subsection (a)(8) corresponds with 40 CFR 263.20(a)(8), which USEPA has removed and marked "reserved". This statement maintains consistency with the corresponding federal rules.

9) Post-Receipt Manifest Data Corrections. After a facility has certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. A

transporter may participate electronically in the post-receipt data corrections process by following the process described in 35 Ill. Adm. Code 724.171(l), which applies to corrections made to either paper or electronic manifest records.

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

c) In the case of exports occurring under the terms of a consent issued by USEPA to the exporter on or after December 31, 2016, the transporter must ensure that a movement document that includes all information required by 35 Ill. Adm. Code 722.183(d) also accompanies the hazardous waste. In the case of imports occurring under the terms of a consent issued by USEPA to the country of export or the importer on or after December 31, 2016, the transporter must ensure that a movement document that includes all information required by 35 Ill. Adm. Code 722.184(d) also accompanies the hazardous waste.

d) A transporter that delivers a hazardous waste to another transporter or to the designated facility must do the following:

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

2) It must retain one copy of the manifest in accordance with Section 723.122; and

3) It must give the remaining copies of the manifest to the accepting transporter or designated facility.

e) Subsections (c), (d), and (f) do not apply to water (bulk shipment) transporters if all of the following are true:

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

2) A shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator certification and signatures) accompanies the hazardous waste and, for exports or imports occurring under the terms of a consent issued by USEPA, a movement document that includes all information required by 35 Ill. Adm. Code 722.183(d) or 722.184(d) accompanies the hazardous waste;

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

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

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

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

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

A) It must sign and date the manifest acknowledging acceptance of the hazardous waste;

B) It must return a signed copy of the manifest to the non-rail transporter;

C) It must forward at least three copies of the manifest to the following entities:

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

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

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

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

2) Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator certification and signatures) and, for exports or imports occurring under the terms of a consent issued by USEPA, a movement document that includes all information required by 35 Ill. Adm. Code 722.183(d) or 722.184(d) accompanies the hazardous waste at all times.

BOARD NOTE: Intermediate rail transporters are not required to sign the manifest, movement document, or shipping paper.

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

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

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

4) When delivering hazardous waste to a non-rail transporter a rail transporter must do the following:

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

B) It must retain a copy of the manifest in accordance with Section 723.122.

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

g) Transporters that transport hazardous waste out of the United States must do the following:

1) Sign and date the manifest in the International Shipments block to indicate the date that the hazardous waste left the United States;

2) Retain one copy in accordance with Section 723.122(d);

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

4) For paper manifests only, the transporter must do the following:

A) Send a copy of the manifest to the e-Manifest System in accordance with the allowable methods specified in 35 Ill. Adm. Code 724.171(a)(2)(E); and

B) For shipments initiated prior to December 31, 2017, when instructed by the exporter to do so, give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.

h) A transporter transporting hazardous waste from a generator that generates greater than 100 kg (220 lbs) but less than 1,000 kg (2,200 lbs) of hazardous waste in a calendar month need not comply with this Section or Section 723.122 provided that:

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

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

A) The name, address and USEPA Identification Number (35 Ill. Adm. Code 722.118) of the generator of the waste;

B) The quantity of waste accepted;

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

D) The date the waste is accepted; and

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

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

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 723.121 Compliance with the Manifest

a) Except as provided in subsection (b), the transporter must deliver the entire quantity of hazardous waste which it has accepted from a generator or a transporter to:

1) The designated facility listed on the manifest; or

2) The alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or

3) The next designated transporter; or

4) The place outside the United States designated by the generator.

b) Non-Delivery of the Hazardous Waste

1) Emergency Condition. If the hazardous waste cannot be delivered in accordance with subsection (a)(1), (a)(2), or (a)(4) because of an emergency condition other than rejection of the waste by the designated facility or alternate designated facility, then the transporter must contact the generator for further instructions and must revise the manifest according to the generator's instructions.

2) Transporters Without Generator-Agency Authority. If the hazardous waste is not delivered to the next designated transporter in accordance with subsection (a)(3), and the current transporter is without contractual authorization from the generator to act as the generator's agent with respect to transporter additions or substitutions, then the current transporter must contact the generator for further instructions prior to making any revisions to the transporter designations on the manifest. The current transporter may thereafter make such revisions if the condition of subsection (b)(2)(C) is true and the condition~~conditions~~ of either subsection~~subsections~~ (b)(2)(A) ~~and (b)(2)(C)~~ or ~~subsections~~ (b)(2)(B) is also~~and (b)(2)(C) are~~ true:

A) The hazardous waste is not delivered in accordance with subsection (a)(3) because of an emergency condition.

B) The current transporter proposes to change the transporters designated on the manifest by the generator, or to add a new transporter during transportation, to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety.

C) The generator authorizes the revision.

3) Transporters with Generator-Agency Authority. If the hazardous waste is not delivered to the next designated transporter in accordance with subsection (a)(3), and the current transporter has authorization from the generator to act as the generator's agent, then the current transporter may change the transporters designated on the manifest, or add a new transporter, during transportation without the generator's prior, explicit approval, provided that all of the following conditions are true:

A) The current transporter is authorized by a contractual provision that provides explicit agency authority for the transporter to make such transporter changes on behalf of the generator;

B) The transporter enters, in Item 14 of each manifest for which such a change is made, the following statement of its generator-agency authority: "Contract retained by generator confers agency authority on initial transporter to add or substitute additional

transporters on generator's behalf"; and

C) The change in designated transporters is necessary to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety.

4) Generator Liability. The grant by a generator of authority to a transporter to act as the agent of the generator with respect to changes to transporter designations under subsection (b)(3) does not affect the generator's liability or responsibility for complying with any applicable requirement under 35 Ill. Adm. Code, or grant any additional authority to the transporter to act on behalf of the generator.

c) If hazardous waste is rejected by the designated facility while the transporter is on the premises of the designated facility, then the transporter must obtain the following, as appropriate:

1) For a partial load rejection or for regulated quantities of container residues: a copy of the original manifest that includes the facility's date and signature, the manifest tracking number of the new manifest that will accompany the shipment, and a description of the partial rejection or container residue in the discrepancy block of the original manifest. The transporter must retain a copy of this manifest in accordance with Section 723.122 and give the remaining copies of the original manifest to the rejecting designated facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate facility or returning it to the generator, the transporter must obtain a new manifest to accompany the shipment, and the new manifest must include all of the information required in 35 Ill. Adm. Code 724.172(e)(1) through (e)(6) or (f)(1) through (f)(6) or 725.172(e)(1) through (e)(6) or (f)(1) through (f)(6).

2) For a full load rejection that will be taken back by the transporter: a copy of the original manifest that includes the rejecting facility's signature and date attesting to the rejection, the description of the rejection in the discrepancy block of the manifest, and the name, address, phone number, and USEPA identification number for the alternate facility or generator to whom the shipment must be delivered. The transporter must retain a copy of the manifest in accordance with Section 723.122 and give a copy of the

manifest containing this information to the rejecting designated facility. If the original manifest is not used, then the transporter must obtain a new manifest for the shipment and comply with 35 Ill. Adm. Code 724.172(e)(1) through (e)(6) or (f)(1) through (f)(6) or 725.172(e)(1) through (e)(6) or (f)(1) through (f)(6).

(Source: Amended at 44 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

2) Code Citation: 35 Ill. Adm. Code 724

3)

Section Numbers:	Proposed Actions:
724.101	Amendment
724.171	Amendment

4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27

5) A Complete Description of the Subjects and Issues Involved: The amendment to Part 724 are a single segment of consolidated docket R20-3/R20-11 rulemaking that also affects 35 Ill. Adm. Code 702, 705, 720 through 723, 725, 726, 728, 733, 810, and 811. The consolidated R20-3/R20-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. A comprehensive description is contained in the Board's opinion and order of May 21, 2020, proposing amendments in consolidated docket R20-3/R20-11, which opinion and order is available from the address below.

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register* summarizes the broader rulemaking that is consolidated docket R20-3/R20-11. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 724 incorporate segments of USEPA's Hazardous Waste Pharmaceuticals Rule and Universal Waste Aerosol Cans Rule into the Illinois hazardous waste regulations. The amendments include needed corrections in rule not directly related to USEPA amendments, including a correction to prior amendments requested by the Joint Committee on Administrative Rules (JCAR).

Tables appear in a document entitled "Identical-in–Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R20-3/R20-11. 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 consolidated docket R20-3/R20-11.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Does this rulemaking replace an emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

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 proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated docket R20-3/R20-11 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 consolidated docket R20-3/R20-11:

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

312/814-6924
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 pcb.illinois.gov.

13) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations 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) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.

15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

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

SUBPART A: GENERAL PROVISIONS

Section
724.101 Purpose, Scope, and Applicability
724.103 Relationship to Interim Status Standards
724.104 Electronic Reporting

SUBPART B: GENERAL FACILITY STANDARDS

Section
724.110 Applicability
724.111 USEPA Identification Number
724.112 Required Notices
724.113 General Waste Analysis
724.114 Security
724.115 General Inspection Requirements
724.116 Personnel Training
724.117 General Requirements for Ignitable, Reactive, or Incompatible Wastes
724.118 Location Standards
724.119 Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

Section
724.130 Applicability
724.131 Design and Operation of Facility
724.132 Required Equipment
724.133 Testing and Maintenance of Equipment
724.134 Access to Communications or Alarm System
724.135 Required Aisle Space

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

724.137 Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

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

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11244, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 636, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2186, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9437, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1146, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9833, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5115, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6635, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3725, effective February 14, 2003; amended in R05-8 at 29 Ill. Reg. 6009, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6365, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3196, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 893, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12365, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1106, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18873, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17965, effective October 14, 2011; amended in R13-15 at 37 Ill. Reg. 17773, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1724, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11726, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 22614, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg.

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601, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5999, effective May 2, 2019; amended in R20-3/R20-11 at 44 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 724.101 Purpose, Scope, and Applicability

a) The purpose of this Part is to establish minimum standards that define the acceptable management of hazardous waste.

b) The standards in this Part apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.

c) This Part applies to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued pursuant to the federal Marine Protection, Research and Sanctuaries Act (33 USC 1401 et seq.) only to the extent they are included in a RCRA permit by rule granted to such a person pursuant to 35 Ill. Adm. Code 703.141. A "RCRA permit" is a permit required by Section 21(f) of the Environmental Protection Act and 35 Ill. Adm. Code 703.121.

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

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

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

e) This Part applies to the owner or operator of a POTW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste only to the extent included in a RCRA permit by rule granted to such a person pursuant to 35 Ill. Adm. Code 703.141.

f) This subsection (f) corresponds with 40 CFR 264.1(f), which provides that the federal regulations do not apply to T/S/D activities in authorized states, except

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

g) This Part does not apply to the following:

1) The owner or operator of a facility permitted by the Agency pursuant to Section 21 of the Environmental Protection Act to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation pursuant to this Part by 35 Ill. Adm. Code 722.114.

BOARD NOTE: The owner or operator may be subject to 35 Ill. Adm. Code 807 and may have to have a supplemental permit pursuant to 35 Ill. Adm. Code 807.210.

2) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4) (except to the extent that requirements of this Part are referred to in Subpart C, F, G, or H of 35 Ill. Adm. Code 726 or 35 Ill. Adm. Code 739).

3) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.114, 722.115, 722.116, or 722.117.

4) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170.

5) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110.

6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in Table T to 35 Ill. Adm. Code 728) or reactive (D003) waste to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 724.117(b).

7) This subsection (g)(7) corresponds with 40 CFR 264.1(g)(7), reserved by USEPA. This statement maintains structural consistency with USEPA

rules.

8) Immediate Response

A) Except as provided in subsection (g)(8)(B), a person engaged in treatment or containment activities during immediate response to any of the following situations:

i) A discharge of a hazardous waste;

ii) An imminent and substantial threat of a discharge of hazardous waste;

iii) A discharge of a material that becomes a hazardous waste when discharged; or

iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.

B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of Subparts C and D.

C) Any person that is covered by subsection (g)(8)(A) and that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities.

D) In the case of an explosives or munitions emergency response, if a federal, State, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to adequately protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters that do not have

USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.

9) A transporter storing manifested shipments of hazardous waste in containers meeting 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.

10) The addition of absorbent materials to waste in a container (as defined in 35 Ill. Adm. Code 720) or the addition of waste to absorbent material in a container, provided these actions occur at the time waste is first placed in the container, and Sections 724.117(b), 724.271, and 724.272 are complied with.

11) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation pursuant to 35 Ill. Adm. Code 733 when handling the following universal wastes:

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

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

C) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104; ~~and~~

D) Lamps, as described in 35 Ill. Adm. Code 733.105; and~~.~~

E) Aerosol cans, as described in 35 Ill. Adm. Code 733.106.

12) This subsection (g)(12) corresponds with 40 CFR 264.1(g)(12), which applies only to a facility outside Illinois. This statement maintains structural consistency with the corresponding USEPA rule.

13) A reverse distributor accumulating potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals, as

defined in 35 Ill. Adm. Code 726.600. A reverse distributor is subject to regulation under Subpart P of 35 Ill. Adm. Code 726 in lieu of this Part for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

h) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728.

i) 35 Ill. Adm. Code 726.505 identifies when this Part applies to the storage of military munitions classified as solid waste pursuant to 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 728, and 738.

j) Subparts B, C, and D and Section 724.201 do not apply to remediation waste management sites. (However, some remediation waste management sites may be a part of a facility that is subject to a traditional RCRA permit because the facility is also treating, storing, or disposing of hazardous wastes that are not remediation wastes. In these cases, Subparts B, C, and D, and Section 724.201 do apply to the facility subject to the traditional RCRA permit.) Instead of Subparts B, C, and D, the owner or operator of a remediation waste management site must comply with the following requirements:

1) The owner or operator must obtain a USEPA identification number by applying to the Agency using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12), as described in Section 724.111;

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

2) The owner or operator must obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the analysis must contain all of the information that must be known to treat, store, or dispose of the waste according to this Part and 35 Ill. Adm. Code 728, and the owner or operator must keep the analysis accurate and up to date;

3) The owner or operator must prevent people who are unaware of the danger from entering the site, and the owner or operator must minimize the possibility for unauthorized people or livestock entering onto the active portion of the remediation waste management site, unless the owner or operator can demonstrate the following to the Agency:

   A) That physical contact with the waste, structures, or equipment within the active portion of the remediation waste management site will not injure people or livestock that may enter the active portion of the remediation waste management site; and

   B) That disturbance of the waste or equipment by people or livestock that enter onto the active portion of the remediation waste management site will not cause a violation of the requirements of this Part;

4) The owner or operator must inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing or may lead to a release of hazardous waste constituents to the environment or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment, and the owner or operator must remedy the problem before it leads to a human health or environmental hazard. Where a hazard is imminent or has already occurred, the owner or operator must immediately take remedial action;

5) The owner or operator must provide personnel with classroom or on-the-job training on how to perform their duties in a way that ensures the remediation waste management site complies with this Part, and on how to respond effectively to emergencies;

6) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, and the owner or operator must prevent threats to human health and the environment from ignitable, reactive, and incompatible waste;

7) For remediation waste management sites subject to regulation under

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

8) The owner or operator must not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine, or cave;

9) The owner or operator must develop and maintain a construction quality assurance program for all surface impoundments, waste piles, and landfill units that are required to comply with Sections 724.321(c) and (d), 724.351(c) and (d), and 724.401(c) and (d) at the remediation waste management site, according to Section 724.119;

10) The owner or operator must develop and maintain procedures to prevent accidents and a contingency and emergency plan to control accidents that occur. These procedures must address proper design, construction, maintenance, and operation of remediation waste management units at the site. The goal of the plan must be to minimize the possibility of, and the hazards from, a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever a fire, explosion, or release of hazardous waste or hazardous waste constituents occurs that could threaten human health or the environment;

11) The owner or operator must designate at least one employee, either on the facility premises or on call (that is, available to respond to an emergency by reaching the facility quickly), to coordinate all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan;

12) The owner or operator must develop, maintain, and implement a plan to meet the requirements in subsections (j)(2) through (j)(6) and (j)(9) through (j)(10); and

13) The owner or operator must maintain records documenting compliance with subsections (j)(1) through (j)(12).

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section 724.171 Use of Manifest System

a) Receipt of Manifested Hazardous Waste

1) If a facility receives hazardous waste accompanied by a manifest, the owner, operator, or its agent must sign and date the manifest, as indicated in subsection (a)(2), to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space.

2) If a facility receives a hazardous waste shipment accompanied by a manifest, the owner, operator, or its agent must do the following:

A) The owner, operator, or agent must sign and date each copy of the manifest;

B) The owner, operator, or agent must note any discrepancies (as defined in Section 724.172) on each copy of the manifest;

C) The owner, operator, or agent must immediately give the transporter at least one copy of the manifest;

D) The owner, operator, or agent must send a copy (Page 3) of the manifest to the generator within 30 days after delivery;

E) Paper manifest submission requirements are the following:

i) The owner, operator, or agent must send the top copy (Page 1) of any paper manifest and any paper continuation sheet to the e-Manifest System for purposes of data entry and processing, or in lieu of submitting the paper copy to the e-Manifest System operator, the owner or operator may transmit to the e-Manifest System operator an image file of Page 1 of the manifest and any continuation sheet, or both a data string file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days after the date of delivery. Submissions of copies to the e-Manifest System must be made at the mailing address or electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, USEPA will not accept mailed paper manifests from facilities for processing in the e-Manifest System; and

ii) Options for Compliance on June 30, 2021. Beginning on June 30, 2021, the requirement to submit the top copy (Page 1) of the paper manifest and any paper continuation sheet to the e-Manifest System for purposes of data entry and processing may be met by the owner or operator only by transmitting to the e-Manifest System an image file of Page 1 of the manifest and any continuation sheet, or by transmitting to the e-Manifest System both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days after the date of delivery. Submissions of copies to the e-Manifest System mustshall be made to the electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, USEPA will not accept mailed paper manifests from facilities for processing in the e-Manifest System; and

F) The owner, operator, or agent must retain at the facility a copy of each manifest for at least three years after the date of delivery.

3) The owner or operator of a facility receiving hazardous waste subject to Subpart H of 35 Ill. Adm. Code 722 from a foreign source must do the following:

A) List the relevant consent number from consent documentation supplied by USEPA to the facility for each waste listed on the manifest, matched to the relevant list number for the waste from block 9b. If additional space is needed, the owner or operator should use Continuation Sheets (USEPA Form 8700–22A); and

B) Send a copy of the manifest within 30 days of delivery to USEPA using the addresses listed in 35 Ill. Adm. Code 722.182(e) until the facility can submit such a copy to the e-Manifest system per subsection (a)(2)(E).

b) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste that is accompanied by a shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator's certification, and signatures), the owner or operator, or the owner or operator's agent, must do the following:

1) It must sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

2) It must note any significant discrepancies (as defined in Section 724.172(a)) in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;

BOARD NOTE: The Board does not intend that the owner or operator of a facility whose procedures under Section 724.113(c) include waste analysis must perform that analysis before signing the shipping paper and giving it to the transporter. Section 724.172(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.

3) It must immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

4) The owner or operator must send a copy of the signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery) to the generator within 30 days after the delivery; and

BOARD NOTE: Section 722.123(c) requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).

5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.

c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of 35 Ill. Adm. Code 722. The provisions of 35 Ill. Adm. Code 722.115, 722.116, and 722.117 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of 35 Ill. Adm. Code 722.115, 722.116, and 722.117 only apply to owners or operators that are shipping hazardous waste that they generated at that facility or operating as a large quantity generator consolidating hazardous waste from a VSQG~~very small quantity generators~~ under 35 Ill. Adm. Code 722.117(f).

d) As required by 35 Ill. Adm. Code 722.184(d)(2)(O), within three working days after the receipt of a shipment subject to Subpart H of 35 Ill. Adm. Code 722, the owner or operator of a facility must provide a copy of the movement document bearing all required signatures to the foreign exporter and competent authorities of all the countries of export and transit that control the shipment as an export or transit of hazardous waste. On or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's WIETS. The original copy of the movement document must be maintained at the facility for at least three years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on USEPA's WIETS, provided that copies are readily available for viewing and production if requested by any USEPA or authorized state inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS, for

which the owner or operator of a facility bears no responsibility.

e) A facility must determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under its state hazardous waste program. A facility must also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to that state.

f) Legal Equivalence to Paper Manifests. E-Manifests that are obtained, completed, transmitted in accordance with 35 Ill. Adm. Code 722.120(a)(3), and used in accordance with this Section in lieu of the paper manifest form are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in 35 Ill. Adm. Code 720 through 728 to obtain, complete, sign, provide, use, or retain a manifest.

1) Any requirement in 35 Ill. Adm. Code 720 through 728 for the owner or operator of a facility to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 35 Ill. Adm. Code 722.125.

2) Any requirement in 35 Ill. Adm. Code 720 through 728 to give, provide, send, forward, or to return to another person a copy of the manifest is satisfied when a copy of an e-Manifest is transmitted to the other person.

3) Any requirement in 35 Ill. Adm. Code 720 through 728 for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an e-Manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the hazardous waste shipment.

4) Any requirement in 35 Ill. Adm. Code 720 through 728 for an owner or operator to keep or retain a copy of each manifest is satisfied by the retention of the facility's e-Manifest copies in its account on the e-Manifest System, provided that such copies are readily available for viewing and production if requested by any USEPA or Agency inspector.

5) No owner or operator may be held liable for the inability to produce an e-Manifest for inspection under this Section if the owner or operator can

demonstrate that the inability to produce the e-Manifest is due exclusively to a technical difficulty with the e-Manifest System for which the owner or operator bears no responsibility.

g) An owner or operator may participate in the e-Manifest System either by accessing the e-Manifest System from the owner's or operator's electronic equipment, or by accessing the e-Manifest System from portable equipment brought to the owner's or operator's site by the transporter that delivers the waste shipment to the facility.

h) Special Procedures Applicable to Replacement Manifests. If a facility receives hazardous waste that is accompanied by a paper replacement manifest for a manifest that was originated electronically, the following procedures apply to the delivery of the hazardous waste by the final transporter:

1) Upon delivery of the hazardous waste to the designated facility, the owner or operator must sign and date each copy of the paper replacement manifest by hand in Item 20 (Designated Facility Certification of Receipt) and note any discrepancies in Item 18 (Discrepancy Indication Space) of the paper replacement manifest;

2) The owner or operator of the facility must give back to the final transporter one copy of the paper replacement manifest;

3) Within 30 days after delivery of the hazardous waste to the designated facility, the owner or operator of the facility must send one signed and dated copy of the paper replacement manifest to the generator and send an additional signed and dated copy of the paper replacement manifest to the e-Manifest System; and

4) The owner or operator of the facility must retain at the facility one copy of the paper replacement manifest for at least three years after the date of delivery.

i) Special Procedures Applicable to Electronic Signature Methods Undergoing Tests. If an owner or operator using an e-Manifest signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, the owner or operator must also sign with an ink

signature the facility's certification of receipt or discrepancies on the printed copy of the manifest provided by the transporter. Upon executing its ink signature on this printed copy, the owner or operator must retain this original copy among its records for at least three years after the date of delivery of the waste.

j) Imposition of User Fee for Electronic Manifest Submissions

1) As prescribed in 40 CFR 264.1311, incorporated by reference in 35 Ill. Adm. Code 720.111, and determined in 40 CFR 264.1312, incorporated by reference in 35 Ill. Adm. Code 720.111, an owner or operator that is a user of the e-Manifest System must be assessed a user fee by USEPA for the submission and processing of each e-Manifest and paper manifest. USEPA has stated that it would update the schedule of user fees and publish them to the user community, as provided in 40 CFR 264.1313, incorporated by reference in 35 Ill. Adm. Code 720.111.

2) An owner or operator subject to user fees under this Section must make user fee payments in accordance with the requirements of 40 CFR 264.1314, incorporated by reference in 35 Ill. Adm. Code 720.111, subject to the informal fee dispute resolution process of 40 CFR 264.1316, incorporated by reference in 35 Ill. Adm. Code 720.111, and subject to the sanctions for delinquent payments under 40 CFR 264.1315, incorporated by reference in 35 Ill. Adm. Code 720.111.

k) E-Manifest Signatures. E-Manifest signatures must meet the criteria described in 35 Ill. Adm. Code 722.125.

l) Post-Receipt Manifest Data Corrections. After a facility has certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any interested person (i.e., any waste handler shown on the manifest or the Agency) may submit any post-receipt data corrections at any time (i.e., any waste handler shown on the manifest or the Agency).

1) An interested person must make all corrections to manifest data by electronic submission, either by directly entering corrected data to the web-based service provided in the e-Manifest System for such corrections, or by an upload of a data file containing data corrections relating to one or more previously submitted manifests.

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2) Each correction submission must include the following information:

A) The Manifest Tracking Number and date of receipt by the facility of the original manifests for which data are being corrected;

B) The item numbers of the original manifest that is the subject of the submitted corrections; and

C) For each item number with corrected data, the data previously entered and the corresponding data as corrected by the correction submission.

3) Each correction submission must~~shall~~ include a statement that the person submitting the corrections certifies that, to the best of his or her knowledge or belief, the corrections that are included in the submission will cause the information reported about the previously received hazardous wastes to be true, accurate, and complete:

A) The person must execute the certification statement with a valid electronic signature; and

B) The person may submit a batch upload of data corrections under one certification statement.

4) Upon receipt by the e-Manifest System of any correction submission, other interested persons shown on the manifest will be provided electronic notice of the submitter’s corrections.

5) Other interested persons shown on the manifest may respond to the submitter's corrections with comments to the submitter, or by submitting another correction to the e-Manifest System, certified by the respondent as specified in subsection (l)(3), and with notice of the corrections to other interested persons shown on the manifest.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

2) Code Citation: 35 Ill. Adm. Code 725

3)

Section Numbers:	Proposed Actions:
725.101	Amendment
725.171	Amendment
725.981	Amendment
725.984	Amendment

4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27

5) A Complete Description of the Subjects and Issues Involved: The amendment to Part 725 are a single segment of consolidated docket R20-3/R20-11 rulemaking that also affects 35 Ill. Adm. Code 702, 705, 720 through 724, 726, 728, 733, 810, and 811. The consolidated R20-3/R20-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. A comprehensive description is contained in the Board's opinion and order of May 21, 2020, proposing amendments in consolidated docket R20-3/R20-11, which opinion and order is available from the address below.

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register* summarizes the broader rulemaking that is consolidated docket R20-3/R20-11. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 725 incorporate segments of USEPA's Hazardous Waste Pharmaceuticals Rule and Universal Waste Aerosol Cans Rule into the Illinois hazardous waste regulations. The amendments include needed corrections in rule not directly related to USEPA amendments, including a correction to prior amendments requested by the Joint Committee on Administrative Rules (JCAR).

Tables appear in a document entitled "Identical-in–Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R20-3/R20-11. 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 consolidated docket R20-3/R20-11.

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

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Does this rulemaking replace an emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

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 proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated docket R20-3/R20-11 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 consolidated docket R20-3/R20-11:

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

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Chicago IL 60601

312/814-6924
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 pcb.illinois.gov.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations 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) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.

15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

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

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725.101 Purpose, Scope, and Applicability
725.102 Electronic Reporting
725.104 Imminent Hazard Action

SUBPART B: GENERAL FACILITY STANDARDS

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SUBPART C: PREPAREDNESS AND PREVENTION

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SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

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725.152 Content of Contingency Plan
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725.212 Closure Plan; Amendment of Plan
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SUBPART H: FINANCIAL REQUIREMENTS

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725.240 Applicability
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725.242 Cost Estimate for Closure
725.243 Financial Assurance for Closure
725.244 Cost Estimate for Post-Closure Care
725.245 Financial Assurance for Post-Closure Monitoring and Maintenance
725.246 Use of a Mechanism for Financial Assurance of Both Closure and Post-Closure Care
725.247 Liability Requirements
725.248 Incapacity of Owners or Operators, Guarantors, or Financial Institutions
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725.271 Condition of Containers
725.272 Compatibility of Waste with Containers
725.273 Management of Containers
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725.278 Air Emission Standards

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725.291 Assessment of Existing Tank System Integrity
725.292 Design and Installation of New Tank Systems or Components
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725.294 General Operating Requirements
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725.296 Response to Leaks or Spills and Disposition of Tank Systems
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725.300 Waste Analysis and Trial Tests
725.301 Generators of 100 to 1,000 Kilograms of Hazardous Waste Per Month (Repealed)
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SUBPART N: LANDFILLS

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725.414 Special Requirements for Liquid Wastes
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SUBPART W: DRIP PADS

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SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

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725.APPENDIX A Recordkeeping Instructions
725.APPENDIX B EPA Report Form and Instructions (Repealed)
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725.APPENDIX D Tests for Significance
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725.APPENDIX F Compounds with Henry's Law Constant Less Than 0.1 Y/X (at 25˚C)

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

SOURCE: Adopted in 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 R82-18 at 7 Ill. Reg.

2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11078, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 369, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17620, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1850, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9168, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1076, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9575, effective June 20, 2000; amended in R03-7 at 27 Ill. Reg. 4187, effective February 14, 2003; amended in R05-8 at 29 Ill. Reg. 6028, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6389, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3460, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1031, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12566, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1155, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18890, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 18052, effective October 14, 2011; amended in R13-15 at 37 Ill. Reg. 17811, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1746, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11830, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 23725, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 634, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 6049, effective May 2, 2019; amended in R20-3/R20-11 at 44 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 725.101 Purpose, Scope, and Applicability

a) The purpose of this Part is to establish minimum standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure care requirements, until post-closure care responsibilities are fulfilled.

b) Except as provided in Section 725.980(b), the standards in this Part and 35 Ill. Adm. Code 724.652 through 724.654 apply to owners and operators of facilities that treat, store, or dispose of hazardous waste and which have fully complied with the requirements for interim status pursuant to Section 3005(e) of the Resource Conservation and Recovery Act (RCRA) (42 USC 6925(e)) and 35 Ill. Adm. Code 703, until either a permit is issued pursuant to Section 3005 of the Resource Conservation and Recovery Act (42 USC 6905) or Section 21(f) of the Environmental Protection Act, or until applicable closure and post-closure care responsibilities pursuant to this Part are fulfilled, and to those owners and operators of facilities in existence on November 19, 1980 that have failed to provide timely notification as required by section 3010(a) of RCRA (42 USC 6930(a)) or that have failed to file Part A of the Permit Application, as required by federal 40 CFR 270.10(e) and (g) or 35 Ill. Adm. Code 703.150 and 703.152. These standards apply to all treatment, storage, or disposal of hazardous waste at these facilities, except as specifically provided otherwise in this Part or in 35 Ill. Adm. Code 721.

BOARD NOTE: As stated in Section 3005(a) of RCRA (42 USC 6905(a)), after the effective date of regulations pursuant to that Section (i.e., 40 CFR 270 and 124) the treatment, storage, or disposal of hazardous waste is prohibited except in accordance with a permit. Section 3005(e) of RCRA (42 USC 6905(e)) provides for the continued operation of an existing facility that meets certain conditions until final administrative disposition of the owner's and operator's permit application is made.

c) The requirements of this Part do not apply to any of the following:

1) A person disposing of hazardous waste by means of ocean disposal subject to a permit issued pursuant to the federal Marine Protection, Research and Sanctuaries Act (33 USC 1401 et seq.);

BOARD NOTE: This Part applies to the treatment or storage of

hazardous waste before it is loaded into an ocean vessel for incineration or disposal at sea, as provided in subsection (b).

2) This subsection (c)(2) corresponds with 40 CFR 265.1(c)(2), marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules;

3) The owner or operator of a POTW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste;

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

4) This subsection (c)(4) corresponds with 40 CFR 265.1(c)(4), which pertains exclusively to the applicability of the federal regulations in authorized states. There is no need for a parallel provision in the Illinois regulations. This statement maintains structural consistency with USEPA rules;

5) The owner or operator of a facility permitted, licensed, or registered by Illinois to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation pursuant to this Part by 35 Ill. Adm. Code 722.114;

6) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4), except to the extent that requirements of this Part are referred to in Subpart C, F, G, or H of 35 Ill. Adm. Code 726 or 35 Ill. Adm. Code 739;

7) A generator accumulating waste on-site in compliance with applicable conditions for exemption in 35 Ill. Adm. Code 722.114 through 722.117 and Subparts K and L of 35 Ill. Adm. Code 722, except to the extent the requirements of this Part are included in those Sections and Subparts;

8) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170;

9) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;

10) The owner or operator of an elementary neutralization unit or a wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in Table T of 35 Ill. Adm. Code 728) or reactive (D003) waste in order to remove the characteristic before land disposal, the owner or operator must comply with the requirements set forth in Section 725.117(b);

11) Immediate Response

A) Except as provided in subsection (c)(11)(B), a person engaged in treatment or containment activities during immediate response to any of the following situations:

i) A discharge of a hazardous waste;

ii) An imminent and substantial threat of a discharge of a hazardous waste;

iii) A discharge of a material that becomes a hazardous waste when discharged; or

iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.

B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of Subparts C and D.

C) Any person that is covered by subsection (c)(11)(A) that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable

requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities;

D) In the case of an explosives or munitions emergency response, if a federal, state, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to adequately protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters that do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition;

12) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;

13) The addition of absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) or the addition of waste to the absorbent material in a container, provided that these actions occur at the time that the waste is first placed in the containers and Sections 725.117(b), 725.271, and 725.272 are complied with;

14) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation pursuant to 35 Ill. Adm. Code 733 when handling the following universal wastes:

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

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

C) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104;

D) Lamps, as described in 35 Ill. Adm. Code 733.105; and.

E) Aerosol cans, as described in 35 Ill. Adm. Code 733.106;

15) This subsection (c)(15) corresponds with 40 CFR 265.1(c)(15), which applies only to a facility outside Illinois. This statement maintains structural consistency with the corresponding USEPA rule;

16) A reverse distributor accumulating potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals, as defined in 35 Ill. Adm. Code 726.600. A reverse distributor is subject to regulation under Subpart P of 35 Ill. Adm. Code 726 in lieu of this Part for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

d) The following hazardous wastes must not be managed at facilities subject to regulation pursuant to this Part: USEPA hazardous waste numbers F020, F021, F022, F023, F026, or F027, unless the following conditions are fulfilled:

1) The wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;

2) The waste is stored in tanks or containers;

3) The waste is stored or treated in waste piles that meet the requirements of 35 Ill. Adm. Code 724.350(c) and all other applicable requirements of Subpart L;

4) The waste is burned in incinerators that are certified pursuant to the standards and procedures in Section 725.452; or

5) The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in Section 725.483.

e) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728, and the 35 Ill. Adm. Code 728 standards are considered material conditions or requirements of the interim status standards of this Part.

f) 35 Ill. Adm. Code 726.505 identifies when the requirements of this Part apply to the storage of military munitions classified as solid waste pursuant to 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 728, and 738.

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

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

Section 725.171 Use of Manifest System

a) Receipt of Manifested Hazardous Waste

1) If a facility receives hazardous waste accompanied by a manifest, the owner, operator, or its agent must sign and date the manifest, as indicated in subsection (a)(2), to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space.

2) If a facility receives a hazardous waste shipment accompanied by a manifest, the owner, operator, or its agent must do the following:

A) The owner, operator, or agent must sign and date, by hand, each copy of the manifest;

B) The owner, operator, or agent must note any discrepancies (as defined in 35 Ill. Adm. Code 724.172) on each copy of the manifest;

C) The owner, operator, or agent must immediately give the transporter at least one copy of the manifest;

D) The owner, operator, or agent must send a copy (Page 3) of the manifest to the generator within 30 days after delivery;

E) Paper manifest submission requirements are the following:

i) The owner, operator, or agent must send the top copy (Page 1) of any paper manifest and any paper continuation sheet to the e-Manifest System for purposes of data entry and processing. In lieu of submitting the paper copy to the e-Manifest System operator, the owner or operator may transmit to the e-Manifest System operator an image file of Page 1 of the manifest and any continuation sheet, or both a data string file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days after the date of delivery. Submissions of copies to the e-Manifest System must be made at the mailing address or electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, USEPA will not accept mailed paper manifests from facilities for processing in the e-Manifest System; and

ii) Options for Compliance on June 30, 2021. Beginning on June 30, 2021, the requirement to submit the top copy (Page 1) of the paper manifest and any paper continuation sheet to the e-Manifest System for purposes of data entry and processing may be met by the owner or operator only by transmitting to the e-Manifest System an image file of Page 1 of the manifest and any continuation sheet, or by transmitting to the e-Manifest System both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days after~~of~~ the date of delivery. Submissions of copies to the e-Manifest System must~~shall~~ be made to the electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, USEPA

will not accept mailed paper manifests from facilities for processing in the e-Manifest System; and

F) The owner, operator, or agent must retain at the facility a copy of each manifest for at least three years after the date of delivery.

3) The owner or operator of a facility that receives hazardous waste subject to Subpart H of 35 Ill. Adm. Code 722 from a foreign source must:

A) Additionally list the relevant consent number from consent documentation supplied by USEPA to the facility for each waste listed on the hazardous waste manifest (USEPA Form 8700-22), matched to the relevant list number for the waste from block 9b. If additional space is needed, the owner or operator should use Continuation Sheets (USEPA Form 8700-22A); and

B) Send a copy of the manifest to USEPA using the addresses listed in 35 Ill. Adm. Code 722.182(e) within 30 days of delivery until the facility can submit such a copy to the e-Manifest system per subsection (a)(2)(E).

b) If a facility receives from a rail or water (bulk shipment) transporter hazardous waste that is accompanied by a shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator certification, and signatures), the owner or operator or its agent must do each of the following:

1) It must sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

2) It must note any significant discrepancies, as defined in Section 725.172(a), in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;

BOARD NOTE: The owner or operator of a facility whose procedures under Section 725.113(c) include waste analysis need not perform that analysis before signing the shipping paper and giving it to the transporter. Section 725.172(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.

3) It must immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

4) The owner or operator must send a copy of the signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery) to the generator within 30 days after the delivery; and

BOARD NOTE: 35 Ill. Adm. Code 722.123(c) requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).

5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.

c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of 35 Ill. Adm. Code 722. The provisions of 35 Ill. Adm. Code 722.115, 722.116, and 722.117 apply to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of 35 Ill. Adm. Code 722.115, 722.116, and 722.117 only apply to an owner or operator that ships hazardous waste which it generated at that facility or operating as an LQG consolidating hazardous waste from VSQGs under 35 Ill. Adm. Code 722.117(f).

d) As required by 40 CFR 262.84(d)(2)(O), within three working days after the receipt of a shipment subject to Subpart H of 35 Ill. Adm. Code 722, the owner or operator of a facility must provide a copy of the movement document bearing all required signatures to the foreign exporter and to the competent authorities of the countries of export and transit that control the shipment as an export or transit of hazardous waste. On or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's WIETS. The original copy of the tracking document must be maintained at the facility for at least three years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on USEPA's WIETS, provided that copies are readily available for viewing and production if requested by any USEPA or authorized state

inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS, for which the owner or operator of a facility bears no responsibility.

e) A facility must determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under its state hazardous waste program. A facility must also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to that state.

f) Legal Equivalence to Paper Manifests. E-Manifests that are obtained, completed, transmitted in accordance with 35 Ill. Adm. Code 722.120(a)(3), and used in accordance with this Section in lieu of the paper manifest form are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in 35 Ill. Adm. Code 720 through 728 to obtain, complete, sign, provide, use, or retain a manifest.

1) Any requirement in 35 Ill. Adm. Code 720 through 728 for the owner or operator of a facility to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 35 Ill. Adm. Code 722.125.

2) Any requirement in 35 Ill. Adm. Code 720 through 728 to give, provide, send, forward, or to return to another person a copy of the manifest is satisfied when a copy of an e-Manifest is transmitted to the other person.

3) Any requirement in 35 Ill. Adm. Code 720 through 728 for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an e-Manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the hazardous waste shipment.

4) Any requirement in 35 Ill. Adm. Code 720 through 728 for an owner or operator to keep or retain a copy of each manifest is satisfied by the retention of the facility's e-Manifest copies in its account on the e-

Manifest System, provided that such copies are readily available for viewing and production if requested by any USEPA or Agency inspector.

5) No owner or operator may be held liable for the inability to produce an e-Manifest for inspection under this Section if the owner or operator can demonstrate that the inability to produce the e-Manifest is due exclusively to a technical difficulty with the e-Manifest System for which the owner or operator bears no responsibility.

g) An owner or operator may participate in the e-Manifest System either by accessing the e-Manifest System from the owner's or operator's electronic equipment, or by accessing the e-Manifest System from portable equipment brought to the owner's or operator's site by the transporter that delivers the waste shipment to the facility.

h) Special Procedures Applicable to Replacement Manifests. If a facility receives hazardous waste that is accompanied by a paper replacement manifest for a manifest that was originated electronically, the following procedures apply to the delivery of the hazardous waste by the final transporter:

1) Upon delivery of the hazardous waste to the designated facility, the owner or operator must sign and date each copy of the paper replacement manifest by hand in Item 20 (Designated Facility Certification of Receipt) and note any discrepancies in Item 18 (Discrepancy Indication Space) of the paper replacement manifest;

2) The owner or operator of the facility must give back to the final transporter one copy of the paper replacement manifest;

3) Within 30 days after delivery of the hazardous waste to the designated facility, the owner or operator of the facility must send one signed and dated copy of the paper replacement manifest to the generator and send an additional signed and dated copy of the paper replacement manifest to the e-Manifest System; and

4) The owner or operator of the facility must retain at the facility one copy of the paper replacement manifest for at least three years after the date of delivery.

i) Special Procedures Applicable to Electronic Signature Methods Undergoing Tests. If an owner or operator using an e-Manifest signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, the owner or operator must also sign with an ink signature the facility's certification of receipt or discrepancies on the printed copy of the manifest provided by the transporter. Upon executing its ink signature on this printed copy, the owner or operator must retain this original copy among its records for at least three years after the date of delivery of the waste.

j) Imposition of User Fee for e-Manifest Use

1) As prescribed in 40 CFR 265.1311, incorporated by reference in 35 Ill. Adm. Code 720.111, and determined in 40 CFR 265.1312, incorporated by reference in 35 Ill. Adm. Code 720.111, an owner or operator that is a user of the e-Manifest System must be assessed a user fee by USEPA for the submission and processing of each e-Manifest and paper manifest. USEPA has stated that it would update the schedule of user fees and publish them to the user community, as provided in 40 CFR 265.1313, incorporated by reference in 35 Ill. Adm. Code 720.111.

2) An owner or operator subject to user fees under this Section must make user fee payments in accordance with the requirements of 40 CFR 265.1314, incorporated by reference in 35 Ill. Adm. Code 720.111, subject to the informal fee dispute resolution process of 40 CFR 265.1316, incorporated by reference in 35 Ill. Adm. Code 720.111, and subject to the sanctions for delinquent payments under 40 CFR 265.1315, incorporated by reference in 35 Ill. Adm. Code 720.111.

k) E-Manifest Signatures. E-Manifest signatures must meet the criteria described in 35 Ill. Adm. Code 722.125.

l) Post-Receipt Manifest Data Corrections. After a facility has certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any interested person (i.e., any waste handler shown on the manifest or the Agency) may submit any post-receipt data corrections at any time.

1) An interested person must make all corrections to manifest data by electronic submission, either by directly entering corrected data to the

web-based service provided in the e-Manifest System for such corrections, or by an upload of a data file containing data corrections relating to one or more previously submitted manifests.

2) Each correction submission must include the following information:

A) The Manifest Tracking Number and date of receipt by the facility of the original manifests for which data are being corrected;

B) The item numbers of the original manifest that is the subject of the submitted corrections; and

C) For each item number with corrected data, the data previously entered and the corresponding data as corrected by the correction submission.

3) Each correction submission must~~shall~~ include a statement that the person submitting the corrections certifies that, to the best of his or her knowledge or belief, the corrections that are included in the submission will cause the information reported about the previously received hazardous wastes to be true, accurate, and complete:

A) The person must execute the certification statement with a valid electronic signature; and

B) The person may submit a batch upload of data corrections under one certification statement.

4) Upon receipt by the e-Manifest System of any correction submission, other interested persons shown on the manifest will be provided electronic notice of the submitter's corrections.

5) Other interested persons shown on the manifest may respond to the submitter's corrections with comments to the submitter, or by submitting another correction to the e-Manifest System, certified by the respondent as specified in subsection (l)(3), and with notice of the corrections to other interested persons shown on the manifest.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section 725.981 Definitions

As used in this Subpart CC, all terms not defined in this Section~~Secton herein~~ will have the meanings given to them in section 1004 of RCRA, incorporated by reference in 35 Ill. Adm. Code 720.111, and 35 Ill. Adm. Code 720 through 728.

"Average volatile organic concentration" or "average VO concentration" means the mass-weighted average volatile organic concentration of a hazardous waste, as determined in accordance with the requirements of Section 725.984.

"Closure device" means a cap, hatch, lid, plug, seal, valve, or other type of fitting that blocks an opening in a cover so that when the device is secured in the closed position it prevents or reduces air pollutant emissions to the atmosphere. Closure devices include devices that are detachable from the cover (e.g., a sampling port cap), manually operated (e.g., a hinged access lid or hatch), or automatically operated (e.g., a spring-loaded pressure relief valve).

"Continuous seal" means a seal that forms a continuous closure that completely covers the space between the edge of the floating roof and the wall of a tank. A continuous seal may be a vapor-mounted seal, liquid-mounted seal, or metallic shoe seal. A continuous seal may be constructed of fastened segments so as to form a continuous seal.

"Cover" means a device that provides a continuous barrier over the hazardous waste managed in a unit to prevent or reduce air emissions to the atmosphere. A cover may have openings (such as access hatches, sampling ports, and gauge wells) that are necessary for operation, inspection, maintenance, or repair of the unit on which the cover is used. A cover may be a separate piece of equipment that can be detached and removed from the unit or a cover may be formed by structural features permanently integrated into the design of the unit.

"Enclosure" means a structure that surrounds a tank or container, captures organic vapors emitted from the tank or container, and vents the captured vapors through a closed-vent system to a control device.

"External floating roof" means a pontoon-type or double-deck type cover that rests on the surface of a hazardous waste being managed in a tank with no fixed roof.

"Fixed roof" means a cover that is mounted on a unit in a stationary position and does not move with fluctuations in the level of the material managed in the unit.

"Floating membrane cover" means a cover consisting of a synthetic flexible membrane material that rests upon and is supported by the hazardous waste being managed in a surface impoundment.

"Floating roof" means a cover consisting of a double-deck, pontoon single-deck, or internal floating cover that rests upon and is supported by the material being contained, and is equipped with a continuous seal.

"Hard-piping" means pipe or tubing that is manufactured and properly installed in accordance with relevant standards and good engineering practices.

"In light material service" means that the container is used to manage a material for which both of the following conditions apply: the vapor pressure of one or more of the organic constituents in the material is greater than 0.3 kilopascals (kPa) at 20 °C~~20° C~~ (1.2 inches H_2O at 68 °F~~68° F~~); and the total concentration of the pure organic constituents having a vapor pressure greater than 0.3 kPa at 20 °C~~20° C~~ (1.2 inches H_2O at 68 °F~~68° F~~) is equal to or greater than 20 percent by weight.

"Internal floating roof" means a cover that rests or floats on the material surface (but not necessarily in complete contact with it) inside a tank that has a fixed roof.

"Liquid-mounted seal" means a foam or liquid-filled primary seal mounted in contact with the hazardous waste between the tank wall and the floating roof, continuously around the circumference of the tank.

"Malfunction" means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. A failure that is caused in part by poor maintenance or careless operation is not a malfunction.

"Maximum organic vapor pressure" means the sum of the individual organic

constituent partial pressures exerted by the material contained in a tank at the maximum vapor pressure-causing conditions (i.e., temperature, agitation, pH effects of combining wastes, etc.) reasonably expected to occur in the tank. For the purpose of this Subpart CC, maximum organic vapor pressure is determined using the procedures specified in Section 725.984(c).

"Metallic shoe seal" means a continuous seal that is constructed of metal sheets that are held vertically against the wall of the tank by springs, weighted levers, or other mechanisms and which is connected to the floating roof by braces or other means. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

"No detectable organic emissions" means no escape of organics to the atmosphere, as determined using the procedure specified in Section 725.984(d).

"Point of waste origination" means as follows:

When the facility owner or operator is the generator of the hazardous waste, the "point of waste origination" means the point where a solid waste produced by a system, process, or waste management unit is determined to be a hazardous waste, as defined in 35 Ill. Adm. Code 721.

BOARD NOTE: In this case, this term is being used in a manner similar to the use of the term "point of generation" in air standards established for waste management operations under authority of the federal Clean Air Act in 40 CFR 60 (Standards of Performance for New Stationary Sources), 61 (National Emission Standards for Hazardous Air Pollutants), and 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories).

When the facility owner and operator are not the generator of the hazardous waste, "point of waste origination" means the point where the owner or operator accepts delivery or takes possession of the hazardous waste.

"Point of waste treatment" means the point where a hazardous waste to be treated in accordance with Section 725.983(c)(2) exits the treatment process. Any waste determination must be made before the waste is conveyed, handled, or otherwise managed in a manner that allows the waste to volatilize to the atmosphere.

"Safety device" means a closure device, such as a pressure relief valve, frangible disc, fusible plug, or any other type of device that functions exclusively to prevent physical damage or permanent deformation to a unit or its air emission control equipment by venting gases or vapors directly to the atmosphere during unsafe conditions resulting from an unplanned, accidental, or emergency event. For the purpose of this Subpart CC, a safety device is not used for routine venting of gases or vapors from the vapor headspace underneath a cover such as during filling of the unit or to adjust the pressure in this vapor headspace in response to normal daily diurnal ambient temperature fluctuations. A safety device is designed to remain in a closed position during normal operations and open only when the internal pressure, or another relevant parameter, exceeds the device threshold setting applicable to the air emission control equipment as determined by the owner or operator based on manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials.

"Single-seal system" means a floating roof having one continuous seal. This seal may be vapor-mounted, liquid-mounted, or a metallic shoe seal.

"Vapor-mounted seal" means a continuous seal that is mounted so that there is a vapor space between the hazardous waste in the unit and the bottom of the seal.

"Volatile organic concentration" or "VO concentration" means the fraction by weight of organic compounds contained in a hazardous waste expressed in terms of parts per million (ppmw), as determined by direct measurement or by knowledge of the waste, in accordance with the requirements of Section 725.984. For the purpose of determining the VO concentration of a hazardous waste, organic compounds with a Henry's law constant value of at least 0.1 mole-fraction-in-the-gas-phase/mole- fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as $1.8x10^{-6}$ atmospheres/gram-mole/m^3) at 25 °C (77 °F)~~25° C (77° F)~~ must be included. Appendix F presents a list of compounds known to have a Henry's law constant value less than the cutoff level.

"Waste determination" means performing all applicable procedures in accordance with the requirements of Section 725.984 to determine whether a hazardous waste meets standards specified in this Subpart CC. Examples of a waste determination include performing the procedures in accordance with the requirements of Section

725.984 to determine the average VO concentration of a hazardous waste at the point of waste origination, determining the average VO concentration of a hazardous waste at the point of waste treatment and comparing the results to the exit concentration limit specified for the process used to treat the hazardous waste, the organic reduction efficiency and the organic biodegradation efficiency for a biological process used to treat a hazardous waste and comparing the results to the applicable standards, or determining the maximum volatile organic vapor pressure for a hazardous waste in a tank and comparing the results to the applicable standards.

"Waste stabilization process" means any physical or chemical process used to either reduce the mobility of hazardous constituents in a hazardous waste or eliminate free liquids as determined by Test Method 9095B (Paint Filter Liquids Test) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a). A waste stabilization process includes mixing the hazardous waste with binders or other materials and curing the resulting hazardous waste and binder mixture. Other synonymous terms used to refer to this process are "waste fixation" or "waste solidification". This does not include the addition of absorbent materials to the surface of a waste to absorb free liquid without mixing, agitation, or subsequent curing.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 725.984 Waste Determination Procedures

a) Determination of Volatile Organic (VO) Concentration at the Point of Waste Origination

1) An owner or operator must determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(1) from using air emission controls in accordance with standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit.

A) An owner or operator must make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the hazardous waste stream is placed

in a waste management unit exempted under the provisions of Section 725.983(c)(1) from using air emission controls. Thereafter, an owner or operator must make an initial determination of the average VO concentration of the waste stream for each averaging period that a hazardous waste is managed in the unit.

B) An owner or operator must perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal to or greater than the VO concentration limits specified in Section 725.983(c)(1).

2) For a waste determination that is required by subsection (a)(1), the average VO concentration of a hazardous waste at the point of waste origination must be determined using either direct measurement, as specified in subsection (a)(3), or by knowledge of the waste, as specified in subsection (a)(4).

3) Direct Measurement

A) Identification. The owner or operator must identify and record the point of waste origination for the hazardous waste.

B) Sampling. Samples of the hazardous waste stream must be collected at the point of waste origination in such a manner that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.

i) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.

ii) A sufficient number of samples, but no fewer than four samples, must be collected for a hazardous waste determination. All of the samples for a given waste determination must be collected within a one-hour period. The average of the four or more sample results constitutes a waste determination for the waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or process generating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.

iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste stream are collected so that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in Reference Method 25D (Determination of the Volatile Organic Concentration of Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

iv) Sufficient information, as specified in the "site sampling plan" required under subsection (a)(3)(B)(iii), must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the source or process generating the hazardous waste represented by the samples.

C) Analysis. Each collected sample must be prepared and analyzed in accordance with Reference Method 25D in appendix A to 40 CFR 60 for the total concentration of volatile organic constituents or using one or more methods when the individual organic compound concentrations are identified and summed and the summed waste concentration accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25 °C (77 °F). At the owner's or operator's discretion, the owner or operator may adjust test data measured by any appropriate method to discount any contribution to the total volatile organic concentration that is a result of including a compound with a Henry's law constant value of less than 0.1 Y/X at 25 °C. If the owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25 °C contained in the waste. To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied by the constituent-specific adjustment factor (f_{m25D}) approved in writing by the Agency. Other test methods may be used if they meet the requirements in subsection (a)(3)(C)(i) or (a)(3)(C)(ii) and provided the requirement is met to reflect all organic compounds in the waste with Henry's law constant values greater than or equal to 0.1 Y/X (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25 °C.

i) Any USEPA standard method that has been validated in accordance with appendix D to 40 CFR 63 (Alternative Validation Procedure for EPA Waste and Wastewater Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or

ii) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or 5.3, and the corresponding calculations in Section 6.1 or 6.3, of Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 (Test Methods), incorporated by

reference in 35 Ill. Adm. Code 720.111(b). The data are acceptable if they meet the criteria specified in Section 6.1.5 or 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other sections of Method 301 are not required.

D) Calculations

i) The average VO concentration ($\overline{C}$) on a mass-weighted basis must be calculated by using the results for all waste determinations conducted in accordance with subsections (a)(3)(B) and (a)(3)(C) and the following equation:

$$\overline{C} = \frac{1}{Q_T} \times \sum_{i=1}^{n} \left(Q_i \times C_i \right)$$

Where:

$\overline{C}$ = Average VO concentration of the hazardous waste at the point of waste origination on a mass-weighted basis, in ppmw;

i = Individual waste determination "i" of the hazardous waste

n = Total number of waste determinations of the hazardous waste conducted for the averaging period (not to exceed one year)

Q_i = Mass quantity of the hazardous waste stream represented by C_i, in kg/hr

Q_T = Total mass quantity of the hazardous waste during the averaging period, in kg/hr

C_i = Measured VO concentration of waste determination "i", as determined in accordance with subsection (a)(3)(C) (i.e., the average of the four or more samples specified in subsection (a)(3)(B)(ii)), in ppmw

ii) For the purpose of determining C_i, for individual waste samples analyzed in accordance with subsection (a)(3)(C),

the owner or operator must account for VO concentrations determined to be below the limit of detection of the analytical method by using the VO concentration determined according to subsection (a)(3)(G).

E) Provided that the test method is appropriate for the waste as required under subsection (a)(3)(C), the Agency must determine compliance based on the test method used by the owner or operator as recorded pursuant to Section 725.990(f)(1).

F) The quality assurance program elements required under subsections (a)(3)(C)(vi) and (a)(3)(C)(vii) are as follows:

i) Documentation of site-specific procedures to minimize the loss of compounds due to volatilization, biodegradation, reaction, or sorption during the sample collection, storage, preparation, introduction, and analysis steps.

ii) Measurement of the overall accuracy and precision of the specific procedures.

BOARD NOTE: Subsections (a)(3)(F)(i) and (a)(3)(F)(ii) are derived from 40 CFR 265.984(a)(3)(iii)(F)(1), (a)(3)(iii)(F)(2), (a)(3)(iii)(G)(1), and (a)(3)(iii)(G)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

G) VO concentrations below the limit of detection must be considered to be as follows:

i) If Reference Method 25D is used for the analysis, the VO concentration must be considered to be one-half the blank value determined in the method at Section 4.4 of Reference Method 25D.

ii) If any other analytical method is used, the VO concentration must be considered to be one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant

value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25 °C (77 °F).

BOARD NOTE: Subsections (a)(3)(G)(i) and (a)(3)(G)(ii) are derived from 40 CFR 265.984(a)(3)(iv)(A)(1) and (a)(3)(iv)(A)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

4) Use of Owner or Operator Knowledge

A) Documentation must be prepared that presents the information used as the basis for the owner's or operator's knowledge of the hazardous waste stream's average VO concentration. Examples of information that may be used as the basis for knowledge include the following: material balances for the source or process generating the hazardous waste stream; constituent-specific chemical test data for the hazardous waste stream from previous testing that are still applicable to the current waste stream; previous test data for other locations managing the same type of waste stream; or other knowledge based on information included in manifests, shipping papers, or waste certification notices.

B) If test data are used as the basis for knowledge, then the owner or operator must document the test method, sampling protocol, and the means by which sampling variability and analytical variability are accounted for in the determination of the average VO concentration. For example, an owner or operator may use organic concentration test data for the hazardous waste stream that are validated in accordance with Method 301 as the basis for knowledge of the waste.

C) An owner or operator using chemical constituent-specific concentration test data as the basis for knowledge of the hazardous waste may adjust the test data to the corresponding average VO concentration value that would have been obtained had the waste samples been analyzed using Reference Method 25D. To adjust these data, the measured concentration for each individual

chemical constituent contained in the waste is multiplied by the appropriate constituent-specific adjustment factor (f_{m25D}).

D) In the event that the Agency and the owner or operator disagree on a determination of the average VO concentration for a hazardous waste stream using knowledge, then the results from a determination of average VO concentration using direct measurement, as specified in subsection (a)(3), must be used to establish compliance with the applicable requirements of this Subpart CC. The Agency may perform or request that the owner or operator perform this determination using direct measurement. The owner or operator may choose one or more appropriate methods to analyze each collected sample in accordance with the requirements of subsection (a)(3)(C).

b) Determination of VO Concentration at the Point of Waste Treatment

1) An owner or operator must perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(2)(A) through (c)(2)(F) from using air emission controls in accordance with the standards specified in Sections 725.985 through 725.988, as applicable to the waste management unit.

A) An owner or operator must make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the treated waste stream is placed in the waste management unit exempt under Section 725.983(c)(2), (c)(3), or (c)(4) from using air emission controls. Thereafter, an owner or operator must update the information used for the waste determination at least once every 12 months following the date of the initial waste determination.

B) An owner or operator must perform a new waste determination whenever changes to the process generating or treating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to such a level that the applicable treatment conditions specified in Section 725.983(c)(2), (c)(3), or (c)(4) are not achieved.

2) The owner or operator must designate and record the specific provision in Section 725.983(c)(2) under which the waste determination is being performed. The waste determination for the treated hazardous waste must be performed using the applicable procedures specified in subsections (b)(3) through (b)(9).

3) Procedure for Determination of VO Concentration

A) Identification. The owner or operator must identify and record the point of waste treatment for the hazardous waste.

B) Sampling. Samples of the hazardous waste stream must be collected at the point of waste treatment in such a manner that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.

i) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.

ii) A sufficient number of samples, but no fewer than four samples, must be collected and analyzed for a hazardous waste determination. All of the samples for a given waste determination must be collected within a one-hour period. The average of the four or more sample results constitutes a waste determination for the hazardous waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the process generating or treating the hazardous waste stream. Examples of such normal variations are seasonal variations

in waste quantity or fluctuations in ambient temperature.

iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste stream are collected so that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sample collection and handling procedures for a total organic constituent concentration may be found in Reference Method 25D.

iv) Sufficient information, as specified in the "site sampling plan" required under subsection (a)(3)(B)(iii), must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the process treating the hazardous waste represented by the samples.

C) Analysis. Each collected sample must be prepared and analyzed in accordance with Reference Method 25D for the total concentration of volatile organic constituents or using one or more methods when the individual organic compound concentrations are identified and summed, and the summed waste concentration accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25 °C (77° F). When the owner or operator is making a waste determination for a treated hazardous waste that is to be compared to an average VO concentration at the point of waste origination or the point of waste entry to the treatment system, to determine if the conditions of 35 Ill. Adm. Code 724.982(c)(2)(A) through (c)(2)(F) or Section 725.983(c)(2)(A) through (c)(2)(F) are met, then the waste samples must be prepared and analyzed using the same method or methods as were used in making the initial waste determinations at the point

of waste origination or at the point of entry to the treatment system. At the owner's or operator's discretion, the owner or operator may adjust test data obtained by any appropriate method to discount any contribution to the total volatile organic concentration that is a result of including a compound with a Henry's law constant value less than 0.1 Y/X at 25 °C. If the owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25 °C contained in the waste. To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied by the constituent-specific adjustment factor (f_{m25D}) approved in writing by the Agency. Other test methods may be used if they meet the requirements in subsection (a)(3)(C)(i) or (a)(3)(C)(ii) and provided the requirement is met to reflect all organic compounds in the waste with Henry's law constant values greater than or equal to 0.1 Y/X (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25 °C.

i) Any USEPA standard method that has been validated in accordance with appendix D to 40 CFR 63, incorporated by reference in 35 Ill. Adm. Code 720.111(b); or

ii) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or 5.3, and the corresponding calculations in Section 6.1 or 6.3, of Method 301 in appendix A to 40 CFR 63, incorporated by reference in 35 Ill. Adm. Code 720.111(b). The data are acceptable if they meet the criteria specified in Section 6.1.5 or 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other sections of Method 301 are not required.

D) Calculations. The average VO concentration ($\overline{C}$) on a mass-weighted basis must be calculated by using the results for all samples analyzed in accordance with subsection (b)(3)(C) and the following equation:

$$\overline{C} = \frac{1}{Q_T} \times \sum_{i=1}^{n} (Q_i \times C_i)$$

Where:

$\overline{C}$ = Average VO concentration of the hazardous waste at the point of waste treatment on a mass-weighted basis, in ppmw

i = Individual determination "i" of the hazardous waste

n = Total number of waste determinations of the hazardous waste collected for the averaging period (not to exceed one year)

Q_i = Mass quantity of the hazardous waste stream represented by C_i, in kg/hr

Q_T = Total mass quantity of hazardous waste during the averaging period, in kg/hr

C_i = Measured VO concentration of waste determinations "i", as determined in accordance with the requirements of subsection (b)(3)(C) (i.e., the average of the four or more samples specified in subsection (b)(3)(B)(ii)), in ppmw

E) Provided that the test method is appropriate for the waste as required under subsection (b)(3)(C), compliance must be determined based on the test method used by the owner or operator as recorded pursuant to Section 725.990(f)(1).

4) Procedure for Determination of Exit Concentration Limit (C_t)

A) The point of waste origination for each hazardous waste treated by the process at the same time must be identified.

B) If a single hazardous waste stream is identified in subsection (b)(4)(A), then the exit concentration limit (C_t) must be 500 ppmw.

C) If more than one hazardous waste stream is identified in subsection (b)(4)(A), then the average VO concentration of each hazardous waste stream at the point of waste origination must be determined

in accordance with the requirements of subsection (a). The exit concentration limit (C_t) must be calculated by using the results determined for each individual hazardous waste stream and the following equation:

$$C_t = \frac{\sum_{x=1}^{m}\left(Q_x \times \overline{C}_x\right) + \sum_{y=1}^{n}\left(Q_y \times 500\,ppmw\right)}{\sum_{x=1}^{m} Q_x + \sum_{y=1}^{n} Q_y}$$

Where:

C_t = Exit concentration limit for treated hazardous waste, in ppmw

x = Individual hazardous waste stream "x" that has an average VO concentration less than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a)

y = Individual hazardous waste stream "y" that has an average VO concentration equal to or greater than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a)

m = Total number of "x" hazardous waste streams treated by process

n = Total number of "y" hazardous waste streams treated by process

Q_x = Annual mass quantity of hazardous waste stream "x", in kg/yr

Q_y = Annual mass quantity of hazardous waste stream "y", in kg/yr

$\overline{C}_x$ = Average VO concentration of hazardous waste stream "x" at the point of waste origination, as determined in accordance with the requirements of subsection (a), in ppmw

5) Procedure for Determination of Organic Reduction Efficiency (R)

A) The organic reduction efficiency (R) for a treatment process must

be determined based on results for a minimum of three consecutive runs.

B) All hazardous waste streams entering the process and all hazardous waste streams exiting the treatment process must be identified. The owner or operator must prepare a sampling plan for measuring these streams that accurately reflects the retention time of the hazardous waste in the process.

C) For each run, information must be determined for each hazardous waste stream identified in subsection (b)(5)(B), using the following procedures:

i) The mass quantity of each hazardous waste stream entering the process (Q_b) and the mass quantity of each hazardous waste stream exiting the process (Q_a) must be determined; and

ii) The average VO concentration at the point of waste origination of each hazardous waste stream entering the process (C_b) during the run must be determined in accordance with the requirements of subsection (a)(3). The average VO concentration at the point of waste treatment of each hazardous waste stream exiting the process (C_a) during the run must be determined in accordance with the requirements of subsection (b)(3).

D) The waste volatile organic mass flow entering the process (E_b) and the waste volatile organic mass flow exiting the process (E_a) must be calculated by using the results determined in accordance with subsection (b)(5)(C) and the following equations:

$$E_b = \frac{1}{10^6} \sum_{j=1}^{m} \left(Q_{bj} \times \overline{C_{bj}} \right)$$

$$E_a = \frac{1}{10^6} \sum_{j=1}^{m} \left(Q_{aj} \times \overline{C_{aj}} \right)$$

Where:

E_a = Waste volatile organic mass flow exiting the process, in kg/hr
E_b = Waste volatile organic mass flow entering the process, in kg/hr
m = Total number of runs (at least 3);
j = Individual run "j"
Q_{bj} = Mass quantity of hazardous waste entering the process during run "j", in kg/hr
Q_{aj} = Average mass quantity of waste exiting the process during run "j", in kg/hr
$\overline{C_{aj}}$ = Average VO concentration of hazardous waste exiting the process during run "j", as determined in accordance with the requirements of subsection (b)(3), in ppmw
$\overline{C_{bj}}$ = Average VO concentration of hazardous waste entering the process during run "j", as determined in accordance with the requirements of subsection (a)(3), in ppmw

E) The organic reduction efficiency of the process must be calculated by using the results determined in accordance with subsection (b)(5)(D) and the following equation:

$$R = \frac{E_b - E_a}{E_b} \times 100\%$$

Where:

R = Organic reduction efficiency, in percent
E_b = Waste volatile organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(5)(D), in kg/hr
E_a = Waste volatile organic mass flow exiting the process, as determined in accordance with the requirements of subsection (b)(5)(D), in kg/hr

6) Procedure for Determination of Organic Biodegradation Efficiency (R_{bio})

A) The fraction of organics biodegraded (F_{bio}) must be determined using the procedure specified in appendix C to 40 CFR 63 (Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

B) The organic biodegradation efficiency (R_{bio}) must be calculated by using the following equation:

$$R_{bio} = F_{bio} \times 100\%$$

Where:

R_{bio} = Organic biodegradation efficiency, in percent
F_{bio} = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(6)(A)

7) Procedure for Determination of Required Organic Mass Removal Rate (RMR)

A) All of the hazardous waste streams entering the treatment process must be identified.

B) The average VO concentration of the hazardous waste stream at the point of waste origination must be determined in accordance with the requirements of subsection (a).

C) For each individual hazardous waste stream that has an average volatile organic concentration equal to or greater than 500 ppmw at the point of waste origination, the average volumetric flow rate of hazardous waste and the density of the hazardous waste stream at the point of waste origination must be determined.

D) The required organic mass removal rate (RMR) for the hazardous waste must be calculated by using the average VO concentration, average volumetric flow rate, and density determined for each individual hazardous waste stream, and the following equation:

$$RMR = \sum_{y=1}^{n}\left[V_y \times k_y \times \frac{\left(\overline{C}_y - 500\,ppmw\right)}{10^6} \right]$$

Where:

RMR = Required organic mass removal rate, in kg/hr;
y = Individual hazardous waste stream "y" that has an average volatile organic (VO) concentration equal to or greater than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a)
n = Total number of "y" hazardous waste streams treated by process
V_y = Average volumetric flow rate of hazardous waste stream "y" at the point of waste origination, in m^3/hr
k_y = Density of hazardous waste stream "y", in kg/m^3
$\overline{C}_y$ = Average VO concentration of hazardous waste stream "y" at the point of waste origination, as determined in accordance with the requirements of subsection (a), in ppmw

8) Procedure for Determination of Actual Organic Mass Removal Rate (MR)

A) The actual organic mass removal rate (MR) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.

B) The waste volatile organic mass flow entering the process (E_b) and the waste volatile organic mass flow exiting the process (E_a) must be determined in accordance with the requirements of subsection (b)(5)(D).

C) The actual organic mass removal rate (MR) must be calculated by using the mass flow rate determined in accordance with the requirements of subsection (b)(8)(B) and the following equation:

$$MR = E_b - E_a$$

Where:

MR = Actual organic mass removal rate, in kg/hr
E_b = Waste volatile organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(5)(D), in kg/hr
E_a = Waste volatile organic mass flow exiting the process, as determined in accordance with the requirements of subsection (b)(5)(D), in kg/hr

9) Procedure for Determination of Actual Organic Mass Biodegradation Rate (MR_{bio})

A) The actual organic mass biodegradation rate (MR_{bio}) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.

B) The waste organic mass flow entering the process (E_b) must be determined in accordance with the requirements of subsection (b)(5)(D).

C) The fraction of organic biodegraded (F_{bio}) must be determined using the procedure specified in appendix C to 40 CFR 63 (Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

D) The actual organic mass biodegradation rate (MR_{bio}) must be calculated by using the mass flow rates and fraction of organic biodegraded, as determined in accordance with the requirements of subsections (b)(9)(B) and (b)(9)(C), respectively, and the following equation:

$$MR_{bio} = E_b \times F_{bio}$$

Where:

MR_{bio} = Actual organic mass biodegradation rate, in

kg/hr
E_b = Waste organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(5)(D), in kg/hr
F_{bio} = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(9)(C)

c) Procedure for Determination of VO in a Tank

1) An owner or operator must determine the maximum organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 controls in accordance with standards specified in Section 725.985(c).

2) An owner or operator must use either direct measurement, as specified in subsection (c)(3), or knowledge of the waste, as specified by subsection (c)(4), to determine the maximum organic vapor pressure that is representative of the hazardous waste composition stored or treated in the tank.

3) Direct Measurement to Determine VO

A) Sampling. A sufficient number of samples must be collected to be representative of the waste contained in the tank. All samples must be conducted and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste are collected so that a minimum loss of organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of acceptable sample collection and handling procedures may be found in Reference Method 25D.

B) Analysis. Any appropriate one of the following methods may be used to analyze the samples and compute the maximum organic vapor pressure of the hazardous waste:

i) Reference Method 25E (Determination of Vapor Phase Organic Concentration in Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b);

ii) Methods described in API publication 2517 (Evaporative Loss from External Floating-Roof Tanks), incorporated by reference in 35 Ill. Adm. Code 720.111(a);

iii) Methods obtained from standard reference texts;

iv) ASTM Method D 2879-92 (Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope), incorporated by reference in 35 Ill. Adm. Code 720.111(a); or

v) Any other method approved by the Agency.

4) Use of Knowledge to Determine the Maximum Organic Vapor Pressure of the Hazardous Waste. Documentation must be prepared and recorded that presents the information used as the basis for the owner's or operator's knowledge that the maximum organic vapor pressure of the hazardous waste is less than the maximum vapor pressure limit listed in Section 725.985(b)(1)(A) for the applicable tank design capacity category. An example of information that may be used is documentation that the hazardous waste is generated by a process for which at other locations it previously has been determined by direct measurement that the waste maximum organic vapor pressure is less than the maximum vapor pressure limit for the appropriate tank design capacity category.

d) The procedure for determining no detectable organic emissions for the purpose of complying with this Subpart CC is as follows:

1) The test must be conducted in accordance with the procedures specified in Reference Method 21 (Determination of Volatile Organic Compound Leaks) of appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b). Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the cover and

associated closure devices must be checked. Potential leak interfaces that are associated with covers and closure devices include, but are not limited to, any of the following: the interface of the cover and its foundation mounting, the periphery of any opening on the cover and its associated closure device, and the sealing seat interface on a spring-loaded pressure relief valve.

2) The test must be performed when the unit contains a hazardous waste having an organic concentration representative of the range of concentrations for the hazardous waste expected to be managed in the unit. During the test, the cover and closure devices must be secured in the closed position.

3) The detection instrument must meet the performance criteria of Reference Method 21, except the instrument response factor criteria in Section 3.1.2(a) of Reference Method 21 must be for the average composition of the organic constituents in the hazardous waste placed in the waste management unit, not for each individual organic constituent.

4) The detection instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.

5) Calibration gases must be as follows:

   A) Zero air (less than 10 ppmv hydrocarbon in air), and

   B) A mixture of methane or n-hexane in air at a concentration of approximately, but less than, 10,000 ppmv methane or n-hexane.

6) The background level must be determined according to the procedures in Reference Method 21.

7) Each potential leak interface must be checked by traversing the instrument probe around the potential leak interface as close to the interface as possible, as described in Reference Method 21. If the configuration of the cover or closure device prevents a complete traverse of the interface, all accessible portions of the interface must be sampled. If the configuration of the closure device prevents any sampling at the interface and the device is equipped with an enclosed extension or horn (e.g., some pressure relief

devices), the instrument probe inlet must be placed at approximately the center of the exhaust area to the atmosphere.

8) The arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 500 ppmv except when monitoring a seal around a rotating shaft that passes through a cover opening, in which case the comparison must be as specified in subsection (d)(9). If the difference is less than 500 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.

9) For the seals around a rotating shaft that passes through a cover opening, the arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 10,000 ppmw. If the difference is less than 10,000 ppmw, then the potential leak interface is determined to operate with no detectable organic emissions.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities

2) Code Citation: 35 Ill. Adm. Code 726

3)

Section Numbers:	Proposed Actions:
726.180	Amendment
726.202	Amendment
726.305	Amendment
726.600	New Section
726.601	New Section
726.602	New Section
726.603	New Section
726.604	New Section
726.605	New Section
726.606	New Section
726.607	New Section
726.608	New Section
726.609	New Section
726.610	New Section

4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27

5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 726 are a single segment of consolidated docket R20-3/R20-11 rulemaking that also affects 35 Ill. Adm. Code 702, 705, 720 through 725, 728, 733, 810, and 811. The consolidated R20-3/R20-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. A comprehensive description is contained in the Board's opinion and order of May 21, 2020, proposing amendments in consolidated docket R20-3/R20-11, which opinion and order is available from the address below.

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register* summarizes the broader rulemaking that is consolidated docket R20-3/R20-11. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 726 incorporate segments of USEPA's Universal Waste Aerosol Cans Rule into the Illinois hazardous waste regulations. The amendments include needed corrections in rule not directly related to USEPA amendments, including

a correction to prior amendments requested by the Joint Committee on Administrative Rules (JCAR).

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R20-3/R20-11. 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 consolidated docket R20-3/R20-11.

Sections 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by 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? No

10) Are there any other rulemakings pending on this Part? No

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 consolidated docket R20-3/R20-11 and be addressed to:

Don A. Brown, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500

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100 W. Randolph St.
Chicago IL 60601

Please direct inquiries to the following person and reference consolidated docket R20-3/R20-11:

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

312/814-6924
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 pcb.illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations 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)].

POLLUTION CONTROL BOARD

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14) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.

15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

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

SUBPART A: GENERAL

Section
726.102 Electronic Reporting

SUBPART C: RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING DISPOSAL

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

SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

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

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY

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

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL RECOVERY

Section
726.170 Applicability and Requirements

SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

Section
726.180 Applicability and Requirements

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

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

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SUBPART M: MILITARY MUNITIONS

Section
726.300 Applicability
726.301 Definitions
726.302 Definition of Solid Waste
726.303 Standards Applicable to the Transportation of Solid Waste Military Munitions
726.304 Standards Applicable to Emergency Responses
726.305 Standards Applicable to the Storage of Solid Waste Military Munitions
726.306 Standards Applicable to the Treatment and Disposal of Waste Military Munitions

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

Section
726.310 Definitions
726.320 Storage and Treatment Conditional Exemption
726.325 Wastes Eligible for a Storage and Treatment Conditional Exemption for Low-Level Mixed Waste
726.330 Conditions to Qualify for and Maintain a Storage and Treatment Conditional Exemption
726.335 Treatment Allowed by a Storage and Treatment Conditional Exemption
726.340 Loss of a Storage and Treatment Conditional Exemption and Required Action
726.345 Reclaiming a Lost Storage and Treatment Conditional Exemption
726.350 Recordkeeping for a Storage and Treatment Conditional Exemption
726.355 Waste No Longer Eligible for a Storage and Treatment Conditional Exemption
726.360 Applicability of Closure Requirements to Storage Units
726.405 Transportation and Disposal Conditional Exemption
726.410 Wastes Eligible for a Transportation and Disposal Conditional Exemption
726.415 Conditions to Qualify for and Maintain a Transportation and Disposal Conditional Exemption
726.420 Treatment Standards for Eligible Waste
726.425 Applicability of the Manifest and Transportation Condition
726.430 Effectiveness of a Transportation and Disposal Exemption
726.435 Disposal of Exempted Waste
726.440 Containers Used for Disposal of Exempted Waste
726.445 Notification
726.450 Recordkeeping for a Transportation and Disposal Conditional Exemption
726.455 Loss of a Transportation and Disposal Conditional Exemption and Required Action

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726.460 Reclaiming a Lost Transportation and Disposal Conditional Exemption

SUBPART P: HAZARDOUS WASTE PHARMACEUTICALS

Section
726.600 Definitions
726.601 Applicability
726.602 Standards for Non-Creditable Hazardous Waste Pharmaceuticals
726.603 Standards for Potentially Creditable Hazardous Waste Pharmaceuticals
726.604 Very Small Quantity Generators
726.605 Prohibition Against Sewering
726.606 Conditional Exemptions for Controlled Substances and Household Hazardous Waste Pharmaceuticals
726.607 Residues in Empty Containers
726.608 Shipping from a Healthcare Facility or Reverse Distributor
726.609 Shipping to a Reverse Distributor
726.610 Standards for Reverse Distributors

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

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

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in R94-7 at 18 Ill. Reg. 12500, effective July 29, 1994; amended in R95-4/R95-6 at 19 Ill. Reg. 10006, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11263, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 754, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 18042, effective September 28, 1998; amended in R99-15 at 23 Ill. Reg. 9482, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9853, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6667, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 4200, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12916, effective July 17, 2003; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3700, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1096, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12741, effective July 14, 2008; amended in R11-2/R11-16 at 35 Ill. Reg. 18117, effective October 14, 2011; amended in R13-5 at 37 Ill. Reg. 3249, effective March 4, 2013; amended in R13-15 at 37 Ill. Reg. 17888, effective October 24, 2013; amended in R16-7 at 40 Ill. Reg. 11955, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 23023, effective November 19, 2018; amended in R20-3/R20-11 at 44 Ill. Reg. _____, effective _____.

SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

Section 726.180 Applicability and Requirements

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

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1) If the spent lead-acid batteries will be reclaimed through regeneration (such as by electrolyte replacement), the owner or operator is exempt from the requirements of 35 Ill. Adm. Code 702, 703, 722 through 726 (except for 35 Ill. Adm. Code 722.111), and 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), but the owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 722.111.

2) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the owner or operator generates, collects, or transports the batteries, the owner or operator is exempt from the requirements of 35 Ill. Adm. Code 702, 703, and 722 through 726 (except for 35 Ill. Adm. Code 722.111), and the notification requirements of section 3010 of RCRA (42 USC 6930), but the owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill. Adm. Code 728.

3) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the owner or operator stores the batteries, but the owner or operator is not the reclaimer, the owner or operator is exempt from the requirements of 35 Ill. Adm. Code 702, 703, and 722 through 726 (except for 35 Ill. Adm. Code 722.111), and the notification requirements of section 3010 of RCRA (42 USC 6930), but the owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill. Adm. Code 728.

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

5) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the owner or operator does not store the batteries before the owner or operator reclaims them, the owner or operator is exempt from the requirements of 35 Ill. Adm. Code 702, 703, and 722 through 726 (except for 35 Ill. Adm. Code 722.111), and the notification requirements of section 3010 of RCRA (42 USC 6930), and the owner or operator is

subject to the requirements of 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill. Adm. Code 728.

6) If the spent lead-acid batteries will be reclaimed through regeneration or any other means, and the batteries are exported for reclamation in a foreign country, the owner or operator is exempt from 35 Ill. Adm. Code 702, 703, 722 (except for 35 Ill. Adm. Code 722.111, 722.112 and Subpart H of 35 Ill. Adm. Code 722), 723 through 726, and 728, and the notification requirements at section 3010 of RCRA (42 USC 6930). The owner or operator is subject to the requirements of 35 Ill. Adm. Code 721, 722.111, and 722.112 and Subpart H of 35 Ill. Adm. Code 722.

7) If the spent lead-acid batteries will be reclaimed through regeneration or any other means, the person that transports the batteries in the United States to export them for reclamation in a foreign country (the transporter) is exempt from 35 Ill. Adm. Code 702, 703, 723 through 726, and 728, and the notification requirements at section 3010 of RCRA (42 USC 6930). The transporter must comply with the applicable requirements in Subpart H of 35 Ill. Adm. Code 722.

8) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the person that imports the batteries from a foreign country and stores them but is not the reclaimer, the person is exempt from 35 Ill. Adm. Code 722 (except for 35 Ill. Adm. Code 722.111 and 722.112 and Subpart H of 35 Ill. Adm. Code 722), 702, 703, 723, 724, 725, and 726, and the notification requirements at section 3010 of RCRA (42 USC 6930). The person is subject to 35 Ill. Adm. Code 721, 722.111, 722.112, Subpart H of 35 Ill. Adm. Code 722, and applicable provisions of 35 Ill. Adm. Code 728.

9) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the person that imports the batteries from a foreign country and stores them before reclaiming them, the person must comply with 35 Ill. Adm. Code 726.180(b) and as appropriate other regulatory provisions described in 35 Ill. Adm. Code 726.180(b). The person is subject to 35 Ill. Adm. Code 721, 722.111, 722.112, Subpart H of 35 Ill. Adm. Code 722, and applicable provisions of 35 Ill. Adm. Code 728.

10) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the person that imports the batteries from a foreign country does not store them before reclaiming ~~reclaiming~~ them, the person is exempt from 35 Ill. Adm. Code 702, 703, 722 (except for 35 Ill. Adm. Code 722.111 and 722.112 and Subpart H of 35 Ill. Adm. Code 722), 723, 724, 725, and 726 and the notification requirements at section 3010 of RCRA (42 USC 6930). The person is subject to 35 Ill. Adm. Code 721, 722.111, 722.112, Subpart H of 35 Ill. Adm. Code 722, and applicable provisions of 35 Ill. Adm. Code 728.

b) Exemption for Spent Lead-Acid Batteries Stored before Reclamation Other Than Through Regeneration. The requirements of this subsection (b) apply to an owner or operator that stores spent lead-acid batteries before it reclaims them, where the owner or operator does not reclaim them through regeneration. The requirements are slightly different depending on the owner's or operator's RCRA permit status.

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

A) The notification requirements under Section 3010 of RCRA (42 USC 6930);

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

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

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

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

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

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

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

2) For a permitted facility, the following requirements:

A) The notification requirements under section 3010 of RCRA (42 USC 6930);

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

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

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

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

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

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

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

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

Section 726.202 Permit Standards for Burners

a) Applicability

1) General. An owner or operator of a BIF that burns hazardous waste and which does not operate under interim status must comply with the requirements of this Section and 35 Ill. Adm. Code 703.208 and 703.232, unless exempt pursuant to the small quantity burner exemption of Section

726.208.

2) Applicability of 35 Ill. Adm. Code 724 Standards. An owner or operator of a BIF that burns hazardous waste is subject to the following provisions of 35 Ill. Adm. Code 724, except as provided otherwise by this Subpart H:

A) In Subpart A (General), 35 Ill. Adm. Code 724.104;

B) In Subpart B (General facility standards), 35 Ill. Adm. Code 724.111 through 724.118;

C) In Subpart C (Preparedness and prevention), 35 Ill. Adm. Code 724.131 through 724.137;

D) In Subpart D (Contingency plan and emergency procedures), 35 Ill. Adm. Code 724.151 through 724.156;

E) In Subpart E (Manifest system, recordkeeping and reporting), the applicable provisions of 35 Ill. Adm. Code 724.171 through 724.177;

F) In Subpart F (Releases from Solid Waste Management Units), 35 Ill. Adm. Code 724.190 and 724.201;

G) In Subpart G (Closure and post-closure), 35 Ill. Adm. Code 724.211 through 724.215;

H) In Subpart H (Financial requirements), 35 Ill. Adm. Code 724.241, 724.242, 724.243, and 724.247 through 724.251, except that the State of Illinois and the federal government are exempt from the requirements of Subpart H of 35 Ill. Adm. Code 724; and

I) Subpart BB (Air emission standards for equipment leaks), except 35 Ill. Adm. Code 724.950(a).

b) Hazardous Waste Analysis

1) The owner or operator must provide an analysis of the hazardous waste that quantifies the concentration of any constituent identified in Appendix

H of 35 Ill. Adm. Code 721 that is reasonably expected to be in the waste. Such constituents must be identified and quantified if present, at levels detectable by using appropriate analytical methods. The constituents listed in Appendix H of 35 Ill. Adm. Code 721 that are excluded from this analysis must be identified and the basis for their exclusion explained. This analysis must provide all information required by this Subpart H and 35 Ill. Adm. Code 703.208 and 703.232 and must enable the Agency to prescribe such permit conditions as are necessary to adequately protect human health and the environment. Such analysis must be included as a portion of the Part B permit application, or, for facilities operating under the interim status standards of this Subpart H, as a portion of the trial burn plan that may be submitted before the Part B application pursuant to provisions of 35 Ill. Adm. Code 703.232(g), as well as any other analysis required by the Agency. The owner or operator of a BIF not operating under the interim status standards must provide the information required by 35 Ill. Adm. Code 703.208 and 703.232 in the Part B application to the greatest extent possible.

2) Throughout normal operation, the owner or operator must conduct sampling and analysis as necessary to ensure that the hazardous waste, other fuels, and industrial furnace feedstocks fired into the BIF are within the physical and chemical composition limits specified in the permit.

c) Emissions Standards. An owner or operator must comply with emissions standards provided by Sections 726.204 through 726.207.

d) Permits

1) The owner or operator must burn only hazardous wastes specified in the facility permit and only under the operating conditions specified pursuant to subsection (e), except in approved trial burns under the conditions specified in 35 Ill. Adm. Code 703.232.

2) Hazardous wastes not specified in the permit must not be burned until operating conditions have been specified under a new permit or permit modification, as applicable. Operating requirements for new wastes must be based on either trial burn results or alternative data included with Part B of a permit application pursuant to 35 Ill. Adm. Code 703.208.

3) BIFs operating under the interim status standards of Section 726.203 are permitted pursuant to procedures provided by 35 Ill. Adm. Code 703.232(g).

4) A permit for a new BIF (those BIFs not operating under the interim status standards) must establish appropriate conditions for each of the applicable requirements of this Section, including but not limited to allowable hazardous waste firing rates and operating conditions necessary to meet the requirements of subsection (e), in order to comply with the following standards:

A) For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the device to a point of operational readiness to conduct a trial burn, not to exceed a duration of 720 hours operating time when burning hazardous waste, the operating requirements must be those most likely to ensure compliance with the emission standards of Sections 726.204 through 726.207, based on the Agency's engineering judgment. If the applicant is seeking a waiver from a trial burn to demonstrate conformance with a particular emission standard, the operating requirements during this initial period of operation must include those specified by the applicable provisions of Section 726.204, Section 726.205, Section 726.206, or Section 726.207. The Agency must extend the duration of this period for up to 720 additional hours when good cause for the extension is demonstrated by the applicant.

B) For the duration of the trial burn, the operating requirements must be sufficient to demonstrate compliance with the emissions standards of Sections 726.204 through 726.207 and must be in accordance with the approved trial burn plan;

C) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation, submission of the trial burn results by the applicant, review of the trial burn results, and modification of the facility permit by the Agency to reflect the trial burn results, the operating requirements must be those most likely to ensure

compliance with the emission standards Sections 726.204 through 726.207 based on the Agency's engineering judgment.

D) For the remaining duration of the permit, the operating requirements must be those demonstrated in a trial burn or by alternative data specified in 35 Ill. Adm. Code 703.208, as sufficient to ensure compliance with the emissions standards of Sections 726.204 through 726.207.

e) Operating Requirements

1) General. A BIF burning hazardous waste must be operated in accordance with the operating requirements specified in the permit at all times when there is hazardous waste in the unit.

2) Requirements to Ensure Compliance with the Organic Emissions Standards

A) DRE (destruction or removal efficiency) Standard. Operating conditions must be specified in either of the following ways: on a case-by-case basis for each hazardous waste burned, which conditions must be demonstrated (in a trial burn or by alternative data, as specified in 35 Ill. Adm. Code 703.208) to be sufficient to comply with the DRE performance standard of Section 726.204(a), or as special operating requirements provided by Section 726.204(a)(4) for the waiver of the DRE trial burn. When the DRE trial burn is not waived pursuant to Section 726.204(a)(4), each set of operating requirements must specify the composition of the hazardous waste (including acceptable variations in the physical and chemical properties of the hazardous waste that will not affect compliance with the DRE performance standard) to which the operating requirements apply. For each such hazardous waste, the permit must specify acceptable operating limits including, but not limited to, the following conditions, as appropriate:

i) Feed rate of hazardous waste and other fuels measured and specified as prescribed in subsection (e)(6);

ii) Minimum and maximum device production rate when

producing normal product expressed in appropriate units, measured and specified as prescribed in subsection (e)(6);

iii) Appropriate controls of the hazardous waste firing system;

iv) Allowable variation in BIF system design or operating procedures;

v) Minimum combustion gas temperature measured at a location indicative of combustion chamber temperature, measured, and specified as prescribed in subsection (e)(6);

vi) An appropriate indicator of combustion gas velocity, measured and specified as prescribed in subsection (e)(6), unless documentation is provided pursuant to 35 Ill. Adm. Code 703.232 demonstrating adequate combustion gas residence time; and

vii) Such other operating requirements as are necessary to ensure that the DRE performance standard of Section 726.204(a) is met.

B) CO and Hydrocarbon (HC) Standards. The permit must incorporate a CO limit and, as appropriate, a HC limit as provided by Section 726.204(b), (c), (d), (e), and (f). The permit limits must be specified as follows:

i) When complying with the CO standard of Section 726.204(b)(1), the permit limit is 100 ppmv;

ii) When complying with the alternative CO standard pursuant to Section 726.204(c), the permit limit for CO is based on the trial burn and is established as the average over all valid runs of the highest hourly rolling average CO level of each run; and, the permit limit for HC is 20 ppmv (as defined in Section 726.204(c)(1)), except as provided in Section 726.204(f); or

iii) When complying with the alternative HC limit for

industrial furnaces pursuant to Section 726.204(f), the permit limit for HC and CO is the baseline level when hazardous waste is not burned as specified by that subsection.

C) Start-Up and Shut-Down. During start-up and shut-down of the BIF, hazardous waste (except waste fed solely as an ingredient under the Tier I (or adjusted Tier I) feed rate screening limits for metals and chloride/chlorine, and except low risk waste exempt from the trial burn requirements pursuant to Sections 726.204(a)(5), 726.205, 726.206, and 726.207) must not be fed into the device, unless the device is operating within the conditions of operation specified in the permit.

3) Requirements to Ensure Conformance with the Particulate Matter (PM) Standard

A) Except as provided in subsections (e)(3)(B) and (e)(3)(C), the permit must specify the following operating requirements to ensure conformance with the PM standard specified in Section 726.205:

i) Total ash feed rate to the device from hazardous waste, other fuels, and industrial furnace feedstocks, measured and specified as prescribed in subsection (e)(6);

ii) Maximum device production rate when producing normal product expressed in appropriate units, and measured and specified as prescribed in subsection (e)(6);

iii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any air pollution control system (APCS);

iv) Allowable variation in BIF system design including any APCS or operating procedures; and

v) Such other operating requirements as are necessary to ensure that the PM standard in Section 726.205(a) is met.

B) Permit conditions to ensure conformance with the PM standard must not be provided for facilities exempt from the PM standard pursuant to Section 726.205(b);

C) For cement kilns and light-weight aggregate kilns, permit conditions to ensure compliance with the PM standard must not limit the ash content of hazardous waste or other feed materials.

4) Requirements to Ensure Conformance with the Metals Emissions Standard

A) For conformance with the Tier I (or adjusted Tier I) metals feed rate screening limits of Section 726.206(b) or (e), the permit must specify the following operating requirements:

i) Total feed rate of each metal in hazardous waste, other fuels and industrial furnace feedstocks measured and specified pursuant to provisions of subsection (e)(6);

ii) Total feed rate of hazardous waste measured and specified as prescribed in subsection (e)(6); and

iii) A sampling and metals analysis program for the hazardous waste, other fuels and industrial furnace feedstocks;

B) For conformance with the Tier II metals emission rate screening limits pursuant to Section 726.206(c) and the Tier III metals controls pursuant to Section 726.206(d), the permit must specify the following operating requirements:

i) Maximum emission rate for each metal specified as the average emission rate during the trial burn;

ii) Feed rate of total hazardous waste and pumpable hazardous waste, each measured and specified as prescribed in subsection (e)(6)(A);

iii) Feed rate of each metal in the following feedstreams, measured and specified as prescribed in subsections (e)(6): total feed streams; total hazardous waste feed; and total

pumpable hazardous waste feed;

BOARD NOTE: The Board has combined the text of 40 CFR 266.102(e)(4)(ii)(C)(*1*) and (e)(4)(ii)(C)(*2*) into this subsection (e)(4)(B)(iii) to comport with Illinois Administrative Code codification requirements.

iv) Total feed rate of chlorine and chloride in total feed streams measured and specified as prescribed in subsection (e)(6);

v) Maximum combustion gas temperature measured at a location indicative of combustion chamber temperature, and measured and specified as prescribed in subsection (e)(6);

vi) Maximum flue gas temperature at the inlet to the PM APCS measured and specified as prescribed in subsection (e)(6);

vii) Maximum device production rate when producing normal product expressed in appropriate units and measured and specified as prescribed in subsection (e)(6);

viii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCS;

ix) Allowable variation in BIF system design including any APCS or operating procedures; and

x) Such other operating requirements as are necessary to ensure that the metals standards pursuant to Section 726.206(c) or (d) are met.

C) For conformance with an alternative implementation approach approved by the Agency pursuant to Section 726.206(f), the permit must specify the following operating requirements:

i) Maximum emission rate for each metal specified as the average emission rate during the trial burn;

ii) Feed rate of total hazardous waste and pumpable hazardous waste, each measured and specified as prescribed in subsection (e)(6)(A);

iii) Feed rate of each metal in the following feedstreams, measured and specified as prescribed in subsection (e)(6): total hazardous waste feed; and total pumpable hazardous waste feed;

BOARD NOTE: The Board has combined the text of 40 CFR 266.102(e)(4)(iii)(C)(*1*) and (e)(4)(iii)(C)(*2*) into this subsection (e)(4)(C)(iii) to comport with Illinois Administrative Code codification requirements.

iv) Total feed rate of chlorine and chloride in total feed streams measured and specified prescribed in subsection (e)(6);

v) Maximum combustion gas temperature measured at a location indicative of combustion chamber temperature, and measured and specified as prescribed in subsection (e)(6);

vi) Maximum flue gas temperature at the inlet to the PM APCS measured and specified as prescribed in subsection (e)(6);

vii) Maximum device production rate when producing normal product expressed in appropriate units and measured and specified as prescribed in subsection (e)(6);

viii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCS;

ix) Allowable variation in BIF system design including any APCS or operating procedures; and

x) Such other operating requirements as are necessary to ensure that the metals standards pursuant to Section 726.206(c) or (d) are met.

5) Requirements to Ensure Conformance with the HCl and Chlorine Gas Standards

A) For conformance with the Tier I total chlorine and chloride feed rate screening limits of Section 726.207(b)(1), the permit must specify the following operating requirements:

i) Feed rate of total chlorine and chloride in hazardous waste, other fuels and industrial furnace feedstocks measured and specified as prescribed in subsection (e)(6);

ii) Feed rate of total hazardous waste measured and specified as prescribed in subsection (e)(6); and

iii) A sampling and analysis program for total chlorine and chloride for the hazardous waste, other fuels and industrial furnace feedstocks;

B) For conformance with the Tier II HCl and chlorine gas emission rate screening limits pursuant to Section 726.207(b)(2) and the Tier III HCl and chlorine gas controls pursuant to Section 726.207(c), the permit must specify the following operating requirements:

i) Maximum emission rate for HCl and for chlorine gas specified as the average emission rate during the trial burn;

ii) Feed rate of total hazardous waste measured and specified as prescribed in subsection (e)(6);

iii) Total feed rate of chlorine and chloride in total feed streams, measured and specified as prescribed in subsection (e)(6);

iv) Maximum device production rate when producing normal product expressed in appropriate units, measured and specified as prescribed in subsection (e)(6);

v) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCS;

vi) Allowable variation in BIF system design including any APCS or operating procedures; and

vii) Such other operating requirements as are necessary to ensure that the HCl and chlorine gas standards pursuant to Section 726.207(b)(2) or (c) are met.

6) Measuring Parameters and Establishing Limits Based on Trial Burn Data

A) General Requirements. As specified in subsections (e)(2) through (e)(5), each operating parameter must be measured, and permit limits on the parameter must be established, according to either of the following procedures:

i) Instantaneous Limits. A parameter is measured and recorded on an instantaneous basis (i.e., the value that occurs at any time) and the permit limit specified as the time-weighted average during all valid runs of the trial burn; or

ii) Hourly Rolling Average. The limit for a parameter must be established and continuously monitored on an hourly rolling average basis, as defined in Section 726.200(i). The permit limit for the parameter must be established based on trial burn data as the average over all valid test runs of the highest hourly rolling average value for each run.

BOARD NOTE: The Board has combined the text of 40 CFR 266.102(e)(6)(i)(B)(*1*) and (e)(6)(i)(B)(*2*) into this subsection (e)(6)(A)(ii) and moved the text of 40 CFR 266.102(e)(6)(i)(B)(*1*)(*i*) and (e)(6)(i)(B)(*1*)(*ii*) to appear as definitions of "continuous monitor" and "hourly rolling average", respectively, in Section 726.200(i) to comport with Illinois Administrative Code codification requirements.

B) Rolling Average Limits for Carcinogenic Metals and Lead. Feed rate limits for the carcinogenic metals (as defined in Section

726.200(i)) and lead must be established either on an hourly rolling average basis, as prescribed by subsection (e)(6)(A), or on (up to) a 24 hour rolling average basis. If the owner or operator elects to use an average period from 2 to 24 hours, the following requirements apply:

i) The feed rate of each metal must be limited at any time to ten times the feed rate that would be allowed on an hourly rolling average basis;

ii) The continuous monitor must meet the specifications of "continuous monitor", "rolling average for the selected averaging period", and "one hour block average" as defined in Section 726.200(i); and

BOARD NOTE: The Board has moved the text of 40 CFR 266.102(e)(6)(ii)(B)(*1*) and (e)(6)(ii)(B)(*2*) to appear as definitions in Section 726.200(i) to comport with Illinois Administrative Code codification requirements.

iii) The permit limit for the feed rate of each metal must be established based on trial burn data as the average over all valid test runs of the highest hourly rolling average feed rate for each run.

C) Feed Rate Limits for Metals, Total Chlorine and Chloride, and Ash. Feed rate limits for metals, total chlorine and chloride, and ash are established and monitored by knowing the concentration of the substance (i.e., metals, chloride/chlorine and ash) in each feedstream and the flow rate of the feedstream. To monitor the feed rate of these substances, the flow rate of each feedstream must be monitored pursuant to the continuous monitoring requirements of subsections (e)(6)(A) and (e)(6)(B).

D) Conducting~~Conduct of~~ Trial Burn Testing~~.~~

i) If compliance with all applicable emissions standards of Sections 726.204 through 726.207 is not demonstrated simultaneously during a set of test runs, the operating

conditions of additional test runs required to demonstrate compliance with remaining emissions standards must be as close as possible to the original operating conditions.

ii) Prior to obtaining test data for purposes of demonstrating compliance with the emissions standards of Sections 726.204 through 726.207 or establishing limits on operating parameters pursuant to this Section, the unit must operate under trial burn conditions for a sufficient period to reach steady-state operations. However, industrial furnaces that recycle collected PM back into the furnace and that comply with an alternative implementation approach for metals pursuant to Section 726.206(f) need not reach steady state conditions with respect to the flow of metals in the system prior to beginning compliance testing for metals emissions.

iii) Trial burn data on the level of an operating parameter for which a limit must be established in the permit must be obtained during emissions sampling for the pollutants (i.e., metals, PM, HCl/chlorine gas, organic compounds) for which the parameter must be established as specified by this subsection (e).

7) General Requirements

A) Fugitive Emissions. Fugitive emissions must be controlled in one of the following ways:

i) By keeping the combustion zone totally sealed against fugitive emissions;

ii) By maintaining the combustion zone pressure lower than atmospheric pressure; or

iii) By an alternative means of control demonstrated (with Part B of the permit application) to provide fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.

B) Automatic Waste Feed Cutoff. A BIF must be operated with a functioning system that automatically cuts off the hazardous waste feed when operating conditions deviate from those established pursuant to this Section. In addition, the following requirements apply:

i) The permit limit for (the indicator of) minimum combustion chamber temperature must be maintained while hazardous waste or hazardous waste residues remain in the combustion chamber;

ii) Exhaust gases must be ducted to the APCS operated in accordance with the permit requirements while hazardous waste or hazardous waste residues remain in the combustion chamber; and

iii) Operating parameters for which permit limits are established must continue to be monitored during the cutoff, and the hazardous waste feed must not be restarted until the levels of those parameters comply with the permit limits. For parameters that are monitored on an instantaneous basis, the Agency must establish a minimum period of time after a waste feed cutoff during which the parameter must not exceed the permit limit before the hazardous waste feed is restarted.

C) Changes. A BIF must cease burning hazardous waste when combustion properties or feed rates of the hazardous waste, other fuels or industrial furnace feedstocks, or the BIF design or operating conditions deviate from the limits as specified in the permit.

8) Monitoring and Inspections

A) The owner or operator must monitor and record the following, at a minimum, while burning hazardous waste:

i) If specified by the permit, feed rates and composition of

hazardous waste, other fuels, and industrial furnace feedstocks and feed rates of ash, metals, and total chlorine and chloride;

ii) If specified by the permit, CO, HCs, and oxygen on a continuous basis at a common point in the BIF downstream of the combustion zone and prior to release of stack gases to the atmosphere in accordance with operating requirements specified in subsection (e)(2)(B). CO, HC, and oxygen monitors must be installed, operated, and maintained in accordance with methods specified in Appendix I; and

iii) Upon the request of the Agency, sampling and analysis of the hazardous waste (and other fuels and industrial furnace feedstocks as appropriate), residues, and exhaust emissions must be conducted to verify that the operating requirements established in the permit achieve the applicable standards of Sections 726.204, 726.205, 726.206, and 726.207.

B) All monitors must record data in units corresponding to the permit limit unless otherwise specified in the permit.

C) The BIF and associated equipment (pumps, valves, pipes, fuel storage tanks, etc.) must be subjected to thorough visual inspection when it contains hazardous waste, at least daily for leaks, spills, fugitive emissions, and signs of tampering.

D) The automatic hazardous waste feed cutoff system and associated alarms must be tested at least once every seven days when hazardous waste is burned to verify operability, unless the applicant demonstrates to the Agency that weekly inspections will unduly restrict or upset operations and that less frequent inspections will be adequate. At a minimum, operational testing must be conducted at least once every 30 days.

E) These monitoring and inspection data must be recorded and the records must be placed in the operating record required by 35 Ill. Adm. Code 724.173.

9) Direct Transfer to the Burner. If hazardous waste is directly transferred from a transport vehicle to a BIF without the use of a storage unit, the owner and operator must comply with Section 726.211.

10) Recordkeeping. The owner or operator must maintain in the operating record of the facility all information and data required by this Section for five years.

11) Closure. At closure, the owner or operator must remove all hazardous waste and hazardous waste residues (including, but not limited to, ash, scrubber waters, and scrubber sludges) from the BIF.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART M: MILITARY MUNITIONS

Section 726.305 Standards Applicable to the Storage of Solid Waste Military Munitions

a) Criteria for Hazardous Waste Regulation of Waste Non-Chemical Military Munitions in Storage

1) Waste military munitions in storage that exhibit a hazardous waste characteristic or are listed as hazardous waste pursuant to 35 Ill. Adm. Code 721 are listed or identified as a hazardous waste (and thus are subject to regulation pursuant to 35 Ill. Adm. Code 702, 703, 705, 720 through 728, 733, 738, and 739), unless all the following conditions are met:

A) The waste military munitions are not chemical agents or chemical munitions;

B) The waste military munitions must be subject to the jurisdiction of the Department of Defense Explosives Safety Board (DDESB);

C) The waste military munitions must be stored in accordance with the DDESB storage standards applicable to waste military munitions;

D) Within 90 days of when a storage unit is first used to store waste military munitions, the owner or operator must notify the Agency of the location of any waste storage unit used to store waste military munitions for which the conditional exemption in subsection (a)(1) is claimed;

E) The owner or operator must provide oral notice to the Agency within 24 hours from the time the owner or operator becomes aware of any loss or theft of the waste military munitions, or any failure to meet a condition of subsection (a)(1) that may endanger health or the environment. In addition, a written submission describing the circumstances must be provided within five days from the time the owner or operator becomes aware of any loss or theft of the waste military munitions or any failure to meet a condition of subsection (a)(1);

F) The owner or operator must inventory the waste military munitions at least annually, must inspect the waste military munitions at least quarterly for compliance with the conditions of subsection (a)(1), and must maintain records of the findings of these inventories and inspections for at least three years; and

G) Access to the stored waste military munitions must be limited to appropriately trained and authorized personnel.

2) The conditional exemption in subsection (a)(1) from regulation as hazardous waste must apply only to the storage of non-chemical waste military munitions. It does not affect the regulatory status of waste military munitions as hazardous wastes with regard to transportation, treatment or disposal.

3) The conditional exemption in subsection (a)(1) applies only so long as all of the conditions in subsection (a)(1) are met.

b) Notice of Termination of Waste Storage. The owner or operator must notify the Agency when a storage unit identified in subsection (a)(1)(D) will no longer be used to store waste military munitions.

c) Reinstatement of Conditional Exemption

1) If any waste military munition loses its conditional exemption pursuant to subsection (a)(1), an application may be filed with the Agency for reinstatement of the conditional exemption from hazardous waste storage regulation with respect to such munition as soon as the munition is returned to compliance with the conditions of subsection (a)(1).

2) If the Agency finds that reinstatement of the conditional exemption is appropriate, it must reinstate the conditional exemption of subsection (a)(1) in writing. The Agency's decision to reinstate or not to reinstate the conditional exemption must be based on two considerations~~considertions~~: first, the nature of the risks to human health and the environment posed by the waste; and second, either the owner's or operator's provision of a satisfactory explanation of the circumstances of the violation or any demonstration that the violations are not likely to recur. If the Agency denies an application, it must transmit to the applicant specific, detailed statements in writing as to the reasons it denied the application. In reinstating the conditional exemption pursuant to subsection (a)(1), the Agency may specify additional conditions as are necessary to ensure and document proper storage to adequately protect human health and the environment.

3) The Agency may terminate a conditional exemption reinstated by default pursuant to subsection (c)(2) in writing if it finds that reinstatement is inappropriate based on its consideration of the factors set forth in subsection (c)(2). If the Agency terminates a reinstated exemption, it must transmit to the applicant specific, detailed statements in writing as to the reasons it terminated the reinstated exemption.

4) The applicant pursuant to this subsection (c) may appeal the Agency's determination to deny the reinstatement, to grant the reinstatement with conditions, or to terminate a reinstatement before the Board pursuant to Section 40 of the Act.

d) Waste Chemical Munitions

1) Waste military munitions are subject to the applicable regulatory requirements of RCRA subtitle C if the munitions satisfy two conditions: first, they are chemical agents or chemical munitions; and second, they

exhibit a hazardous waste characteristic or are listed as hazardous waste pursuant to 35 Ill. Adm. Code 721.

2) Waste military munitions are not subject to the storage prohibition in RCRA section 3004(j), codified at 35 Ill. Adm. Code 728.150, if the munitions satisfy two conditions: first, they are chemical agents or chemical munitions; and second, they exhibit a hazardous waste characteristic or are listed as hazardous waste pursuant to 35 Ill. Adm. Code 721.

e) Amendments to DDESB Storage Standards. The DDESB storage standards applicable to waste military munitions, referenced in subsection (a)(1)(C), are DOD 6055.9-STD ("DOD Ammunition and Explosive Safety Standards"), in effect on November 8, 1995, incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: Corresponding federal provision 40 CFR 266.205(e), as added at 62 Fed. Reg. 6656 (Feb. 12, 1997), further provides as follows: "Any amendments to the DDESB storage standards must become effective for purposes of paragraph (a)(1) of this section on the date the Department of Defense publishes notice in the Federal Register that the DDESB standards referenced in paragraph (a)(1) of this section have been amended." Section 5-75 of the Illinois Administrative Procedure Act [5 ILCS 100/5-75] prohibits the incorporation of later amendments and editions by reference. For this reason, interested members of the regulated community will need to notify the Board of any amendments of these references before those amendments can become effective under Illinois law.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART P: HAZARDOUS WASTE PHARMACEUTICALS

Section 726.600 Definitions

The following definitions apply to this Subpart P:

"Evaluated hazardous waste pharmaceutical" means a prescription hazardous waste pharmaceutical that has been evaluated by a reverse distributor in

accordance with Section 726.610(a)(3) and will not be sent to another reverse distributor for further evaluation or verification of manufacturer credit.

"Hazardous waste pharmaceutical" means a pharmaceutical that is a solid waste, as defined in 35 Ill. Adm. Code 721.102, and that exhibits one or more characteristics identified in Subpart C of 35 Ill. Adm. Code 721 or that is listed in Subpart D of 35 Ill. Adm. Code 721. A pharmaceutical is not a solid waste, as defined in 35 Ill. Adm. Code 721.102, and therefore is not a hazardous waste pharmaceutical, if it is legitimately used or reused (e.g., lawfully donated for its intended purpose) or reclaimed. An over-the-counter pharmaceutical, dietary supplement, or homeopathic drug is not a solid waste, as defined in 35 Ill. Adm. Code 721.102, and therefore is not a hazardous waste pharmaceutical, if there is a reasonable expectation of its being legitimately used or reused (e.g., lawfully redistributed for its intended purpose) or reclaimed.

"Healthcare facility" means any person that is lawfully authorized to do the following:

Provide preventative, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care and counseling, service, assessment, or procedure with respect to the physical or mental condition or functional status of a human or animal or affecting the structure or function of the human or animal body; or

Distribute, sell, or dispense pharmaceuticals, including over-the-counter pharmaceuticals, dietary supplements, homeopathic drugs, or prescription pharmaceuticals. This definition includes wholesale distributors, third-party logistics providers that serve as forward distributors, military medical logistics facilities, hospitals, psychiatric hospitals, ambulatory surgical treatment centers, health clinics, physicians' offices, optical and dental providers, chiropractors, long-term care facilities, ambulance services, pharmacies, long-term care pharmacies, mail-order pharmacies, retailers of pharmaceuticals, veterinary clinics, and veterinary hospitals. This definition does not include pharmaceutical manufacturers, reverse distributors, or reverse logistics centers.

"Household waste pharmaceutical" means a pharmaceutical that is a solid waste, as defined in 35 Ill. Adm. Code 721.102, but that is excluded from being a hazardous waste under 35 Ill. Adm. Code 721.104(b)(1).

"Long-term care facility" means a licensed entity that provides assistance with activities of daily living, including managing and administering pharmaceuticals, to one or more individuals at the facility. This definition includes hospice facilities, nursing facilities, skilled nursing facilities, and the nursing and skilled nursing care portions of continuing care retirement communities. Not included within the scope of this definition are group homes, independent living communities, assisted living facilities, and the independent and assisted living portions of continuing care retirement communities.

"Non-creditable hazardous waste pharmaceutical" means a prescription hazardous waste pharmaceutical that does not have a reasonable expectation to be eligible for manufacturer credit or a nonprescription hazardous waste pharmaceutical that does not have a reasonable expectation to be legitimately used or reused or reclaimed. This includes investigational drugs, free samples of pharmaceuticals received by healthcare facilities, residues of pharmaceuticals remaining in empty containers, contaminated personal protective equipment, floor sweepings, and cleanup material from the spills of pharmaceuticals.

"Non-hazardous waste pharmaceutical" means a pharmaceutical that is a solid waste, as defined in 35 Ill. Adm. Code 721.102; is not listed in Subpart D of 35 Ill. Adm. Code 721; and does not exhibit a characteristic identified in Subpart C of 35 Ill. Adm. Code 721.

"Non-pharmaceutical hazardous waste" means a solid waste, as defined in 35 Ill. Adm. Code 721.102, that is listed in Subpart D of 35 Ill. Adm. Code 721, exhibits one or more characteristics identified in Subpart C of 35 Ill. Adm. Code 721, but is not a pharmaceutical, as defined in this Section.

"Pharmaceutical" means any drug or dietary supplement for use by humans or other animals; any electronic nicotine delivery system (e.g., electronic cigarette or vaping pen); or any liquid nicotine (e-liquid) packaged for retail sale for use in electronic nicotine delivery systems (e.g., pre-filled cartridges or vials). This definition includes dietary supplements, as defined in section 201(ff) of the Federal Food, Drug, and Cosmetic Act (21 USC 321(ff)), incorporated by reference in 35 Ill. Adm. Code 720.111; prescription drugs, as defined in 21 CFR 203.3(y), incorporated by reference in 35 Ill. Adm. Code 720.111; over-the-counter drugs; homeopathic drugs; compounded drugs; investigational new drugs; pharmaceuticals remaining in nonempty containers; personal protective

equipment contaminated with pharmaceuticals; and clean-up material from spills of pharmaceuticals. This definition does not include dental amalgam or sharps.

"Potentially creditable hazardous waste pharmaceutical" means a prescription hazardous waste pharmaceutical that has a reasonable expectation to receive manufacturer credit and of which the following is true:

It is in original manufacturer packaging (except pharmaceuticals that were subject to a recall);

It is undispensed; and

It is unexpired or less than one year past its expiration date. The term does not include evaluated hazardous waste pharmaceuticals or nonprescription pharmaceuticals, including over-the-counter drugs, homeopathic drugs, and dietary supplements.

"Reverse distributor" means any person that receives and accumulates prescription pharmaceuticals that are potentially creditable hazardous waste pharmaceuticals for the purpose of facilitating or verifying manufacturer credit. Any person, including forward distributors, third-party logistics providers, and pharmaceutical manufacturers, that processes prescription pharmaceuticals for the facilitation or verification of manufacturer credit is considered a reverse distributor.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 726.601 Applicability

a) A healthcare facility that is a VSQG when counting all of its hazardous waste, including both its hazardous waste pharmaceuticals and its non-pharmaceutical hazardous waste, remains subject to 35 Ill. Adm. Code 722.114 and is not subject to this Subpart P, except for Sections 726.605 and 726.607 and the optional provisions of Section 726.604.

b) A healthcare facility that is a VSQG when counting all of its hazardous waste, including both its hazardous waste pharmaceuticals and its non-pharmaceutical hazardous waste, has the option of complying with Section 726.601(d) for the management of its hazardous waste pharmaceuticals as an alternative to

complying with 35 Ill. Adm. Code 722.114 and the optional provisions of Section 726.604.

c) A healthcare facility or reverse distributor remains subject to all applicable requirements in 35 Ill. Adm. Code 722 through 725 with respect to the management of its non-pharmaceutical hazardous waste.

d) With the exception of healthcare facilities identified in subsection (a), a healthcare facility is subject to the following in lieu of 35 Ill. Adm. Code 722 through 725:

1) Sections 726.602 and 726.605 through 726.608 with respect to the management of the following:

A) Non-creditable hazardous waste pharmaceuticals; and

B) Potentially creditable hazardous waste pharmaceuticals if they are not destined for a reverse distributor.

2) Sections 726.602(a), 726.603, 726.605 through 726.607, and 726.609 with respect to the management of potentially creditable hazardous waste pharmaceuticals that are prescription pharmaceuticals and that are destined for a reverse distributor.

e) A reverse distributor is subject to Sections 726.605 through 726.610, in lieu of 35 Ill. Adm. Code 722 through 725, with respect to the management of hazardous waste pharmaceuticals.

f) Hazardous waste pharmaceuticals generated or managed by entities other than healthcare facilities and reverse distributors (e.g., pharmaceutical manufacturers and reverse logistics centers) are not subject to this Subpart P. Other generators are subject to 35 Ill. Adm. Code 722 for the generation and accumulation of hazardous wastes, including hazardous waste pharmaceuticals.

g) The following are not subject to 35 Ill. Adm. Code 720 through 733, except as otherwise specified:

1) Pharmaceuticals that are not solid waste, as defined by 35 Ill. Adm. Code 721.102, because they are legitimately used or reused (e.g., lawfully donated for their intended purpose) or reclaimed.

2) Over-the-counter pharmaceuticals, dietary supplements, or homeopathic drugs that are not solid wastes, as defined by 35 Ill. Adm. Code 721.102, because there is a reasonable expectation of their being legitimately used or reused (e.g., lawfully redistributed for their intended purpose) or reclaimed.

3) Pharmaceuticals being managed in accordance with a recall strategy that has been approved by the Food and Drug Administration in accordance with subpart C of 21 CFR 7. This Subpart P applies to the management of the recalled hazardous waste pharmaceuticals after the Food and Drug Administration approves the destruction of the recalled items.

4) Pharmaceuticals being managed in accordance with a recall corrective action plan that has been accepted by the Consumer Product Safety Commission in accordance with 16 CFR 1115. This Subpart P applies to the management of the recalled hazardous waste pharmaceuticals after the Consumer Product Safety Commission approves the destruction of the recalled items.

5) Pharmaceuticals stored according to a preservation order or during an investigation or judicial proceeding, until after the preservation order, investigation, or judicial proceeding has concluded or a decision is made to discard the pharmaceuticals.

6) Investigational new drugs for which an investigational new drug application is in effect in accordance with the Food and Drug Administration's regulations in 21 CFR 312. This Subpart P applies to the management of the investigational new drug after the decision is made to discard the investigational new drug or the Food and Drug Administration approves the destruction of the investigational new drug, if the investigational new drug is a hazardous waste.

7) Household waste pharmaceuticals, including those that have been collected by a "collector", as defined in 21 CFR 1300.01, incorporated by reference in 35 Ill. Adm. Code 720.111, provided the authorized collector complies with the conditional exemption in Section 726.606(a)(2) and (b).

BOARD NOTE: The Drug Enforcement Administration regulations define "collector" in the second segment of the definition of "collection" in 21 CFR 1300.01. The authorized status of the collector is part of the definition.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 726.602 Standards for Non-Creditable Hazardous Waste Pharmaceuticals

a) Notification and Withdrawal from this Subpart P for Healthcare Facilities Managing Hazardous Waste Pharmaceuticals

1) Notification. A healthcare facility must notify the Agency, using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12), that it is a healthcare facility operating under this Subpart P. A healthcare facility is not required to fill out Box 10.B. (Waste Codes for Federally Regulated Hazardous Waste) of the Site Identification Form with respect to its hazardous waste pharmaceuticals. A healthcare facility must submit a separate notification (using the Site Identification Form) for each site or USEPA identification number.

A) A healthcare facility that already has a USEPA identification number must notify the Agency, using USEPA Form 8700-12, that it is a healthcare facility as part of its next annual report, if it is required to submit one; or, if not required to submit an annual report, within 60 days after becoming subject to this Subpart P.

B) A healthcare facility that does not have a USEPA identification number must obtain one by notifying the Agency, using USEPA Form 8700-12, that it is a healthcare facility as part of its next annual report, if it is required to submit one; or if not required to submit an annual report, within 60 days after becoming subject to this Subpart P.

C) A healthcare facility must keep a copy of its notification on file for as long as the healthcare facility is subject to this Subpart P.

BOARD NOTE: Corresponding 40 CFR 266.602(a)(1) requires biennial reporting. The Board has required annual reporting, since Section 20.1 of

the Act requires the Agency to assemble annual reports, and only annual facility activity reports will enable the Agency to fulfill this mandate.

2) Withdrawal. A healthcare facility that operated under this Subpart P but is no longer subject to this Subpart P, because it is a VSQG under 35 Ill. Adm. Code 722.114, and that elects to withdraw from this Subpart P, must notify the appropriate agency using USEPA Form 8700-12 that it is no longer operating under this Subpart P. A healthcare facility is not required to fill out Box 10.B. (Waste Codes for Federally Regulated Hazardous Waste) of USEPA Form 8700-12 with respect to its hazardous waste pharmaceuticals. A healthcare facility must submit a separate notification (using USEPA Form 8700-12) for each USEPA identification number.

A) A healthcare facility must submit USEPA Form 8700-12 notifying that it is withdrawing from this Subpart P before it begins operating under the conditional exemption of 35 Ill. Adm. Code 722.114.

B) A healthcare facility must keep a copy of its withdrawal on file for three years after the date of signature on the notification of its withdrawal.

b) Training of Personnel Managing Non-Creditable Hazardous Waste Pharmaceuticals at Healthcare Facilities. A healthcare facility must ensure that all personnel managing non-creditable hazardous waste pharmaceuticals are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies.

c) Hazardous Waste Determination for Non-Creditable Pharmaceuticals. A healthcare facility that generates a solid waste that is a non-creditable pharmaceutical must determine whether that pharmaceutical is a hazardous waste pharmaceutical (i.e., it exhibits a characteristic identified in Subpart D of 35 Ill. Adm. Code 721 or is listed in Subpart D of 35 Ill. Adm. Code 721) in order to determine whether the waste is subject to this Subpart P. A healthcare facility may choose to manage its non-hazardous waste pharmaceuticals as non-creditable hazardous waste pharmaceuticals under this Subpart P.

d) Standards for Containers Used to Accumulate Non-Creditable Hazardous Waste Pharmaceuticals at Healthcare Facilities

1) A healthcare facility must place non-creditable hazardous waste pharmaceuticals in a container that is structurally sound, compatible with its contents, and lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

2) A healthcare facility that manages ignitable or reactive non-creditable hazardous waste pharmaceuticals, or mixes or commingles incompatible non-creditable hazardous waste pharmaceuticals, must manage the container so that it does not have the potential to do any of the following:

A) Generate extreme heat or pressure, fire or explosion, or violent reaction;

B) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health;

C) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

D) Damage the structural integrity of the container of non-creditable hazardous waste pharmaceuticals; or

E) Through other like means threaten human health or the environment.

3) A healthcare facility must keep containers of non-creditable hazardous waste pharmaceuticals closed and secured in a manner that prevents unauthorized access to their contents.

4) A healthcare facility may accumulate non-creditable hazardous waste pharmaceuticals and nonhazardous non-creditable waste pharmaceuticals in the same container, except that the healthcare facility must accumulate non-creditable hazardous waste pharmaceuticals prohibited from being combusted because of the dilution prohibition of 35 Ill. Adm. Code 728.103(c) in separate containers and label the containers with all applicable USEPA hazardous waste numbers.

e) Labeling Containers Used to Accumulate Non-Creditable Hazardous Waste Pharmaceuticals at Healthcare Facilities. A healthcare facility must label or clearly mark each container of non-creditable hazardous waste pharmaceuticals with the phrase "Hazardous Waste Pharmaceuticals".

f) Maximum Accumulation Time for Non-Creditable Hazardous Waste Pharmaceuticals at Healthcare Facilities

1) A healthcare facility may accumulate non-creditable hazardous waste pharmaceuticals on site for one year or less without a permit or having interim status.

2) A healthcare facility that accumulates non-creditable hazardous waste pharmaceuticals on-site must demonstrate the length of time that the facility has accumulated the non-creditable hazardous waste pharmaceuticals, starting from the date it first becomes a waste. A healthcare facility may make this demonstration by any of the following methods:

A) Marking or labeling the container of non-creditable hazardous waste pharmaceuticals with the date when the non-creditable hazardous waste pharmaceuticals became a waste;

B) Maintaining an inventory system that identifies the date when the accumulated non-creditable hazardous waste pharmaceuticals first became a waste;

C) Placing the non-creditable hazardous waste pharmaceuticals in a specific area and identifying the earliest date when any of the non-creditable hazardous waste pharmaceuticals in the area became a waste.

g) Land Disposal Restrictions for Non-Creditable Hazardous Waste Pharmaceuticals. The non-creditable hazardous waste pharmaceuticals generated by a healthcare facility are subject to the land disposal restrictions of 35 Ill. Adm. Code 728. A healthcare facility that generates non-creditable hazardous waste pharmaceuticals must comply with the land disposal restrictions in accordance with 35 Ill. Adm. Code 728.107(a) requirements, except that it is not required to

identify the USEPA hazardous waste numbers on the land disposal restrictions notification.

h) Procedures for Healthcare Facilities for Managing Rejected Shipments of Non-Creditable Hazardous Waste Pharmaceuticals. A healthcare facility that sends a shipment of non-creditable hazardous waste pharmaceuticals to a designated facility with the understanding that the designated facility can accept and manage the waste, and later receives that shipment back as a rejected load in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172, may accumulate the returned non-creditable hazardous waste pharmaceuticals on-site for up to an additional 90 days provided the rejected or returned shipment is managed in accordance with subsections (d) and (e). Upon receipt of the returned shipment, the healthcare facility must do the following:

1) Sign the applicable of the following:

A) Item 18c (Signature of Alternate Facility (or Generator)) of the original manifest, if the original manifest was used for the returned shipment; or

B) Item 20 (Designated Facility Owner or Operator. Certification of hazardous materials covered by the manifest except as noted in Item 18a) of the new manifest, if a new manifest was used for the returned shipment;

2) Provide the transporter a copy of the manifest;

3) Within 30 days after receipt of the rejected shipment, send a copy of the manifest to the designated facility that returned the shipment to the healthcare facility; and

4) Within 90 days after receipt of the rejected shipment, transport or offer for transport the returned shipment in accordance with the shipping standards of Section 726.608(a).

i) Reporting by Healthcare Facilities for Non-Creditable Hazardous Waste Pharmaceuticals

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1) Biennial Reporting by Healthcare Facilities. Healthcare facilities are not subject to annual reporting requirements under 35 Ill. Adm. Code 722.141, with respect to non-creditable hazardous waste pharmaceuticals managed under this Subpart P.

2) Exception Reporting by Healthcare Facilities for a Missing Copy of the Manifest

A) For Shipments from a Healthcare Facility to a Designated Facility. If a healthcare facility does not receive a copy of the manifest with the signature of the owner or operator of the designated facility within 60 days after the date when the initial transporter accepted the non-creditable hazardous waste pharmaceuticals, the healthcare facility must submit the following:

i) A legible copy of the original manifest to the Agency, indicating that the healthcare facility has not received confirmation of delivery; and

ii) A handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received and explaining the efforts taken to locate the non-creditable hazardous waste pharmaceuticals and the results of those efforts.

B) For Shipments Rejected by the Designated Facility and Shipped to an Alternate Facility. If a healthcare facility does not receive a copy of the manifest for a rejected shipment of the non-creditable hazardous waste pharmaceuticals that is forwarded by the designated facility to an alternate facility (using appropriate manifest procedures), with the signature of the owner or operator of the alternate facility, within 60 days after the date when the initial transporter forwarding the shipment of non-creditable hazardous waste pharmaceuticals from the designated facility to the alternate facility accepted the non-creditable hazardous waste, the healthcare facility must submit the following:

i) A legible copy of the original manifest to the Agency, indicating that the healthcare facility has not received confirmation of delivery; and

ii) A handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received and explaining the efforts taken to locate the non-creditable hazardous waste pharmaceuticals and the results of those efforts.

3) Additional Reports. The Agency may, in writing, require a healthcare facility to furnish additional reports concerning the quantities and disposition of non-creditable hazardous waste pharmaceuticals.

j) Recordkeeping by Healthcare Facilities for Non-Creditable Hazardous Waste Pharmaceuticals

1) A healthcare facility must keep a copy of each manifest signed in accordance with 35 Ill. Adm. Code 722.123(a) for three years or until it receives a signed copy from the designated facility that received the non-creditable hazardous waste pharmaceuticals. The healthcare facility must retain this signed copy as a record for at least three years after the date when the initial transporter accepted the waste.

2) A healthcare facility must keep a copy of each exception report for a period of at least three years after the date of the report.

3) A healthcare facility must keep records of any test results, waste analyses, or other determinations made to support its hazardous waste determinations consistent with 35 Ill. Adm. Code 722.111(f), for at least three years after the date the waste was last sent to onsite or off-site treatment, storage, or disposal. A healthcare facility that manages all of its non-creditable nonhazardous waste pharmaceuticals as non-creditable hazardous waste pharmaceuticals is not required to keep documentation of its hazardous waste determinations.

4) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by the Agency.

5) A healthcare facility must make all records readily available upon request by a USEPA or Agency inspector.

k) Response to Spills of Non-Creditable Hazardous Waste Pharmaceuticals at Healthcare Facilities. A healthcare facility must immediately contain all spills of non-creditable hazardous waste pharmaceuticals and manage the spill clean-up materials as non-creditable hazardous waste pharmaceuticals in accordance with the requirements of this Subpart P.

l) Accepting Non-Creditable Hazardous Waste Pharmaceuticals from an Off-Site Healthcare Facility That Is a VSQG. A healthcare facility may accept non-creditable hazardous waste pharmaceuticals from an off-site healthcare facility that is a VSQG under 35 Ill. Adm. Code 722.114, without a permit or without having interim status, provided the receiving healthcare facility fulfills the following conditions:

1) The receiving healthcare facility is under the control of the same person (as defined in 35 Ill. Adm. Code 720.110) as the VSQG healthcare facility sending the non-creditable hazardous waste pharmaceuticals off-site or has a contractual or other documented business relationship whereby the receiving healthcare facility supplies pharmaceuticals to the VSQG healthcare facility. ("Control", for the purposes of this subsection (l)(1), means the power to direct the policies of the healthcare facility, whether by the ownership of stock, voting rights, or otherwise. A contractor that operates a healthcare facility on behalf of a different person, as defined in 35 Ill. Adm. Code 720.110, does not "control" a healthcare facility);

2) The receiving healthcare facility is operating under this Subpart P for the management of its non-creditable hazardous waste pharmaceuticals;

3) The receiving healthcare facility manages the non-creditable hazardous waste pharmaceuticals that it receives from off site in compliance with this Subpart P; and

4) The receiving healthcare facility keeps records of the non-creditable hazardous waste pharmaceuticals shipments it receives from off site for three years after the date when it received the shipment.

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NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 726.603 Standards for Potentially Creditable Hazardous Waste Pharmaceuticals

a) Hazardous Waste Determination for Potentially Creditable Pharmaceuticals. A healthcare facility that generates a solid waste that is a potentially creditable pharmaceutical must determine whether the potentially creditable pharmaceutical is a potentially creditable hazardous waste pharmaceutical (i.e., it is a listed hazardous waste in Subpart D of 35 Ill. Adm. Code 721 or exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721). A healthcare facility may choose to manage its potentially creditable non-hazardous waste pharmaceuticals as potentially creditable hazardous waste pharmaceuticals under this Subpart P.

b) Accepting Potentially Creditable Hazardous Waste Pharmaceuticals from an Off-Site Healthcare Facility That Is a VSQG. A healthcare facility may accept potentially creditable hazardous waste pharmaceuticals from an off-site healthcare facility that is a VSQG under 35 Ill. Adm. Code 722.114 without a permit or interim status, provided the receiving healthcare facility fulfills the following conditions:

1) The receiving healthcare facility is under the control of the same person (as defined in 35 Ill. Adm. Code 720.110) as the VSQG healthcare facility sending the potentially creditable hazardous waste pharmaceuticals off site, or the sending healthcare facility has a contractual or other documented business relationship in which the receiving healthcare facility supplies pharmaceuticals to the VSQG healthcare facility;

2) The receiving healthcare facility is operating under this Subpart P for the management of its potentially creditable hazardous waste pharmaceuticals;

3) The receiving healthcare facility manages the potentially creditable hazardous waste pharmaceuticals that it receives from off site in compliance with this Subpart P; and

4) The receiving healthcare facility keeps records of the potentially creditable hazardous waste pharmaceuticals shipments it receives from off site for three years from the date that the shipment is received.

c) Prohibition. A healthcare facility is prohibited from sending hazardous wastes other than potentially creditable hazardous waste pharmaceuticals to a reverse distributor.

d) Annual Reporting by Healthcare Facilities. A healthcare facility is not subject to annual reporting requirements under 35 Ill. Adm. Code 722.141 with respect to potentially creditable hazardous waste pharmaceuticals managed under this Subpart P.

e) Recordkeeping by Healthcare Facilities

1) A healthcare facility initiating a shipment of potentially creditable hazardous waste pharmaceuticals to a reverse distributor must keep the following records (paper or electronic) for each shipment for three years after the date of shipment:

A) The confirmation of delivery; and

B) The shipping papers prepared in accordance with subpart C of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111, if applicable.

2) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity, or as requested in writing by the Agency.

3) All records must be readily available upon request by a USEPA or Agency inspector.

f) Response to Spills of Potentially Creditable Hazardous Waste Pharmaceuticals at Healthcare Facilities. A healthcare facility must immediately contain all spills of potentially creditable hazardous waste pharmaceuticals and manage the spill clean-up materials as non-creditable hazardous waste pharmaceuticals in accordance with this Subpart P.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 726.604 Very Small Quantity Generators

a) Potentially Creditable Hazardous Waste Pharmaceuticals. A healthcare facility that is a VSQG for both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste may send its potentially creditable hazardous waste pharmaceuticals to a reverse distributor.

b) Off-Site Collection of Hazardous Waste Pharmaceuticals Generated by a Healthcare Facility That Is a VSQG. A healthcare facility that is a VSQG for both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste may send its hazardous waste pharmaceuticals off-site to another healthcare facility, provided either of the following is true:

1) The receiving healthcare facility meets the conditions in Sections 726.602(l) and 726.603(b), as applicable; or

2) The VSQG healthcare facility meets the conditions in 35 Ill. Adm. Code 722.114(a)(5)(H) and the receiving LQG meets the conditions in 35 Ill. Adm. Code 722.117(f).

c) Long-Term Care Facilities That Are VSQGs. A long-term care facility that is a VSQG for both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste may dispose of its hazardous waste pharmaceuticals (excluding contaminated personal protective equipment or clean-up materials) in an on-site collection receptacle of a "collector", as defined in 21 CFR 1300.01, incorporated by reference in 35 Ill. Adm. Code 720.111, that is registered with the federal Drug Enforcement Administration (DEA) provided the contents are collected, stored, transported, destroyed, and disposed of in compliance with all applicable DEA regulations for controlled substances in 21 CFR 1300 through 1317, incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: Corresponding 40 CFR 266.504(c) allows on-site disposal into a collection receptacle of "an authorized collector (as defined by the Drug Enforcement Administration) that is registered with the Drug Enforcement Administration". The DEA rules for management of controlled substances are in 21 CFR 1300 through 1317. The DEA registration rules are in 21 CFR 1301.

d) Long-Term Care Facilities with 20 Beds or Fewer. A long-term care facility with 20 beds or fewer is presumed to be a VSQG subject to 35 Ill. Adm. Code 722.114 for both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste and not subject to this Subpart P, except for Sections 726.605 and 726.607

and the other optional provisions of this Section. The Agency has the responsibility to demonstrate that a long-term care facility with 20 beds or fewer generates quantities of hazardous waste that are in excess of those applicable to a VSQG, as defined in 35 Ill. Adm. Code 720.110. A long-term care facility with more than 20 beds that operates as a VSQG under 35 Ill. Adm. Code 722.114 must demonstrate that it generates quantities of hazardous waste that are within those applicable to a VSQG, as defined by 35 Ill. Adm. Code 720.110.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 726.605 Prohibition Against Sewering

All healthcare facilities, including VSQGs operating under 35 Ill. Adm. Code 722.114 in lieu of this Subpart P, and reverse distributors are prohibited from discharging hazardous waste pharmaceuticals to a sewer system that passes through to a publicly-owned treatment works. Healthcare facilities and reverse distributors remain subject to the prohibitions in 40 CFR 403.5(b)(1), incorporated by reference in 35 Ill. Adm. Code 720.111.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 726.606 Conditional Exemptions for Controlled Substances and Household Hazardous Waste Pharmaceuticals

a) Conditional Exemptions. Provided the conditions of subsection (b) are met, the following are exempt from 35 Ill. Adm. Code 722 through 733:

1) Hazardous waste pharmaceuticals that are also listed on a schedule of controlled substances by DEA in 21 CFR 1308.11 through 1308.15, incorporated by reference in 35 Ill. Adm. Code 720.111; and

2) Household waste pharmaceuticals that are collected in a take-back event or program, including those that are collected by a "collector", as defined in 21 CFR 1300.01, incorporated by reference in 35 Ill. Adm. Code 720.111, that is registered with DEA and that commingles the household waste pharmaceuticals with controlled substances from an "ultimate user", as defined in 21 USC 802(27), incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: Corresponding 40 CFR 266.506(a)(2) exempts from regulation as hazardous waste hazardous waste pharmaceuticals collected in a take-back event or program by "an authorized collector (as defined by the Drug Enforcement Administration) that is registered with the Drug Enforcement Administration". DEA rules define "collector" in 21 CFR 130001. The DEA registration rules are in 21 CFR 1301.

b) Conditions for Exemption. The following conditions apply to hazardous waste pharmaceuticals:

1) The hazardous waste pharmaceuticals must be managed in compliance with the sewer prohibition of Section 726.605;

2) The hazardous waste pharmaceuticals must be collected, stored, transported, and disposed of in compliance with all applicable DEA regulations for controlled substances in 21 CFR 1300 through 1317, incorporated by reference in 35 Ill. Adm. Code 720.111; and

3) The hazardous waste pharmaceuticals must be rendered "non-retrievable", as defined in 21 CFR 1300.05, under 21 CFR 1317.90 and 1317.95, each incorporated by reference in 35 Ill. Adm. Code 720.111, by a DEA registrant using a method that complies with this DEA standard of destruction or combusted at one of the following facilities:

A) A permitted large municipal waste combustor, subject to the standards of subpart FFF of 40 CFR 62 or applicable state plan for existing large municipal waste combustors, or subpart Eb of 40 CFR 60 for new large municipal waste combustors;

B) A permitted small municipal waste combustor, subject to subpart JJJ of 40 CFR 62 or applicable state plan for existing small municipal waste combustors, or subpart AAAA of 40 CFR 60 for new small municipal waste combustors;

C) A permitted hospital, medical and infectious waste incinerator, subject to subpart HHH of 40 CFR 62 or applicable state plan for existing hospital, medical, and infectious waste incinerators, or subpart Ec of 40 CFR 60 for new hospital, medical, and infectious waste incinerators;

D) A permitted commercial and industrial solid waste incinerator, subject to subpart III of 40 CFR 62 or applicable state plan for existing commercial and industrial solid waste incinerators, or subpart CCCC of 40 CFR 60 for new commercial and industrial solid waste incinerators; or

E) A permitted hazardous waste combustor subject to subpart EEE of 40 CFR 63.

BOARD NOTE: Corresponding 40 CFR 266.506(b)(3) allows destruction by a method deemed in writing by DEA to render the pharmaceutical "non-retrievable". USEPA was not aware of any DEA methods approvals when adopting the rule. USEPA intended that destruction comply with applicable DEA requirements. 84 Fed. Reg. 5816, 5897 (Feb. 22, 2019); 21 CFR 1317.90(a) (2019); 79 Fed. Reg. 53520, 53541 (Sep. 9, 2014). The entity performing the destruction must be a DEA registrant. Management of controlled substances is authorized within the scope of DEA registration. 21 USC 822(b) (2018).

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 726.607 Residues in Empty Containers

a) Stock, Dispensing and Unit-Dose Containers. A stock bottle, dispensing bottle, vial, or ampule (not to exceed 1 liter or 10,000 pills); or a unit-dose container (e.g., a unit-dose packet, cup, wrapper, blister pack, delivery device, etc.) is considered empty and the residues are not regulated as hazardous waste, provided the pharmaceuticals have been removed from the stock bottle, dispensing bottle, vial, ampule, or unit-dose container using the practices commonly employed to remove materials from that type of container.

b) Syringes. A syringe is considered empty and the residues are not regulated as hazardous waste under this Subpart P, provided the contents have been removed by fully depressing the plunger of the syringe. If a syringe is not empty, the syringe must be placed with its remaining hazardous waste pharmaceuticals into a container that is managed and disposed of as a non-creditable hazardous waste pharmaceutical under this Subpart P and any applicable federal, State, and local requirements for sharps containers and medical waste.

c) Intravenous (IV) Bags. An IV bag is considered empty and the residues are not regulated as hazardous waste, provided the pharmaceuticals in the IV bag have been fully administered to a patient. If an IV bag is not empty, the IV bag must be placed with its remaining hazardous waste pharmaceuticals into a container that is managed and disposed of as a non-creditable hazardous waste pharmaceutical under this Subpart P, unless the IV bag held non-acute hazardous waste pharmaceuticals and is empty, as defined in 35 Ill. Adm. Code 721.107(b)(1).

d) Other Containers, Including Delivery Devices. Hazardous waste pharmaceuticals remaining in all other types of unused, partially administered, or fully administered containers must be managed as non-creditable hazardous waste pharmaceuticals under this Subpart P, unless the container held nonacute hazardous waste pharmaceuticals and is empty, as defined in 35 Ill. Adm. Code 721.107(b)(1) or (b)(2). This includes residues in inhalers, aerosol cans, nebulizers, tubes of ointments, gels, or creams.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 726.608 Shipping from a Healthcare Facility or Reverse Distributor

a) Shipping Non-Creditable Hazardous Waste Pharmaceuticals or Evaluated Hazardous Waste Pharmaceuticals. A healthcare facility must ship non-creditable hazardous waste pharmaceuticals and a reverse distributor must ship evaluated hazardous waste pharmaceuticals off-site to a designated facility (such as a permitted or interim status treatment, storage, or disposal facility) in compliance with the following requirements:

1) The following pre-transport requirements, before transporting or offering for transport off-site:

A) Packaging. Applicable USDOT regulations on hazardous materials under 49 CFR 173, 178, and 180, each incorporated by reference in 35 Ill. Adm. Code 720.111;

B) Labeling. Applicable USDOT regulations on hazardous materials under subpart E of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111;

C) Marking

i) Applicable USDOT regulations for hazardous materials under subpart D of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111;

ii) Mark each container of 119 gallons (450 ℓ) or less used in such transportation with the following words and information in accordance with 49 CFR 172.304, incorporated by reference in 35 Ill. Adm. Code 720.111:

HAZARDOUS WASTE − Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.

Healthcare Facility's or Reverse distributor's Name and Address _____

Healthcare Facility's or Reverse distributor's USEPA Identification Number _____

Manifest Tracking Number _____

iii) Lab packs that will be incinerated in compliance with 35 Ill. Adm. Code 728.142(c) are not required to be marked with USEPA hazardous waste numbers, except D004, D005, D006, D007, D008, D010, and D011, where applicable. A nationally recognized electronic system, such as bar coding or radio frequency identification, may be used to identify the USEPA hazardous waste numbers; and

D) Placarding. Placard or offer the initial transporter the appropriate placards according to USDOT regulations for hazardous materials under subpart F of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111.

2) The manifest requirements of Subpart B of 35 Ill. Adm. Code 722, except as follows:

A) A healthcare facility shipping non-creditable hazardous waste pharmaceuticals is not required to list all applicable hazardous waste numbers (i.e., hazardous waste codes) in Item 13 of USEPA Form 8700-12.

B) A healthcare facility shipping non-creditable hazardous waste pharmaceuticals must write the word "PHARMS" in Item 13 of USEPA Form 8700-12.

b) Exporting Non-Creditable Hazardous Waste Pharmaceuticals or Evaluated Hazardous Waste Pharmaceuticals. A healthcare facility or reverse distributor that exports non-creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals is subject to Subpart H of 35 Ill. Adm. Code 722.

c) Importing Non-Creditable Hazardous Waste Pharmaceuticals or Evaluated Hazardous Waste Pharmaceuticals. Any person that imports non-creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals is subject to Subpart H of 35 Ill. Adm. Code 722. A healthcare facility or reverse distributor may not accept imported non-creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals without a permit or interim status allowing the facility or distributor to accept hazardous waste from off site.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 726.609 Shipping to a Reverse Distributor

a) Shipping Potentially Creditable Hazardous Waste Pharmaceuticals. A healthcare facility or reverse distributor that transports or offers for transport potentially creditable hazardous waste pharmaceuticals offsite to a reverse distributor must comply with all applicable USDOT regulations in 49 CFR 171 through 180, incorporated by reference in 35 Ill. Adm. Code 720.111, for any potentially creditable hazardous waste pharmaceutical that meets the definition of hazardous material in 49 CFR 171.8, incorporated by reference in 35 Ill. Adm. Code 720.111.

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BOARD NOTE: For purposes of the USDOT regulations, a material is considered a hazardous waste if it is subject to USEPA's hazardous waste manifest requirements in 40 CFR 262 (corresponding with 35 Ill. Adm. Code 722 in Illinois). Because a potentially creditable hazardous waste pharmaceutical does not require a manifest, it is not considered hazardous waste under USDOT regulations.

b) Delivery Confirmation. Upon receipt of each shipment of potentially creditable hazardous waste pharmaceuticals, the receiving reverse distributor must provide confirmation (paper or electronic) to the healthcare facility or reverse distributor initiating the shipment that the shipment has arrived at its destination and is under the custody and control of the reverse distributor.

c) Procedures for When Delivery Confirmation is Not Received within 35 Calendar Days. If a healthcare facility or reverse distributor initiates a shipment of potentially creditable hazardous waste pharmaceuticals to a reverse distributor and does not receive delivery confirmation within 35 calendar days after the date when it sent the shipment of potentially creditable hazardous waste pharmaceuticals, the healthcare facility or reverse distributor that initiated the shipment must promptly contact the carrier and the intended recipient (i.e., the reverse distributor) to report that it did not receive the delivery confirmation and to determine the status of the potentially creditable hazardous waste pharmaceuticals.

d) Exporting Potentially Creditable Hazardous Waste Pharmaceuticals. A healthcare facility or reverse distributor that sends potentially creditable hazardous waste pharmaceuticals to a foreign destination must comply with subsections (a) through (c) and the applicable requirements of Subpart D of 35 Ill. Adm. Code 722, except the manifesting requirement of 35 Ill. Adm. Code 722.183(c).

e) Importing Potentially Creditable Hazardous Waste Pharmaceuticals. Any person that imports potentially creditable hazardous waste pharmaceuticals into the United States is subject to subsections (a) through (c) in lieu of Subpart H of 35 Ill. Adm. Code 722. Immediately after the potentially creditable hazardous waste pharmaceuticals enter the United States, they are subject to all applicable requirements of this Subpart P.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 726.610 Standards for Reverse Distributors

A reverse distributor may accept potentially creditable hazardous waste pharmaceuticals from off site and accumulate potentially creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals on site without a hazardous waste permit or without having interim status, provided that the reverse distributor complies with the following conditions:

a) Standards for Reverse Distributors Managing Potentially Creditable Hazardous Waste Pharmaceuticals and Evaluated Hazardous Waste Pharmaceuticals

1) Notification. A reverse distributor must notify the Agency, using USEPA Form 8700-12, that it is a reverse distributor operating under this Subpart P.

A) A reverse distributor that already has a USEPA identification number must notify the Agency, using USEPA Form 8700-12, that it is a reverse distributor, as defined in Section 726.600, within 60 days after the effective date of this Subpart P, or within 60 days after becoming subject to this Subpart P.

B) A reverse distributor that does not have a USEPA identification number must obtain one by notifying the Agency, using USEPA Form 8700-12, that it is a reverse distributor, as defined in Section 726.600, within 60 days after becoming subject to this Subpart P.

2) Inventory by the Reverse Distributor. A reverse distributor must maintain a current inventory of all the potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals that the reverse distributor has accumulated on site.

A) A reverse distributor must inventory each potentially creditable hazardous waste pharmaceutical within 30 calendar days after each waste arrived at the reverse distributor.

B) The inventory must include the identity (e.g., name or National Drug Code) and quantity of each potentially creditable hazardous waste pharmaceutical and evaluated hazardous waste pharmaceutical.

BOARD NOTE: The National Drug Code (NDC) is a three-segment number (including labeler code, product code, and package code) uniquely identifying drugs. The Food and Drug Administration (FDA) assigns the labeler code, and the labeler assigns the product and package codes. 21 CFR 207.33. The NDC is required in applications for registration. 21 CFR 1.74(a) and 1.75(a). The FDA maintains an Internet database for NDC look-up (https://www.fda.gov/drugs/drug-approvals-and-databases/national-drug-code-directory). The FDA requests but does not require use of the NDC on the product label. 21 CFR 201.2. However, when required on drug packaging, the bar code includes the NDC. 21 CFR 201.25(c).

C) If the reverse distributor already meets the inventory requirements of this subsection (a)(2) through compliance with other regulatory requirements, such as under the Pharmacy Practice Act [225 ILCS 85] and 68 Ill. Adm. Code 1330, or the Wholesale Drug Distribution Licensing Act [225 ILCS 120] and 68 Ill. Adm. Code 1510, the facility is not required to provide a separate inventory pursuant to this Section.

3) Evaluation by a Reverse Distributor That Is Not a Manufacturer. A reverse distributor that is not a pharmaceutical manufacturer must evaluate a potentially creditable hazardous waste pharmaceutical within 30 calendar days after the waste arrived at the reverse distributor to establish whether the waste is destined for another reverse distributor for further evaluation or verification of manufacturer credit or for a permitted or interim status treatment, storage, or disposal facility.

A) A potentially creditable hazardous waste pharmaceutical that is destined for another reverse distributor is still considered a "potentially creditable hazardous waste pharmaceutical", and the reverse distributor must manage the waste in accordance with subsection (b).

B) A potentially creditable hazardous waste pharmaceutical that is destined for a permitted or interim status treatment, storage or disposal facility is considered an "evaluated hazardous waste

pharmaceutical", and the reverse distributor must manage the waste in accordance with subsection (c).

4) Evaluation by a Reverse Distributor That Is a Manufacturer. A reverse distributor that is a pharmaceutical manufacturer must evaluate a potentially creditable hazardous waste pharmaceutical to verify manufacturer credit within 30 calendar days after the waste arrived at the facility, and the reverse distributor must manage the evaluated hazardous waste pharmaceuticals in accordance with subsection (c) following the evaluation.

5) Maximum Accumulation Time for Hazardous Waste Pharmaceuticals at a Reverse Distributor

A) A reverse distributor may accumulate potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals on site for 180 or fewer calendar days. The 180 days start after the reverse distributor evaluates the potentially creditable hazardous waste pharmaceutical and applies to all hazardous waste pharmaceuticals accumulated on site, regardless of whether the pharmaceuticals are destined for another reverse distributor (i.e., the pharmaceuticals are potentially creditable hazardous waste pharmaceuticals) or a permitted or interim status treatment, storage, or disposal facility (i.e., the pharmaceuticals are evaluated hazardous waste pharmaceuticals).

B) Aging Pharmaceuticals. Unexpired pharmaceuticals that are otherwise creditable but are awaiting their expiration date (i.e., aging in a holding morgue) can be accumulated for up to 180 days after the expiration date, provided that the reverse distributor manages the unexpired pharmaceuticals in accordance with subsection (a) and the container labeling and management standards in subsection (c)(4).

6) Security at the Reverse Distributor Facility. A reverse distributor must prevent unknowing entry and minimize the possibility for the unauthorized entry into the portion of the facility where the reverse distributor keeps potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

A) Examples of methods that a reverse distributor may use to prevent unknowing entry and minimize the possibility for unauthorized entry include the following:

i) A 24-hour continuous monitoring surveillance system;

ii) An artificial barrier such as a fence; or

iii) A means to control entry, such as keycard access.

B) If the reverse distributor already meets the security requirements of this subsection (a)(6) through compliance with other regulatory requirements, such as federal DEA or Department of Financial and Professional Regulation rules, the facility is not required to provide separate security measures pursuant to this Section.

7) Contingency Plan and Emergency Procedures at a Reverse Distributor. A reverse distributor that accepts potentially creditable hazardous waste pharmaceuticals from off-site must prepare a contingency plan and comply with the other requirements of Subpart M of 35 Ill. Adm. Code 722.

8) Closure of a Reverse Distributor. When closing an area where a reverse distributor accumulates potentially creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals, the reverse distributor must comply with 35 Ill. Adm. Code 722.117(a)(8)(B) and (a)(8)(C).

9) Reporting by a Reverse Distributor

A) Unauthorized Waste Report. A reverse distributor must submit an unauthorized waste report if the reverse distributor receives waste from off site that it is not authorized to receive (e.g., non-pharmaceutical hazardous waste, regulated medical waste, etc.). The reverse distributor must prepare and submit an unauthorized waste report to the Agency within 45 calendar days after the unauthorized waste arrives at the reverse distributor, and the reverse distributor must send a copy of the unauthorized waste

report to the healthcare facility (or other entity) that sent the unauthorized waste. The reverse distributor must manage the unauthorized waste in accordance with all applicable regulations. The unauthorized waste report must be signed by the owner or operator of the reverse distributor or its authorized representative. The report must contain the following information:

i) The USEPA identification number, name, and address of the reverse distributor;

ii) The date the reverse distributor received the unauthorized waste;

iii) The USEPA identification number, name, and address of the healthcare facility that shipped the unauthorized waste, if available;

iv) A description and the quantity of each unauthorized waste the reverse distributor received;

v) The method of treatment, storage, or disposal for each unauthorized waste; and

vi) A brief explanation of why the waste was unauthorized, if known.

B) Additional Reports. The Agency may require a reverse distributor to furnish additional reports concerning the quantities and disposition of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals that the Agency determines in writing are necessary to demonstrate compliance with this Subpart P.

10) Recordkeeping by Reverse Distributors. A reverse distributor must keep the following records (paper or electronic) readily available upon request by an Agency or USEPA inspector. The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity, or as requested in writing by the Agency.

A) A copy of its notification under Section 726.602 on file for as long as the facility is subject to this Subpart P;

B) A copy of the delivery confirmation and the shipping papers for each shipment of potentially creditable hazardous waste pharmaceuticals that it receives, and a copy of each unauthorized waste report, for at least three years after the date when the shipment arrives at the reverse distributor;

C) A copy of its current inventory for as long as the facility is subject to this Subpart P.

b) Additional Standards for Reverse Distributors Managing Potentially Creditable Hazardous Waste Pharmaceuticals Destined for Another Reverse Distributor. A reverse distributor that does not have a permit or interim status must comply with the following conditions, in addition to the requirements in subsection (a), for the management of potentially creditable hazardous waste pharmaceuticals that are destined for another reverse distributor for further evaluation or verification of manufacturer credit:

1) A reverse distributor that receives potentially creditable hazardous waste pharmaceuticals from a healthcare facility must send those potentially creditable hazardous waste pharmaceuticals to another reverse distributor within 180 days after evaluating the potentially creditable hazardous waste pharmaceuticals or must follow subsection (c) for evaluated hazardous waste pharmaceuticals.

2) A reverse distributor that receives potentially creditable hazardous waste pharmaceuticals from another reverse distributor must send those potentially creditable hazardous waste pharmaceuticals to a reverse distributor that is a pharmaceutical manufacturer within 180 days after evaluating the potentially creditable hazardous waste pharmaceuticals or must follow subsection (c) for evaluated hazardous waste pharmaceuticals.

3) A reverse distributor must ship potentially creditable hazardous waste pharmaceuticals destined for another reverse distributor in accordance with Section 726.609.

4) Recordkeeping by Reverse Distributors. A reverse distributor must keep the following records (paper or electronic) readily available upon request by an Agency or USEPA inspector for each shipment of potentially creditable hazardous waste pharmaceuticals that it initiates to another reverse distributor, for at least three years after the date of shipment. The retention periods referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity, or as requested in writing by the Agency.

A) The confirmation of delivery; and

B) The USDOT shipping papers prepared in accordance with subpart C of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111, if applicable.

c) Additional Standards for Reverse Distributors Managing Evaluated Hazardous Waste Pharmaceuticals. A reverse distributor that does not have a permit or interim status must comply with the following conditions, in addition to the requirements of subsection (a), for the management of evaluated hazardous waste pharmaceuticals:

1) Accumulation Area at the Reverse Distributor. A reverse distributor must designate an on-site accumulation area where it will accumulate evaluated hazardous waste pharmaceuticals.

2) Inspections of On-Site Accumulation Area. A reverse distributor must inspect its on-site accumulation area at least once every seven days, looking at containers for leaks and for deterioration caused by corrosion or other factors, as well as for signs of diversion.

3) Personnel Training at a Reverse Distributor. Personnel at a reverse distributor that handle evaluated hazardous waste pharmaceuticals are subject to the training requirements of 35 Ill. Adm. Code 722.117(a)(7).

4) Labeling and Management of Containers at On-Site Accumulation Areas. A reverse distributor accumulating evaluated hazardous waste pharmaceuticals in containers in an on-site accumulation area must do the following:

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A) Label the containers with the words "hazardous waste pharmaceuticals";

B) Ensure the containers are in good condition and managed to prevent leaks;

C) Use containers that are made of, or lined with, materials that will not react with, and are otherwise compatible with, the evaluated hazardous waste pharmaceuticals, so that the ability of the container to contain the waste is not impaired;

D) Keep containers closed, if holding liquid or gel evaluated hazardous waste pharmaceuticals. If the liquid or gel evaluated hazardous waste pharmaceuticals are in their original, intact, and sealed packaging or in repackaged, intact, and sealed packaging, they meet the closed-container standard;

E) Manage any container of ignitable or reactive evaluated hazardous waste pharmaceuticals, or any container of commingled incompatible evaluated hazardous waste pharmaceuticals so that the container does not have the potential to do any of the following:

i) Generate extreme heat or pressure, fire or explosion, or violent reaction;

ii) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health;

iii) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

iv) Damage the structural integrity of the container of hazardous waste pharmaceuticals; or

v) Through other like means threaten human health or the environment; and

F) Accumulate evaluated hazardous waste pharmaceuticals that are prohibited from being combusted because of the dilution prohibition of 35 Ill. Adm. Code 728.103(c) (e.g., arsenic trioxide (P012)) in separate containers from other evaluated hazardous waste pharmaceuticals at the reverse distributor.

5) Hazardous Waste Numbers. Prior to shipping evaluated hazardous waste pharmaceuticals off site, all containers must be marked with the applicable hazardous waste numbers (i.e., hazardous waste codes). A nationally recognized electronic system, such as bar coding or radio frequency identification, may be used to identify the USEPA hazardous waste numbers.

6) Shipments. A reverse distributor must ship evaluated hazardous waste pharmaceuticals that are destined for a permitted or interim status treatment, storage, or disposal facility in accordance with the applicable shipping standards in Section 726.608(a) or (b).

7) Procedures for a Reverse Distributor for Managing Rejected Shipments. A reverse distributor that sends a shipment of evaluated hazardous waste pharmaceuticals to a designated facility with the understanding that the designated facility can accept and manage the waste, and later receives that shipment back as a rejected load in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172, may accumulate the returned evaluated hazardous waste pharmaceuticals on site for up to an additional 90 days in the on-site accumulation area, provided the rejected or returned shipment is managed in accordance with subsections (a) and (c). Upon receipt of the returned shipment, the reverse distributor must do the following:

A) Sign the appropriate of the following:

i) Item 18c (Signature of Alternate Facility (or Generator)) of the original manifest, if the original manifest was used for the returned shipment; or

ii) Item 20 (Designated Facility Owner or Operator. Certification of hazardous materials covered by the

manifest except as noted in Item 18a) of the new manifest, if a new manifest was used for the returned shipment;

B) Provide the transporter a copy of the manifest;

C) Within 30 days after receipt of the rejected shipment of evaluated hazardous waste pharmaceuticals, send a copy of the manifest to the designated facility that returned the shipment to the reverse distributor; and

D) Within 90 days after receipt of the rejected shipment, transport or offer for transport the returned shipment of evaluated hazardous waste pharmaceuticals in accordance with the applicable shipping standards of Section 726.608(a) or (b).

8) Land Disposal Restrictions. Evaluated hazardous waste pharmaceuticals are subject to the land disposal restrictions of 35 Ill. Adm. Code 728. A reverse distributor that accepts potentially creditable hazardous waste pharmaceuticals from off-site must comply with the land disposal restrictions in accordance with 35 Ill. Adm. Code 728.107(a) requirements.

9) Reporting by a Reverse Distributor for Evaluated Hazardous Waste Pharmaceuticals

A) Biennial Reporting by a Reverse Distributor. A reverse distributor that ships evaluated hazardous waste pharmaceuticals off-site must prepare and submit a single copy of an annual report to the Agency by March 1 of each year in accordance with 35 Ill. Adm. Code 722.141.

B) Exception Reporting by a Reverse Distributor for a Missing Copy of the Manifest

i) If a reverse distributor does not receive a copy of the manifest with the signature of the owner or operator of the designated or alternate facility within 35 days after the date when the initial transporter accepted the evaluated hazardous waste pharmaceuticals, the reverse distributor

must contact the transporter or the owner or operator of the designated or alternate facility, as applicable, to determine the status of the evaluated hazardous waste pharmaceuticals. For a shipment from the designated facility to an alternate facility, the 35-days begin when the transporter forwarding the evaluated hazardous waste pharmaceuticals accepted them.

ii) A reverse distributor must submit an exception report to the Agency if it has not received a copy of the manifest with the signature of the owner or operator of the designated or alternate facility within 45 days after the date when the initial transporter accepted the evaluated hazardous waste pharmaceuticals. In the case of a shipment from the designated facility to an alternate facility, the 45-days begin when the transporter forwarding the evaluated hazardous waste pharmaceuticals accepted them. The exception report must include a legible copy of the manifest for which the reverse distributor does not have confirmation of delivery and a cover letter signed by the reverse distributor, or its authorized representative, explaining the efforts taken to locate the evaluated hazardous waste pharmaceuticals and the results of those efforts.

BOARD NOTE: The Board combined 40 CFR 266.510(c)(9)(ii)(A)(1) and (c)(9)(ii)(B)(1) as subsection (c)(9)(B)(i) and 40 CFR 266.510(c)(9)(ii)(A)(2), (c)(9)(ii)(A)(2)(i), (c)(9)(ii)(A)(2)(ii), (c)(9)(ii)(B)(2), (c)(9)(ii)(B)(2)(i), and (c)(9)(ii)(B)(2)(ii) as subsection (c)(9)(B)(ii) to comport with codification requirements.

10) Recordkeeping by a Reverse Distributor for Evaluated Hazardous Waste Pharmaceuticals

A) A reverse distributor must keep a log (written or electronic) of the inspections of its onsite accumulation area required by subsection (c)(2). The reverse distributor must retain this log as a record for at least three years after the date of the inspection.

B) A reverse distributor must keep a copy of each manifest signed in accordance with 35 Ill. Adm. Code 722.123(a) for three years or until it receives a signed copy from the designated facility that received the evaluated hazardous waste pharmaceutical. The reverse distributor must retain this signed copy as a record for at least three years after the date when the initial transporter accepted the evaluated hazardous waste pharmaceutical.

C) A reverse distributor must keep a copy of each biennial report for at least three years after the due date of the report.

D) A reverse distributor must keep a copy of each exception report for at least three years after submitting the report.

E) A reverse distributor must keep records to document personnel training, in accordance with 35 Ill. Adm. Code 722.117(a)(7)(A)(iv).

F) All records must be readily available upon request by an Agency or USEPA inspector. The periods of retention referred to in this subsection (c)(10) are extended automatically during the course of any unresolved enforcement action regarding the regulated activity, or as requested in writing by the Agency.

d) When a Reverse Distributor Must Have a Permit. A reverse distributor is an operator of a hazardous waste treatment, storage, or disposal facility and is subject to the requirements of 35 Ill. Adm. Code 724, 725, and 727 and the permit requirements of 35 Ill. Adm. Code 703, if the reverse distributor does any of the following:

1) The reverse distributor fails to meet the conditions of this Section;

2) The reverse distributor accepts manifested hazardous waste from off site; or

3) The reverse distributor treats or disposes of hazardous waste pharmaceuticals on site.

(Source: Added at 44 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Land Disposal Restrictions

2) Code Citation: 35 Ill. Adm. Code 728

3)

Section Numbers:	Proposed Actions:
728.101	Amendment
728.107	Amendment
728.150	Amendment

4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27

5) A Complete Description of the Subjects and Issues Involved: The amendment to Part 728 are a single segment of consolidated docket R20-3/R20-11 rulemaking that also affects 35 Ill. Adm. Code 702, 705, 720 through 726, 733, 810, and 811. The consolidated R20-3/R20-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. A comprehensive description is contained in the Board's opinion and order of May 21, 2020, proposing amendments in consolidated docket R20-3/R20-11, which opinion and order is available from the address below.

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register* summarizes the broader rulemaking that is consolidated docket R20-3/R20-11. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 728 incorporate segments of USEPA's Hazardous Waste Pharmaceuticals Rule and Universal Waste Aerosol Cans Rule into the Illinois hazardous waste regulations. The amendments include a needed correction in rule not directly related to USEPA amendments.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R20-3/R20-11. 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 consolidated docket R20-3/R20-11.

Sections 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to

this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Does this rulemaking replace an emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

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 proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated docket R20-3/R20-11 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 consolidated docket R20-3/R20-11:

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

Chicago IL 60601
312/814-6924

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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 pcb.illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations 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) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.

15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

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

PART 728
LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section
728.101 Purpose, Scope, and Applicability
728.102 Definitions
728.103 Dilution Prohibited as a Substitute for Treatment
728.104 Treatment Surface Impoundment Exemption
728.105 Procedures for Case-by-Case Extensions to an Effective Date
728.106 Petitions to Allow Land Disposal of a Waste Prohibited Pursuant to Subpart C
728.107 Testing, Tracking, and Recordkeeping Requirements for Generators, Reverse Distributors, Treaters, and Disposal Facilities
728.108 Landfill and Surface Impoundment Disposal Restrictions (Repealed)
728.109 Special Rules for Characteristic Wastes

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

Section
728.110 First Third (Repealed)
728.111 Second Third (Repealed)
728.112 Third Third (Repealed)
728.113 Newly Listed Wastes
728.114 Surface Impoundment Exemptions

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section
728.120 Waste-Specific Prohibitions: Dyes and Pigments Production Wastes
728.130 Waste-Specific Prohibitions: Wood Preserving Wastes
728.131 Waste-Specific Prohibitions: Dioxin-Containing Wastes
728.132 Waste-Specific Prohibitions: Soils Exhibiting the Toxicity Characteristic for

Metals and Containing PCBs
728.133 Waste-Specific Prohibitions: Chlorinated Aliphatic Wastes
728.134 Waste-Specific Prohibitions: Toxicity Characteristic Metal Wastes
728.135 Waste-Specific Prohibitions: Petroleum Refining Wastes
728.136 Waste-Specific Prohibitions: Inorganic Chemical Wastes
728.137 Waste-Specific Prohibitions: Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated
728.138 Waste-Specific Prohibitions: Newly-Identified Organic Toxicity Characteristic Wastes and Newly-Listed Coke By-Product and Chlorotoluene Production Wastes
728.139 Waste-Specific Prohibitions: Spent Aluminum Potliners and Carbamate Wastes

SUBPART D: TREATMENT STANDARDS

Section
728.140 Applicability of Treatment Standards
728.141 Treatment Standards Expressed as Concentrations in Waste Extract
728.142 Treatment Standards Expressed as Specified Technologies
728.143 Treatment Standards Expressed as Waste Concentrations
728.144 USEPA Variance from a Treatment Standard
728.145 Treatment Standards for Hazardous Debris
728.146 Alternative Treatment Standards Based on HTMR
728.148 Universal Treatment Standards
728.149 Alternative LDR Treatment Standards for Contaminated Soil

SUBPART E: PROHIBITIONS ON STORAGE

Section
728.150 Prohibitions on Storage of Restricted Wastes

728.APPENDIX A Toxicity Characteristic Leaching Procedure (TCLP) (Repealed)
728.APPENDIX B Treatment Standards (As concentrations in the Treatment Residual Extract) (Repealed)
728.APPENDIX C List of Halogenated Organic Compounds Regulated under Section 728.132
728.APPENDIX D Wastes Excluded from Lab Packs
728.APPENDIX E Organic Lab Packs (Repealed)
728.APPENDIX F Technologies to Achieve Deactivation of Characteristics
728.APPENDIX G Federal Effective Dates
728.APPENDIX H National Capacity LDR Variances for UIC Wastes

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728.APPENDIX I	EP Toxicity Test Method and Structural Integrity Test
728.APPENDIX J	Recordkeeping, Notification, and Certification Requirements (Repealed)
728.APPENDIX K	Metal-Bearing Wastes Prohibited from Dilution in a Combustion Unit According to Section 728.103(c)
728.TABLE A	Constituent Concentrations in Waste Extract (CCWE)
728.TABLE B	Constituent Concentrations in Wastes (CCW)
728.TABLE C	Technology Codes and Description of Technology-Based Standards
728.TABLE D	Technology-Based Standards by USEPA Hazardous Waste Number
728.TABLE E	Standards for Radioactive Mixed Waste
728.TABLE F	Alternative Treatment Standards for Hazardous Debris
728.TABLE G	Alternative Treatment Standards Based on HTMR
728.TABLE H	Wastes Excluded from CCW Treatment Standards
728.TABLE I	Generator Paperwork Requirements
728.TABLE T	Treatment Standards for Hazardous Wastes
728.TABLE U	Universal Treatment Standards (UTS)

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

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R90-11 at 15 Ill. Reg. 11937, effective August 12, 1991; amendment withdrawn at 15 Ill. Reg. 14716, October 11, 1991; amended in R91-13 at 16 Ill. Reg. 9619, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20692, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6799, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12203, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17563, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9660, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11100, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 783, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7685, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17706, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1964, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9204, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9623, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1296, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9181, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6687, effective April 22, 2002; amended in R03-18 at 27 Ill. Reg. 13045, effective July

17, 2003; amended in R05-8 at 29 Ill. Reg. 6049, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3800, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1254, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12840, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1186, effective December 30, 2008; amended in R11-2/R11-16 at 35 Ill. Reg. 18131, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8790, effective June 4, 2012; amended in R13-15 at 37 Ill. Reg. 17951, effective October 24, 2013; amended in R16-7 at 40 Ill. Reg. 12052, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 24924, effective November 19, 2018; amended in R20-3/R20-11 at 44 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 728.101 Purpose, Scope, and Applicability

a) This Part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.

b) Except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721, the requirements of this Part apply to persons that generate or transport hazardous waste and to owners and operators of hazardous waste treatment, storage, and disposal facilities.

c) Restricted wastes may continue to be land disposed as follows:

1) Where a person has been granted an extension to the effective date of a prohibition pursuant to Subpart C or pursuant to Section 728.105, with respect to those wastes covered by the extension;

2) Where a person has been granted an exemption from a prohibition pursuant to a petition pursuant to Section 728.106, with respect to those wastes and units covered by the petition;

3) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and which is otherwise prohibited pursuant to this Part is not prohibited if the following is true of the waste:

A) The waste is disposed into a non-hazardous or hazardous waste injection well, as defined in 35 Ill. Adm. Code 704.106(a); and

B) The waste does not exhibit any prohibited characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721 at the point of injection.

4) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and which is otherwise prohibited pursuant to this Part is not prohibited if the waste meets any of the following criteria, unless the waste is subject to a specified method of treatment other than DEACT in Section 728.140 or is D003 reactive cyanide:

A) Any of the following is true of either treatment or management of the waste:

i) The waste is managed in a treatment system that subsequently discharges to waters of the United States pursuant to a permit issued pursuant to 35 Ill. Adm. Code 309;

ii) The waste is treated for purposes of the pretreatment requirements of 35 Ill. Adm. Code 307 and 310; or

iii) The waste is managed in a zero discharge system engaged in Clean Water Act (CWA)-equivalent treatment, as defined in Section 728.137(a); and

B) The waste no longer exhibits a prohibited characteristic of hazardous waste at the point of land disposal (i.e., placement in a surface impoundment).

d) This Part does not affect the availability of a waiver pursuant to Section 121(d)(4) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 USC 9621(d)(4)).

e) The following hazardous wastes are not subject to any provision of this Part:

1) Waste generated by a VSQG, as defined in 35 Ill. Adm. Code 720.110;

2) Waste pesticide that a farmer disposes of pursuant to 35 Ill. Adm. Code

722.170;

3) Waste identified or listed as hazardous after November 8, 1984, for which USEPA has not promulgated a land disposal prohibition or treatment standard; and

4) De minimis losses of waste that exhibits a characteristic of hazardous waste to wastewaters are not considered to be prohibited waste and are defined as losses from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers or leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; rinsate from empty containers or from containers that are rendered empty by that rinsing; and laboratory waste that does not exceed one percent of the total flow of wastewater into the facility's headworks on an annual basis, or with a combined annualized average concentration not exceeding one part per million (ppm) in the headworks of the facility's wastewater treatment or pretreatment facility.

f) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) is exempt from Sections 728.107 and 728.150 for the hazardous wastes listed below. Such a handler or transporter is subject to regulation pursuant to 35 Ill. Adm. Code 733.

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

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

3) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104; ~~and~~

4) Lamps, as described in 35 Ill. Adm. Code 733.105; and~~.~~

5) Aerosol cans, as described in 35 Ill. Adm. Code 733.106.

g) This Part is cumulative with the land disposal restrictions of 35 Ill. Adm. Code 729. The Environmental Protection Agency (Agency) must not issue a

wastestream authorization pursuant to 35 Ill. Adm. Code 709 or Section 22.6 or 39(h) of the Environmental Protection Act unless the waste meets the requirements of this Part as well as 35 Ill. Adm. Code 729.

h) Electronic Reporting. The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Subsection (h) is derived from 40 CFR 3, 271.10(b), 271.11(b), and 271.12(h) ~~(2017)~~.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

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

a) Requirements for Generators and Reverse Distributors

1) A generator of a hazardous waste must determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in Section 728.140, 728.145, or 728.149. This determination can be made concurrently with the hazardous waste determination required in 35 Ill. Adm. Code 722.111, in either of two ways: testing the waste or using knowledge of the waste. If the generator tests the waste, testing determines the total concentration of hazardous constituents or the concentration of hazardous constituents in an extract of the waste obtained using Method 1311 (Toxicity Characteristic Leaching Procedure) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a), depending on whether the treatment standard for the waste is expressed as a total concentration or concentration of hazardous constituent in the waste extract. (Alternatively, the generator must send the waste to a RCRA-permitted hazardous waste treatment facility, where the waste treatment facility must comply with the requirements of 35 Ill. Adm. Code 724.113 and subsection (b).) In addition, some hazardous wastes must be treated by particular treatment methods before they can be land disposed and some soils are contaminated by such hazardous wastes. These treatment standards are also found in Section 728.140 and Table T, and are described in detail in Table C. These wastes and soils contaminated with

such wastes do not need to be tested (however, if they are in a waste mixture, other wastes with concentration level treatment standards must be tested). If a generator determines that it is managing a waste or soil contaminated with a waste that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, the generator must comply with the special requirements of Section 728.109 in addition to any applicable requirements in this Section.

2) If the waste or contaminated soil does not meet the treatment standard or if the generator chooses not to make the determination of whether its waste must be treated, the generator must send a one-time written notice to each treatment or storage facility receiving the waste with the initial shipment of waste to each treatment or storage facility, and the generator must place a copy of the one-time notice in the file. The notice must include the information in column "728.107(a)(2)" of the Generator Paperwork Requirements Table in Table I. (Alternatively, if the generator chooses not to make the determination of whether the waste must be treated, the notification must include the USEPA hazardous waste numbers and manifest number of the first shipment, and it must include the following statement: "This hazardous waste may or may not be subject to the LDR treatment standards. The treatment facility must make the determination.") No further notification is necessary until such time that the waste or facility changes, in which case a new notification must be sent and a copy placed in the generator's file.

3) If the waste or contaminated soil meets the treatment standard at the original point of generation, the waste generator must do the following:

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

> I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support

this certification that the waste complies with the treatment standards specified in Subpart D of 35 Ill. Adm. Code 728. I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

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

C) If the waste changes, the generator must send a new notice and certification to the receiving facility and place a copy in its files. A generator of hazardous debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(f) is not subject to these requirements.

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

5) If a generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under 35 Ill. Adm. Code 722.115, 722.116, and 722.117 to meet applicable LDR treatment standards found at Section 728.140, the generator must develop and follow a written waste analysis plan that describes the procedures it

will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Table F, however, are not subject to these waste analysis requirements.) The plan must be kept on site in the generator's records, and the following requirements must be met:

A) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited wastes being treated, and contain all information necessary to treat the wastes in accordance with the requirements of this Part, including the selected testing frequency;

B) Such plan must be kept in the facility's on-site files and made available to inspectors; and

C) Wastes shipped off-site pursuant to this subsection (a)(5) must comply with the notification requirements of subsection (a)(3).

6) If a generator determines that the waste or contaminated soil is restricted based solely on its knowledge of the waste, all supporting data used to make this determination must be retained on-site in the generator's files. If a generator determines that the waste is restricted based on testing this waste or an extract developed using Method 1311 (Toxicity Characteristic Leaching Procedure) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, all waste analysis data must be retained on-site in the generator's files.

7) If a generator determines that it is managing a prohibited waste that is excluded from the definition of hazardous or solid waste or which is exempt from Subtitle C regulation under 35 Ill. Adm. Code 721.102 through 721.106 subsequent to the point of generation (including deactivated characteristic hazardous wastes that are managed in wastewater treatment systems subject to the CWA, as specified at 35 Ill. Adm. Code 721.104(a)(2); that are CWA-equivalent; or that are managed in an underground injection well regulated under 35 Ill. Adm. Code 730), the generator must place a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from RCRA Subtitle C regulation, and the disposition of the

waste in the generating facility's on-site file.

8) A generator must retain a copy of all notices, certifications, waste analysis data, and other documentation produced pursuant to this Section on-site for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by the Agency. The requirements of this subsection (a)(8) apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under 35 Ill. Adm. Code 721.102 through 721.106, or exempted from RCRA Subtitle C regulation, subsequent to the point of generation.

BOARD NOTE: Any Agency request for extended records retention under this subsection (a)(8) is subject to Board review pursuant to Section 40 of the Act.

9) If a generator is managing a lab pack containing hazardous wastes and wishes to use the alternative treatment standard for lab packs found at Section 728.142(c), the generator must fulfill the following conditions:

A) With the initial shipment of waste to a treatment facility, the generator must submit a notice that provides the information in column "Section 728.107(a)(9)" in the Generator Paperwork Requirements Table of Table I and the following certification. The certification, which must be signed by an authorized representative and must be placed in the generator's files, must say the following:

> I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack contains only wastes that have not been excluded under Appendix D to 35 Ill. Adm. Code 728 and that this lab pack will be sent to a combustion facility in compliance with the alternative treatment standards for lab packs at 35 Ill. Adm. Code 728.142(c). I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

B) No further notification is necessary until such time as the wastes in the lab pack change, or the receiving facility changes, in which case a new notice and certification must be sent and a copy placed in the generator's file.

C) If the lab pack contains characteristic hazardous wastes (D001-D043), underlying hazardous constituents (as defined in Section 728.102(i)) need not be determined.

D) The generator must also comply with the requirements in subsections (a)(6) and (a)(7).

10) An SQG with tolling agreements pursuant to 35 Ill. Adm. Code 722.120(e) must comply with the applicable notification and certification requirements of subsection (a) for the initial shipment of the waste subject to the agreement. Such generators must retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by the Agency.

BOARD NOTE: Any Agency request for extended records retention under this subsection (a)(10) is subject to Board review pursuant to Section 40 of the Act.

b) The owner or operator of a treatment facility must test its wastes according to the frequency specified in its waste analysis plan, as required by 35 Ill. Adm. Code 724.113 (for permitted TSDs) or 725.113 (for interim status facilities). Such testing must be performed as provided in subsections (b)(1), (b)(2), and (b)(3).

1) For wastes or contaminated soil with treatment standards expressed in the waste extract (TCLP), the owner or operator of the treatment facility must test an extract of the treatment residues using Method 1311 (Toxicity Characteristic Leaching Procedure) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, to assure that the treatment residues extract meets the applicable treatment standards.

2) For wastes or contaminated soil with treatment standards expressed as concentrations in the waste, the owner or operator of the treatment facility must test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards.

3) A one-time notice must be sent with the initial shipment of waste or contaminated soil to the land disposal facility. A copy of the notice must be placed in the treatment facility's file.

A) No further notification is necessary until such time that the waste or receiving facility changes, in which case a new notice must be sent and a copy placed in the treatment facility's file.

B) The one-time notice must include the following requirements:

i) USEPA hazardous waste number and manifest number of first shipment;

ii) The waste is subject to the LDRs. The constituents of concern for F001 through F005 and F039 waste and underlying hazardous constituents in characteristic wastes, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice;

iii) The notice must include the applicable wastewater/nonwastewater category (see Section 728.102(d) and (f)) and subdivisions made within a USEPA hazardous waste numbers based on waste-specific criteria (such as D003 reactive cyanide);

iv) Waste analysis data (when available);

v) For contaminated soil subject to LDRs as provided in Section 728.149(a), the constituents subject to treatment as described in Section 728.149(d) and the following statement, "this contaminated soil (does/does not) contain

listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and (is subject to/complies with) the soil treatment standards as provided by Section 728.149(c)"; and

vi) A certification is needed (see applicable Section for exact wording).

4) The owner or operator of a treatment facility must submit a certification signed by an authorized representative with the initial shipment of waste or treatment residue of a restricted waste to the land disposal facility. The certification must state as follows:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the treatment standards specified in 35 Ill. Adm. Code 728.140 without impermissible dilution of the prohibited waste. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

A certification is also necessary for contaminated soil and it must state as follows:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and believe that it has been maintained and operated properly so as to comply with treatment standards specified in 35 Ill. Adm. Code 728.149 without impermissible dilution of the prohibited wastes. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

A) A copy of the certification must be placed in the treatment facility's on-site files. If the waste or treatment residue changes, or the receiving facility changes, a new certification must be sent to the

receiving facility, and a copy placed in the treatment facility's file.

B) Debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(f) (i.e., debris treated by an extraction or destruction technology listed in Table F and debris that the Agency has determined does not contain hazardous waste) is subject to the notification and certification requirements of subsection (d) rather than the certification requirements of this subsection (b)(4).

C) For wastes with organic constituents having treatment standards expressed as concentration levels, if compliance with the treatment standards is based in part or in whole on the analytical detection limit alternative specified in Section 728.140(d), the certification must be signed by an authorized representative and must state as follows:

> I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by combustion units as specified in Table C to 35 Ill. Adm. Code 728. I have been unable to detect the nonwastewater organic constituents, despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

D) For characteristic wastes that are subject to the treatment standards in Section 728.140 and Table T (other than those expressed as a required method of treatment) or Section 728.149 and which contain underlying hazardous constituents, as defined in Section 728.102(i); if these wastes are treated on-site to remove the hazardous characteristic; and that are then sent off-site for treatment of underlying hazardous constituents, the certification must state as follows:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table T of Section 728.149 of that Part to remove the hazardous characteristic. This decharacterized waste contains underlying hazardous constituents that require further treatment to meet treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

E) For characteristic wastes that contain underlying hazardous constituents, as defined in Section 728.102(i), that are treated on-site to remove the hazardous characteristic and to treat underlying hazardous constituents to levels in Section 728.148 and Table U universal treatment standards, the certification must state as follows:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table T of that Part to remove the hazardous characteristic and that underlying hazardous constituents, as defined in 35 Ill. Adm. Code 728.102(i), have been treated on-site to meet the universal treatment standards of 35 Ill. Adm. Code 728.148 and Table U of that Part. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

5) If the waste or treatment residue will be further managed at a different treatment, storage, or disposal facility, the treatment, storage, or disposal facility that sends the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this Section.

6) Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e., the recycler) must, for the initial shipment of waste, prepare a one-time certification described in subsection (b)(4) and a

notice that includes the information listed in subsection (b)(3) (except the manifest number). The certification and notification must be placed in the facility's on-site files. If the waste or the receiving facility changes, a new certification and notification must be prepared and placed in the on-site files. In addition, the owner or operator of the recycling facility also must keep records of the name and location of each entity receiving the hazardous waste-derived product.

c) Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 35 Ill. Adm. Code 726.120(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part must do the following:

1) Maintain in its files copies of the notice and certifications specified in subsection (a) or (b).

2) Test the waste or an extract of the waste or treatment residue developed using Method 1311 (Toxicity Characteristic Leaching Procedure in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846) to assure that the waste or treatment residue is in compliance with the applicable treatment standards set forth in Subpart D. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by 35 Ill. Adm. Code 724.113 or 35 Ill. Adm. Code 725.113.

3) Where the owner or operator is disposing of any waste that is subject to the prohibitions under Section 728.133(f) but not subject to the prohibitions set forth in Section 728.132, the owner or operator must ensure that such waste is the subject of a certification according to the requirements of Section 728.108 prior to disposal in a landfill or surface impoundment unit, and that such disposal is in accordance with the requirements of Section 728.105(h)(2). The same requirement applies to any waste that is subject to the prohibitions under Section 728.133(f) and also is subject to the statutory prohibitions in the codified prohibitions in Section 728.139 or Section 728.132.

4) Where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the owner or operator is not subject to

subsections (c)(1) through (c)(3) with respect to such waste.

d) A generator or treater that first claims that hazardous debris is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(f) (i.e., debris treated by an extraction or destruction technology provided by Table F, and debris that has been delisted) is subject to the following notification and certification requirements:

1) A one-time notification must be submitted to the Agency including the following information:

A) The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the treated debris;

B) A description of the hazardous debris as initially generated, including the applicable USEPA hazardous waste numbers; and

C) For debris excluded under 35 Ill. Adm. Code 721.103(f)(1), the technology from Table F used to treat the debris.

2) The notification must be updated if the debris is shipped to a different facility and, for debris excluded under 35 Ill. Adm. Code 721.103(f)(1), if a different type of debris is treated or if a different technology is used to treat the debris.

3) For debris excluded under 35 Ill. Adm. Code 721.103(f)(1), the owner or operator of the treatment facility must document and certify compliance with the treatment standards of Table F, as follows:

A) Records must be kept of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards;

B) Records must be kept of any data or information the treater obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and

C) For each shipment of treated debris, a certification of compliance with the treatment standards must be signed by an authorized

representative and placed in the facility's files. The certification must state as follows:

> I certify under penalty of law that the debris has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.145. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment.

e) A generator or treater that first receives a determination from USEPA or the Agency that a given contaminated soil subject to LDRs, as provided in Section 728.149(a), no longer contains a listed hazardous waste and a generator or treater that first determines that a contaminated soil subject to LDRs, as provided in Section 728.149(a), no longer exhibits a characteristic of hazardous waste must do the following:

1) Prepare a one-time only documentation of these determinations including all supporting information; and

2) Maintain that information in the facility files and other records for a minimum of three years.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART E: PROHIBITIONS ON STORAGE

Section 728.150 Prohibitions on Storage of Restricted Wastes

a) Except as provided in this Section, the storage of hazardous wastes restricted from land disposal under Subpart C is prohibited, unless the following conditions are met:

1) A generator stores such wastes in tanks, containers, or containment buildings on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and the generator complies with the requirements in 35 Ill. Adm. Code 722.116 and 722.117 and 35 Ill. Adm. Code 724 and 725. (A generator that is in existence on the effective date of a regulation under this Part and which must store hazardous wastes for longer than 90

days due to the regulations under this Part becomes an owner or operator of a storage facility and must obtain a RCRA permit, as required by 35 Ill. Adm. Code 703. Such a facility may qualify for interim status upon compliance with the regulations governing interim status under 35 Ill. Adm. Code 703.153.)

2) An owner or operator of a hazardous waste treatment, storage, or disposal facility stores such wastes in tanks, containers, or containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and each of the following conditions are fulfilled:

A) Each container is clearly marked with the following to identify:

i) The words "Hazardous Waste";

ii) The applicable USEPA hazardous waste numbers in Subparts C and D of 35 Ill. Adm. Code 721; or use a nationally recognized electronic system, such as bar coding, to identify the USEPA hazardous waste numbers;

iii) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with subpart E (Labeling) or subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200, incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111); and

iv) The date each period of accumulation begins.

B) Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received and the date each period of accumulation begins, or such information is recorded and maintained in the operating record at the facility. Regardless of whether the tank itself is marked, the owner and operator must

comply with the operating record requirements of 35 Ill. Adm. Code 724.173 or 725.173.

3) A transporter stores manifested shipments of such wastes at a transfer facility for 10 days or less.

4) A healthcare facility accumulates such wastes in containers on site solely for the purpose of accumulating the quantities of hazardous waste pharmaceuticals as necessary to facilitate proper recovery, treatment, or disposal, and the healthcare facility complies with the applicable requirements in 35 Ill. Adm. Code 726.602 and 726.603.

5) A reverse distributor accumulates such wastes in containers on site solely for the purpose of accumulating the quantities of hazardous waste pharmaceuticals as necessary to facilitate proper recovery, treatment, or disposal, and the reverse distributor complies with 35 Ill. Adm. Code 726.610.

b) An owner or operator of a treatment, storage, or disposal facility may store such wastes for up to one year unless the Agency can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

c) An owner or operator of a treatment, storage, or disposal facility may store wastes beyond one year; however, the owner or operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

d) If a generator's waste is exempt from a prohibition on the type of land disposal utilized for the waste (for example, because of an approved case-by-case extension granted by USEPA pursuant to 40 CFR 268.5, an approved Section 728.106 petition or a national capacity variance granted by USEPA pursuant to subpart C of 40 CFR 268), the prohibition in subsection (a) does not apply during the period of such exemption.

e) The prohibition in subsection (a) does not apply to hazardous wastes that meet the treatment standards specified under Sections 728.141, 728.142, and 728.143 or the adjusted treatment standards specified under Section 728.144, or, where

treatment standards have not been specified, the waste is in compliance with the applicable prohibitions specified in Section 728.132 or 728.139.

f) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm must be stored at a facility that meets the requirements of federal 40 CFR 761.65(b) (Storage for Disposal), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and must be removed from storage and treated or disposed as required by the Part within one year of the date when such wastes are first placed into storage. The provisions of subsection (c) do not apply to such PCB wastes prohibited under Section 728.132.

g) The prohibition and requirements in this Section do not apply to hazardous remediation wastes stored in a staging pile approved pursuant to 35 Ill. Adm. Code 724.654.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standards for Universal Waste Management

2) Code Citation: 35 Ill. Adm. Code 733

3)

Section Numbers:	Proposed Actions:
733.101	Amendment
733.103	Amendment
733.106	New Section
733.109	Amendment
733.113	Amendment
733.114	Amendment
733.132	Amendment
733.133	Amendment
733.134	Amendment
733.180	Amendment

4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27

5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 733 are a single segment of consolidated docket R20-3/R20-11 rulemaking that also affects 35 Ill. Adm. Code 702, 705, 720 through 726, 728, 810, and 811. The consolidated R20-3/R20-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. A comprehensive description is contained in the Board's opinion and order of May 21, 2020, proposing amendments in consolidated docket R20-3/R20-11, which opinion and order is available from the address below.

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register* summarizes the broader rulemaking that is consolidated docket R20-3/R20-11. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 733 incorporate segments of USEPA's Universal Waste Aerosol Cans Rule into the Illinois hazardous waste regulations. The amendments include a needed correction in a rule not directly related to USEPA amendments.

Tables appear in a document entitled "Identical-in–Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R20-3/R20-11. 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 consolidated docket R20-3/R20-11.

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

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Does this rulemaking replace an emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

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 proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated docket R20-3/R20-11 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 consolidated docket R20-3/R20-11:

Michael J. McCambridge

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

312/814-6924
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 pcb.illinois.gov.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations 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) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.

15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

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

PART 733
STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

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733.104 Applicability: Mercury-Containing Equipment
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SUBPART F: IMPORT REQUIREMENTS

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Section

POLLUTION CONTROL BOARD

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733.180 General
733.181 Factors for Petitions to Include Other Wastes

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

SOURCE: Adopted in R95-20 at 20 Ill. Reg. 11291, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 944, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7650, effective April 15, 1998; amended in R99-15 at 23 Ill. Reg. 9502, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9874, effective June 20, 2000; amended in R05-8 at 29 Ill. Reg. 6058, effective April 13, 2005; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1352, effective December 20, 2006; amended in R16-7 at 40 Ill. Reg. 12268, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 25200, effective November 19, 2018; amended in R19-11 at 43 Ill. Reg. 6095, effective May 2, 2019; amended in R20-3/R20-11 at 44 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 733.101 Scope

a) This Part establishes requirements for managing the following:

1) Batteries, as described in Section 733.102;

2) Pesticides, as described in Section 733.103;

3) Mercury-containing equipment, as described in Section 733.104; ~~and~~

4) Lamps, as described in Section 733.105; and~~.~~

5) Aerosol cans, as described in 35 Ill. Adm. Code 733.106.

b) This Part provides an alternative set of management standards in lieu of regulation pursuant to 35 Ill. Adm. Code 702 through 705 and 720 through 728.

c) Electronic Reporting. The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Subsection (c) is derived from 40 CFR 3, 271.10(b), 271.11(b),

and 271.12(h) ~~(2017)~~.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 733.103 Applicability: Pesticides

a) Pesticides Covered under This Part. The requirements of this Part apply to persons managing pesticides, as described in Section 733.109, that meet the following conditions, except those listed in subsection (b):

1) Recalled pesticides, as follows:

A) Stocks of a suspended and canceled pesticide that are part of a voluntary or mandatory recall under Section 19(b) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA; 7 USC 136q(b)), including, but not limited to those owned by the registrant responsible for conducting the recall; or

B) Stocks of a suspended or cancelled pesticide, or a pesticide that is not in compliance with FIFRA, that are part of a voluntary recall by the registrant; or

2) Stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program.

b) Pesticides Not Covered under This Part. The requirements of this Part do not apply to persons managing the following pesticides:

1) Recalled pesticides described in subsection (a)(1) and unused pesticide products described in subsection (a)(2) that are managed by farmers in compliance with 35 Ill. Adm. Code 722.170. (35 Ill. Adm. Code 722.170 addresses pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, providing the container is triple rinsed in accordance with 35 Ill. Adm. Code 721.107(b)(3).);

2) Pesticides not meeting the conditions set forth in subsection (a) must be managed in compliance with the hazardous waste regulations in 35 Ill. Adm. Code 702 through 705 and 720 through 728, except that aerosol

cans, as defined in 35 Ill. Adm. Code 733.109, that contain pesticides may be managed as aerosol can universal waste under Section 733.113(e) or 733.133(e);

3) Pesticides that are not wastes under 35 Ill. Adm. Code 721, including those that do not meet the criteria for waste generation in subsection (c) or those that are not wastes as described in subsection (d); and

4) Pesticides that are not hazardous waste. A pesticide is a hazardous waste if it is a waste (see subsection (b)(3)) and either it is listed in Subpart D of 35 Ill. Adm. Code 721 or it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721.

c) When a Pesticide Becomes a Waste

1) A recalled pesticide described in subsection (a)(1) becomes a waste on the first date on which both of the following conditions apply:

A) The generator of the recalled pesticide agrees to participate in the recall; and

B) The person conducting the recall decides to discard (e.g., burn the pesticide for energy recovery).

2) An unused pesticide product described in subsection (a)(2) becomes a waste on the date the generator decides to discard it.

d) Pesticides That Are Not Wastes. The following pesticides are not wastes:

1) Recalled pesticides described in subsection (a)(1), provided that either of the following conditions exist:

A) The person conducting the recall has not made a decision to discard the pesticide (e.g., burn it for energy recovery). Until such a decision is made, the pesticide does not meet the definition of "solid waste" under 35 Ill. Adm. Code 721.102; thus the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including those of this Part. This pesticide remains subject to the requirements of FIFRA; or

B) The person conducting the recall has made a decision to use a management option that, under 35 Ill. Adm. Code 721.102, does not cause the pesticide to be a solid waste (i.e., the selected option is use (other than use constituting disposal) or reuse (other than burning for energy recovery) or reclamation). Such a pesticide is not a solid waste and therefore is not a hazardous waste, and is not subject to the hazardous waste requirements including this Part. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of FIFRA; and

2) Unused pesticide products described in subsection (a)(2), if the generator of the unused pesticide product has not decided to discard them (e.g., burn for energy recovery). These pesticides remain subject to the requirements of FIFRA.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 733.106 Applicability: Aerosol Cans~~Mercury-Containing Equipment (Repealed)~~

a) Aerosol Cans Covered under This Part. The requirements of this Part apply to persons managing aerosol cans, as described in Section 733.109, except those listed in subsection (b).

b) Aerosol Cans Not Covered under This Part. The requirements of this Part do not apply to persons managing the following types of aerosol cans:

1) Aerosol Cans That Are Not Yet Waste under 35 Ill. Adm. Code 721. Subsection (c) describes when an aerosol can becomes a waste;

2) Aerosol Cans That Are Not Hazardous Waste. An aerosol can is a hazardous waste if the aerosol can exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721 or the aerosol can contains a substance that is listed in Subpart D of 35 Ill. Adm. Code 721; and

3) Aerosol cans that meet the standard for empty containers under 35 Ill. Adm. Code 721.107.

c) Generation of Waste Aerosol Cans

1) A used aerosol can becomes a waste when it is discarded.

2) An unused aerosol can becomes a waste when the handler decides to discard it.

(Source: Former Section 733.106 repealed at 31 Ill. Reg. 1352, effective December 20, 2006; new Section 733.106 added at 44 Ill. Reg. _____, effective _____)

Section 733.109 Definitions

"Aerosol can" means a non-refillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, the sole purpose of which is to expel a liquid, paste, or powder and that is fitted with a self-closing release device allowing the gas to eject the contents.

"Ampule" means an airtight vial made of glass, plastic, metal, or any combination of these materials.

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

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in Sections 733.113(a) and (c) and 733.133(a) and (c). A facility at which a particular category of universal waste is only accumulated is not a destination facility for purposes of managing that category of universal waste.

"FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 136 through 136y).

"Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a

hazardous waste to become subject to regulation.

"Lamp" or "universal waste lamp" is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, or infra-red regions of the electromagnetic spectrum. Common examples of universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

"Large quantity handler of universal waste" means a universal waste handler (as defined in this Section) that accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, ~~or~~ lamps, or aerosol cans, calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which the 5,000-kilogram limit is met or exceeded.

"Mercury-containing equipment" means a device or part of a device (including thermostats, but excluding batteries and lamps) that contains elemental mercury integral to its function.

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

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, other than any article that fulfills one of the following descriptions:

It is a new animal drug under section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA) (21 USC 321(v)), incorporated by reference in 35 Ill. Adm. Code 720.111;

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services pursuant to FFDCA section 512(j) (21 USC 360b(j)), incorporated by reference in 35 Ill. Adm. Code

720.111(c), to be an exempted new animal drug; or

It is an animal feed under FFDCA section 201(w) (21 USC 321(w)), incorporated by reference in 35 Ill. Adm. Code 720.111(c), that bears or contains any substances described in either of the two preceding paragraphs of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 273.6 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug." This is very similar to the language of section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 USC 136(u)). The three exceptions, taken together, appear intended not to include as "pesticide" any material within the scope of federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

"Small quantity handler of universal waste" means a universal waste handler (as defined in this Section) that does not accumulate 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, ~~or~~ lamps, or aerosol cans, calculated collectively) at any time.

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and mercury-containing ampules that have been removed from such a temperature control device in compliance with the requirements of Section 733.113(c)(2) or 733.133(c)(2).

"Universal waste" means any of the following hazardous wastes that are subject to the universal waste requirements of this Part:

Batteries, as described in Section 733.102;

Pesticides, as described in Section 733.103;

Mercury-containing equipment, as described in Section 733.104; ~~and~~

Lamps, as described in Section 733.105; and~~.~~

Aerosol cans, as described in Section 733.106.

"Universal waste handler" means either of the following:

A generator (as defined in this Section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

Universal waste handler does not mean:

A person that treats (except pursuant to the provisions of Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles (except under Section 733.113(e) or 733.133(e)) universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas, and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

"Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

Section 733.113 Waste Management

a) Universal Waste Batteries. A small quantity handler of universal waste must manage universal waste batteries in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

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1) A small quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A small quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

   A) Sorting batteries by type;

   B) Mixing battery types in one container;

   C) Discharging batteries so as to remove the electric charge;

   D) Regenerating used batteries;

   E) Disassembling batteries or battery packs into individual batteries or cells;

   F) Removing batteries from consumer products; or

   G) Removing electrolyte from batteries; and

3) A small quantity handler of universal waste that removes electrolyte from batteries, or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in subsection (a)(2), must determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.

   A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it is subject to all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler

is considered the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.

B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

b) Universal Waste Pesticides. A small quantity handler of universal waste must manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A container that does not meet the requirements of subsection (b)(1), provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b)(1);

3) A tank that meets the requirements of Subpart J of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.297(c), 265.300, and 265.301; or

4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

c) Universal Waste Mercury-Containing Equipment. A small quantity handler of universal waste must manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

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1) A small quantity handler of universal waste must place in a container any universal waste mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed; must be structurally sound; must be compatible with the contents of the device; must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

2) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler follows each of the following procedures:

A) It removes and manages the ampules in a manner designed to prevent breakage of the ampules;

B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules from that containment device to a container that is subject to all applicable~~meets the~~ requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728~~722.115~~;

D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728~~722.115~~;

E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment

devices to appropriate containers;

G) It stores removed ampules in closed, non-leaking containers that are in good condition; and

H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.

3) A small quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler does as follows:

A) It immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and

B) It follows all requirements for removing ampules and managing removed ampules pursuant to subsection (c)(2).

4) Required Hazardous Waste Determination and Further Waste Management

A) A small quantity handler of universal waste that removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721:

i) Mercury or clean-up residues resulting from spills or leaks; or

ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., the remaining mercury-containing equipment).

B) If the mercury, residues, or other solid waste exhibits a

characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the mercury, residues, or other waste and must manage it in compliance with 35 Ill. Adm. Code 722.

C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

d) Lamps. A small quantity handler of universal waste must manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A small quantity handler of universal waste lamps must contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A small quantity handler of universal waste lamps must immediately clean up and place in a container any lamp that is broken, and the small quantity handler must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions; and

3) Small quantity handlers of universal waste lamps may treat those lamps

for volume reduction at the site where they were generated under the following conditions:

A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system must not exceed 0.1 mg/m^3 when measured on the basis of time weighted average over an eight-hour period;

B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:

i) Name and address of the handler;

ii) Estimated monthly amount of lamps crushed; and

iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (d)(5)(A);

C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 35 Ill. Adm. Code 722.115, and has available equipment necessary to comply with this requirement;

D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and

F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during

storage, handling, and transportation.

e) Aerosol Cans. A small quantity handler of universal waste must manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A small quantity handler must accumulate universal waste aerosol cans in a container that is structurally sound, compatible with the contents of the aerosol cans; lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and is protected from sources of heat.

2) A small quantity handler must package universal waste aerosol cans that show evidence of leakage in a separate closed container or overpacked with absorbents, or the small quantity handler must immediately puncture and drain the cans in accordance with the requirements of subsection (e)(4).

3) A small quantity handler of universal waste may conduct the following activities as long as each individual aerosol can is not breached and remains intact:

A) Sorting aerosol cans by type;

B) Mixing intact cans in one container; and

C) Removing actuators to reduce the risk of accidental release; and

4) A small quantity handler of universal waste that punctures and drains its aerosol cans must recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans:

A) The small quantity handler must conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions of the contents.

B) The small quantity handler must establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol cans (including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases); maintain a copy of the manufacturer's specification and instruction on site; and ensure employees operating the device are trained in the proper procedures.

C) The small quantity handler must ensure that puncturing the cans is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment. This manner includes locating the equipment on a solid, flat surface in a well-ventilated area.

D) The small quantity handler must immediately transfer the contents from the waste aerosol cans or puncturing device, if applicable, to a container or tank that meets the applicable requirements of 35 Ill. Adm. Code 722.114, 722.115, 722.116, or 722.117.

E) The small quantity handler must conduct a hazardous waste determination on the contents of the emptied aerosol can under 35 Ill. Adm. Code 722.111. Any hazardous waste generated as a result of puncturing and draining the aerosol can is subject to all applicable requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728. The handler is considered the generator of the hazardous waste and is subject to 35 Ill. Adm. Code 722.

F) If the small quantity handler determines that the contents are nonhazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid waste regulations.

G) The small quantity handler must have a written procedure in place in the event of a spill or leak and must provide a spill clean-up kit. The small quantity handler must promptly clean up all spills or leaks of the contents of the aerosol cans.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 733.114 Labeling and Marking

A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste, as follows:

a) Universal waste batteries (i.e., each battery) or a container in which the batteries are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste – Batteries", "Waste Batteries", or "Used Batteries".

b) A container (or multiple container package unit), tank, transport vehicle, or vessel in which recalled universal waste pesticides, as described in Section 733.103(a)(1), are contained must be labeled or marked clearly, as follows:

1) The label that was on or accompanied the product as sold or distributed; and

2) The words "Universal Waste − Pesticides" or "Waste − Pesticides".

c) A container, tank, or transport vehicle, or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly, as follows:

1) Pesticide Labeling

A) The label that was on the product when purchased, if still legible;

B) If using the labels described in subsection (c)(1)(A) is not feasible, the appropriate label as required under USDOT regulation 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or

C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) is not feasible, another label prescribed or designated by the waste pesticide collection program administered or recognized by a state; and

2) The words "Universal Waste − Pesticides" or "Waste − Pesticides".

d) Universal Waste Mercury-Containing Equipment and Universal Waste Thermostat Labeling

1) Universal waste mercury-containing equipment (i.e., each device) or a container in which the equipment is contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste – Mercury-Containing Equipment", or "Waste Mercury-Containing Equipment", or "Used Mercury-Containing Equipment".

2) Universal waste thermostats (i.e., each thermostat) or a container in which the thermostats are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste − Mercury Thermostats", or "Waste Mercury Thermostats", or "Used Mercury Thermostats".

e) Each lamp or a container or package in which such lamps are contained must be labeled or clearly marked with one of the following phrases: "Universal Waste − Lamps", "Waste Lamps", or "Used Lamps".

f) A small quantity handler must clearly label or mark its universal waste aerosol cans (i.e., each aerosol can), or a container in which the aerosol cans are contained, with any of the following phrases: "Universal Waste − Aerosol Cans", "Waste Aerosol Cans", or "Used Aerosol Cans".

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

Section 733.132 Notification

a) Written Notification of Universal Waste Management

1) Except as provided in subsections (a)(2) and (a)(3), a large quantity handler of universal waste must have sent written notification of universal waste management to the Agency, and received a USEPA Identification Number, before meeting or exceeding the 5,000-kilogram (11,000-pound) storage limit.

2) A large quantity handler of universal waste that has already notified the Agency of its hazardous waste management activities and which has received a USEPA Identification Number is not required to renotify pursuant to this Section.

3) A large quantity handler of universal waste that manages recalled universal waste pesticides, as described in Section 733.103(a)(1), and that has sent notification to the Agency, as required by federal 40 CFR 165, is not required to notify for those recalled universal waste pesticides pursuant to this Section.

b) This notification must include the following:

1) The universal waste handler's name and mailing address;

2) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;

3) The address or physical location of the universal waste management activities;

4) A list of all of the types of universal waste managed by the handler (e.g., batteries, pesticides, mercury-containing equipment, ~~or~~ lamps, or aerosol cans); and

5) A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time.

BOARD NOTE: At 60 Fed. Reg. 25520-21 (May 11, 1995), USEPA explained that the generator or consolidation point may use Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) for notification. The generator or consolidation point must notify the Agency, either by submitting USEPA Form 8700-12 or by some other means. USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and. USEPA further explained that it is not necessary for the handler to aggregate the amounts of waste at multiple non-

contiguous sites for the purposes of the 5,000 kilogram determination.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 733.133 Waste Management

a) Universal Waste Batteries. A large quantity handler of universal waste must manage universal waste batteries in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A large quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

2) A large quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

A) Sorting batteries by type;

B) Mixing battery types in one container;

C) Discharging batteries so as to remove the electric charge;

D) Regenerating used batteries;

E) Disassembling batteries or battery packs into individual batteries or cells;

F) Removing batteries from consumer products; or

G) Removing electrolyte from batteries.

3) A large quantity handler of universal waste that removes electrolyte from

batteries or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in subsection (a)(2) must determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.

A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.

B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

b) Universal Waste Pesticides. A large quantity handler of universal waste must manage universal waste pesticides in a manner that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A container that does not meet the requirements of subsection (b)(1), provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b)(1);

3) A tank that meets the requirements of Subpart J of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.297(c), 725.300, and 725.301; or

4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

c) Universal Waste Mercury-Containing Equipment. A large quantity handler of universal waste must manage universal waste mercury-containing equipment in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A large quantity handler of universal waste must place in a container any universal mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed; must be structurally sound; must be compatible with the contents of the device;must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

2) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment, provided the handler follows each of the following procedures:

A) It removes the ampules in a manner designed to prevent breakage of the ampules;

B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules from the containment device to a container that is subject to all applicable~~meets the~~ requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728~~722.115~~;

D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container

that meets the requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728~~722.115~~;

E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

G) It stores removed ampules in closed, non-leaking containers that are in good condition; and

H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.

3) A large quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler does as follows:

A) It immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and

B) It follows all requirements for removing ampules and managing removed ampules pursuant to subsection (c)(2).

4) Required Hazardous Waste Determination and Further Waste Management

A) A large quantity handler of universal waste that removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in Subpart C of 35 Ill.

Adm. Code 721:

i) Mercury or clean-up residues resulting from spills or leaks; or

ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., the remaining mercury-containing equipment).

B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the mercury, residues, or other waste and must manage it in compliance with 35 Ill. Adm. Code 722.

C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

d) Lamps. A large quantity handler of universal waste must manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A large quantity handler of universal waste lamps must contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A large quantity handler of universal waste lamps must immediately clean

up and place in a container any lamp that is broken, and the large quantity handler must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions; and

3) Large quantity handlers of universal waste lamps may treat those lamps for volume reduction at the site where they were generated under the following conditions:

A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system must not exceed 0.1 mg/m^3 when measured on the basis of time weighted average over an 8-hour period;

B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:

i) Name and address of the handler;

ii) Estimated monthly amount of lamps crushed; and

iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (d)(5)(A);

C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 35 Ill. Adm. Code 722.115, and has available equipment necessary to comply with this requirement;

D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with

applicable OSHA exposure levels for mercury;

E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and

F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling and transportation.

e) Aerosol Cans. A large quantity handler of universal waste must manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) The large quantity handler must accumulate universal waste aerosol cans in a container that is structurally sound; is compatible with the contents of the aerosol cans; lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and is protected from sources of heat.

2) The large quantity handler must package universal waste aerosol cans that show evidence of leakage in a separate closed container, or overpack the cans with absorbents, or immediately puncture and drain the cans in accordance with the requirements of subsection (e)(4).

3) A large quantity handler of universal waste may conduct the following activities, as long as each individual aerosol can is not breached and remains intact:

A) The large quantity handler may sort aerosol cans by type;

B) The large quantity handler may mix intact cans in one container; and

C) The large quantity handler may remove actuators to reduce the risk of accidental release; and

4) A large quantity handler of universal waste that punctures and drains its aerosol cans must recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans:

A) The large quantity handler must conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions of the contents.

B) The large quantity handler must establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can (including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases); maintain a copy of the manufacturer's specification and instruction on site; and ensure employees operating the device are trained in the proper procedures.

C) The large quantity handler must ensure that puncturing of the can is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment. This includes, but is not limited to, locating the equipment on a solid, flat surface in a well-ventilated area.

D) The large quantity handler must immediately transfer the contents from the waste aerosol can or puncturing device, if applicable, to a container or tank that meets the applicable requirements of 35 Ill. Adm. Code 722.114, 722.115, 722.116, or 722.117.

E) The large quantity handler must conduct a hazardous waste determination on the contents of the emptied can, as required by 35 Ill. Adm. Code 722.111. Any hazardous waste generated as a result of puncturing and draining the aerosol can is subject to all applicable requirements of 35 Ill. Adm. Code 703, 705 and 720 through 728. The handler is the generator of the hazardous waste and is subject to 35 Ill. Adm. Code 722.

F) If the large quantity handler determines that the contents are nonhazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, and local solid waste regulations.

G) The large quantity handler must have a written procedure in place in the event of a spill or release and a spill clean-up kit must be provided. The large quantity handler must promptly clean up all spills or leaks of the contents of the aerosol cans.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 733.134 Labeling and Marking

A large quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste, as follows:

a) Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste − Batteries", or "Waste Batteries", or "Used Batteries".

b) A container (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in Section 733.103(a)(1) are contained must be labeled or marked clearly as follows:

1) The label that was on or accompanied the product as sold or distributed; and

2) The words "Universal Waste − Pesticides" or "Waste − Pesticides".

c) A container, tank, or transport vehicle or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly, as follows:

1) Pesticide Labeling

A) The label that was on the product when purchased, if still legible;

B) If using the labels described in subsection (c)(1)(A) is not feasible, the appropriate label as required pursuant to the USDOT regulation 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or

C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) is not feasible, another label prescribed or designated by the pesticide collection program; and

2) The words "Universal Waste − Pesticides" or "Waste − Pesticides".

d) Universal Waste Mercury-Containing Equipment and Universal Waste Thermostat Labeling

1) Mercury-containing equipment (i.e., each device) or a container in which the equipment is contained must be labeled or marked clearly with any of the following phrases: "Universal Waste – Mercury-Containing Equipment", "Waste Mercury-Containing Equipment", or "Used Mercury-Containing Equipment".

2) A universal waste mercury-containing thermostat or a container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any one of the following phrases: "Universal Waste − Mercury Thermostats", or "Waste Mercury Thermostats", or "Used Mercury Thermostats".

e) Each lamp or a container or package in which such lamps are contained must be labeled or clearly marked with any one of the following phrases: "Universal Waste − Lamps", "Waste Lamps", or "Used Lamps".

f) Universal waste aerosol cans (i.e., each aerosol can) or a container in which the aerosol cans are contained must be labeled or marked clearly with any of the following phrases: "Universal Waste − Aerosol Cans", "Waste Aerosol Cans", or "Used Aerosol Cans".

(Source: Amended at 44 Ill. Reg. _____, effective _____)

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SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

Section 733.180 General

a) Except as provided in subsection (d), any~~Any~~ person seeking to add a hazardous waste or a category of hazardous waste to this Part may petition for a regulatory amendment as follows:

1) If USEPA has already added the waste or category of waste to federal 40 CFR 273: by identical-in-substance rulemaking, under Sections 7.2 and 22.4(a) of the Act, 35 Ill. Adm. Code 101 and 102, and 35 Ill. Adm. Code 720.120; or

2) If USEPA has not added the waste or category of waste to federal 40 CFR 273: by general rulemaking, under Sections 22.4(b) and 27 of the Act, 35 Ill. Adm. Code 101 and 102, this Subpart G, and 35 Ill. Adm. Code 720.120 and 720.123.

BOARD NOTE: The Board cannot add a hazardous waste or category of hazardous waste to this Part by general rulemaking until USEPA either authorizes the Illinois universal waste regulations or otherwise authorizes the Board to add new categories of universal waste. The Board may, however, add a waste or category of waste by identical-in-substance rulemaking.

b) Petitions for Identical-In-Substance Rulemaking

1) Any petition for identical-in-substance rulemaking under subsection (a)(1) must include a copy of the Federal Register notices of adopted amendments in which USEPA promulgated the additions to federal 40 CFR 273. The Board will evaluate any petition for identical-in-substance rulemaking based on the Federal Register notices.

2) If the petitioner desires expedited Board consideration of the proposed amendments to this Part (i.e., adoption within one year of the date of the Federal Register notice), it must explicitly request expedited consideration and set forth the arguments in favor of such consideration.

c) Petitions for General Rulemaking

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1) To be successful using the general rulemaking procedure under subsection (a)(2), the petitioner must demonstrate to the satisfaction of the Board that each of the following would be true of regulation under the universal waste regulations of this Part:

A) It would be appropriate for the waste or category of waste;

B) It would improve management practices for the waste or category of waste; and

C) It would improve implementation of the hazardous waste program.

2) The petition must include the information required by 35 Ill. Adm. Code 720.120(b). The petition should also address as many of the factors listed in Section 733.181 as are appropriate for the waste or waste category addressed in the petition.

3) The Board will evaluate petitions for general rulemaking and grant or deny the requested relief using the factors listed in Section 733.181. The decision will be based on the weight of evidence showing that regulation under this Part would fulfill the requirements of subsection (c)(1).

d) Hazardous waste pharmaceuticals are regulated by Subpart P of 35 Ill. Adm. Code 726, and USEPA's rules prohibit adding them as a category of hazardous waste for management under this Part.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Solid Waste Disposal: General Provisions

2) Code Citation: 35 Ill. Adm. Code 810

3)

Section Numbers:	Proposed Actions:
810.103	Amendment
810.104	Amendment

4) Statutory Authority: 415 ILCS 5/7.2, 22.40, and 27

5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 810 are a single segment of consolidated docket R20-3/R20-11 rulemaking that also affects 35 Ill. Adm. Code 702, 705, 720 through 726, 728, 733, and 811. The consolidated R20-3/R20-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. A comprehensive description is contained in the Board's opinion and order of May 21, 2020, proposing amendments in consolidated docket R20-3/R20-11, which opinion and order is available from the address below.

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register* summarizes the broader rulemaking that is consolidated docket R20-3/R20-11. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 810 incorporate needed corrections in rule not directly related to USEPA amendments, including a correction to prior amendments requested by the Joint Committee on Administrative Rules (JCAR).

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R20-3/R20-11. 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 consolidated docket R20-3/R20-11.

Sections 22.40 of the Environmental Protection Act [415 ILCS 5/22.40] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

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6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Does this rulemaking replace an emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

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 proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated docket R20-3/R20-11 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 consolidated docket R20-3/R20-11:

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

312/814-6924
michael.mccambridge@illinois.gov

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Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's Website at pcb.illinois.gov.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations 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) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.

15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 810
SOLID WASTE DISPOSAL: GENERAL PROVISIONS

Section
810.101 Scope and Applicability
810.102 Severability
810.103 Definitions
810.104 Incorporations by Reference
810.105 Electronic Reporting

AUTHORITY: Implementing Sections 7.2, 21, 21.1, 22, 22.17, and 22.40 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 21, 21.1, 22, 22.17, 22.40, and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15838, effective September 18, 1990; amended in R93-10 at 18 Ill. Reg. 1268, effective January 13, 1994; amended in R90-26 at 18 Ill. Reg. 12457, effective August 1, 1994; amended in R95-9 at 19 Ill. Reg. 14427, effective September 29, 1995; amended in R96-1 at 20 Ill. Reg. 11985, effective August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15825, effective November 25, 1997; amended in R04-5/R04-15 at 28 Ill. Reg. 9090, effective June 18, 2004; amended in R05-1 at 29 Ill. Reg. 5028, effective March 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4130, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1425, effective December 20, 2006; amended in R07-8 at 31 Ill. Reg. 16167, effective November 27, 2007; amended in R10-9 at 35 Ill. Reg. 10837, effective June 22, 2011; amended in R14-1/R14-2/R14-3 at 38 Ill. Reg. 7253, effective March 13, 2014; amended in R15-8 at 38 Ill. Reg. 23458, effective November 24, 2014; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 21304, effective November 19, 2018; amended in R20-3/R20-11 at 44 Ill. Reg. _____, effective _____.

Section 810.103 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part will be the same as that applied to the same words or terms in the Environmental Protection Act (Act):

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"Act" means the Environmental Protection Act [415 ILCS 5].

"Admixtures" are chemicals added to earth materials to improve for a specific application the physical or chemical properties of the earth materials. Admixtures include~~, but are not limited to:~~ lime, cement, bentonite, and sodium silicate.

"Agency" is the Environmental Protection Agency established by the Environmental Protection Act. [415 ILCS 5/3.105]

"Applicant" means the person submitting an application to the Agency for a permit for a solid waste disposal facility.

"Aquifer" means saturated (with groundwater) soils and geologic materials which are sufficiently permeable to readily yield economically useful quantities of water to wells, springs, or streams under ordinary hydraulic gradients and whose boundaries can be identified and mapped from hydrogeologic data. (Section 3 of the Illinois Groundwater Protection Act [415 ILCS 55/3])

"Bedrock" means the solid rock formation immediately underlying any loose superficial material such as soil, alluvium, or glacial drift.

"Beneficially usable waste" means any solid waste from the steel and foundry industries that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a leachate that contains constituents which exceed the limits for this type of waste as specified at 35 Ill. Adm. Code 817.106.

"Board" is the Pollution Control Board established by the Act. [415 ILCS 5/3.130]

"Borrow area" means an area from which earthen material is excavated for the purpose of constructing daily cover, final cover, a liner, a gas venting system, roadways, or berms.

"Chemical waste" means a non-putrescible solid whose characteristics are such that any contaminated leachate is expected to be formed through chemical or physical processes, rather than biological processes, and no gas is expected to be formed as a result.

"Coal combustion power generating facilities" means establishments that generate

electricity by combusting coal and which utilize a lime or limestone scrubber system.

"Contaminated leachate" means any leachate whose constituent violate the standards of 35 Ill. Adm. Code 811.202.

"Dead animal disposal site" means an on-the-farm disposal site at which the burial of dead animals is done in accordance with the Illinois Dead Animal Disposal Act [225 ILCS 610] and regulations adopted pursuant thereto (8 Ill. Adm. Code 90).

"Design period" means that length of time determined by the sum of the operating life of the solid waste landfill facility plus the post-closure~~postclosure~~ care period necessary to stabilize the waste in the units.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water or into any well such that solid waste or any constituent of the solid waste may enter the environment by being emitted into the air or discharged into any waters, including groundwater. [415 ILCS 5/3.185] If the solid waste is accumulated and not confined or contained to prevent its entry into the environment, or there is no certain plan for its disposal elsewhere, such accumulation will constitute disposal.

"Disturbed areas" means those areas within a facility that have been physically altered during waste disposal operations or during the construction of any part of the facility.

"Documentation" means items, in any tangible form, whether directly legible or legible with the aid of any machine or device, including but not limited to affidavits, certificates, deeds, leases, contracts or other binding agreements, licenses, permits, photographs, audio or video recordings, maps, geographic surveys, chemical and mathematical formulas or equations, mathematical and statistical calculations and assumptions, research papers, technical reports, technical designs and design drawings, stocks, bonds, and financial records, that are used to support facts or hypotheses.

"Earth liners" means structures constructed from naturally occurring soil material that has been compacted to achieve a low permeability.

"Existing facility" or "Existing unit" means a facility or unit that is not defined in

this Section as a new facility or a new unit.

"Existing MSWLF unit" means any municipal solid waste landfill unit that has received household waste before October 9, 1993. [415 ILCS 5/3.285]

"Facility" means a site and all equipment and fixtures on a site used to treat, store or dispose of solid or special wastes. A facility consists of an entire solid or special waste treatment, storage, or disposal operation. All structures used in connection with or to facilitate the waste disposal operation will be considered a part of the facility. A facility may include, but is not limited to, one or more solid waste disposal units, buildings, treatment systems, processing and storage operations, and monitoring stations.

"Field capacity" means that maximum moisture content of a waste, under field conditions of temperature and pressure, above which moisture is released by gravity drainage.

"Foundry sand" means pure sand or a mixture of sand and any additives necessary for use of the sand in the foundry process, but does not include such foundry process by-products as air pollution control dust or refractories.

"Gas collection system" means a system of wells, trenches, pipes and other related ancillary structures such as manholes, compressor housing, and monitoring installations that collects and transports the gas produced in a putrescible waste disposal unit to one or more gas processing points. The flow of gas through such a system may be produced by naturally occurring gas pressure gradients or may be aided by an induced draft generated by mechanical means.

"Gas condensate" means the liquid formed as a landfill gas is cooled or compressed.

"Gas venting system" means a system of wells, trenches, pipes and other related structures that vents the gas produced in a putrescible waste disposal unit to the atmosphere.

"Geomembranes" means manufactured membrane liners and barriers of low permeability used to control the migration of fluids or gases.

"Geotextiles" are permeable manufactured materials used for purposes that

include, but are not limited to, strengthening soil, providing a filter to prevent clogging of drains, and collecting and draining liquids and gases beneath the ground surface.

"Groundwater" means underground water which occurs within the saturated zone and within geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure. (Section 3 of the Illinois Groundwater Protection Act)

"Household waste" means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). [415 ILCS 5/3.230]

"Hydraulic barriers" means structures designed to prevent or control the seepage of water. Hydraulic barriers include, but are not limited to, cutoff walls, slurry walls, grout curtains, and liners.

"Inert waste" means any solid waste that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a contaminated leachate, as determined in accordance with 35 Ill. Adm. Code 811.202(b). Such inert wastes will include only non-biodegradable and non-putrescible solid wastes. Inert wastes may include, but are not limited to, bricks, masonry, and concrete (cured for 60 days or more).

"Iron slag" means slag.

"Land application unit" means an area where wastes are agronomically spread over or disked into land or otherwise applied so as to become incorporated into the soil surface. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a land application unit is not a landfill; however, other Parts of 35 Ill. Adm. Code: Chapter I may apply, and may include the permitting requirements of 35 Ill. Adm. Code 309.

"Landfill" means a unit or part of a facility in or on which waste is placed and accumulated over time for disposal, and which is not a land application unit, a surface impoundment or an underground injection well. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, landfills include waste piles, as defined in this Section.

"Lateral expansion" means a horizontal expansion of the actual waste boundaries of an existing MSWLF unit occurring on or after October 9, 1993. A horizontal expansion is any area where solid waste is placed for the first time directly upon the bottom liner of the unit, excluding side slopes on or after October 9, 1993. [415 ILCS 5/3.275]

"Leachate" means liquid that has been or is in direct contact with a solid waste.

"Lift" means an accumulation of waste that is compacted into a unit and over which cover is placed.

"Low risk waste" means any solid waste from the steel and foundry industries that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a leachate that contains constituents that exceed the limits for this type of waste as specified at 35 Ill. Adm. Code 817.106.

"Malodor" means an odor caused by *one or more contaminant emissions into the atmosphere from a facility that is in sufficient quantities and of such characteristics and duration as to be* described as malodorous and which may be *injurious to human, plant, or animal life, to health, or to property, or* may *unreasonably interfere with the enjoyment of life or property.* [415 ILCS 5/3.115] (defining "air pollution")

"Municipal solid waste landfill unit" or "MSWLF unit" means a discrete area of land or an excavation that receives household waste, and that is not a land application unit, surface impoundment, injection well, or waste pile. An~~A~~ MSWLF unit also may receive other types of RCRA Subtitle D wastes, such as commercial solid waste, nonhazardous sludge, very small quantity generator waste, and industrial solid waste. Such a landfill may be publicly or privately owned. An~~A~~ MSWLF unit may be a new MSWLF unit, an existing MSWLF unit, or a lateral expansion. A construction and demolition landfill that receives residential lead-based paint waste and which does not receive any other household waste is not an~~a~~ MSWLF unit. The term injection well is defined in 35 Ill. Adm. Code 730.103. The terms land application unit, surface impoundment, and waste pile are defined in 40 CFR~~C.F.R. §~~ 257.2, incorporated by reference in Section 810.104. The terms construction and demolition landfill and industrial solid waste are defined in 40 CFR 258.2, incorporated by reference in Section 810.104.
BOARD NOTE: A "construction and demolition (C&D) landfill" is a regulatory

category of landfill that does not exist in Illinois. It is distinct from a clean construction and demolition debris (CCDD) fill operation under 35 Ill. Adm. Code 1100. A landfill in Illinois that receives residential lead-based paint waste and no other type of household waste would be permitted as a chemical waste landfill or a putrescible waste landfill under Subpart C of 35 Ill. Adm. Code 811, as appropriate.

"National Pollutant Discharge Elimination System" or "NPDES" means the program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under the Clean Water Act (33 USC 1251 et seq.), Section 12(f) of the Act, Subpart A of 35 Ill. Adm. Code 309, and 35 Ill. Adm. Code 310.

"NPDES permit" means a permit issued under the NPDES program.

"New facility" or "New unit" means a solid waste landfill facility or a unit at a facility, if one or more of the following conditions apply:

It is a landfill or unit exempt from permit requirements pursuant to Section 21(d) of the Act that had not yet accepted any waste as of September 18, 1990;

It is a landfill or unit not exempt from permit requirements pursuant to Section 21(d) of the Act that had no development or operating permit issued by the Agency pursuant to 35 Ill. Adm. Code 807 as of September 18, 1990; or

It is a landfill with a unit whose maximum design capacity or lateral extent was increased after September 18, 1990.

BOARD NOTE: A new unit located in an existing facility will be considered a unit subject to 35 Ill. Adm. Code 814, which references applicable requirements of 35 Ill. Adm. Code 811.

"New MSWLF unit" means any municipal solid waste landfill unit that has received household waste on or after October 9, 1993 for the first time. [415 ILCS 5/3.285]

"One hundred-year flood plain" means any land area that is subject to a one percent or greater chance of flooding in a given year from any source.

"One hundred-year, 24-hour precipitation event" means a precipitation event of 24-hour duration with a probable recurrence interval of once in 100 years.

"Operator" means the person responsible for the operation and maintenance of a solid waste disposal facility.

"Owner" means a person who has an interest, directly or indirectly, in land, including a leasehold interest, on which a person operates and maintains a solid waste disposal facility. The "owner" is the "operator" if there is no other person who is operating and maintaining a solid waste disposal facility.

"Perched watertable" means an elevated watertable above a discontinuous saturated lens, resting on a low permeability (such as clay) layer within a high permeability (such as sand) formation.

"Permit area" means the entire horizontal and vertical region occupied by a permitted solid waste disposal facility.

"Person" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity, or their legal representative, agent or assigns. [415 ILCS 5/3.315]

"Potentially usable waste" means any solid waste from the steel and foundry industries that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a leachate that contains constituents that exceed the limits for this type of waste as specified at 35 Ill. Adm. Code 817.106.

"Poz-O-Tec materials" means materials produced by a stabilization process patented by Conversion Systems, Inc. utilizing flue gas desulfurization (FGD) sludges and ash produced by coal combustion power generation facilities as raw materials.

"Poz-O-Tec monofill" means a landfill in which solely Poz-O-Tec materials are placed for disposal.

"Professional engineer" means a person who has registered and obtained a seal pursuant to the Professional Engineering Practice Act of 1989 [225 ILCS 325].

"Professional land surveyor" means a person who has received a certificate of registration and a seal pursuant to the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330].

"Putrescible waste" means a solid waste that contains organic matter capable of being decomposed by microorganisms so as to cause a malodor, gases, or other offensive conditions, or which is capable of providing food for birds and vectors. Putrescible wastes may form a contaminated leachate from microbiological degradation, chemical processes, and physical processes. Putrescible waste includes, but is not limited to, garbage, offal, dead animals, general household waste, and commercial waste. All solid wastes that do not meet the definition of inert or chemical wastes will be considered putrescible wastes.

"Publicly owned treatment works" or "POTW" means a treatment works that is owned by the State of Illinois or a unit of local government. This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastewater. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the unit of local government that has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

"Recharge zone" means an area through which water can enter an aquifer.

"Research, development, and demonstration permit" or "RD&D permit" means a permit issued pursuant to 35 Ill. Adm. Code 813.112.

"Residential lead-based paint waste" means waste containing lead-based paint that is generated as a result of activities such as abatement, rehabilitation, renovation, and remodeling in homes and other residences. The term residential lead-based paint waste includes, but is not limited to, lead-based paint debris, chips, dust, and sludges.

"Resource Conservation and Recovery Act" or "RCRA" means the Resource Conservation and Recovery Act of 1976 (P.L. 94-580 codified as 42 USC~~.~~ 6901 et seq.) *as amended.* [415 ILCS 5/3.425]

"Responsible charge", when used to refer to a person, means that the person is

normally present at a waste disposal site; directs the day-to-day overall operation at the site; and either is the owner or operator or is employed by or under contract with the owner or operator to assure that the day-to-day operations at the site are carried out in compliance with any Part of 35 Ill. Adm. Code: Chapter I governing operations at waste disposal sites.

"Runoff" means water resulting from precipitation that flows overland before it enters a defined stream channel, any portion of such overland flow that infiltrates into the ground before it reaches the stream channel, and any precipitation that falls directly into a stream channel.

"Salvaging" means the return of waste materials to use, under the supervision of the landfill operator, so long as the activity is confined to an area remote from the operating face of the landfill, it does not interfere with or otherwise delay the operations of the landfill, and it results in the removal of all materials for salvaging from the landfill site daily or separates them by type and stores them in a manner that does not create a nuisance, harbor vectors, or cause an unsightly appearance.

"Scavenging" means the removal of materials from a solid waste management facility or unit that is not salvaging.

"Seismic slope safety factor" means the ratio between the resisting forces or moments in a slope and the driving forces or moments that may cause a massive slope failure during an earthquake or other seismic event such as an explosion.

"Settlement" means subsidence caused by waste loading, changes in groundwater level, chemical changes within the soil, and adjacent operations involving excavation.

"Shredding" means the mechanical reduction in particle sizes of solid waste. Putrescible waste is considered shredded if 90 percent of the waste by dry weight passes a three-inch sieve.

"Significant modification" means a modification to an approved permit issued by the Agency in accordance with Section 39 of the Act and 35 Ill. Adm. Code 813 that is required when one or more of the following changes (considered significant when that change is measured by one or more parameters whose values lie outside the expected operating range of values as specified in the

permit) are planned, occur, or will occur:

An increase in the capacity of the waste disposal unit over the permitted capacity;

Any change in the placement of daily, intermediate, or final cover;

A decrease in performance, efficiency, or longevity of the liner system;

A decrease in efficiency or performance of the leachate collection system;

A change in configuration, performance, or efficiency of the leachate management system;

A change in the final disposition of treated effluent or in the quality of the discharge from the leachate treatment or pretreatment system;

Installation of a gas management system or a decrease in the efficiency or performance of an existing gas management system;

A change in the performance or operation of the surface water control system;

A decrease in the quality or quantity of data from any environmental monitoring system;

A change in the applicable background concentrations or the maximum allowable predicted concentrations;

A change in the design or configuration of the regraded area after development or after final closure;

A change in the amount or type of post-closure~~postclosure~~ financial assurance;

Any change in the permit boundary;

A change in the post-closure~~postclosure~~ land use of the property;

A remedial action necessary to protect groundwater;

Transfer of the permit to a new operator;

Operating authorization is being sought to place into service a structure constructed pursuant to a construction quality assurance program; or

A change in any requirement set forth as a special condition in the permit.

"Slag" means the fused agglomerate that separates in the iron and steel production and floats on the surface of the molten metal.

"Sole source aquifer" means those aquifers designated pursuant to section 1424(e) of the Safe Drinking Water Act of 1974 (42 USC 300h-3).

"Solid waste" means a waste that is defined in this Section as an inert waste, as a putrescible waste, as a chemical waste or as a special waste, and which is not also defined as a hazardous waste pursuant to 35 Ill. Adm. Code 721.

"Special waste" means any industrial process waste, pollution control waste, or hazardous waste, except as determined pursuant to Section 22.9 of the Act and 35 Ill. Adm. Code 808. [415 ILCS 5/3.475]

"Static safety factor" means the ratio between resisting forces or moments in a slope and the driving forces or moments that may cause a massive slope failure.

"Steel slag" means slag.

"Surface impoundment" means a natural topographic depression, a man-made excavation, or a diked area into which flowing wastes, such as liquid wastes or wastes containing free liquids, are placed. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a surface impoundment is not a landfill. Other Parts of 35 Ill. Adm. Code: Chapter I may apply, including the permitting requirements of 35 Ill. Adm. Code 309.

"Twenty-five-year, 24-hour precipitation event" means a precipitation event of 24-hour duration with a probable recurrence interval of once in 25 years.

"Uppermost aquifer" means the first geologic formation above or below the

bottom elevation of a constructed liner or wastes, where no liner is present, that is an aquifer, and includes any lower aquifer that is hydraulically connected with this aquifer within the facility's permit area.

"Unit" means a contiguous area used for solid waste disposal.

"Unit of local government" means a unit of local government, as defined by Article 7, Section 1 of the Illinois Constitution. A unit of local government may include, but is not limited to, a municipality, a county, or a sanitary district.

"Waste pile" means an area on which non-containerized masses of solid, non-flowing wastes are placed for disposal. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, a waste pile is a landfill, unless the operator can demonstrate that the wastes are not accumulated over time for disposal. At a minimum, this demonstration must include photographs, records, or other observable or discernable information, maintained on a yearly basis, that show that within the preceding year the waste has been removed for utilization or disposal elsewhere.

"Waste stabilization" means any chemical, physical, or thermal treatment of waste, either alone or in combination with biological processes, that results in a reduction of microorganisms, including viruses, and the potential for putrefaction.

"Working face" means any part of a landfill where waste is being disposed of.

"Zone of attenuation" means the three dimensional region formed by excluding the volume occupied by the waste placement from the smaller of the volumes resulting from vertical planes drawn to the bottom of the uppermost aquifer at the property boundary or 100 feet from the edge of one or more adjacent units.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 810.104 Incorporations by Reference

a) The Board incorporates the following material by reference:

1) Code of Federal Regulations:

40 CFR 3.2 (2019)~~(2017)~~ (How Does This Part Provide for Electronic Reporting?), referenced in Section 810.105.

40 CFR 3.3 (2019)~~(2017)~~ (What Definitions Are Applicable to This Part?), referenced in Section 810.105.

40 CFR 3.10 (2019)~~(2017)~~ (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 810.105.

40 CFR 3.2000 (2019)~~(2017)~~ (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 810.105.

40 CFR 141.40 (2019)~~(2017)~~ (Monitoring Requirements for Unregulated Contaminants), referenced in 35 Ill. Adm. Code 811.319 and 817.415.

40 CFR 257.2 (2019)~~(2017)~~ (Definitions), referenced in Section 810.103.

40 CFR 258.2 (2019)~~(2017)~~ (Definitions), referenced in Section 810.103.

40 CFR 258.10(a), (b), and (c) (2019)~~(2017)~~ (Airport Safety), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.11(a) (2019)~~(2017)~~ (Floodplains), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.12(a) (2019)~~(2017)~~ (Wetlands), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.13 (2019)~~(2017)~~ (Fault Areas), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.14 (2019)~~(2017)~~ (Seismic Impact Zones), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.15 (2019)~~(2017)~~ (Unstable Areas), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.16(a) (2019)~~(2017)~~ (Closure of Existing Municipal Solid Waste Landfill Units), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.20 (2019)~~(2017)~~ (Procedures for Excluding the Receipt of Hazardous Waste), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.23 (2019)~~(2017)~~ (Explosive Gases Control), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.26 (2019)~~(2017)~~ (Run-on/Run-off Control Systems), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.27 (2019)~~(2017)~~ (Surface Water Requirements), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.28 (2019)~~(2017)~~ (Liquids Restrictions), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.29(a) and (c) (2019)~~(2017)~~ (Recordkeeping Requirements), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.60(c)(2), (c)(3), (d), (f), (g), and (i) (2019)~~(2017)~~ (Closure Criteria), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.61(a), (c)(3), and (d) (2019)~~(2017)~~ (Post-Closure Care Requirements), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.70(a) (2019)~~(2017)~~ ((Financial Assurance) Applicability and Effective Date), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.71(a)(2) (2019)~~(2017)~~ (Financial Assurance for Closure), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.72(a)(1) and (a)(2) (2019)~~(2017)~~ (Financial Assurance for Post-Closure Care), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.73 (2019)~~(2017)~~ (Financial Assurance for Corrective Action), referenced in Appendix A to 35 Ill. Adm. Code 814.

40 CFR 258.74 (2019)~~(2017)~~ (Allowable Mechanisms (for Financial Assurance)), referenced in Appendix A to 35 Ill. Adm. Code 814.

Appendix I of 40 CFR 258 (2019)~~(2017)~~ (Constituents for Detection Monitoring), referenced in 35 Ill. Adm. Code 811.319.

Appendix II of 40 CFR 258 (2019)~~(2017)~~ (List of Hazardous Inorganic and Organic Constituents), referenced in 35 Ill. Adm. Code 811.319.

2) American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, NY 10036:

Financial Accounting Standard Board (FASB) Accounting Standards – Current Text, 2008 Edition, referenced in 35 Ill. Adm. Code 811.715.

American Institute of Certified Public Accountants (AICPA) Professional Standards – Statements on Auditing Standards, June 1, 2008 Edition, referenced in 35 Ill. Adm. Code 811.715.

3) ASTM. American Society for Testing and Materials, 1976 Race Street, Philadelphia, PA 19103, 215-299-5585:

Method D2234-76, "Test Method for Collection of Gross Samples of Coal", approved 1976, referenced in 35 Ill. Adm. Code 817.103.

Method D3987-85, "Standard Test Method for Shake Extraction of

Solid Waste with Water", approved 1985, referenced in 35 Ill. Adm. Code 814.601, 814.701, 814.901, 814.902, and 817.103.

4) GASB. Governmental Accounting Standards Board, 401 Merritt 7, P.O. Box 5116, Norwalk, CT 06856-5116:

Statement 18, Accounting for Municipal Solid Waste Landfill Closure and Post-Closure Care Costs, August 1993, referenced in 35 Ill. Adm. Code 811.716.

5) U.S. Army Corps of Engineers, Publication Department, 2803 52nd Ave., Hyattsville, MD 20781, 301-394-0081:

Engineering Manual 1110-2-1906 Appendix VII, Falling-Head Permeability Cylinder (1986), referenced in 35 Ill. Adm. Code 816.530.

6) U.S. Government Printing Office, Washington, DC 20402, 202-783-3238:

Method 9095B (Paint Filter Liquids Test) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (Third Edition, Update IIIB, November 2004) (document number EPA-SW-846-03-03B or EPA-530-R-04-037), referenced in 35 Ill. Adm. Code 811.107.

b) These incorporations include no later amendments or editions.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standards for New Solid Waste Landfills

2) Code Citation: 35 Ill. Adm. Code 811

3)

Section Numbers:	Proposed Actions:
811.319	Amendment
811.320	Amendment
811,Appendix A, Illustration E	Amendment
811.Appendix C	Amendment

4) Statutory Authority: 415 ILCS 5/7.2, 22.40, and 27

5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 811 are a single segment of consolidated docket R20-3/R20-11 rulemaking that also affects 35 Ill. Adm. Code 702, 705, 720 through 726, 728, 733, and 810. The consolidated R20-3/R20-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during 2019. A comprehensive description is contained in the Board's opinion and order of May 21, 2020, proposing amendments in consolidated docket R20-3/R20-11, which opinion and order is available from the address below.

The Notice of Proposed Amendments for 35 Ill. Adm. Code 702, which also appears in this issue of the *Illinois Register* summarizes the broader rulemaking that is consolidated docket R20-3/R20-11. The Board directs attention to that Notice for elaboration.

Specifically, the amendments to Part 811 incorporate needed corrections in rule not directly related to USEPA amendments, including corrections to prior amendments requested by the Joint Committee on Administrative Rules (JCAR).

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R20-3/R20-11. 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 consolidated docket R20-3/R20-11.

Sections 22.40 of the Environmental Protection Act [415 ILCS 5/22.40] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to

this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Does this rulemaking replace an emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

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 proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated docket R20-3/R20-11 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 consolidated docket R20-3/R20-11:

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

312/814-6924

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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 pcb.illinois.gov.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations 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) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.

15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 811
STANDARDS FOR NEW SOLID WASTE LANDFILLS

SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

Section
811.101 Scope and Applicability
811.102 Location Standards
811.103 Surface Water Drainage
811.104 Survey Controls
811.105 Compaction
811.106 Daily Cover
811.107 Operating Standards
811.108 Salvaging
811.109 Boundary Control
811.110 Closure and Written Closure Plan
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811.APPENDIX C	List of Leachate Monitoring Parameters

AUTHORITY: Implementing Sections 7.2, 21, 21.1, 22, 22.17, and 22.40 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 21, 21.1, 22, 22.17, 22.40, and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15861, effective September 18, 1990; amended in R92-19 at 17 Ill. Reg. 12413, effective July 19, 1993; amended in R93-10 at 18 Ill. Reg. 1308, effective January 13, 1994; expedited correction at 18 Ill. Reg. 7504, effective July 19, 1993; amended in R90-26 at 18 Ill. Reg. 12481, effective August 1, 1994; amended in R95-13 at 19 Ill. Reg. 12257, effective August 15, 1995; amended in R96-1 at 20 Ill. Reg. 12000, effective August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15831, effective November 25, 1997; amended in R98-9 at 22 Ill. Reg. 11491, effective June 23, 1998; amended in R99-1 at 23 Ill. Reg. 2794, effective February 17, 1999; amended in R98-29 at 23 Ill. Reg. 6880, effective July 1, 1999; amended in R04-5/R04-15 at 28 Ill. Reg. 9107, effective June 18, 2004; amended in R05-1 at 29 Ill. Reg. 5044, effective March 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4136, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1435, effective December 20, 2006; amended in R07-8 at 31 Ill. Reg. 16172, effective November 27, 2007; amended in R10-9 at 35 Ill. Reg. 10842, effective June 22, 2011; amended in R10-09(A) at 35 Ill. Reg. 18882, effective October 24, 2011; amended in R14-1/R14-2/R14-3 at 38 Ill. Reg. 7259, effective March 13, 2014; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 21330, effective November 19, 2018; amended in R20-3/R20-11 at 44 Ill. Reg. _____, effective _____.

SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section 811.319 Groundwater Monitoring Programs

a) Detection Monitoring Program. Any use of the term maximum allowable predicted concentration in this Section is a reference to Section 811.318(c). The operator must implement a detection monitoring program in accordance with the following requirements:

1) Monitoring Schedule and Frequency

A) The monitoring period must begin as soon as waste is placed into the unit of a new landfill or before September 18, 1991~~within one year of September 18, 1990~~ for an existing landfill. Monitoring must continue for a minimum period of 15 years after closure, or in the case of MSWLF units, a minimum period of 30 years after closure, except as otherwise provided by subsection (a)(1)(C). The operator must sample all monitoring points for all potential sources of contamination on a quarterly basis except as specified in subsection (a)(3), for a period of five years from the date of issuance of the initial permit for significant modification under 35 Ill. Adm. Code 814.104 or a permit for a new unit pursuant to 35 Ill. Adm. Code 813.104. After the initial five-year period, the sampling frequency for each monitoring point must be reduced to a semi-annual basis, provided the operator has submitted the certification described in 35 Ill. Adm. Code 813.304(b). Alternatively, after the initial five-year period, the Agency must allow sampling on a semi-annual basis where the operator demonstrates that monitoring effectiveness has not been compromised, that sufficient quarterly data has been collected to characterize groundwater, and that leachate from the monitored unit does not constitute a threat to groundwater. For the purposes of this Section, the source must be considered a threat to groundwater if the results of the monitoring indicate either that the concentrations of any of the constituents monitored within the zone of attenuation is above the maximum allowable predicted concentration for that constituent or, for existing landfills, subject to Subpart D of 35 Ill. Adm. Code 814, that the concentration of any constituent has exceeded the applicable standard at the compliance boundary as defined in 35 Ill. Adm. Code 814.402(b)(3).

B) Beginning 15 years after closure of the unit, or five years after all

other potential sources of discharge no longer constitute a threat to groundwater, as defined in subsection (a)(1)(A), the monitoring frequency may change on a well by well basis to an annual schedule if either of the following conditions exist. However, monitoring must return to a quarterly schedule at any well where a statistically significant increase is determined to have occurred in accordance with Section 811.320(e), in the concentration of any constituent with respect to the previous sample.

i) All constituents monitored within the zone of attenuation have returned to a concentration less than or equal to ten percent of the maximum allowable predicted concentration; or

ii) All constituents monitored within the zone of attenuation are less than or equal to their maximum allowable predicted concentration for eight consecutive quarters.

C) Monitoring must be continued for a minimum period of: 30 years after closure at MSWLF units, except as otherwise provided by subsections (a)(1)(D) and (a)(1)(E); five years after closure at landfills, other than MSWLF units, which are used exclusively for disposing waste generated at the site; or 15 years after closure at all other landfills regulated under this Part. Monitoring, beyond the minimum period, may be discontinued under the following conditions:

i) No statistically significant increase is detected in the concentration of any constituent above that measured and recorded during the immediately preceding scheduled sampling for three consecutive years, after changing to an annual monitoring frequency; or

ii) Immediately after contaminated leachate is no longer generated by the unit.

D) The Agency may reduce the groundwater monitoring period at a MSWLF unit upon a demonstration by the owner or operator that the reduced period is sufficient to protect human health and

environment.

E) An owner or operator of a MSWLF unit must petition the Board for an adjusted standard in accordance with Section 811.303, if the owner or operator seeks a reduction of the post-closure care monitoring period for all of the following requirements:

i) Inspection and maintenance (Section 811.111);

ii) Leachate collection (Section 811.309);

iii) Gas monitoring (Section 811.310); and

iv) Groundwater monitoring (Section 811.319).

BOARD NOTE: Changes to subsections (a)(1)(A), (a)(1)(C), (a)(1)(D), and (a)(1)(E) are derived from 40 CFR 258.61 ~~(2017)~~.

2) Criteria for Choosing Constituents to be Monitored

A) The operator must monitor each well for constituents that will provide a means for detecting groundwater contamination. Constituents must be chosen for monitoring if they meet the following requirements:

i) The constituent appears in, or is expected to be in, the leachate; and

ii) Is contained within the following list of constituents:

Ammonia nitrogen~~Nitrogen~~ (dissolved) (CAS No. 7664-41-7)
Arsenic (dissolved) (CAS No. 7440-38-2)
Boron (dissolved) (CAS No. 7440-42-8)
Cadmium (dissolved) (CAS No. 7440-43-9)
Chloride (dissolved) (CAS No. 16887-00-6)
Chromium (dissolved) (CAS No. 7447-47-3)
Cyanide (total) (CAS No. 57-12-5)
Lead (dissolved) (CAS No. 7439-92-1)

Magnesium (dissolved) (CAS No. 7439-95-4)
Mercury (dissolved) (CAS No. 7439-97-6)
Nitrate (dissolved) (CAS No. 14797-55-8)
Sulfate (dissolved) (CAS No. 14808-79-8)
Total dissolved solids~~Dissolved Solids~~ (TDS)
Zinc (dissolved) (CAS No. 7440-66-6)

iii) This is the minimum list for MSWLFs.

iv) Any facility accepting more than 50% by volume non-municipal waste must determine additional indicator parameters based upon leachate characteristic and waste content.

B) One or more indicator constituents, representative of the transport processes of constituents in the leachate, may be chosen for monitoring in place of the constituents it represents. The use of such indicator constituents must be included in an Agency approved permit.

3) Organic Chemicals Monitoring. The operator must monitor each existing well that is being used as a part of the monitoring well network at the facility before September 18, 1991~~within one year after September 18, 1990~~, and monitor each new well within the three months after its establishment. The monitoring required by this subsection (a)(3) must be for a broad range of organic chemical contaminants in accordance with the following procedures:

A) The analysis must be at least as comprehensive and sensitive as the tests for the 51 organic chemicals in drinking water described at 40 CFR 141.40 and appendix I of 40 CFR 258 ~~(2017)~~, each incorporated by reference at 35 Ill. Adm. Code 810.104 and:

Acetone (CAS No. 67-64-1)
Acrylonitrile (CAS No. 107-13-1)
~~Benzene~~
Benzene (CAS No. 71-43-2)
Bromobenzene (CAS No. 108-86-1)

Bromochloromethane (CAS No. 74-97-5)
Bromodichloromethane (CAS No. 75-27-0)
Bromoform; tribromomethane (CAS No. 75-25-2)~~Tribromomethane~~
n-Butylbenzene (CAS No. 104-51-8)
sec-Butylbenzene (CAS No. 135-98-8)
tert-Butylbenzene (CAS No. 98-06-6)
Carbon disulfide (CAS No. 75-15-0)
Carbon tetrachloride (CAS No. 56-23-5)
Chlorobenzene (CAS No. 108-90-7)
Chloroethane (CAS No. 75-00-3)
Chloroform; trichloromethane (CAS No. 67-66-3)~~Trichloromethane~~
o-Chlorotoluene (CAS No. 95-49-8)
p-Chlorotoluene (CAS No. 106-43-4)
Dibromochloromethane (CAS No. 124-48-1)
1,2-Dibromo-3-chloropropane (CAS No. 106-43-4)
1,2-Dibromoethane (CAS No. 106-93-4)
1,2-Dichlorobenzene (CAS No. 95-50-1)
1,3-Dichlorobenzene (CAS No. 541-73-1)
1,4-Dichlorobenzene (CAS No. 106-46-7)
trans-1,4-Dichloro-2-butene (CAS No. 110-57-6)
Dichlorodifluoromethane (CAS No. 75-71-8)
1,1-Dichloroethane (CAS No. 75-34-3)
1,2-Dichloroethane (CAS No. 107-06-2)
1,1-Dichloroethylene (CAS No. 75-35-4)
cis-1,2-Dichloroethylene (CAS No. 156-59-2)
trans-1,2-Dicloroethylene (CAS No. 156-60-5)
1,2-Dichloropropane (CAS No. 78-87-5)
1,3-Dichloropropane (CAS No. 142-28-9)
2,2-Dichloropropane (CAS No. 594-20-7)

1,1-Dichloropropene (CAS No. 563-58-6)
1,3-Dichloropropene (CAS No. 542-75-6)
cis-1,3-Dichloropropene (CAS No. 10061-01-5)
trans-1,3-Dichloropropene (CAS No. 10061-02-6)
Ethylbenzene (CAS No. 100-41-4)
Hexachlorobutadiene (CAS No. 87-68-3)
2-Hexanone; methyl~~Methyl~~ butyl ketone (CAS No. 591-78-6)
Isopropylbenzene (CAS No. 98-82-8)
p-Isopropyltoluene (CAS No. 99-87-6)
Methyl bromide; bromomethane (CAS No. 74-83-9)~~Bromomethane~~
Methyl chloride; chloromethane (CAS No. 74-87-3)~~Chloromethane~~
Methylene bromide; dibromomethane (CAS No. 74-95-3)~~Dibromomethane~~
Dichloromethane (CAS No. 75-09-2)
Methyl ethyl ketone (CAS No. 78-93-3)
Methyl iodide; iodomethane (CAS No. 74-88-4)~~Iodomethane~~
4-Methyl-2-pentanone (CAS No. 108-10-1)
Naphthalene (CAS No. 91-20-3)
Oil and Grease (hexane soluble)
n-Propylbenzene (CAS No. 103-65-1)
Styrene (CAS No. 100-42-5)
1,1,1,2-Tetrachloroethane (CAS No. 630-20-6)
1,1,2,2-Tetrachloroethane (CAS No. 79-34-5)
Tetrachloroethylene (CAS No. 127-18-4)
Tetrahydrofuran (CAS No. 109-99-9)
Toluene (CAS No. 108-88-3-23-8)
Total Phenolics
1,2,3-Trichlorobenzene
1,2,4-Trichlorobenzene (CAS No. 120-82-1)

~~1,2,4-Trichlorbenzene~~
1,1,1-Trichloroethane (CAS No. 71-55-6)
1,1,2-Trichloroethane (CAS No. 79-00-5)
Trichloroethylene (CAS No. 79-01-6)
Trichlorofluoromethane (CAS No. 75-69-4)
1,2,3-Trichloropropane (CAS No. 96-18-4)
1,2,4-Trimethylbenzene (CAS No. 526-73-8)
1,3,5-Trimethylbenzene (CAS No. 108-67-8)
Vinyl acetate (CAS No. 108-05-4)
Vinyl chloride (CAS No. 75-01-4)
Xylenes (CAS No. 1330-20-7)

B) At least once every two years, the operator must monitor each well in accordance with subsection (a)(3)(A).

C) The operator of a MSWLF unit must monitor each well in accordance with subsection (a)(3)(A) on a semi-annual basis.

BOARD NOTE: Subsection (a)(3)(C) is derived from 40 CFR 258.54(b) ~~(2017)~~.

4) Confirmation of Monitored Increase

A) The confirmation procedures of this subsection must be used only if the concentrations of the constituents monitored can be measured at or above the practical quantitation limit (PQL). The PQL is defined as the lowest concentration that can be reliably measured within specified limits of precision and accuracy, under routine laboratory operating conditions. The operator must institute the confirmation procedures of subsection (a)(4)(B) after notifying the Agency in writing, within 10 days, of observed increases:

i) The concentration of any inorganic constituent monitored in accordance with subsections (a)(1) and (a)(2) shows a progressive increase over eight consecutive monitoring events;

ii) The concentration of any constituent exceeds the maximum allowable predicted concentration at an established monitoring point within the zone of attenuation;

iii) The concentration of any constituent monitored in accordance with subsection (a)(3) exceeds the preceding measured concentration at any established monitoring point; and

iv) The concentration of any constituent monitored at or beyond the zone of attenuation exceeds the applicable groundwater quality standards of Section 811.320.

B) The confirmation procedures must include the following:

i) The operator must verify any observed increase by taking additional samples within 90 days after the initial sampling event and ensure that the samples and sampling protocol used will detect any statistically significant increase in the concentration of the suspect constituent in accordance with Section 811.320(e), so as to confirm the observed increase. The operator must notify the Agency of any confirmed increase before the end of the next business day following the confirmation.

ii) The operator must determine the source of any confirmed increase, which may include, but must not be limited to, natural phenomena, sampling or analysis errors, or an offsite source.

iii) The operator must notify the Agency in writing of any confirmed increase. The notification must demonstrate a source other than the facility and provide the rationale used in such a determination. The notification must be submitted to the Agency no later than 180 days after the original sampling event. If the facility is permitted by the Agency, the notification must be filed for review as a significant permit modification pursuant to Subpart B of 35

Ill. Adm. Code 813.

iv) If an alternative source demonstration described in subsections (a)(4)(B)(ii) and (a)(4)(B)(iii) cannot be made, assessment monitoring is required in accordance with subsection (b).

v) If an alternative source demonstration, submitted to the Agency as an application, is denied pursuant to 35 Ill. Adm. Code 813.105, the operator must commence sampling for the constituents listed in subsection (b)(5), and submit an assessment monitoring plan as a significant permit modification, both within 30 days after the dated notification of Agency denial. The operator must sample the well or wells that exhibited the confirmed increase.

b) Assessment Monitoring. The operator must begin an assessment monitoring program in order to confirm that the solid waste disposal facility is the source of the contamination and to provide information needed to carry out a groundwater impact assessment in accordance with subsection (c). The assessment monitoring program must be conducted in accordance with the following requirements:

1) The assessment monitoring must be conducted in accordance with this subsection to collect information to assess the nature and extent of groundwater contamination. The owner or operator of a MSWLF unit must comply with the additional requirements prescribed in subsection (b)(5). The assessment monitoring must consist of monitoring of additional constituents that might indicate the source and extent of contamination. In addition, assessment monitoring may include any other investigative techniques that will assist in determining the source, nature and extent of the contamination, which may consist of, but need not be limited to the following:

A) More frequent sampling of the wells in which the observation occurred;

B) More frequent sampling of any surrounding wells; and

C) The placement of additional monitoring wells to determine the

source and extent of the contamination.

2) Except as provided for in subsections (a)(4)(B)(iii) and (a)(4)(B)(v), the operator of the facility for which assessment monitoring is required must file the plans for an assessment monitoring program with the Agency. If the facility is permitted by the Agency, then the plans must be filed for review as a significant permit modification pursuant to Subpart B of 35 Ill. Adm. Code 813 within 180 days after the original sampling event. The assessment monitoring program must be implemented within 180 days after the original sampling event in accordance with subsection (a)(4) or, in the case of permitted facilities, within 45 days after Agency approval.

3) If the analysis of the assessment monitoring data shows that the concentration of one or more constituents, monitored at or beyond the zone of attenuation is above the applicable groundwater quality standards of Section 811.320 and is attributable to the solid waste disposal facility, then the operator must determine the nature and extent of the groundwater contamination including an assessment of the potential impact on the groundwater should waste continue to be accepted at the facility and must implement the remedial action in accordance with subsection (d).

4) If the analysis of the assessment monitoring data shows that the concentration of one or more constituents is attributable to the solid waste disposal facility and exceeds the maximum allowable predicted concentration within the zone of attenuation, then the operator must conduct a groundwater impact assessment in accordance with the requirements of subsection (c).

5) In addition to the requirements of subsection (b)(1), to collect information to assess the nature and extent of groundwater contamination, the following requirements are applicable to MSWLF units:

A) The monitoring of additional constituents pursuant to subsection (b)(1) must include, at a minimum (except as otherwise provided in subsection (b)(5)(E)), the constituents listed in appendix II of 40 CFR 258, incorporated by reference at 35 Ill. Adm. Code 810.104, and constituents from 35 Ill. Adm. Code 620.410.

BOARD NOTE: Subsection (b)(5)(A) is derived from 40 CFR

258.55(b) ~~(2017)~~.

B) Within 14 days after obtaining the results of sampling required under subsection (b)(5)(A), the owner or operator must do as follows:

i) The owner or operator must place a notice in the operating record identifying the constituents that have been detected; and

ii) The owner or operator must notify the Agency that such a notice has been placed in the operating record.

BOARD NOTE: Subsection (b)(5)(B) is derived from 40 CFR 258.55(d)(1) ~~(2017)~~.

C) The owner or operator must establish background concentrations for any constituents detected pursuant to subsection (b)(5)(A) in accordance with Section 811.320(e).

BOARD NOTE: Subsection (b)(5)(C) is derived from 40 CFR 258.55(d)(3) ~~(2017)~~.

D) Within 90 days after the initial monitoring in accordance with subsection (b)(5)(A), the owner or operator must monitor for the detected constituents listed in appendix II of 40 CFR 258, incorporated by reference in 35 Ill. Adm. Code 810.104, and 35 Ill. Adm. Code 620.410 on a semiannual basis during the assessment monitoring. The operator must monitor all the constituents listed in appendix II of 40 CFR 258 and 35 Ill. Adm. Code 620.410 on an annual basis during assessment monitoring.

BOARD NOTE: Subsection (b)(5)(D) is derived from 40 CFR 258.55(d)(2) ~~(2017)~~.

E) The owner or operator may request the Agency to delete any of the 40 CFR 258 and 35 Ill. Adm. Code 620.410 constituents by demonstrating to the Agency that the deleted constituents are not reasonably expected to be in or derived from the waste contained

in the leachate.

BOARD NOTE: Subsection (b)(5)(E) is derived from 40 CFR 258.55(b) ~~(2017)~~.

F) Within 14 days after finding an exceedance above the applicable groundwater quality standards in accordance with subsection (b)(3), the owner or operator must do as follows:

i) The owner or operator must place a notice in the operating record that identifies the constituents monitored under subsection (b)(1)(D) that have exceeded the groundwater quality standard;

ii) The owner or operator must notify the Agency and the appropriate officials of the local municipality or county within whose boundaries the site is located that such a notice has been placed in the operating record; and

iii) The owner or operator must notify all persons who own land or reside on land that directly overlies any part of the plume of contamination if contaminants have migrated off-site.

BOARD NOTE: Subsection (b)(5)(F) is derived from 40 CFR 258.55(g)(1)(i) through (g)(1)(iii) ~~(2017)~~.

G) If the concentrations of all constituents in appendix II of 40 CFR 258, incorporated by reference in 35 Ill. Adm. Code 810.104, and 35 Ill. Adm. Code 620.410 are shown to be at or below background values, using the statistical procedures in Section 811.320(e), for two consecutive sampling events, the owner or operator must notify the Agency of this finding and may stop monitoring the appendix II of 40 CFR 258 and 35 Ill. Adm. Code 620.410 constituents.

BOARD NOTE: Subsection (b)(5)(G) is derived from 40 CFR 258.55(e) ~~(2017)~~.

c) Assessment of Potential Groundwater Impact. An operator required to conduct a groundwater impact assessment in accordance with subsection (b)(4) must assess the potential impacts outside the zone of attenuation that may result from confirmed increases above the maximum allowable predicted concentration within the zone of attenuation, attributable to the facility, in order to determine if there is need for remedial action. In addition to the requirements of Section 811.317, the following requirements apply:

1) The operator must utilize any new information developed since the initial assessment and information from the detection and assessment monitoring programs and such information may be used for the recalibration of the GCT model; and

2) The operator must submit the groundwater impact assessment and any proposed remedial action plans determined necessary pursuant to subsection (d) to the Agency within 180 days after the start of the assessment monitoring program.

d) Remedial Action. The owner or operator of a MSWLF unit must conduct corrective action in accordance with Sections 811.324, 811.325, and 811.326. The owner or operator of a landfill facility, other than a MSWLF unit, must conduct remedial action in accordance with this subsection (d).

1) The operator must submit plans for the remedial action to the Agency. Such plans and all supporting information including data collected during the assessment monitoring must be submitted within 90 days after determination of either of the following:

A) The groundwater impact assessment, performed in accordance with subsection (c), indicates that remedial action is needed; or

B) Any confirmed increase above the applicable groundwater quality standards of Section 811.320 is determined to be attributable to the solid waste disposal facility in accordance with subsection (b).

2) If the facility has been issued a permit by the Agency, then the operator must submit this information as an application for significant modification to the permit;

3) The operator must implement the plan for remedial action program within 90 days after the following:

A) Completion of the groundwater impact assessment that requires remedial action;

B) Establishing that a violation of an applicable groundwater quality standard of Section 811.320 is attributable to the solid waste disposal facility in accordance with subsection (b)(3); or

C) Agency approval of the remedial action plan, where the facility has been permitted by the Agency.

4) The remedial action program must consist of one or a combination of one of more of the following solutions:

A) Retrofit additional groundwater protective measures within the unit;

B) Construct an additional hydraulic barrier, such as a cutoff wall or slurry wall system;

C) Pump and treat the contaminated groundwater; or

D) Any other equivalent technique which will prevent further contamination of groundwater.

5) Termination of the Remedial Action Program

A) The remedial action program must continue in accordance with the plan until monitoring shows that the concentrations of all monitored constituents are below the maximum allowable predicted concentration within the zone of attenuation, below the applicable groundwater quality standards of Section 811.320 at or beyond the zone of attenuation, over a period of four consecutive quarters no longer exist.

B) The operator must submit to the Agency all information collected under subsection (d)(5)(A). If the facility is permitted, then the

operator must submit this information as a significant modification of the permit.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 811.320 Groundwater Quality Standards

a) Applicable Groundwater Quality Standards

1) Groundwater quality must be maintained at each constituent's background concentration, at or beyond the zone of attenuation. The applicable groundwater quality standard established for any constituent must be:

A) The background concentration; or

B) The Board established standard adjusted by the Board in accordance with the justification procedure of subsection (b).

2) Any statistically significant increase above an applicable groundwater quality standard established pursuant to subsection (a)(1) that is attributable to the facility and which occurs at or beyond the zone of attenuation within 100 years after closure of the last unit accepting waste within such a facility must constitute a violation.

3) For the purposes of this Part:

A) "Background concentration" means that concentration of a constituent that is established as the background in accordance with subsection (d); and

B) "Board established standard" is the concentration of a constituent adopted by the Board as a groundwater quality standard adopted by the Board pursuant to Section 14.4 of the Act or Section 8 of the Illinois Groundwater Protection Act [415 ILCS 55].

b) Justification for Adjusted Groundwater Quality Standards

1) An operator may petition the Board for an adjusted groundwater quality standard in accordance with the procedures specified in Section 28.1 of the

Act and 35 Ill. Adm. Code 104.Subpart D.

2) For groundwater which contains naturally occurring constituents which meet the applicable requirements of 35 Ill. Adm. Code 620.410, 620.420, 620.430, or 620.440 the Board will specify adjusted groundwater quality standards no greater than those of 35 Ill. Adm. Code 620.410, 620.420, 620.430 or 620.440, respectively, upon a demonstration by the operator that:

A) The change in standards will not interfere with, or become injurious to, any present or potential beneficial uses for the~~such~~ water;

B) The change in standards is necessary for economic or social development, by providing information including, but not limited to, the impacts of the standards on the regional economy, social disbenefits such as loss of jobs or closing of landfills, and economic analysis contrasting the health and environmental benefits with costs likely to be incurred in meeting the standards; and

C) All technically feasible and economically reasonable methods are being used to prevent the degradation of the groundwater quality.

3) Notwithstanding subsection (b)(2), in no case must the Board specify adjusted groundwater quality standards for a MSWLF unit greater than the following levels:

Chemical	Concentration (mg/ℓ)
Arsenic (CAS No. 7440-38-2)	0.05
Barium (CAS No. 7440-39-3)	1.0
Benzene (CAS No. 71-43-2)	0.005
Cadmium (CAS No. 7440-43-9)	0.01
Carbon tetrachloride (CAS No. 56-23-5)	0.005
Chromium (hexavalent) (CAS No. 18540-29-9)	0.05
~~2,4-Dichlorophenoxy acetic acid~~	~~0.1~~
1,4-Dichlorobenzene (CAS No. 106-46-7)	0.075

1,2-Dichloroethane (CAS No. 107-06-2)	0.005
1,1-Dichloroethylene (CAS No. 75-35-4)	0.007
2,4-Dichlorophenoxy acetic acid (CAS No. 94-75-7)	0.1
Endrin (CAS No. 72-20-8)	0.0002
Fluoride (CAS No. 16984-48-8)	4
Lindane (CAS No. 58-89-9)	0.004
Lead (CAS No. 7439-92-1)	0.05
Mercury (CAS No. 7439-97-6)	0.002
Methoxychlor (CAS No. 72-43-5)	0.1
Nitrate (CAS No. 14797-55-8)	10
Selenium (CAS No. 7782-49-2)	0.01
Silver (CAS No. 7440-22-4)	0.05
Toxaphene (CAS No. 8001-35-2)	0.005
l,l,l-Trichloroethane (CAS No. 71-55-6) ~~1,1,1-Trichloromethane~~	0.2
Trichloroethylene (CAS No. 79-01-6)	0.005
2,4,5-Trichlorophenoxyacetic acid (CAS No. 93-76-5) ~~2,4,5-Trichlorophenoxy acetic acid~~	0.01
Vinyl chloride (CAS No. 75-01-4)~~Chloride~~	0.002

BOARD NOTE: Subsection (b)(3) is derived from 40 CFR 258.40 Table 1.

4) For groundwater that contains naturally occurring constituents which do not meet the standards of 35 Ill. Adm. Code 620.410, 620.420, 620.430, or 620.440, the Board will specify adjusted groundwater quality standards, upon a demonstration by the operator that:

A) The groundwater does not presently serve as a source of drinking water;

B) The change in standards will not interfere with, or become injurious to, any present or potential beneficial uses for those waters;

C) The change in standards is necessary for economic or social development, by providing information including, but not limited to, the impacts of the standards on the regional economy, social disbenefits such as loss of jobs or closing of landfills, and

economic analysis contrasting the health and environmental benefits with costs likely to be incurred in meeting the standards; and

D) The groundwater cannot presently, and will not in the future, serve as a source of drinking water because:

i) It is impossible to remove water in usable quantities;

ii) The groundwater is situated at a depth or location such that recovery of water for drinking purposes is not technologically feasible or economically reasonable;

iii) The groundwater is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption;

iv) The total dissolved solids content of the groundwater is more than 3,000 mg/ℓ and that water will not be used to serve a public water supply system; or

v) The total dissolved solids content of the groundwater exceeds 10,000 mg/ℓ.

c) Determination of the Zone of Attenuation

1) The zone of attenuation, within which concentrations of constituents in leachate discharged from the unit may exceed the applicable groundwater quality standard of this Section, is a volume bounded by a vertical plane at the property boundary or 100 feet from the edge of the unit, whichever is less, extending from the ground surface to the bottom of the uppermost aquifer and excluding the volume occupied by the waste.

2) Zones of attenuation must not extend to the annual high-waterhigh water mark of navigable surface waters.

3) Overlapping zones of attenuation from units within a single facility may be combined into a single zone for the purposes of establishing a monitoring network.

d) Establishment of Background Concentrations

1) The initial monitoring to determine background concentrations must commence during the hydrogeological assessment required by Section 811.315. The background concentrations for those parameters identified in Sections 811.315(e)(1)(G) and 811.319(a)(2) and (a)(3) must be established based on consecutive quarterly sampling of wells for a minimum of one year, monitored in accordance with the requirements of subsections (d)(2), (d)(3) and (d)(4). Non-consecutive data may be considered by the Agency, if only one data point from a quarterly event is missing, and it can be demonstrated that the remaining data set is representative of consecutive data in terms of any seasonal or temporal variation. Statistical tests and procedures must be employed, in accordance with subsection (e), depending on the number, type and frequency of samples collected from the wells, to establish the background concentrations.

2) Adjustments to the background concentrations must be made if changes in the concentrations of constituents observed in background wells over time are determined, in accordance with subsection (e), to be statistically significant, and due to natural temporal or spatial variability or due to an off-site source not associated with the landfill or the landfill activities. Such adjustments may be conducted no more frequently than once every two years during the operation of a facility and modified subject to approval by the Agency. Non-consecutive data may be used for an adjustment upon Agency approval. Adjustments to the background concentration must not be initiated prior to November 27, 2009 unless required by the Agency.

3) Background concentrations determined in accordance with this subsection must be used for the purposes of establishing groundwater quality standards, in accordance with subsection (a). The operator must prepare a list of the background concentrations established in accordance with this subsection. The operator must maintain such a list at the facility, must submit a copy of the list to the Agency for establishing standards in accordance with subsection (a), and must provide updates to the list within ten days of any change to the list.

4) A network of monitoring wells must be established upgradient from the unit, with respect to groundwater flow, in accordance with the following standards, in order to determine the background concentrations of constituents in the groundwater:

A) The wells must be located at such a distance that discharges of contaminants from the unit will not be detectable;

B) The wells must be sampled at the same frequency as other monitoring points to provide continuous background concentration data, throughout the monitoring period; and

C) The wells must be located at several depths to provide data on the spatial variability.

5) A determination of background concentrations may include the sampling of wells that are not hydraulically upgradient of the waste unit where:

A) Hydrogeologic conditions do not allow the owner or operator to determine what wells are hydraulically upgradient of the waste; and

B) Sampling at other wells will provide an indication of background concentrations that is representative of that which would have been provided by upgradient wells.

6) If background concentrations cannot be determined on site, then alternative background concentrations may be determined from actual monitoring data from the aquifer of concern, which includes, but is not limited to, data from another landfill site that overlies the same aquifer.

e) Statistical Analysis of Groundwater Monitoring Data

1) Statistical tests must be used to analyze groundwater monitoring data. One or more of the normal theory statistical tests must be chosen first for analyzing the data set or transformations of the data set. If these normal theory tests are demonstrated to be inappropriate, tests listed in subsection (e)(4) must be used. The level of significance (Type I error level) must be no less than 0.01, for individual well comparisons, and no less than 0.05,

for multiple well comparisons. The statistical analysis must include, but not be limited to, the accounting of data below the detection limit of the analytical method used, the establishment of background concentrations and the determination of whether statistically significant changes have occurred in:

A) The concentration of any chemical constituent with respect to the background concentration or maximum allowable predicted concentration; and

B) The established background concentration of any chemical constituents over time.

2) The statistical test or tests used must be based upon the sampling and collection protocol of Sections 811.318 and 811.319.

3) Monitored data that are below the level of detection must be reported as not detected (ND). The level of detection for each constituent must be the practical quantitation limit (PQL)~~,~~ and must be the lowest concentration that is protective of human health and the environment, and can be achieved within specified limits of precision and accuracy during routine laboratory operating conditions. In no case, must the PQL be established above the level that the Board has established for a groundwater quality standard under the Illinois Groundwater Protection Act. The following procedures must be used to analyze such data, unless an alternative procedure in accordance with subsection (e)(4), is shown to be applicable:

A) If the percentage of non-detects~~nondetects~~ in the data base used is less than 15 percent, the operator must replace NDs with the PQL divided by two, then proceed with the use of one or more of the normal theory statistical tests;

B) If the percentage of non-detects~~nondetects~~ in the data base used is between 15 and 50 percent, and the data are normally distributed, the operator must use Cohen's or Aitchison's adjustment to the sample mean and standard deviation, followed by an applicable statistical procedure;

C) If the percentage of non-detects~~nondetects~~ in the database used is

above 50 percent, then the owner or operator must use an alternative procedure in accordance with subsection (e)(4).

4) Nonparametric statistical tests or any other statistical test if it is demonstrated to meet the requirements of 35 Ill. Adm. Code 724.197(i).

~~BOARD NOTE: Subsection (b)(3) is derived from 40 CFR 258.40 Table 1 (2017).~~

(Source: Amended at 44 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 811.APPENDIX A Financial Assurance Forms

Section 811.ILLUSTRATION E Irrevocable Standby Letter of Credit

IRREVOCABLE STANDBY LETTER OF CREDIT

Director
Illinois Environmental Protection Agency
C/O Bureau of Land #24
Financial Assurance Program
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Dear Sir or Madam:

We have authority to issue letters of credit. Our letter-of-credit operations are regulated by the Illinois Department of Financial and Professional Regulation or our deposits are insured by the Federal Deposit Insurance Corporation. (Omit language that does not apply.)

We hereby establish our Irrevocable Standby Letter of Credit No. _____ in your favor, at the request and for the account of _____ up to the aggregate amount of _____ U.S. dollars ($ _____) available upon presentation of:

1. your sight draft, bearing references to this letter of credit No. _____ ; and

2. your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under authority of the Environmental Protection Act [415 ILCS 5] and 35 Ill. Adm. Code 811.713(e)."

This letter of credit is effective as of _____ [date] and expires~~shall expire~~ on _____ [date] at least one year later]; but that expiration date shall be automatically extended for a period of [at least one year] on _____ [date] and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify both you and _____ [owner's or operator's name] by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. The 120 days will begin on the date

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

when both the _____ [owner's or operator's name] and the IEPA have received the notice, as evidenced by the return receipts. In the event you are so notified, any unused portion of the credit mustshall be available upon presentation of your sight
draft for 120 days after the date of receipt by both you and _____ _____ [owner's or operator's name], as shown on the signed return receipts.

Whenever this letter of credit is drawn on, under and in compliance with the terms of this credit, we mustshall duly honor that draft upon presentation to us, and we mustshall deposit the amount of the draft directly into the State of Illinois Landfill Closure and Post-Closure or Corrective Action Fund in accordance with your instructions.

We certify that the wording of this letter of credit is identical to the wording specified in 35 Ill. Adm. Code 811.Appendix A, Illustration E as that regulation was constituted on the date shown below.

Signature _____

Typed Name _____

Title _____

Date _____

Name and address of issuing
institution _____

This credit is subject to _____[insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published and copyrighted by the International Chamber of Commerce", or "the Uniform Commercial Code"].

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 811.APPENDIX C List of Leachate Monitoring Parameters

~~pH~~
~~Elevation Leachate Surface~~
~~Bottom of Well Elevation~~
~~Leachate Level from Measuring Point~~
~~Arsenic (total)~~
~~Barium (total)~~
~~Cadmiun (total) mg/l~~
~~Iron (total)~~
~~Ammonia Nitrogen – N~~
~~Bacteria (Fecal Coliform)~~
~~Biochemical Oxygen Demand (BOD5)~~
~~1,1,1,2-Tetrachloroethane~~
~~1,1,1-Trichloroethane~~
~~1,1,2,2-Tetrachloroethane~~
~~1,1,2-Trichloroethane~~
~~1,1-Dichloroethane~~
~~1,1-Dichloroethylene~~
~~1,1-Dichloropropene~~
~~1,2,3-Trichlorobenzene~~
~~1,2,3-Trichloropropane~~
~~1,2,4-Trichlorobenzene~~
~~1,2,4-Trimethylbenzene~~
~~1,2-Dibromo-3-Chloropropane~~
~~1,2-Dichloroethane~~
~~1,2-Dichloropropane~~
~~1,3,5-Trimethylbenzene~~
~~1,3-Dichloropropane~~
~~1,3-Dichloropropene~~
~~1,4-Dichloro-2-Butene~~

~~1-Propanol~~
~~2,2-Dichloropropane~~
~~2,4,5-tp (Silvex)~~
~~2,4,6-Trichlorophenol~~
~~2,4-Dichlorophenol~~
~~2,4-Dichlorophenoxyacetic Acid (2,4-D)~~
~~2,4-Dimethylphenol~~
~~2,4-Dinitrotoluene~~
~~2,4-Dinitrophenol~~
~~2,6-Dinitrotoluene~~
~~2-Chloroethyl Vinyl Ether~~
~~2-Chloronaphthalene~~
~~2-Chlorophenol~~
~~2-Hexanone~~
~~2-Propanol (Isopropyl Alcohol)~~
~~3,3-Dichlorobenzidine~~
~~4,4-DDD~~
~~4,4-DDE~~
~~4,4-DDT~~
~~4,6-Dinitro-o-Cresol~~
~~4-Bromophenyl Phenyl Ether~~
~~4-Chlorophenyl Phenyl Ether~~
~~4-Methyl-2-Pentanone~~
~~4-Nitrophenol~~
Acenaphthene (1,2-dihydroacenaphthylene; CAS No. 83-32-9)
Acetone (dimethyl ketone, propan-2-one; CAS No. 67-64-1)
Alachlor (2-chloro-N-(2,6-diethylphenyl)-N-(methoxymethyl)acetamide; CAS No. 15972-60-8)
Aldicarb (2-methyl-2-(methylthio)propanal O-((methylamino)carbonyl)oxime; CAS No. 116-06-3)
Aldrin (CAS No. 309-00-2)

α-BHC ((1α,2α,3β,4α,5β,6β)-1,2,3,4,5,6-hexachlorocyclohexane, α-hexachlorocyclohexane; CAS No. 319-84-6)

~~Alpha - BHC~~

β-BHC ((1α,2β,3α,4β,5α,6β)-1,2,3,4,5,6-hexachlorocyclohexane, β-hexachlorocyclohexane; CAS No. 319-85-7)

δ-BHC ((1α,2α,3α,4β,5α,6β)-1,2,3,4,5,6-hexachlorocyclohexane, δ-hexachlorocyclohexane; CAS No. 319-86-8)

Aluminum (CAS No. 7429-90-5)

Ammonia nitrogen as N (CAS No. 7664-41-7)

Anthracene (CAS No. 120-12-7)

Antimony (CAS No. 7440-36-0)

Arsenic (total) (CAS No. 7440-38-2)

Atrazine (6-chloro-N-ethyl-N-(propan-2-yl)-1,3,5-triazine-2,4-diamine; CAS No. 1912-24-9)

Bacteria (fecal coliform)

Barium (total) (CAS No. 7440-39-3)

Benzene (CAS No. 71-43-2)

Benzo(a)anthracene (tetraphene; CAS No. 56-55-3)

~~Benzo (a) Anthracene~~

~~Benzo (a) Pyrene~~

Benzo(b)fluoranthene (benz(e)acephenanthrylene; CAS No. 205-99-2)

~~Benzo (b) Fluoranthene~~

Benzo(k)fluoranthene (CAS No. 207-08-9)

Benzo(ghi)perylene (CAS No. 191-24-2)

~~Benzo (ghi) Perylene~~

Benzo(a)pyrene (benzo(pqr)tetraphene; CAS No. 50-32-8)

~~Benzo (k) Fluoranthene~~

Beryllium (total) (CAS No. 7440-41-7)

~~Beta - BHC~~

Bicarbonate (CAS No. 71-52-3)

Biochemical oxygen demand (BOD_5)

Bis(2-chloro-1-methylethyl) ether (1-chloro-2-(1-chloropropan-2-yloxy)propane, 2,2'-oxybis(1-chloropropane); CAS No. 108-60-1)

~~Bis (2-Chloro-1-Methylethyl) Ether~~

Bis(2-chloroethoxy)methane (1-chloro-2-(2-chloroethoxymethoxy)ethane, 1,1'-(methylenebis(oxy))bis(2-chloroethane); CAS No. 111-91-1)

~~Bis (2-Chloroethoxy) Methane~~

Bis(2-chloroethyl) ether (1-chloro-2-(2-chloroethoxy)ethane; CAS No. 111-44-4)

~~Bis (2-Chloroethyl) Ether~~

Bis(2-ethylhexyl) ether (3-(2-ethylhexoxymethyl)heptane; CAS No. 10143-60-9)

~~Bis (2-Ethylhexyl) Ether~~

Bis(2-ethylhexyl) phthalate (bis(2-ethylhexyl) benzene-1,2-dicarboxylate; CAS No. 117-81-7)

~~Bis (2-Ethylhexyl) Phthalate~~

Bis(chloromethyl) ether (chloro(chloromethoxy)methane, 1,1'-oxybis(1-cloromethane); CAS No. 542-88-1)

~~Bis(Chloromethyl) Ether~~

Boron (CAS No. 7440-42-8)

Bottom of well elevation

Bromobenzene (CAS No. 108-86-1)

Bromochloromethane (CAS No. 74-97-5)

Bromodichloromethane (CAS No. 75-27-0)

Bromoform (tribromomethane; CAS No. 75-25-2)

Bromomethane (CAS No. 74-83-9)

4-Bromophenyl phenyl ether (1-bromo-4-phenoxybenzene; CAS No. 101-55-3)

Butanol (including four structural isomers, one of which has two stereoisomers: n-butanol (butan-1-ol; CAS No. 71-36-3), sec-butanol (butan-2-ol; CAS No. 78-92-2 (for both stereoisomers)), isobutanol (2-methylpropan-1-ol; CAS No. 78-83-1), and tert-butanol (2-methylpropan-2-ol; CAS No. 75-65-0)

n-Butylbenzene (butyl benzene, 1-butylbenzene; CAS No. 104-51-8)

sec-Butylbenzene (butan-2-ylbenzene, (1-methylpropyl)benzene; CAS No. 135-98-8)

tert-Butylbenzene (1,1-dimethylethylbenzene; CAS No. 98-06-6)

Butyl benzyl phthalate (benzyl butyl benzene-1,2-dicarboxylic acid; CAS No. 85-68-7)~~Benzyl Phthalate~~

Cadmium (total) (CAS No. 7440-43-9)

Calcium (CAS No. 7440-70-2)~~mg/l~~

Carbofuran ((2,2-dimethyl-3H-1-benzofuran-7-yl) N-methylcarbamate, 2,2-dimethyl-2,3-dihydro-1-benzofuran-7-yl N-methylcarbamate; CAS No. 1563-66-2)

Carbon disulfide (methanedithione; CAS No. 75-15-0)~~Disulfide~~

Carbon tetrachloride (tetrachloromethane; CAS No. 56-23-5)~~Tetrachloride~~

Chemical oxygen demand ~~Oxygen Demand~~ (COD)

Chlordane (including two stereoisomers; 1,2,4,5,6,7,8,8-octachloro-3a,4,7,7a-tetrahydro-4,7-methanoindane; CAS No. 57-74-9)

Chloride (CAS No. 16887-00-6)~~mg/l~~

Chlorobenzene (CAS No. 108-90-7)

Chloroethane (CAS No. 75-00-3)

2-Chloroethyl vinyl ether ((2-chloroethoxy)ethene; CAS No. 110-75-8)

Chloroform (trichloromethane; CAS No. 67-66-3)

Chloromethane (CAS No. 74-87-3)

2-Chloronaphthalene (CAS No. 91-58-7)

2-Chlorophenol (o-chlorophenol; CAS No. 95-57-8)

4-Chlorophenyl phenyl ether (1-chloro-4-phenoxybenzene, p-chlorophenyl phenyl ether; CAS No. 7005-72-3)

o-Chlorotoluene (1-chloro-2-methylbenzene; CAS No. 95-49-8)

p-Chlorotoluene (1-chloro-4-methylbenzene; CAS No. 106-43-4)

Chromium (hexavalent) (CAS No. 18540-29-9)

Chromium (total) (CAS No. 7447-47-3)

Chrysene (1,2-benzophenanthrene, benzo(a)phenanthrene; CAS No. 218-01-9)

~~Cis-1,2-Dichloroethylene~~

Cobalt (total) (CAS No. 7440-48-4)

Copper (total) (CAS No. 7440-50-8)

p-Cresol (4-methylphenol; CAS No. 106-44-5)

Cyanide (CAS No. 57-12-5)

4,4-DDD (1-chloro-4-(2,2-dichloro-1-(4-chlorophenyl)ethylbenzene, p,p'-DDD, dichlorodiphenyldichloroethane; CAS No. 72-54-8)

4,4-DDE (1-chloro-4-(2,2-dichloro-1-(4-chlorophenyl)ethenyl)benzene, p,p'-DDE, dichlorodiphenyldichloroethylene; CAS No. 72-55-9)

4,4-DDT (1-chloro-4-(2,2,2-trichloro-1-(4-chlorophenyl)ethyl)benzene, p,p'-DDD; CAS No. 50-29-3)

~~DDT~~
~~Delta - BHC~~
~~Di-N-Butyl Phthalate~~
~~Di-N-Octyl Phthalate~~
Dibenzo(a,h)anthracene (dibenz(a,h)anthracene; CAS No. 53-70-3)
~~Dibenzo (a,h) Anthracene~~
1,2-Dibromo-3-chloropropane (CAS No. 96-12-8)
Dibromochloromethane (CAS No. 124-48-1)
Dibromomethane (methylenedibromide; CAS No. 74-95-3)
Di-n-butyl phthalate (dibutyl benzene-1,2-dicarboxylate; CAS No. 84-74-2)
m-Dichlorobenzene (1,3-dichlorobenzene; CAS No. 541-73-1)
o-Dichlorobenzene (1,2-dichlorobenzene; CAS No. 95-50-1)
p-Dichlorobenzene (1,4-dichlorobenzene; CAS No. 106-46-7)
3,3'-Dichlorobenzidine (3,3'-dichloro(1,1'-biphenyl)-4,4'-diamine; CAS No. 91-94-1)
1,4-Dichloro-2-butene (including two stereoisomers; CAS No. 764-41-0)
Dichlorodifluoromethane (CAS No. 75-71-8)
1,1-Dichloroethane (CAS No. 75-34-3)
1,2-Dichloroethane (CAS No. 107-06-2)
1,1-Dichloroethylene (1,1-dichloroethene; CAS No. 75-35-4)
cis-1,2-Dichloroethylene ((Z)-1,2-dichloroethene; CAS No. 156-59-2)
trans-1,2-Dichloroethylene ((E)-1,2-dichloroethene; CAS No. 156-60-5)
2,4-Dichlorophenol (CAS No. 120-83-2)
2,4-Dichlorophenoxyacetic acid (2,4-D; CAS No. 94-75-7)
1,2-Dichloropropane (propylene dichloride; CAS No. 78-87-5)
1,3-Dichloropropane (CAS No. 142-28-9)
2,2-Dichloropropane (dichlorodimethylmethane; CAS No. 594-20-7)
1,1-Dichloropropene (1,1-dichloroprop-1-ene; CAS No. 563-58-6)
1,3-Dichloropropene (1,3-dichloroprop-1-ene; including two stereoisomers; CAS No. 542-75-6)
trans-1,3-Dichlorpropene ((E)-1,3-dichloroprop-1-ene; CAS No. 10061-02-6)

Dieldrin (1aR,2R,2aS,3S,6R,6aR,7S,7aS)-3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-2,7:3,6-dimethanonaphtho(2,3-b)oxirene; CAS No. 60-57-1)

Diethyl phthalate (diethyl benzene-1,2-dicarboxylate; CAS No. 84-66-2)~~Phthalate~~

2,4-Dimethylphenol (2,4-xylenol; CAS No. 105-67-9)

Dimethyl phthalate (dimethyl benzene-1,2-dicarboxylate; CAS No. 131-11-3)~~Phthalate~~

4,6-Dinitro-o-cresol (2-methyl-4,6-dinitrophenol; CAS No. 534-52-1)

2,4-Dinitrophenol (CAS No. 51-28-5)

2,4-Dinitrotoluene (1-methyl-2,4-dinitrobenzene; CAS No. 121-14-2)

2,6-Dinitrotoluene (1-methyl-2,6-dinitrobenzene; CAS No. 573-56-8)

Di-n-octyl phthalate (dioctyl benzene-1,2-dicarboxylic acid; CAS No. 117-84-0)

Elevation leachate surface

Endosulfan I ((3α,5αβ,6α,9α,9αβ)-6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide, α-endosulfan; CAS No. 959-98-8)

Endosulfan II ((3α,5aα,6β,9β,9aα)-6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide, β-endosulfan; CAS No. 19670-15-6)

Endosulfan sulfate (6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3,3-dioxide; CAS No. 1031-07-8)~~Sulfate~~

Endrin ((1R,2S,2aS,3S,6R,7R,7aS)-3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-2,7:3,6-dimethanobaphtho(2,3-b)oxirene; CAS No. 72-20-8)

Endrin aldehyde ((1α,2β,2aβ,4aβ,5β,6aβ,6bβ,7R*)-2,2a,3,3,4,7-hexachlorodecahydro-1,2,4-methenocyclopenta(cd)pentalene-5-carboxaldehyde; CAS No. 7421-93-4)~~Aldehyde~~

Ethyl acetate (ethyl ethanoate; CAS No. 141-78-6)~~Acetate~~

Ethylbenzene (CAS No. 100-41-4)

Ethylene dibromide~~Dibromide~~ (EDB) (1,2-dibromoethane; CAS No. 106-93-4)

Fluoranthene (benzo(jk)fluorene; 1,2-(1,8-naphthalenediyl)benzene; CAS No. 206-44-0)

Fluorene (9H-fluorene; CAS No. 86-73-7)

Fluoride (CAS No. 16984-48-8)

~~Heptachlor Epoxide~~

Heptachlor (1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-4,7-methano-1H-indene; CAS No. 76-44-8)

Heptachlor epoxide (1,4,5,6,7,8,8-heptachloro-2,3-eoixy-3a,4,7,7a-tetrahydro-4,7-methanoindan; CAS No. 1024-57-3)

Hexachlorobenzene (CAS No. 118-74-1)

Hexachlorobutadiene (1,1,2,3,4,4-hexachlorobuta-1,3-diene; CAS No. 87-68-3)

Hexachlorocyclopentadiene (1,2,3,4,5,5-hexachlorocyclopenta-1,3-diene; CAS No. 77-47-4)
Hexachloroethane (CAS No. 67-72-1)
2-Hexanone (hexan-2-one, n-butyl methyl ketone; CAS No. 591-78-6)
Indeno(1,2,3-cd)pyrene (2,3-(o-phenylene)pyrene; CAS No. 193-39-5)
~~Ideno (1,2,3-cd) Pyrene~~
Iodomethane (CAS No. 74-88-4)
Iron (total) (CAS No. 7439-89-6)
Isopropylbenzene (cumene; (propan-2-yl)benzene; CAS No. 98-82-8)
p-Isopropyltoluene (1-methyl-4-(propan-2-yl)benzene, p-cymene; CAS No. 99-87-6)
Lead (total) (CAS No. 7439-92-1)
Leachate level from measuring point
Lindane ((1r,2R,3S,4r,5R,6S)-1,2,3,4,5,6-hexachlorocyclohexane, γ-hexachlorocyclohexane; CAS No. 58-89-9)
Magnesium (total) (CAS No. 7439-95-4)
Manganese (total) (CAS No. 7439-96-5)
Mercury (total) (CAS No. 7439-97-6)
Methoxychlor (1,1,1-trichloro-2,2-bis(4-methoxyphenyl)ethane; CAS No. 72-43-5)
Methyl chloride (chloromethane; CAS No. 74-87-3)~~Chloride~~
Methyl ethyl ketone (butan-2-one; CAS No. 78-93-3)~~Ethyl Ketone~~
Methylene bromide (dibromomethane; CAS No. 74-95-3)~~Bromide~~
Methylene chloride (dichloromethane; CAS No. 75-09-2)~~Chloride~~
4-Methylpentan-2-one (methyl isobutyl ketone; CAS No. 108-10-1)
Naphthalene (CAS No. 91-20-3)
Nickel (total) (CAS No. 7440-02-0)
Nitrate as nitrogen (CAS No. 14797-55-8)~~Nitrate-Nitrogen~~
Nitrobenzene (CAS No. 98-95-3)~~Nitrobenzine~~
o-Nitrophenol (2-nitrophenol; CAS No. 88-75-5)
p-Nitrophenol (4-nitrophenol; CAS No. 100-02-7)
N-Nitrosodimethylamine (N,N-dimethylnitrous amide; CAS No. 62-75-9)
N-Nitrosodiphenylamine (the IUPAC name N,N-diphenylnitrous amide; CAS No. 86-30-6)

N-Nitrosodipropylamine (dipropylnitrous amide, N-nitroso-N-propyl-1-propanamine; CAS No. 621-64-7)

Oil − hexane soluble (or equivalent)~~Oil. Hexane Soluble (or Equivalent)~~

Parathion (O,O-diethyl O-(4-nitrophenyl) phosphorothioate; CAS No. 56-38-2)

Pentachlorophenol (CAS No. 87-86-6)

pH

Phenanthrene (CAS No. 85-01-8)

Phenol (benzenol; CAS No. 108-95-2)~~Phenols~~

Phosphorous (CAS No. 7723-14-0)

Polychlorinated biphenyls (including several compounds with varied chlorination and their isomers; CAS No. 1336-36-3)~~Biphenyls~~

Potassium (CAS No. 7440-09-7)

1-Propanol (n-propyl alcohol; CAS No. 71-23-8)

2-Propanol (isopropyl alcohol; CAS No. 67-63-0)

n-Propylbenzene (propylbenzene, isocumene; CAS No. 103-65-1)

Pyrene (benzo(def)phenanthrene; CAS No. 129-00-0)

Selenium (CAS No. 7782-49-2)

Silver (total) (CAS No. 7440-22-4)

Specific conductance~~Conductance~~

Sodium (CAS No. 7440-23-5)

Styrene (ethenylbenzene; CAS No. 100-42-5)

Sulfate (CAS No. 14808-79-8)

Temperature of leachate sample~~Leachate Sample~~ (ºF)

~~tert-Butylbenzene~~

Tetrachlorodibenzo-p-dixoins (2,3,7,8-tetrachlorodibenzo(be)(1,4)dioxine; CAS No. 1746-01-6)

~~Tetrachlorodibenzo-p-Dioxins~~

1,1,1,2-Tetrachloroethane (R-130a; CAS No. 630-20-6)

1,1,2,2-Tetrachloroethane (R-130; CAS No. 79-34-5)

Tetrachloroethylene (tetrachloroethene; perchloroethylene; CAS No. 127-18-4)

Tetrahydrofuran (oxolane; 1,4-epoxybutane; CAS No. 109-99-9)

Thallium (CAS No. 7440-28-0)

Tin (CAS No. 7440-31-5)

Toluene (methylbenzene; CAS No. 108-88-3-23-8)

~~Total Organic Carbon (TOC)~~

Total dissolved solids~~Dissolved Solids~~ (TDS) ~~mg/l~~

Total organic carbon (TOC)

Total suspended solids~~Suspended Solids~~ (TSS) ~~mg/l~~

Toxaphene (including several compounds with varied chlorination and their isomers; chlorinated camphene; CAS No. 8001-35-2)

2,4,5-TP ((2,4,5-trichlorophenoxy)propionic acid, Silvex, fenoprop; CAS No. 93-72-1))

~~trans-1,2-Dichloroethylene~~

~~trans-1,3-Dichlorpropene~~

1,2,3-Trichlorobenzene (CAS No. 87-61-6)

1,2,4-Trichlorobenzene (CAS No. 120-82-1)

1,1,1-Trichloroethane (methyl chloroform; CAS No. 71-55-6)

1,1,2-Trichloroethane (vinyl trichloride; CAS No. 79-00-5)

Trichloroethylene (trichloroethene; CAS No. 79-01-6)

Trichlorofluoromethane (Freon 11; CAS No. 75-69-4)

2,4,6-Trichlorophenol (CAS No. 88-06-2)

1,2,3-Trichloropropane (CAS No. 96-18-4)

1,2,4-Trimethylbenzene (hemellitene; CAS No. 526-73-8)

1,3,5-Trimethylbenzene (mesitylene; CAS No. 108-67-8)

Vinyl acetate (ethenyl acetate; CAS No. 108-05-4)~~Acetate~~

Vinyl chloride (chloroethene; CAS No. 75-01-4)~~Chloride~~

m-Xylene (1,3-dimethylbenzene; CAS No. 108-38-3)

o-Xylene (1,2-dimethylbenzene; CAS No. 95-47-6)

p-Xylene (1,4-dimethylbenzene; CAS No. 106-428-3)

Xylenes (dimethylbenzene, xylol; mixed structural isomers; CAS No. 1330-20-7)~~Xylene~~

Zinc (total) (CAS No. 7440-66-6)

~~m-Dichlorobenzene~~

~~m-Xylene~~

~~n-Butylbenzene~~

~~n-Nitrosodimethylamine~~
~~n-Nitrosodiphenylamine~~
~~n-Nitrosodipropylamine~~
~~n-Propylbenzene~~
~~o-Chlorotoluene~~
~~o-Dichlorobenzene~~
~~o-Nitrophenol~~
~~o-Xylene~~
~~p-Chlorotoluene~~
~~p-Cresol~~
~~p-Dichlorobenzene~~
~~p-Isopropyltoluene~~
~~p-Nitrophenol~~
~~p-Xylene~~
~~sec-Butylbenzene~~

Note: All parameters must be determined from unfiltered samples.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3)

Section Number:	Proposed Action:
1030.88	Amendment

4) Statutory Authority: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5].

5) A Complete Description of the Subjects and Issues Involved: Due to COVID19, Secretary of State driver licensing facilities have been closed since March 17, 2020. As a result, teens who have completed driver education have been unable to obtain their driver's licenses. Teens who take driver education at a commercial driver training school, licensed by the Secretary of State, are required to take a road test administered by a Secretary of State examiner. Teens who take driver education at a high school that participates in the cooperative driver testing program are allowed to take a road test administered by a high school driver education instructor. To accommodate students who have been waiting to obtain their driver's licenses this rule will allow commercial driver education instructors who have at least 5 years of experience providing behind the wheel instruction to teens to administer the road test. This will help to alleviate the expected high volume of road tests when our facilities reopen, without sacrificing road safety since only experienced instructors will be providing the test. Additionally, the Secretary will retain the right to require a certain number of students who have taken the road test with a commercial driver education instructor to re-take the road test at a Secretary of State facility. The Secretary currently utilizes this procedure with teens who have taken the road test with a high school driver education instructor.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace an emergency rule currently in effect? Yes

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? Yes

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

Section Numbers:	Proposed Actions:	*Illinois Register* Citations:
1030.90	Amendment	44 Ill. Reg. 5477; March 27, 2020
1030.160	New Section	44 Ill. Reg. 5730; April 3, 2020

11) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Pamela Wright
Office of the General Counsel
298 Howlett Building
Springfield IL 62756

pwright@ilsos.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Commercial Driver Training Schools

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: Small businesses will benefit from the ability to provide road tests.

A) Types of businesses subject to the proposed rule:

54 Professional, Scientific, and Technical Services
61 Educational Services

B) Categories that the agency reasonably believes the rulemaking will impact, including:

ii. regulatory requirements;
vii. training requirements;
viii. record keeping;

15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

The full text of the Proposed Amendment is identical to that of the text of the Emergency Amendment for this Part, and begins in this issue of the *Illinois Register* on page 10011:

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Commercial Driver Training Schools

2) Code Citation: 92 Ill. Adm. Code 1060

3)

Section Number:	Proposed Action:
1060.270	New Section

4) Statutory Authority: Implementing Article IV of the Illinois Driver Licensing Law of the Illinois Motor Vehicle Code [625 ILCS 5/Ch. 6, Art. IV] and authorized by Section 2-104(b) of the Illinois Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

5) A Complete Description of the Subjects and Issues Involved: Due to COVID19, Secretary of State driver licensing facilities have been closed since March 17, 2020. As a result, teens who have completed driver education have been unable to obtain their driver's licenses. Teens who take driver education at a commercial driver training school, licensed by the Secretary of State, are required to take a road test administered by a Secretary of State examiner. Teens who take driver education at a high school that participates in the cooperative driver testing program are allowed to take a road test administered by a high school driver education instructor. To accommodate students who have been waiting to obtain their driver's licenses this rule will allow commercial driver education instructors who have at least 5 years of experience providing behind the wheel instruction to teens to administer the road test. This will help to alleviate the expected high volume of road tests when our facilities reopen, without sacrificing road safety since only experienced instructors will be providing the test. Additionally, the Secretary will retain the right to require a certain number of students who have taken the road test with a commercial driver education instructor to re-take the road test at a Secretary of State facility. The Secretary currently utilizes this procedure with teens who have taken the road test with a high school driver education instructor.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace an emergency rule currently in effect? Yes

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

10) Are there any other rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Pamela Wright
Office of the General Counsel
298 Howlett Building
Springfield IL 62756

pwright@ilsos.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Commercial Driver Training Schools

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: Small businesses will benefit from the ability to provide road tests.

A) Types of businesses subject to the proposed rule:

54 Professional, Scientific, and Technical Services
61 Educational Services

B) Categories that the agency reasonably believes the rulemaking will impact, including:

i. regulatory requirements;
ii. training requirements;
iii. record keeping;

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

The full text of the Proposed Amendment is identical to that of the text of the Emergency Amendment for this Part, and begins in this issue of the *Illinois Register* on page 10021.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Temporary Assistance for Needy Families

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Number:	Adopted Action:
112.10	Amendment

4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13], 8 USCA 1253(h) prior to September 30, 1996 and 8 USCA 1231(b)(3) on or after September 30, 1996.

5) Effective Date of Rule: May 20, 2020

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 14540; December 20, 2019

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: No substantive changes were made to the text of the proposed rulemaking.

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? Yes

Section Numbers:	Proposed Actions:	*Illinois Register* Citations:
112.79	Amendment	44 Ill. Reg. 3807; March 13, 2020
112.80	Amendment	44 Ill. Reg. 3807; March 13, 2020

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

15) Summary and Purpose of Rulemaking: This rulemaking updates the Immigration and Nationality Act (INA) specification/classification for non-citizen under IDHS' Temporary Assistance for Needy Families (TANF).

16) Information and questions regarding this adopted rule shall be directed to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield IL 62762

217/785-9772

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section

112.1 Description of the Assistance Program and Time Limit
112.2 Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
112.3 Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
112.5 Incorporation by Reference
112.6 The Family Violence Option

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
112.40 Relationship
112.50 Living Arrangement
112.52 Social Security Numbers
112.54 Assignment of Medical Support Rights
112.55 Electronic Benefits Transfer (EBT) Restrictions
112.60 Basis of Eligibility
112.61 Death of a Parent (Repealed)
112.62 Incapacity of a Parent (Repealed)
112.63 Continued Absence of a Parent (Repealed)
112.64 Unemployment of the Parent (Repealed)
112.65 Responsibility and Services Plan
112.66 Alcohol and Substance Abuse Treatment
112.67 Restriction in Payment to Households Headed by a Minor Parent
112.68 School Attendance Initiative

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

112.69 Felons and Violators of Parole or Probation

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section
112.70 Employment and Work Activity Requirements
112.71 Individuals Exempt from TANF Employment and Work Activity Requirements
112.72 Participation/Cooperation Requirements
112.73 Adolescent Parent Program (Repealed)
112.74 Responsibility and Services Plan
112.75 Teen Parent Personal Responsibility Plan (Repealed)
112.76 TANF Orientation
112.77 Reconciliation and Fair Hearings
112.78 TANF Employment and Work Activities
112.79 Sanctions
112.80 Good Cause for Failure to Comply with TANF Participation Requirements
112.81 Responsible Relative Eligibility for JOBS (Repealed)
112.82 Supportive Services
112.83 Teen Parent Services
112.84 Employment Retention and Advancement Project
112.85 Four Year College/Vocational Training Demonstration Project (Repealed)

SUBPART E: PROJECT ADVANCE

Section
112.86 Project Advance (Repealed)
112.87 Project Advance Experimental and Control Groups (Repealed)
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.90 Project Advance Sanctions (Repealed)
112.91 Good Cause for Failure to Comply with Project Advance (Repealed)
112.93 Individuals Exempt From Project Advance (Repealed)
112.95 Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

112.98 Exchange Program (Repealed)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
112.100 Unearned Income
112.101 Unearned Income of Parent
112.105 Budgeting Unearned Income
112.106 Budgeting Unearned Income of Applicants
112.107 Initial Receipt of Unearned Income
112.108 Termination of Unearned Income
112.110 Exempt Unearned Income
112.115 Education Benefits
112.120 Incentive Allowances
112.125 Unearned Income In-Kind
112.126 Earmarked Income
112.127 Lump-Sum Payments
112.128 Protected Income (Repealed)
112.130 Earned Income
112.131 Earned Income Tax Credit
112.132 Budgeting Earned Income
112.133 Budgeting Earned Income of Employed Applicants
112.134 Initial Employment
112.135 Budgeting Earned Income For Contractual Employees
112.136 Budgeting Earned Income For Non-contractual School Employees
112.137 Termination of Employment
112.138 Transitional Payments (Repealed)
112.140 Exempt Earned Income
112.141 Earned Income Exemption
112.142 Exclusion from Earned Income Exemption
112.143 Recognized Employment Expenses
112.144 Income from Work-Study and Training Programs
112.145 Earned Income From Self-Employment
112.146 Earned Income From Roomer and Boarder
112.147 Income From Rental Property
112.148 Payments from the Illinois Department of Children and Family Services
112.149 Earned Income In-Kind
112.150 Assets
112.151 Exempt Assets (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

112.152 Asset Disregards (Repealed)
112.153 Deferral of Consideration of Assets (Repealed)
112.154 Property Transfers (Repealed)
112.155 Income Limit
112.156 Assets for Independence Program

SUBPART H: PAYMENT AMOUNTS

Section
112.250 Grant Levels
112.251 Payment Levels
112.252 Payment Levels − All Counties
112.253 Payment Levels in Group II Counties (Repealed)
112.254 Payment Levels in Group III Counties (Repealed)
112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

SUBPART I: OTHER PROVISIONS

Section
112.300 Persons Who May Be Included in the Assistance Unit
112.301 Presumptive Eligibility
112.302 Reporting Requirements for Clients with Earnings
112.303 Budgeting
112.304 Budgeting Schedule
112.305 Strikers
112.306 Foster Care Program
112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96
112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
112.309 Institutional Status
112.310 Child Care for Representative Payees
112.315 Young Parents Program (Renumbered)
112.320 Redetermination of Eligibility
112.330 Extension of Medical Assistance Due to Increased Income from Employment
112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
112.340 New Start Payments to Individuals Released from Department of Corrections

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

Facilities (Repealed)

SUBPART J: CHILD CARE

Section
112.350 Child Care (Repealed)
112.352 Child Care Eligibility (Repealed)
112.354 Qualified Provider (Repealed)
112.356 Notification of Available Services (Repealed)
112.358 Participant Rights and Responsibilities (Repealed)
112.362 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364 Rates of Payment for Child Care (Repealed)
112.366 Method of Providing Child Care (Repealed)
112.370 Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section
112.400 Transitional Child Care Eligibility (Repealed)
112.404 Duration of Eligibility for Transitional Child Care (Repealed)
112.406 Loss of Eligibility for Transitional Child Care (Repealed)
112.408 Qualified Child Care Providers (Repealed)
112.410 Notification of Available Services (Repealed)
112.412 Participant Rights and Responsibilities (Repealed)
112.414 Child Care Overpayments and Recoveries (Repealed)
112.416 Fees for Service for Transitional Child Care (Repealed)
112.418 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective

December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency

amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609,

effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days;

amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138, effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. 18417, effective November 20, 2003; amended at 28 Ill. Reg. 1090, effective December 31, 2003; amended at 28 Ill. Reg. 5655, effective March 22, 2004; amended at 29 Ill. Reg. 5473, effective April 1, 2005; amended at 29 Ill. Reg. 8161, effective May 18, 2005; emergency amendment at 29 Ill. Reg. 16008, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; amended at 30 Ill. Reg. 9331, effective May 8, 2006; amended at 30 Ill. Reg. 11202, effective June 12, 2006; amended at 31 Ill. Reg. 6968, effective April 30, 2007; amended at 31 Ill. Reg. 10462, effective July 6, 2007; amended at 31 Ill. Reg. 15080, effective October 24, 2007; amended at 32 Ill. Reg. 2767, effective February 7, 2008; emergency amendment at 32 Ill. Reg. 10607, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17167, effective October 20, 2008; peremptory amendment at 32 Ill. Reg. 18051, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4977, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7320, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12763, effective September 8, 2009; amended at 33 Ill. Reg. 13831, effective September 17, 2009; amended at 33 Ill. Reg. 16828, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6930, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 10085, effective July 1, 2010; amended at 35 Ill. Reg. 998, effective December 28, 2010; emergency amendment at 35 Ill. Reg. 6933, effective April 6, 2011, for a maximum of 150 days; emergency expired September 2, 2011; amended at 35 Ill. Reg. 17082, effective October 5, 2011; amended at 35 Ill. Reg. 18739, effective October 28, 2011; amended at 36 Ill. Reg. 15120, effective September 28, 2012; emergency amendment at 37 Ill. Reg. 15388, effective September 9, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 4441, effective January 29, 2014; amended at 38 Ill. Reg. 17603, effective August 8, 2014; amended at 38 Ill. Reg. 18646, effective August 29, 2014; amended at 39 Ill. Reg. 15563, effective December 1, 2015; amended at 41 Ill. Reg. 395, effective January 1, 2017; amended at 42 Ill. Reg. 8295, effective May 4, 2018; emergency amendment at 42 Ill. Reg. 18495, effective October 1, 2018, for a maximum of 150 days; amended at 43 Ill. Reg. 327, effective December 20, 2018; amended at 43 Ill. Reg. 2081, effective January 24, 2019; emergency amendment at 43 Ill. Reg. 11704, effective October 1, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 14425, effective November 26, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 3251, effective

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

February 5, 2020; amended at 44 Ill. Reg. 6960, effective April 16, 2020; amended at 44 Ill. Reg. 9929, effective May 20, 2020.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 112.10 Citizenship

To be eligible for assistance, an individual shall be either a U.S. citizen or a non-citizen within specific categories and subject to the following specific restrictions:

a) Citizenship status – Persons born in the U.S., or in its possessions, are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings, or by certain persons born in a foreign country of U.S. citizen parents.

b) Non-citizens

1) The following categories of non-citizens may receive assistance, if otherwise eligible:

A) A United States veteran honorably discharged and a person on active military duty, and the spouse and unmarried dependent children of such a person;

B) Refugees under section 207 of the Immigration and Nationality Act (INA) (8 USC 1157);

C) Asylees under section 208 of ~~the~~ INA (8 USC 1158);

D) Persons for whom deportation has been withheld under section 243(h) of INA (8 USC 1253(h)) prior to September 30,1996 or 241(b)(3) of INA (8 USC 1231(b)(3))~~of the INA~~ on or after September 30, 1996;

E) Persons granted conditional entry under section 203(a)(7) of ~~the~~ INA (8 USC 1153) as in effect prior to April 1, 1980;

F) Persons lawfully admitted for permanent residence under the INA including;

i) Afghani immigrants with special immigrant status under section 101(a)(27) of ~~the~~ INA (8 USC 1101). The five-year residency requirement set forth in subsection (b)(2) of this Section does not apply to this sub-group.

ii) Iraqi immigrants with special immigrant status under section 101(a)(27) of ~~the~~ INA (8 USC 1101). The five-year residency requirement set forth in subsection (b)(2) of this Section does not apply to this sub-group;

G) Parolees, for at least one year, under section 212(d)(5) of ~~the~~ INA (8 USC 1182);

H) Persons who are a spouse, widow or child of a U.S. citizen or a spouse or child of a legal permanent resident (LPR) who have been battered or subjected to extreme cruelty by the U.S. citizen or LPR or a member of that relative's family who lived with them, who no longer live with the abuser or plans to live separately within one month after receipt of assistance and whose need for assistance is due, at least in part, to the abuse;

I) Victims of trafficking, or the minor child, spouse, parent or sibling of the trafficking victim, who have been certified by, or whose status has been verified by, the federal Office of Refugee Resettlement (ORR); and

J) Persons who are a foreign-born victim of trafficking, torture, or other serious crimes as defined in Art. XVI of the Illinois Public Aid Code [305 ILCS 5], and his or her derivative family members, as defined in 8 USC 1101(a)(15)(T) and (a)(15)(U), are eligible for cash assistance if he or she:

i) has filed or is preparing to file an application for T Nonimmigrant status with the appropriate federal agency pursuant to 8 USC 1101(a)(15)(T), or is otherwise taking steps to meet the conditions for federal benefits eligibility under 22 USC 7105;

ii) has filed or is preparing to file a formal application with the appropriate federal agency for status pursuant to 8 USC 1101(a)(15)(U); or

iii) has filed or is preparing to file a formal application with the appropriate federal agency for status under 8 USC 1158.

2) Benefits provided pursuant to subsection (b)(1)(J) shall be terminated if there is a final denial of that person's visa or asylum application under 8 USC 1101(a)(15)(T), 1101(a)(15)(U) or 1158.

3) Benefits provided pursuant to subsection (b)(1)(J) shall be denied one year after the date of the TANF application if a formal application under 8 USC 1101(a)(15)(T), 1101(a)(15)(U) or 1158 has not been filed. The Department may extend the person's and his or her derivative family member's eligibility for cash assistance beyond one year if the Department determines that the person, during the year of initial eligibility:

A) experienced a health crisis;

B) has been unable, after reasonable attempts, to obtain necessary information from a third party; or

C) has other extenuating circumstances that prevented the person from completing his or her application for status.

4) Those persons who are in the categories set forth in subsections (b)(1)(F) and (b)(1)(G) and~~of this Section,~~ who enter the United States on or after August 22, 1996~~,~~ shall not be eligible for five years beginning on the date the person entered the United States.

(Source: Amended at 44 Ill. Reg. 9929, effective May 20, 2020)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)

2) Code Citation: 89 Ill. Adm. Code 121

3)

Section Numbers:	Adopted Actions:
121.20	Amendment
121.57	Amendment
121.76	Amendment

4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

5) Effective Date of Rules: May 20, 2020

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 14555; December 20, 2019 and 43 Ill. Reg. 14972; December 27, 2019

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: No substantive changes were made to the text of the proposed rulemaking.

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This adoption combines two separately proposed rulemakings. Pursuant to Section 4009 of the Agriculture Act of 2014, this rulemaking

requires SNAP households in which lottery or gambling winnings are won in a single game of $3,500 or more (before taxes or other amounts are withheld) be considered as not categorically eligible in the resource eligibility determination for SNAP. The $3,500 limit is specific to lottery and gambling winnings. Active SNAP households would lose categorical eligibility if in receipt of these winnings and may be at risk of becoming ineligible for benefits.

This rulemaking also updates the Immigration and Nationality Act (INA) specification/classification for non-citizens under IDHS' Supplemental Nutrition Assistance Program (SNAP), including updates to INA citations.

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

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield IL 62762

217/785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

SUBPART A: APPLICATION PROCEDURES

Section
121.1 Application for Assistance
121.2 Time Limitations on the Disposition of an Application
121.3 Approval of an Application and Initial Authorization of Assistance
121.4 Denial of an Application
121.5 Client Cooperation
121.6 Emergency Assistance
121.7 Expedited Service
121.8 Express Stamps Application Project
121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
121.18 Work Requirement
121.19 Ending a Voluntary Quit Disqualification (Repealed)
121.20 Citizenship
121.21 Residence
121.22 Social Security Numbers
121.23 Work Registration/Participation Requirements
121.24 Individuals Exempt from Work Registration Requirements
121.25 Failure to Comply with Work Provisions
121.26 Periods of Sanction
121.27 Voluntary Job Quit/Reduction in Work Hours
121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

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121.30 Unearned Income
121.31 Exempt Unearned Income
121.32 Education Benefits (Repealed)
121.33 Unearned Income In-Kind
121.34 Lump Sum Payments and Income Tax Refunds
121.40 Earned Income
121.41 Budgeting Earned Income
121.50 Exempt Earned Income
121.51 Income from Work/Study/Training Programs
121.52 Earned Income from Roomers or Boarders
121.53 Income From Rental Property
121.54 Earned Income In-Kind
121.55 Sponsors of Aliens
121.57 Assets
121.58 Exempt Assets
121.59 Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section
121.60 Net Monthly Income Eligibility Standards
121.61 Gross Monthly Income Eligibility Standards
121.62 Income Which Must Be Annualized
121.63 Deductions from Monthly Income
121.64 Supplemental Nutrition Assistance Program (SNAP) Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section
121.70 Composition of the Assistance Unit
121.71 Living Arrangement
121.72 Nonhousehold Members
121.73 Ineligible Household Members
121.74 Strikers
121.75 Students
121.76 Categorically Eligible Households

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

DEPARTMENT OF HUMAN SERVICES

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Section
121.80 Fraud Disqualification (Renumbered)
121.81 Initiation of Administrative Fraud Hearing (Repealed)
121.82 Definition of Fraud (Renumbered)
121.83 Notification To Applicant Households (Renumbered)
121.84 Disqualification Upon Finding of Fraud (Renumbered)
121.85 Court Imposed Disqualification (Renumbered)
121.90 Monthly Reporting and Retrospective Budgeting (Repealed)
121.91 Monthly Reporting (Repealed)
121.92 Budgeting
121.93 Issuance of Food Stamp Benefits
121.94 Replacement of the EBT Card or SNAP Benefits
121.95 Restoration of Lost Benefits
121.96 Uses for SNAP Benefits
121.97 Supplemental Payments
121.98 Client Training Brochure for the Electronic Benefits Transfer (EBT) System
121.105 State Food Program (Repealed)
121.107 New State Food Program
121.108 Transitional Food Stamp (TFS) Benefits
121.117 Farmers' Market Technology Improvement Program
121.120 Redetermination of Eligibility
121.125 Simplified Reporting
121.130 Residents of Shelters for Battered Women and their Children
121.131 Fleeing Felons and Probation/Parole Violators
121.135 Incorporation By Reference
121.136 Food and Nutrition Act of 2008
121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
121.145 Quarterly Reporting (Repealed)

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section
121.150 Definition of Intentional Violations of the Program
121.151 Penalties for Intentional Violations of the Program
121.152 Notification To Applicant Households
121.153 Disqualification Upon Finding of Intentional Violation of the Program
121.154 Court Imposed Disqualification

DEPARTMENT OF HUMAN SERVICES

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SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section
121.160 Participation in Voluntary SNAP Employment and Training (SNAP E&T)
121.162 Program Requirements
121.163 Vocational Training
121.164 Orientation (Repealed)
121.165 Community Workfare
121.166 Assessment and Employability Plan (Repealed)
121.167 Counseling/Prevention Services (Repealed)
121.170 Supervised Job Search Activity
121.172 Basic Education Activity
121.174 Job Readiness Activity
121.176 Work Experience Activity
121.177 Illinois Works Component (Repealed)
121.178 Job Training Component (Repealed)
121.179 JTPA Employability Services Component (Repealed)
121.180 Grant Diversion Component (Repealed)
121.182 Earnfare Activity
121.184 Sanctions for Non-cooperation with Food Stamp Employment and Training (Repealed)
121.186 Good Cause for Failure to Cooperate (Repealed)
121.188 Supportive Services
121.190 Conciliation (Repealed)
121.200 Types of Claims (Recodified)
121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203 Collecting Claim Against Households (Recodified)
121.204 Failure to Respond to Initial Demand Letter (Recodified)
121.205 Methods of Repayment of Food Stamp Claims (Recodified)
121.206 Determination of Monthly Allotment Reductions (Recodified)
121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208 Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section
121.220 Work Requirement Components (Repealed)

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121.221 Meeting the Work Requirement with the Earnfare Component (Repealed)
121.222 Volunteer Community Work Component (Repealed)
121.223 Work Experience Component (Repealed)
121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at

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8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective

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August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days;

amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; peremptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; peremptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; peremptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; peremptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; peremptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; peremptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; peremptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; peremptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; peremptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; peremptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum

of 150 days; emergency expired July 23, 2009; peremptory amendment at 33 Ill. Reg. 5537, effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; peremptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective December 28, 2010; amended at 35 Ill. Reg. 7688, effective April 29, 2011; amended at 35 Ill. Reg. 10119, effective June 7, 2011; peremptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011; peremptory amendment at 35 Ill. Reg. 16904, effective October 1, 2011; amended at 35 Ill. Reg. 17120, effective October 5, 2011; amended at 35 Ill. Reg. 18780, effective October 28, 2011; amended at 35 Ill. Reg. 19278, effective November 8, 2011; amended at 35 Ill. Reg. 19778, effective December 5, 2011; peremptory amendment at 36 Ill. Reg. 15148, effective October 1, 2012; emergency amendment at 37 Ill. Reg. 15423, effective September 9, 2013, for a maximum of 150 days; peremptory amendment at 37 Ill. Reg. 16016, effective October 1, 2013; emergency amendment at 37 Ill. Reg. 16845, effective October 1, 2013, for a maximum of 150 days; peremptory amendment at 37 Ill. Reg. 17983, effective November 1, 2013; amended at 38 Ill. Reg. 4475, effective January 29, 2014; amended at 38 Ill. Reg. 5382, effective February 7, 2014; emergency amendment at 38 Ill. Reg. 8414, effective April 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 17616, effective August 8, 2014; peremptory amendment at 38 Ill. Reg. 19831, effective October 1, 2014; amended at 39 Ill. Reg. 6470, effective April 22, 2015; peremptory amendment at 39 Ill. Reg. 13513, effective October 1, 2015; amended at 39 Ill. Reg. 15577, effective December 1, 2015; amended at 40 Ill. Reg. 360, effective January 1, 2016; peremptory amendment at 40 Ill. Reg. 14114, effective October 1, 2016; peremptory amendment at 41 Ill. Reg. 12905, effective October 1, 2017; amended at 42 Ill. Reg. 8310, effective May 4, 2018; amended at 42 Ill. Reg. 8505, effective May 8, 2018; peremptory amendment at 42 Ill. Reg. 18531, effective October 1, 2018; amended at 43 Ill. Reg. 360, effective December 20, 2018; peremptory amendment at 43 Ill. Reg. 11035, effective October 1, 2019; emergency amendment at 43 Ill. Reg. 11718, effective October 1, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 11953, effective October 1, 2019, for a maximum of 150 days; emergency expired February 27, 2020; emergency amendment at 43 Ill. Reg. 14449, effective November 26, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 3265, effective February 5, 2020; amended at 44 Ill. Reg. 5348, effective

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March 11, 2020; amended at 44 Ill. Reg. 6984, effective April 16, 2020; amended at 44 Ill. Reg. _____, effective _____.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 121.20 Citizenship

To be eligible for assistance, an individual shall be either a U.S. citizen or a non-citizen within specific categories and subject to the following specific restrictions:

a) Citizenship status – Persons born in the U.S. or in its possessions are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings or by certain persons born in a foreign country of U.S. citizen parents.

b) Non-citizens – The following categories of non-citizens may receive assistance, if otherwise eligible regardless of their time in the U.S.:

1) Lawful Permanent Resident Credited with 40 Quarters of Work

A) Aliens lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act (INA) who have worked 40 qualifying quarters of coverage (as defined under Title II of the Social Security Act). Effective January 1, 1997, in order for a quarter of work to count, the client must not have received any benefits under a federal means-tested program during that quarter.

B) Quarters of a parent count for an alien while the alien is under age 18.

C) Quarters of a spouse count for an alien if the alien is still married to that spouse or the spouse is deceased.

2) Veterans, Active U.S. Military Service Persons and Their Dependents. A veteran honorably discharged from U.S. military service or a person in active U.S. military duty and the spouse or dependent child or children of such persons ~~a person~~ meet the citizenship requirement for SNAP if their INS status is:

A) lawful permanent resident;

B) conditional entrant under section 203(a)(7) of ~~the~~ INA (8 USC~~USCA~~ 1153(a)(7));

C) parolee status for at least a year under section 212(d)(5) of ~~the~~ INA (8 USC~~USCA~~ 1182(d)(5));

D) deportation withheld under section 243(h) of INA (8 USC~~USCA~~ 1253(h)) prior to September 30, 1996 or section 241(b)(3) of INA (8 USC~~USCA~~ 1231(b)(3)) on or after September 30, 1996~~of the INA~~; or

E) battered spouse or child, or parent or child of a battered person with a petition pending under section 204(a)(1)(A) or (B) (8 USC~~USCA~~ 1154(a)(1)(A) or (B)) or section 244(a)(3) (8 USC~~USCA~~ 1641(c)) of ~~the~~ INA. This status does not apply if the non-citizen lives with the abuser.

c) The following non-citizens meet the citizenship requirement for SNAP indefinitely even if their status later changes to lawful permanent resident:

1) refugees admitted under section 207 of ~~the~~ INA (8 USC 1157);

2) asylees admitted under section 208 of ~~the~~ INA (8 USC 1158);

3) persons for whom deportation has been withheld under section 243(h) of INA (8 USC~~USCA~~ 1253(h)) prior to September 30, 1996 or section 241(b)(3) of INA (8 USC~~USCA~~ 1231(b)(3)) ~~of the INA~~ on or after September 30, 1996;

4) Cuban or Haitian national admitted on or after 4/21/80;

5) Amerasians from Vietnam and their close family members admitted through the Orderly Departure Program beginning on 3/20/88;

6) Afghan and Iraqi immigrants with special immigrant status under section 101(a)(27) of ~~the~~ INA (8 USC 1101); or

7) Victims of trafficking, or the minor child, spouse, parent or sibling of the trafficking victim, who have been certified by, or whose status has been verified by, the federal Office of Refugee Resettlement (ORR).

d) Elderly non-citizens who were lawfully residing in the U.S. on 8/22/96, and children lawfully residing in the U.S., and disabled persons lawfully residing in the U.S. A person qualifies as elderly if the person was age 65 on 8/22/96. A person qualifies as a child if the person is under age 18. A person qualifies as disabled/blind if the person meets one of the requirements listed in Section 121.61(a)(1)(B) through (L). The person must also have the following status with INS:

1) lawful permanent resident;

2) conditional entrant under section 203(a)(7) of ~~the~~ INA (8 USC~~USCA~~ 1153(a)(7));

3) parolee status for at least a year under section 212(d)(5) of ~~the~~ INA (8 USC~~USCA~~ 1182(d)(5)); or

4) battered spouse or child, or parent or child of a battered person with a petition pending under section 204(a)(1)(A) or (B) of INA (8 USC~~USCA~~ 1154(a)(1)(A) or (B)) or section 240A of ~~the~~ INA (8 USC 1229). This status does not apply if the non-citizen lives with the abuser.

e) Hmong or Highland Laotian tribe members and the members'~~member's~~ close family members. A person lawfully residing in the U.S. that was a member of a Hmong or Highland Laotian tribe when the tribe helped U.S. personnel by taking part in a military or rescue operation during the Vietnam era (between August 5, 1964 and May 7, 1975). This also includes the person's spouse, unmarried surviving spouse, if deceased, and unmarried dependent children.

f) Certain American Indians born in Canada. An American Indian born in Canada to whom the provisions of section 289 of ~~the~~ INA (8 USC 1359) apply, and a member of an Indian tribe as defined in section 4e of the Indian Self-Determination and Education Assistance Act (25 USC 5304).

g) Noncitizens who have lived in the U.S. for at least 5 years in the following status

with INS may receive assistance, if otherwise eligible:

1) lawful permanent resident;

2) conditional entrant under section 203(a)(7) of ~~the~~ INA (8 USC 1153);

3) parolee status for at least a year under section 212(d)(5) of ~~the~~ INA (8 USC 1182); or

4) battered spouse or child, or parent or child of a battered person with a petition pending under section 204(a)(1)(A) or (B) of INA (8 USC~~USCA~~ 1154(a)(1)(A) or (B)) or section 240A of ~~the~~ INA (8 USC 1229). This status does not apply if the noncitizen lives with the abuser.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 121.57 Assets

a) The value of nonexempt assets shall be considered in determining eligibility only if a household is not categorically eligible (see Section 121.76).

b) Value of Nonexempt Assets

1) The value of nonexempt assets is the equity value (fair market value less the amount owed), except for prepaid funeral agreements valued over $1500.

2) The Department considers the following assets in determining eligibility:

A) Liquid Assets

i) Liquid assets are those properties in the form of cash or other financial instruments that are convertible to cash, such as, but not limited to, cash on hand, money, in checking or savings accounts, credit union accounts, savings certificates, stocks or bonds, lump-sum payments, ~~and~~ prepaid funeral agreements, and cash prize lottery or

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gambling winnings of $3,500 or more (before taxes or amounts are withheld) won in a single game.

ii) Exempt any retirement funds in a plan, contract, or account, described in sections 401(a), 403(a), 403(b), 408, 408A, 457(b), and 501(c)(18) of the Internal Revenue Code of 1986 and the value of funds in a Federal Thrift Savings Plan account as provided in section 8439 of title 5, United States Code. Exempt any funds in a qualified tuition program described in section 529 of the Internal Revenue Code of 1986 or in a Coverdell education savings account under section 530 of that Code. Exempt any funds and earnings from an Achieving a Better Life Experience (ABLE) account.

B) Nonliquid Assets
Nonliquid assets are those properties that are not in the form of cash or other financial instruments, such as personal property, licensed vehicles, unlicensed vehicles, buildings, land, recreational properties, and any other property not specifically exempted in Section 121.58.

C) Assets of Sponsors of Aliens
Consider the assets of the sponsor and the sponsor's spouse who sponsored an alien on or after February 1, 1983 (7 CFR 272.1(g)(54) (2012)) in accordance with Section 121.55.

D) Prepaid Funeral Agreements
The value of prepaid funeral agreements over $1500 per person is considered.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART E: HOUSEHOLD CONCEPT

Section 121.76 Categorically Eligible Households

a) A categorically eligible household is:

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1) A household in which all members are authorized to receive TANF or SSI, including SSI cases in recoupment or suspension status. These households are not subject to:

A) asset limits (see Section 121.57); or

B) gross or net income limits (see Section 121.60 and Section 121.61).

2) A household that receives a TANF funded brochure, Guide to Services, that provides information and referrals to other services for which a household may qualify. This brochure is provided at application and annually thereafter. Through receipt of this TANF funded service, households with an elderly, blind, or disabled member, as defined in Section 121.61(a)(1)(A) through (L), whose total gross income is at or below 200% of the nonfarm income poverty guidelines and for all other households whose total gross income is at or below 165% are considered categorically eligible. These categorically eligible households are not subject to:

A) asset limits (see Section 121.57); or

B) net income limits (see Section 121.60).

b) Categorical eligibility does not apply to the following:

1) a household in which a member is disqualified for an Intentional Program Violation or a sanction for failure to comply with work provisions; or

2) any household in which a cash prize lottery or gambling winning of $3,500 or more (before taxes or other amounts are withheld) is won in a single game.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision

2) Code Citation: 23 Ill. Adm. Code 1

3)

Section Number:	Adopted Action:
1.442	Repealed

4) Statutory Authority: 105 ILCS 5/2-3.159

5) Effective Date of Rule: May 21, 2020

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

7) Does this rulemaking contain incorporations by reference? No

8) A statement that a copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in *Illinois Register*: 43 Ill. Reg. 14596; December 20, 2019

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: Part 1 is being modified to align with the enactment of PA 101-222, which adds language to the State Seal of Biliteracy Program under Section 2-3.159 of the School Code, to allow nonpublic schools to participate in the program. This rulemaking repeals Section 1.442. The new Part 680 will apply to both public school districts and nonpublic schools.

16) Information and questions regarding this adopted rule shall be directed to:

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

Azita Kakvand
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield IL 62777-0001

217/782-6510
rules@isbe.net

The full text of the Adopted Amendment begins on the next page:

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1
PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section
1.10 Public School Accountability Framework
1.20 Operational Requirements
1.30 State Assessment
1.40 Adequate Yearly Progress
1.50 Calculation of Participation Rate
1.60 Subgroups of Students; Inclusion of Relevant Scores
1.70 Additional Indicators for Adequate Yearly Progress
1.75 Student Information System
1.77 Educator Licensure Information System (ELIS)
1.79 School Report Card
1.80 Academic Early Warning and Watch Status
1.85 School and District Improvement Plans; Restructuring Plans
1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency under Title III
1.90 System of Rewards and Recognition − The Illinois Honor Roll
1.95 Appeals Procedure
1.97 Survey of Learning Conditions
1.100 Waiver and Modification of State Board Rules and School Code Mandates
1.110 Appeal Process under Section 22-60 of the School Code

SUBPART B: SCHOOL GOVERNANCE

Section
1.210 Approval of Providers of Training for School Board Members under Section 10-16a of the School Code
1.220 Duties of Superintendent (Repealed)
1.230 Board of Education and the School Code (Repealed)
1.240 Equal Opportunities for all Students

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1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards
1.245 Waiver of School Fees
1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)
1.260 Commemorative Holidays to be Observed by Public Schools (Repealed)
1.270 Book and Material Selection (Repealed)
1.280 Discipline
1.285 Requirements for the Use of Isolated Time Out, Time Out, and Physical Restraint
1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section
1.310 Administrative Qualifications and Responsibilities
1.320 Evaluation of Licensed Educators
1.330 Toxic Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section
1.410 Determination of the Instructional Program
1.420 Basic Standards
1.422 Electronic Learning (E-Learning) Days Pilot Program
1.423 Competency-Based High School Graduation Requirements Pilot Program
1.425 Additional Criteria for Physical Education
1.430 Additional Criteria for Elementary Schools
1.440 Additional Criteria for High Schools
1.442 State Seal of Biliteracy (Repealed)
1.443 Illinois Global Scholar Certificate
1.445 Required Course Substitute
1.450 Special Programs (Repealed)
1.460 Credit Earned Through Proficiency Examinations
1.462 Uniform Annual Consumer Education Proficiency Test (Repealed)
1.465 Ethnic School Foreign Language Credit and Program Approval
1.470 Adult and Continuing Education
1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

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Section
1.510 Transportation
1.515 Training of School Bus Driver Instructors
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1.530 Health Services
1.540 Undesignated Emergency Medications in Schools: Epinephrine; Opioid Antagonists; Asthma Medication

SUBPART F: STAFF LICENSURE REQUIREMENTS

Section
1.610 Personnel Required to be Qualified
1.620 Accreditation of Staff (Repealed)
1.630 Paraprofessionals; Other Unlicensed Personnel
1.640 Requirements for Different Certificates (Repealed)
1.650 Transcripts of Credits
1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section
1.700 Requirements for Staff Providing Professional Development
1.705 Requirements for Supervisory and Administrative Staff
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1.720 Requirements for Teachers of Middle Grades
1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades 6 and Above through June 30, 2004
1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
1.740 Standards for Reading through June 30, 2004
1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
1.750 Standards for Media Services through June 30, 2004
1.755 Requirements for Library Information Specialists Beginning July 1, 2004
1.760 Standards for School Support Personnel Services
1.762 Supervision of Speech-Language Pathology Assistants
1.770 Standards for Special Education Personnel

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1.780	Standards for Teachers in Bilingual Education Programs
1.781	Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12
1.782	Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12
1.783	Requirements for Administrators of Bilingual Education Programs
1.790	Substitute Teacher
1.792	Short-Term Substitute Teacher
1.794	Substitute Teachers; Recruiting Firms

1.APPENDIX A	Professional Staff Educator Licensure
1.APPENDIX B	Competency-Based High School Graduation Requirements Pilot Program Criteria for Review
1.APPENDIX C	Glossary of Terms (Repealed)
1.APPENDIX D	State Goals for Learning
1.APPENDIX E	Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
1.APPENDIX F	Criteria for Determination – Student Performance and School Improvement (Repealed)
1.APPENDIX G	Criteria for Determination – State Assessment (Repealed)
1.APPENDIX H	Guidance and Procedures for School Districts Implementing the Illinois Global Scholar Certificate

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-21.4a,10-22.43a, 21B-5, 21B-20, 22-30, 22-60, 24-24, 26-13, 27-3.5, 27-6, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended

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at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 2007; amended at 32 Ill. Reg. 10229, effective June 30, 2008; amended at 33 Ill. Reg. 5448, effective March 24, 2009; amended at 33 Ill. Reg. 15193, effective October 20, 2009; amended at 34 Ill. Reg. 2959, effective February 18, 2010; emergency amendment at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17411, effective October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011; amended at 35 Ill. Reg. 12328, effective July 6, 2011; amended at 35 Ill. Reg. 16743, effective September 29, 2011; amended at 36 Ill. Reg. 5580, effective March 20, 2012; amended at 36 Ill. Reg. 8303, effective May 21, 2012; amended at 38 Ill. Reg. 6127, effective February 27, 2014; amended at 38 Ill. Reg. 11203, effective May 6, 2014; amended at 39 Ill. Reg. 2773, effective February 9, 2015; emergency amendment at 39 Ill. Reg. 12369, effective August 20, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 13411, effective September 24, 2015; amended at 40 Ill. Reg. 1900, effective January 6, 2016; amended at 40 Ill. Reg. 2990, effective January 27, 2016; amended at 40 Ill. Reg. 4929, effective March 2, 2016; amended at 40 Ill. Reg. 12276, effective August 9, 2016; emergency amendment at 40 Ill. Reg. 15957, effective November 18, 2016, for a maximum of 150 days; amended at 41 Ill. Reg. 126, effective December 27, 2016; amended at 41 Ill. Reg. 4430, effective April 5, 2017; amended at 41 Ill. Reg. 6924, effective June 2, 2017; emergency amendment at 41 Ill. Reg. 8932, effective June 28, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 14044, effective November 3, 2017; amended at 42 Ill. Reg. 11512, effective June 8, 2018; amended at 43 Ill. Reg. 3792, effective February 28, 2019; amended at 43 Ill. Reg. 10213, effective August 30, 2019; amended at 43 Ill. Reg. 10718, effective September 11, 2019; amended at 43 Ill. Reg. 13324, effective October 29, 2019; emergency amendment at 43 Ill. Reg. 14305, effective November 20, 2019, for a maximum of 150 days; emergency amendment to emergency rule at 43 Ill. Reg. 14941, effective December 4, 2019, for the remainder of the 150 days; emergency amendment to amended emergency rule at 44 Ill. Reg. 4085, effective February 25, 2020, for the remainder of the 150 days; amended at 44 Ill. Reg. 1929, effective January 13, 2020; amended at

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44 Ill. Reg. 6377, effective April 9, 2020; emergency amendment at 44 Ill. Reg. 7971, effective April 27, 2020, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 8382, effective May 1, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 9961, effective May 21, 2020.

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.442 State Seal of Biliteracy (Repealed)

~~In accordance with Section 2-3.159 of the School Code, a school district may establish a program *to recognize high school graduates who have attained a high level of proficiency in one or more languages in addition to English*, by designating on a student's transcript and high school diploma his or her receipt of the State Seal of Biliteracy, provided that all the conditions of this Section are met. For purposes of this Section, "foreign language" has the meaning prescribed in Section 2-3.159(a) of the School Code.~~

~~a) Foreign Language Proficiency~~
~~A school district may award the State Seal of Biliteracy to any high school graduate *who attains a high level of proficiency, sufficient for meaningful use in college and career* (Section 2-3.159 of the School Code), in a language other than English as evidenced by his or her attainment of a composite score of "intermediate high", or its equivalent, on a standardized assessment that addresses the four domains of speaking, writing, listening and reading in the targeted foreign language. For the purposes of this Section, proficiency may be shown using one of the methods outlined in this subsection (a).~~

~~1) Assessment Method~~

~~A) For purposes of using an assessment to determine proficiency:~~

~~i) "Intermediate high" is defined in the ACTFL Proficiency Guidelines 2012, published by the American Council on the Teaching of Foreign Languages, 1001 North Fairfax Street, Suite 200, Alexandria VA 22314 and available at http://www.actfl.org/publications/guidelines-and-manuals/actfl-proficiency-guidelines-2012. (No later amendments to or editions of these guidelines are incorporated.)~~

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ii) For the American Sign Language, "intermediate high" is equivalent to meeting progress indicators for grade 12 set forth in the Standards for Learning American Sign Language (2014), published by the American Sign Language Teachers Association, P.O. Box 38, Clinton WA 98236 and available at http://www.aslta.org/wp-content/uploads/2014/07/National_ASL_Standards.pdf. (No later amendments to or editions of these guidelines are incorporated.)

iii) "Standardized assessment" is one that is available for use on a statewide or national basis and meets generally accepted standards of fairness, validity and reliability as stated in "Standards for Educational and Psychological Testing" (2013), published by the American Educational Research Association, 1430 K Street, N.W., Suite 1200, Washington D.C. 20005. (No later amendments to or editions of these standards are incorporated.)

2) The State Superintendent shall post on its website by July 1 of each year a list of acceptable language assessments (e.g., the ACTFL Assessment of Performance Toward Proficiency in Languages (AAPPL), Advanced Placement (AP) World Language and Culture Exam, Diploma de Español como Lengua Extranjera (DELE)) and the score to be achieved on each that qualifies the student as meeting the criteria set forth in subsection (a)(1)(A)(i) or (ii), as applicable. A school district that chooses to use an assessment to measure foreign language proficiency that is not included on the list shall maintain evidence that the assessment meets the criteria specified in subsection (a)(1)(A)(iii) and either subsection (a)(1)(A)(i) or (ii), as applicable, and make that evidence available to the State Superintendent of Education upon request.

3) Alternative Evidence Method
A school district may choose to award the State Seal of Biliteracy through an alternative evidence method in accordance with this subsecton (a)(3).

A) The alternative evidence method may be used when:

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~~i) a student attains an "intermediate mid" composite score, as defined in the ACTFL guidelines set forth in subsection (a)(1), or its equivalent, on a standardized assessment that addresses the four domains of speaking, writing, listening and reading in the targeted foreign language;~~

~~ii) no standardized assessment exists for the targeted foreign language;~~

~~iii) evaluating the language proficiency of a student with disabilities for whom the standardized assessment is inappropriate; or~~

~~iv) the standardized assessment for the targeted foreign language does not assess one or more of the four domains of speaking, writing, listening and reading.~~

~~B) Any alternative evidence method used shall consist of a student portfolio that contains evidence for each component set forth in subsections (a)(3)(C) and (a)(3)(D) that demonstrates proficiency equivalent to an "intermediate high" level in the four domains of speaking, writing, listening and reading.~~

~~C) Experience in the Targeted Foreign Language~~

~~i) The extent to which the student's language background enables him or her to gain proficiency in the targeted foreign language in one or more of the four domains;~~

~~ii) The extent to which the student's participation in intercultural activities provided opportunities to gain proficiency in the targeted foreign language in one or more of the four domains;~~

~~iii) The courses taken in the targeted foreign language and the grades received; and/or~~

~~iv) The extent to which any time spent in countries where the targeted foreign language is spoken contributed to the~~

~~student's opportunities to gain proficiency in the targeted foreign language in one or more of the four domains.~~

~~D)~~ ~~Work Samples~~

~~i)~~ ~~Formal presentations in the targeted foreign language;~~

~~ii)~~ ~~Student-produced compositions, articles, papers and other formal documents in the targeted foreign language; and/or~~

~~iii)~~ ~~Certificates, diplomas, results from tests or assessments other than those identified under subsection (a) and additional achievements that demonstrate sufficient proficiency in the targeted foreign language.~~

~~b)~~ ~~English Proficiency~~

~~1)~~ ~~To be eligible to be awarded the State Seal of Biliteracy, each student also shall demonstrate proficiency in English through:~~

~~A)~~ ~~Attainment of either a "meets standards" or "exceeds standards" for English language arts on the State assessments administered at the secondary level, as authorized in Section 2-3.64a-5 of the School Code;~~

~~B)~~ ~~Attainment of a "proficient" score on the English language proficiency assessment defined at 23 Ill. Adm. Code 228.10 (Transitional Bilingual Education) administered at the secondary level; or~~

~~C)~~ ~~Attainment of an "intermediate high" composite score on an assessment in English identified pursuant to subsection (a)(1).~~

~~2)~~ ~~The State Superintendent shall post on its website by July 1 of each year a list of acceptable English language assessments (e.g., the TOEFL® test, the ESL (English as a Second Language) AAPPL, ACTFL Assessment of Performance Toward Proficiency in Languages) and the score to be achieved on each that qualifies the student as meeting one of the sets of criteria for proficiency set forth in this subsection (b). A school district~~

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~~that chooses to use an assessment to measure English language proficiency that is not included on the list shall maintain evidence that the assessment meets the criteria specified in subsection (a)(1)(A)(iii) and one of the sets of criteria for proficiency set forth in this subsection (b) and make that evidence available to the State Superintendent of Education upon request.~~

~~c)~~ ~~The State Seal of Biliteracy program may offer a State Commendation toward Biliteracy to any student who fails to meet the requirements of subsection (a) but attains a score of "intermediate low", or its equivalent, in the targeted foreign language using the method set forth in subsection (a)(1) or (a)(3).~~

~~1)~~ ~~"Intermediate low" is defined in the ACTFL Proficiency Guidelines 2012 referenced in subsection (a)(1).~~

~~2)~~ ~~Each student also shall demonstrate a level of proficiency in English through:~~

~~A)~~ ~~Attainment of either a "meets standards" or "exceeds standards" for English language arts on the State assessments administered at the secondary level, as authorized in Section 2-3.64a-5 of the School Code;~~

~~B)~~ ~~Attainment of a score established for part-time placement in a transitional bilingual education program (see 23 Ill. Adm. Code 228.30(c) (Establishment of Programs)) on the English language proficiency assessment defined at 23 Ill. Adm. Code 228.10 (Transitional Bilingual Education) that is administered at the secondary level; or~~

~~C)~~ ~~Attainment of an "intermediate low" composite score on an assessment in English identified pursuant to subsection (a).~~

~~3)~~ ~~The State Superintendent shall post on its website by July 1 of each year a list of acceptable assessments (e.g., the ACTFL Assessment of Performance Toward Proficiency in Languages (AAPPL), Advanced Placement (AP) World Language and Culture Exam, Diploma de Español como Lengua Extranjera (DELE)) and the score to be achieved on each that qualifies the student as meeting the criteria set forth in this subsection (c) for foreign language and English language proficiency. A school~~

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~~district that chooses to use an assessment that is not included on the list shall maintain evidence that the assessment meets the criteria specified in subsection (a)(1)(A)(iii) and the applicable criteria set forth in this subsection (c) and make that evidence available to the State Superintendent of Education upon request.~~

~~d)~~ ~~In accordance with Section 2-3.159(g) of the School Code, the school district shall place a designation of a qualifying student's receipt of the State Seal of Biliteracy in the student's permanent record on the academic transcript as defined in 23 Ill. Adm. Code 375 (Student Records) and include the designation on the student's diploma. A school district also shall place a designation of a qualifying student's receipt of the State Commendation toward Biliteracy both in the permanent record on the academic transcript and on the student's diploma. The designations shall list each of the targeted foreign languages for which the State Seal of Biliteracy or State Commendation toward Biliteracy is being awarded. The State Board of Education shall make an electronic facsimile of the State Seal of Biliteracy and the State Commendation toward Biliteracy available to school districts for this purpose.~~

~~e)~~ ~~A school district that chooses to participate in the State Seal of Biliteracy program shall meet the requirements of this subsection (e).~~

~~1)~~ ~~A participating school district shall notify the State Board of Education of its participation by October 1 of each year. A district that elects to participate after October 1 shall notify the State Board of Education of its participation no later than 45 calendar days prior to the issuance of any State Seals or State Commendations.~~

~~A)~~ ~~A school district electing to participate after October 1 shall include in its notification to the State Board of Education evidence that the district has met all of the requirements set forth in this subsection (e).~~

~~B)~~ ~~A district that fails to submit the proper notification within the timeframes provided shall be prohibited from awarding the State Seal and State Commendation for that school year.~~

~~2)~~ ~~A participating district shall designate at least one individual to serve as coordinator of the State Seal of Biliteracy program and include the~~

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~~individual's name and contact information in the notice provided pursuant to subsection (e)(1). The individual assigned to serve as the coordinator of the program shall:~~

~~A)~~ ~~Hold a professional educator license endorsed in an administrative area issued pursuant to 23 Ill. Adm. Code 25 (Educator Licensure); and~~

~~B)~~ ~~Participate in training approved by the State Board of Education prior to awarding the State Seal of Biliteracy awarded under the provisions of Section 2-3.159 of the School Code and this Section and the State Commendation toward Biliteracy awarded under the provisions of this Section.~~

~~3)~~ ~~Using a format prescribed by the State Superintendent of Education, a participating school shall submit an annual report to the State Board of Education no later than 30 days after the end of the school year that includes, but is not limited to, identification of each student awarded the State Seal of Biliteracy or the State Commendation toward Biliteracy, targeted foreign language or languages for which the State Seal of Biliteracy or State Commendation toward Biliteracy was awarded to the student and the method the student used to demonstrate proficiency.~~

~~4)~~ ~~A participating school district shall make available information about the State Seal of Biliteracy program to parents and students by posting on the district's website, if the district maintains a website, and in the student handbook the following information:~~

~~A)~~ ~~General information about the State Seal of Biliteracy program and the opportunity for students to participate;~~

~~B)~~ ~~A description of the process a student would use to demonstrate proficiency in the targeted foreign language, including details about any alternative evidence that may be required under the provisions of subsection (a)(3), if applicable;~~

~~C)~~ ~~An estimate of the costs, if known, that students might incur to demonstrate proficiency using either of the methods under subsection (a); and~~

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~~D) The name and contact information for any individuals designated to serve as the coordinator of the State Seal of Biliteracy program.~~

(Source: Repealed at 44 Ill. Reg. 9961, effective May 21, 2020)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

1) Heading of the Part: State Seal of Biliteracy

2) Code Citation: 23 Ill. Adm. Code 680

3)

Section Numbers:	Adopted Actions:
680.10	New Section
680.20	New Section

4) Statutory Authority: 105 ILCS 5/2-3.159

5) Effective Date of Rules: May 21, 2020

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

7) Does this rulemaking contain incorporations by reference? No

8) A statement that a copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal published in *Illinois Register*: 43 Ill. Reg. 14636; December 20, 2019

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version:

- Definition of "world language" was modified to include "other native languages spoken by an individual whose first language is not English".

- In Section 680.20(e)(2)(A), "professional educator license" was capitalized.

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

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: Part 680 is being created to align with the enactment of PA 101-222, which adds language to the State Seal of Biliteracy Program

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under Section 2-3.159 of the School Code to allow nonpublic schools to participate in the program. This new Part 860 will apply to both public school districts and nonpublic schools.

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

Azita Kakvand
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield IL 62777-0001

217/782-6510
rules@isbe.net

The full text of the Adopted Rules begins on the next page:

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER o: MISCELLANEOUS

PART 680
STATE SEAL OF BILITERACY

Section
680.10 Definitions
680.20 State Seal of Biliteracy

AUTHORITY: Implementing and authorized by Section 2-3.159 of the School Code [105 ILCS 5].

SOURCE: Adopted at 44 Ill. Reg. 9976, effective May 21, 2020.

Section 680.10 Definitions

"Four Domains" means speaking, writing, listening and reading.

"Program" means the State Seal of Biliteracy Program created by Section 2-3.159 of the Code.

"School Code" or "Code" means 105 ILCS 5.

"State Board" means the State Board of Education.

"State Commendation" or "Commendation" means the State Commendation toward Biliteracy created by this Part.

"State Seal" or "Seal" means the State Seal of Biliteracy created by Section 2-3.159 of the Code and this Part.

"State Superintendent" means the State Superintendent of Education.

"World Language" means any language other than English, including all modern languages, Latin, American Sign Language, Native American languages, and

other native languages spoken by an individual whose first language is not English.

Section 680.20 State Seal of Biliteracy

In accordance with Section 2-3.159 of the School Code, a school district or nonpublic school may establish a program *to recognize public and nonpublic high school graduates who have attained a high level of proficiency in one or more languages in addition to English*, by designating on a student's transcript and high school diploma his or her receipt of the State Seal of Biliteracy, provided that all the conditions of this Section are met.

a) World Language Proficiency
A school district or nonpublic school may award the State Seal to any high school graduate *who attains a high level of proficiency, sufficient for meaningful use in college and a career* (Section 2-3.159 of the Code), in a language other than English, as evidenced by his or her attainment of a "intermediate high" composite score, or an "intermediate high" score in each of the domains when no composite score is provided, or its equivalent, on a standardized assessment that addresses the four domains of speaking, writing, listening, and reading in the targeted world language. Proficiency may be shown using one of the methods outlined in this subsection.

1) Assessment Method

A) For purposes of using an assessment to determine proficiency:

i) "Intermediate high" is defined in the American Council on the Teaching of Foreign Languages (ACTFL) Proficiency Guidelines 2012, published by ACTFL, 1001 North Fairfax Street, Suite 200, Alexandria VA 22314 and available at http://www.actfl.org/publications/guidelines-and-manuals/actfl-proficiency-guidelines-2012. (No later amendments to or editions of these guidelines are incorporated.) Measurement may assess tasks across the three modes of communication as defined by the World-Readiness Standards for Learning Languages available at https://www.isbe.net/Documents/World-Languages-Standards.pdf.

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ii) For students learning American Sign Language as a heritage or first language, "intermediate high" is equivalent to meeting progress indicators for grade 12 set forth in the Standards for Learning American Sign Language (2014), published by the American Sign Language Teachers Association, P.O. Box 38, Clinton WA 98236 and available at http://www.aslta.org/wp-content/uploads/2014/07/National_ASL_Standards.pdf. (No later amendments to or editions of these guidelines are incorporated.)

iii) For students learning American Sign Language as a world language, "intermediate high" is defined in the Communication Proficiency Performance Indicators in the Fourth Edition World-Readiness Standards for Learning Languages published by the American Council on the Teaching of Foreign Languages, 1001 North Fairfax Street, Suite 200, Alexandria VA 22314 and available at https://www.isbe.net/Documents/World-Languages-Standards.pdf. (No later amendments to or editions of these guidelines are incorporated).

iv) "Standardized assessment" is one that is available for use on a statewide or national basis and meets generally accepted standards of fairness, validity, and reliability as stated in "Standards for Educational and Psychological Testing" (2013), published by the American Educational Research Association, 1430 K Street, N.W., Suite 1200, Washington DC 20005. (No later amendments to or editions of these standards are incorporated.)

2) The State Superintendent shall post on the State Board of Education's website, by July 1 of each year, a list of acceptable language assessments (e.g., the ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL); Advanced Placement (AP) World Language and Culture Exam; and Diploma de Español como Lengua Extranjera (DELE)) and the score to be achieved on each assessment that qualifies the student as meeting the criteria set forth in subsection (a)(1)(A)(i), (ii) or (iii), as applicable. A school district or nonpublic school that chooses to use an assessment to measure world language proficiency that is not included on

the list shall maintain evidence that the assessment meets the criteria specified in subsection (a)(1)(A)(iv) and either subsection (a)(1)(A)(i), (ii) or (iii) as applicable, and make that evidence available to the State Superintendent upon request.

3) Alternative Evidence Method
A school district or nonpublic school may choose to award the State Seal through an alternative evidence method in accordance with this subsection (a)(3).

A) The alternative evidence method may be used when:

i) a student attains an "intermediate mid" composite score, as defined in the ACTFL guidelines set forth in subsection (a)(1), or its equivalent, on a standardized assessment that addresses the four domains in the targeted world language;

ii) no standardized assessment exists for the targeted world language;

iii) evaluating the language proficiency of a student with disabilities for whom the standardized assessment is inappropriate; or

iv) the standardized assessment for the targeted world language does not assess one or more of the four domains.

B) Any alternative evidence method used shall consist of a student portfolio that contains evidence for each component set forth in subsections (a)(3)(C) and (D) that demonstrates proficiency equivalent to an "intermediate high" level in the four domains.

C) Experience in the Targeted World Language

i) the extent to which the student's language background enables him or her to gain proficiency in the targeted world language in one or more of the four domains;

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ii) the extent to which the student's participation in intercultural activities provided opportunities to gain proficiency in the targeted world language in one or more of the four domains;

iii) the courses taken in the targeted world language and the grades received; or

iv) the extent to which any time spent in countries where the targeted world language is spoken contributed to the student's opportunities to gain proficiency in the targeted world language in one or more of the four domains.

D) Work Samples

i) formal presentations in the targeted world language;

ii) student-produced compositions, articles, papers, and other formal documents in the targeted world language; or

iii) certificates, diplomas, results from tests or assessments other than those identified under subsection (a), and additional achievements that demonstrate sufficient proficiency in the targeted world language.

b) English Proficiency

1) To be eligible to be awarded the State Seal, each student must also demonstrate proficiency in English through:

A) attainment of college and career benchmarks on any nationally normed assessment of English language arts or equivalent dual credit coursework;

B) attainment of either a "meets standards" or "exceeds standards" for English language arts on the State assessments administered at the secondary level, as authorized in Section 2-3.64a-5 of the Code;

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C) attainment of a "proficient" score on the English language proficiency assessment, as defined under 23 Ill. Adm. Code 228.10, administered at the secondary level; or

D) attainment of an "intermediate high" composite score on an assessment in English identified under subsection (a)(1).

2) The State Superintendent shall post on the State Board of Education's website, by July 1 of each year, a list of acceptable English language assessments (e.g., the Test of English as a Foreign Language (TOEFL®) and the English as a Second Language ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL)), and the score to be achieved on each assessment that qualifies the student as meeting one of the sets of criteria for proficiency set forth in this subsection (b). A school district or nonpublic school that chooses to use an assessment to measure English language proficiency that is not included on the list shall maintain evidence that the assessment meets the criteria specified in subsection (a)(1)(A)(iv) and one of the sets of criteria for proficiency set forth in subsection (b)(1) and must make that evidence available to the State Superintendent upon request.

c) The State Seal Program may offer a State Commendation to any student who fails to meet the requirements of subsection (a) but attains a score of "intermediate low", or its equivalent, in the targeted world language using the method set forth in subsection (a)(1) or (a)(3).

1) "Intermediate low" is defined in the ACTFL Proficiency Guidelines 2012 referenced in subsection (a)(1).

2) Each student must also demonstrate a level of proficiency in English through:

A) attainment of college and career benchmarks on any nationally normed assessment of English language arts or equivalent dual credit coursework;

B) attainment of either a "meets standards" or "exceeds standards" for English language arts on the State assessments administered at the secondary level, as authorized in Section 2-3.64a-5 of the Code;

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C) attainment of a score established for part-time placement in a transitional bilingual education program (23 Ill. Adm. Code 228.30(c)) on the English language proficiency assessment, as defined under 23 Ill. Adm. Code 228.10, that is administered at the secondary level; or

D) attainment of an "intermediate low" composite score on an assessment in English identified under subsection (b).

3) The State Superintendent shall post on the State Board of Education's website, by July 1 of each year, a list of acceptable assessments (e.g., the AAPPL, Advanced Placement (AP) World Language and Culture Exam, or DELE) and the score to be achieved on each assessment that qualifies the student as meeting the criteria set forth in this subsection (c) for world language and English language proficiency. A school district or nonpublic school that chooses to use an assessment that is not included on the list shall maintain evidence that the assessment meets the criteria specified in subsection (a)(1)(A)(iv) and the applicable criteria set forth in this subsection (c) and make that evidence available to the State Superintendent upon request.

d) In accordance with Section 2-3.159(g) of the Code, the school district or nonpublic school shall place a designation of a qualifying student's receipt of the State Seal in the student's permanent record on the academic transcript, as defined in 23 Ill. Adm. Code 375, and include the designation on the student's diploma. A school district or nonpublic school must also place a designation of a qualifying student's receipt of the State Commendation both in the permanent record on the academic transcript and on the student's diploma. The designations shall list each of the targeted world languages for which the Seal or Commendation is being awarded. The State Board of Education shall make an electronic facsimile of the Seal and the Commendation available to school districts and nonpublic schools for this purpose.

e) A school district or nonpublic school that chooses to participate in the Program shall meet the requirements of this subsection (e).

1) A participating school district or nonpublic school shall notify the State Board of its participation by October 1 of each year. A district or

nonpublic school that elects to participate after October 1 shall notify the State Board of its participation no later than 45 calendar days before the issuance of any Seals or Commendations.

A) A school district or nonpublic school electing to participate after October 1 shall include in its notification to the State Board evidence that the district or nonpublic school has met all of the requirements of this subsection (e).

B) A district or nonpublic school that fails to submit the proper notification within the timeframes provided shall be prohibited from awarding the Seal and Commendation for that school year.

2) A participating district shall designate at least one individual to serve as a coordinator of the Program and include the individual's name and contact information in the notice required by subsection (e)(1). The individual assigned to serve as the coordinator of the program under this subsection (e)(2) shall:

A) hold a Professional Educator License endorsed in an administrative area issued pursuant to 23 Ill. Adm. Code 25; and

B) participate in training approved by the State Board before awarding the Seal and the Commendation.

3) A participating nonpublic school shall designate at least one individual to serve as coordinator of the Program and include the individual's name and contact information in the notice required by subsection (e)(1). The individual assigned to serve as the coordinator of the Program shall:

A) be an active administrator at the nonpublic school awarding the Seal; and

B) participate in the training approved by the State Board before awarding the Seal and the Commendation.

4) Using a format prescribed by the State Superintendent, a participating school district or nonpublic school shall submit an annual report to the State Board no later than 30 days after the end of the school year that

includes, but is not limited to, identification of each student awarded the Seal or Commendation, targeted world language or languages for which Seal or Commendation was awarded to the student, and the method the student used to demonstrate proficiency.

5) A participating school district or nonpublic school shall make available information about the Program to parents and students by posting on the district's or nonpublic school's website, if the district or nonpublic school maintains a website, and in the student handbook the following information:

A) general information about the Program and the opportunity for students to participate;

B) a description of the process a student would use to demonstrate proficiency in the targeted world language, including details about any alternative evidence that may be required by subsection (a)(3), if applicable;

C) an estimate of the costs, if known, that students might incur to demonstrate proficiency using the methods under subsection (a); and

D) the name and contact information for any individuals designated to serve as the coordinator of the Program.

EXECUTIVE ETHICS COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Organization, Information, Rulemaking and Hearings

2) Code Citation: 2 Ill. Adm. Code 1620

3)

Section Numbers:	Emergency Actions:
1620.430	Amendment
1620.530	Amendment
1620.810	Amendment
1620.1100	Amendment

4) Statutory Authority: Implementing and authorized by Sections 20-15 and 20-50 of the State Officials and Employees Ethics Act [5 ILCS 430/20-15 and 20-50].

5) Effective Date of Emergency Rules: May 22, 2020

6) If these emergency rules will expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of 150 days or the date on which the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038 issued on March 9, 2020, as thereafter extended, terminates, whichever occurs first.

7) Date Filed with the Index Department: May 22, 2020

8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Reason for Emergency: The COVID-19 virus epidemic constitutes a clear threat to public health. Various stay-at-home orders issued by the Governor to protect public health in response to the epidemic have made compliance with certain filing and reporting requirements established by rule of the Executive Ethics Commission impracticable even though staff of the Commission and of other State officers and agencies work from home.

10) A Complete Description of the Subjects and Issues Involved: The establishment of a work-at-home environment in response to the COVID-19 virus epidemic has resulted in practical compliance problems for certain parties, officers, employees, and agencies, including the Commission, with a limited range of deadlines and other requirements established by Commission rule. This rulemaking is designed to temporarily suspend or

relax provisions related to the need to file paper documents, the 60-day time limit for issuing decisions in disciplinary appeals, deadlines for the filing of quarterly reports, and the 15-day time limit for filing certain disciplinary appeals.

11) Are there any rulemakings pending on this Part? No

12) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.

13) Information and questions regarding these emergency rules shall be directed to:

Stephen J. Rotello
General Counsel
515 Stratton Building
401 S. Spring Street
Springfield IL 62706

Stephen.rotello@illinois.gov

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

EXECUTIVE ETHICS COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER VI: EXECUTIVE ETHICS COMMISSION

PART 1620
ORGANIZATION, INFORMATION, RULEMAKING AND HEARINGS

SUBPART A: ORGANIZATION

Section
1620.5 Definitions
1620.10 Composition of Executive Ethics Commission
1620.20 Officers
1620.30 Appointment of Executive Director
1620.40 Duties of Executive Director
1620.50 Duties of Staff

SUBPART B: INFORMATION

Section
1620.110 Requests for Records
1620.120 Response to Requests for Records
1620.140 Copies of Public Records − Fees
1620.150 Materials Immediately Available

SUBPART C: RULEMAKING

Section
1620.200 Rulemaking Procedures

SUBPART D: INVESTIGATIONS

Section
1620.300 Conduct of Investigations
1620.310 State Officer or Employee Case Initiation Form
1620.320 Case Initiation Form − Contents
1620.330 Opening an Investigation File
1620.340 Referral to the Appropriate Executive Inspector General
1620.350 Investigations

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SUBPART E: HEARINGS

Section
1620.420 Attorney of Record
1620.430 Filing Requirements
EMERGENCY
1620.440 Complaint
1620.450 Complaint − Required Provisions
1620.460 Service
1620.470 Objections
1620.480 Sufficiency of the Complaint
1620.490 Discovery
1620.500 Subpoenas
1620.510 Motions
1620.520 Hearings
1620.530 Decision of the Commission
EMERGENCY

SUBPART F: REVOLVING DOOR PROHIBITION

Section
1620.610 Revolving Door Prohibition
1620.640 Waiver of Prohibition of Executive Inspector General Employees as Judicial Appointee
1620.650 Waiver of Prohibition of Executive Inspector General Employees as Judicial Appointee − Commission Procedure

SUBPART G: GIFT BAN

Section
1620.700 Gift Ban

SUBPART H: MISCELLANEOUS FILINGS

Section
1620.800 Personnel Policies
1620.810 Quarterly and Six-Month Status Reports
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1620.820 Ex Parte Communications
1620.825 Communications Related to Procurement
1620.826 Communications Related to Power Procurement by the Illinois Power Agency
1620.830 Designation of Ethics Officer

SUBPART I: TRAINING PROGRAMS

Section
1620.900 Ethics Training
1620.910 Sexual Harassment Training

SUBPART J: INVESTIGATION REPORTS AND SUMMARY REVIEWS

Section
1620.1000 Investigation Reports Finding a Violation
1620.1010 Investigation Reports Finding No Violation
1620.1020 Release of Summary Reports
1620.1025 Allegations of Sexual Harassment Violations by Lobbyists

SUBPART K: DISCIPLINARY ACTION

Section
1620.1100 Disciplinary Action under the Ethics Act
EMERGENCY
1620.1110 Hearings to Contest Disciplinary Actions

SUBPART L: PROCUREMENT CODE PROVISIONS

Section
1620.1200 Procurement Code Conflicts of Interest Exemptions
1620.1250 Potential Conflict of Interest Submittal from the Procurement Policy Board
1620.1270 Prohibited Bidder Exceptions for Higher Education

SUBPART M: ACTIONS FOR REMOVING AND DISCIPLINING CERTAIN OFFICERS

Section
1620.1300 Purpose
1620.1310 Instituting a Complaint for Removal or Discipline
1620.1320 Service of Process, Notice

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1620.1330 Contents of the Complaint and Amendments
1620.1340 Objections to Sufficiency of Complaint
1620.1350 Sufficiency of the Complaint
1620.1360 Cause for Discharge or Discipline
1620.1370 Discovery
1620.1380 Subpoenas
1620.1390 Motions
1629.1400 Order of Evidentiary Hearing
1620.1410 Public Hearing
1620.1420 Proposal for Decision and Response
1620.1430 Decision of the Commission
1620.1440 Administrative Law Judge
1620.1450 Authority of Administrative Law Judge
1620.1460 Appearances − Representation
1620.1470 Record of Proceedings
1620.1480 Service of Pleadings

AUTHORITY: Implementing and authorized by Sections 20-5, 20-50 and 20-55 of the State Officials and Employees Ethics Act [5 ILCS 430], Section 2002 of the Fiscal Control and Internal Auditing Act [30 ILCS 10], and Sections 1-13, 10-10, 10-15, 10-20 and 50-39 of the Illinois Procurement Code [30 ILCS 500] and authorized by Section 20-15 of the State Officials and Employees Ethics Act [5 ILCS 430] and Section 10-5 of the Illinois Administrative Procedure Act [5 ILCS 100].

SOURCE: Adopted by emergency rulemaking at 29 Ill. Reg. 3340, effective February 23, 2005, for a maximum of 150 days; adopted at 29 Ill. Reg. 9619, effective July 1, 2005; amended at 32 Ill. Reg. 7099, effective July 1, 2008; amended at 34 Ill. Reg. 13108, effective August 27, 2010; amended at 34 Ill. Reg. 19507, effective December 6, 2010; emergency rulemaking at 35 Ill. Reg. 563, effective January 1, 2011, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 35 Ill. Reg. 3797, effective February 17, 2011, for the remainder of the 150 days; amended at 35 Ill. Reg. 7308, effective April 21, 2011; amended at 36 Ill. Reg. 13826, effective August 21, 2012; amended at 37 Ill. Reg. 19561, effective November 22, 2013; recodified at 42 Ill. Reg. 5044; amended at 42 Ill. Reg. 13550, effective June 26, 2018; emergency amendment at 44 Ill. Reg. 9987, effective May 22, 2020, for a maximum of 150 days.

SUBPART E: HEARINGS

Section 1620.430 Filing Requirements

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EMERGENCY

a) An original and one copy of all documents shall be filed with the Commission at the Commission's offices. The documents shall be produced on 8½" x 11" white paper by a typing, printing, duplicating or copying process that provides a clear, readable image. If a filing is unreadable, it will be returned as unacceptable for filing. Parties represented by counsel shall send to the Commission an electronic copy of all documents via electronic mail on the same day that the paper documents are filed. Parties not represented by counsel are encouraged to send electronic copies of all filings.

b) Each party who files a document with the Commission shall also send a copy of that document to the other party in the case, or, if represented, to the other party's attorney. Parties shall attach a certificate of service to each document in accordance with Illinois Supreme Court Rule 12.

c) During the duration of the COVID-19 disaster proclamations, the provisions of this Section that require the filing and serving of paper documents are suspended. For the duration of the suspension, documents must be filed and served by email. In addition to the electronic copy, paper documents may also be filed.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 9987, effective May 22, 2020, for a maximum of 150 days)

Section 1620.530 Decision of the Commission
EMERGENCY

a) Within 60 days after the hearing or after briefs are due, whichever is later, the Commission shall enter a decision. With respect to disciplinary appeals pending on March 9, 2020, this timeframe for the Commission's decision is suspended for the duration of the COVID-19 disaster proclamations.

b) When the Commission is determining an appropriate fine pursuant to Section 50-5 of the Act after a finding of liability, the Commission may consider the following mitigating and aggravating factors:

1) nature of violations;

2) the scope of the violation or scheme of violations;

3) the use of title or position;

4) the extent of the use of resources, money, time to the State;

5) the extent of a respondent's intent or knowledge of the facts surrounding the violation;

6) premeditation;

7) the duration of any series of violations;

8) position of authority;

9) involvement of others, especially other State employees;

10) self-disclosure;

11) cooperation;

12) in the absences of substantial aggravating factors, a self-employed person's incidental business or employment matters that are not reported under Section 5-45(f) of the Act in a timely manner or involve subject matter not directly related to prior State employment and that entail monetary amounts of less than $5,000 are deemed to be offenses warranting a warning or minimal fine;

13) prior disciplinary record or Ethics Act violation; and

14) years of service and type of service with the State.

c) *The decision shall include a description of the alleged misconduct, the decision of the Commission, including any fines levied and any recommendation of discipline and the reasoning for that decision.* [5 ILCS 430/20-55(a)]

d) Decisions of the Commission shall be signed by at least 5 commissioners.

e) *All decisions shall be delivered to the head of the appropriate State agency, the appropriate ultimate jurisdictional authority, the Executive Inspector General* or

Secretary of State Inspector General, as appropriate, the respondent, and the Attorney General. [5 ILCS 430/20-55(a)]

f) Once a complaint has been filed with the Commission, any proposed settlement reached by the parties must be submitted to the Commission for review and approval.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 9987, effective May 22, 2020, for a maximum of 150 days)

SUBPART H: MISCELLANEOUS FILINGS

Section 1620.810 Quarterly and Six-Month Status Reports
EMERGENCY

a) Each Executive Inspector General shall file a quarterly activity report with the Commission that reflects investigative activity during the previous quarter on or before January 15, April 15, July 15 and October 15 of each year. The activity report shall include:

1) *The number of investigations opened during the preceding quarter, the affected offices or agencies, and the unique tracking number for new investigations.*

2) *The number of investigations closed during the preceding quarter, the affected offices or agencies, and the unique tracking number for closed investigations.*

3) *The status of each on-going investigation that remained open at the end of the quarter, the affected office, agency or agencies, the investigation's unique tracking number, the date opened, and a brief statement of the general nature of the investigation at the time the status report is filed.* [5 ILCS 430/20-65(a)]

4) A statement of the amount of public funds at risk of loss as a result of the alleged misconduct under investigation.

5) A statement of whether the alleged misconduct may give rise to criminal penalties. If law enforcement was notified of the allegations, the report

should indicate the date of the notification and the identity of the law enforcement entity notified. If law enforcement was not notified, the report should explain why notification has not occurred.

6) Other information deemed necessary by the Commission to fulfill its duties.

b) On January 15, April 15, July 15 and October 15 of each year, *the Attorney General shall submit a report to the Commission indicating:*

1) *the number of complaints received from each Executive Inspector General since the date of the last report;*

2) *the number of complaints for which the Attorney General has determined reasonable cause exists to believe that a violation has occurred since the date of the last report; and*

3) *the number of complaints still under review by the Attorney General.* [5 ILCS 430/20-86]

c) During the duration of the COVID-19 disaster proclamations, the quarterly reporting deadlines imposed by subsections (a) and (b) are suspended.

d~~c~~) *If any investigation is not concluded within 6 months after its initiation, the appropriate Executive Inspector General shall file a 6-month report with the Commission by the 15th day of the month following it being open for 6 months. The 6-month report shall disclose:*

1) *The general nature of the allegation or information giving rise to the investigation (and present allegations or information being investigated, if different), the job title or job duties of the subjects of the investigation, and the investigation's unique tracking number.*

2) *The date of the last alleged violation of this Act or other State law giving rise to the investigation.*

3) *Whether the Executive Inspector General has found credible any allegations of criminal conduct.*

4) *Whether the allegation has been referred to an appropriate law enforcement agency and the identity of the law enforcement agency to which those allegations were referred.*

5) *If an allegation has not been referred to an appropriate law enforcement agency, the reason for the failure to complete the investigation within 6 months, a summary of the investigative steps taken, additional investigative steps contemplated at the time of the report, and an estimate of additional time necessary to complete the investigation.* [5 ILCS 430/20-65(b)]

6) A statement of the amount of public funds at risk of loss as a result of the alleged misconduct under investigation, if the amount of loss is greater than $5,000.

7) If an ultimate jurisdictional authority is a subject of the investigation reported under this Section, the EIG shall inform the Commission separately of this fact.

8) Any other information deemed necessary by the Executive Ethics Commission in determining whether to appoint a Special Executive Inspector General. The Commission may direct the Executive Inspector General to provide the Commission a complete copy of any investigation file. When additional information is needed to determine whether a Special Executive Inspector General should be appointed, the Commission deems the EIG's disclosure of the additional information to the Commission to be "necessary" as provided at 5 ILCS 430/20-95(d).

ed) The Executive Inspector General shall continue to report each investigation not concluded within 6 months on the 15th day of each month, in accordance with subsection (de), until the investigation has been concluded. Each monthly report shall contain a personal verification by the EIG stating: "I have read this report and after thorough examination I believe that this report contains a complete and accurate listing of all investigations required by 2 Ill. Adm. Code 1620.810(c)."

fe) *If an Executive Inspector General has referred an allegation to an appropriate law enforcement agency and continues to investigate the matter, the future reporting requirements of this Section are suspended.* [5 ILCS 430/20-65(c)]

EXECUTIVE ETHICS COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

g~~f~~) All reports shall be provided to the Commission in paper form, electronically or both, as directed by the Commission.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 9987, effective May 22, 2020, for a maximum of 150 days)

SUBPART K: DISCIPLINARY ACTION

Section 1620.1100 Disciplinary Action under the Ethics Act
EMERGENCY

Disciplinary action under the Ethics Act against a person subject to the Personnel Code, the Secretary of State Merit Employment Code, the Comptroller Merit Employment Code, or the State Treasurer Employment Code is within the jurisdiction of the Executive Ethics Commission and not within the jurisdiction of those Acts. [5 ILCS 430/20-55(c)]

a) An allegation of a violation of the Ethics Act shall set forth with particularity a statement of facts and a designation of the applicable provisions of the Ethics Act that have been violated or not complied with. Allegations of Ethics Act violations shall be set forth separately from any other allegations of violations.

b) Any appeal must be filed with the Commission within 15 days after the date on which the affected person knew, received written notice, or, through the use of reasonable diligence, should have known, of the disciplinary action. The affected person shall simultaneously serve a copy of the appeal on the Director of the Department of Central Management Services (CMS) or the Secretary of State, Comptroller or Treasurer, as appropriate. During the duration of the COVID-19 disaster proclamations, the 15 day threshold for filing an appeal is suspended. An employee must file any such appeal within 30 days after the employee receives actual or constructive notice of the disciplinary action or within 15 days after the termination of the proclamations, whichever is sooner.

c) The form of the appeal shall be captioned substantially as follows:

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE APPEAL OF (employee),	)))	No. _____

EXECUTIVE ETHICS COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

Appeal

d) The appeal shall state facts and argument to support the person's appeal. Relevant documents may be attached as exhibits.

e) The CMS Director or the Secretary of State, Comptroller or Treasurer, as appropriate, may respond within 15 days after the appeal.

f) Within 60 days after the receipt of the appeal and response, the Commission may set the matter for hearing if it concludes that substantial issues of fact or law exist, or issue its decision, so long as the penalty to be imposed is not removal, discharge, demotion or suspension for a period of more than 30 days within a 12-month period.

g) If the penalty to be imposed is removal, discharge, demotion or suspension for a period of more than 30 days within a 12-month period, the Chair or Administrative Law Judge, if any, shall set the matter for hearing.

h) While related allegations of non-Ethics Act violations are pending with other entities, the Commission may continue proceedings before it generally and suspend time periods described in this Part.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 9987, effective May 22, 2020, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY REPEAL OF EMERGENCY RULE

1) Heading of the Part: Control of Communicable Disease Code

2) Code Citation: 77 Ill. Adm. Code 690

3)

Section Numbers:	Emergency Action:
690.40	Repealed

4) Statutory Authority: Implementing the Communicable Disease Report Act [745 ILCS 45] and implementing and authorized by the Department of Public Health Act [20 ILCS 2305].

5) Effective Date of Emergency Rule being Repealed: May 15, 2020

6) Effective Date of Emergency Repeal of Emergency Rule: May 20, 2020

7) Date Filed with the Index Department: May 20, 2020

8) A copy of the Emergency Repeal of Emergency Rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: This emergency rule is being repealed in light of possible legislation.

10) Are there any amendments to this Part Pending? No

11) Information and questions regarding this amendment shall be directed to:

Erin Conley
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield IL 62761-0002

217/782-2043

The full text of the Emergency Repealer of Emergency Amendment begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY REPEAL OF EMERGENCY RULE

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 690
CONTROL OF COMMUNICABLE DISEASES CODE

SUBPART A: GENERAL PROVISIONS

Section
690.10 Definitions
690.20 Incorporated and Referenced Materials
690.30 General Procedures for the Control of Communicable Diseases
690.40 Pandemic or Epidemic Respiratory Disease – Emergency Provisions (Repealed) EMERGENCY

SUBPART B: REPORTABLE DISEASES AND CONDITIONS

Section
690.100 Diseases and Conditions
690.110 Diseases Repealed from This Part

SUBPART C: REPORTING

Section
690.200 Reporting

SUBPART D: DETAILED PROCEDURES FOR THE CONTROL OF COMMUNICABLE DISEASES

Section
690.290 Acquired Immunodeficiency Syndrome (AIDS) (Repealed)
690.295 Any Unusual Case of a Disease or Condition Caused by an Infectious Agent Not Listed in this Part that is of Urgent Public Health Significance (Reportable by telephone immediately (within three hours))
690.300 Amebiasis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)
690.310 Animal Bites (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)

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690.320 Anthrax (Reportable by telephone immediately, within three hours, upon initial clinical suspicion of the disease)

690.322 Arboviral Infections (Including, but Not Limited to, Chikungunya Fever, California Encephalitis, St. Louis Encephalitis, Dengue Fever and West Nile Virus) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)

690.325 Blastomycosis (Reportable by telephone as soon as possible, within 7 days) (Repealed)

690.327 Botulism, Foodborne, Intestinal Botulism (Formerly Infant), Wound, or Other (Reportable by telephone immediately, within three hours upon initial clinical suspicion of the disease for foodborne botulism or within 24 hours by telephone or facsimile for other types)

690.330 Brucellosis (Reportable by telephone as soon as possible (within 24 hours), unless suspect bioterrorist event or part of an outbreak, then reportable immediately (within three hours) by telephone)

690.335 Campylobacteriosis (Reportable by mail, telephone, facsimile or electronically, within 7 days)

690.340 Chancroid (Repealed)

690.350 Chickenpox (Varicella) (Reportable by telephone, facsimile or electronically , within 24 hours)

690.360 Cholera (Toxigenic Vibrio cholerae O1 or O139) (Reportable by telephone or facsimile as soon as possible, within 24 hours)

690.362 Creutzfeldt-Jakob Disease (CJD) (All Laboratory Confirmed Cases) (Reportable by mail, telephone, facsimile or electronically within Seven days after confirmation of the disease) (Repealed)

690.365 Cryptosporidiosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)

690.368 Cyclosporiasis (Reportable by mail, telephone, facsimile or electronically, within seven days)

690.370 Diarrhea of the Newborn (Reportable by telephone as soon as possible, within 24 hours) (Repealed)

690.380 Diphtheria (Reportable by telephone immediately, within three hours, upon initial clinical suspicion or laboratory test order)

690.385 Ehrlichiosis, Human Granulocytotropic anaplasmosis (HGA) (See Tickborne Disease)

690.386 Ehrlichiosis, Human Monocytotropic (HME) (See Tickborne Disease)

690.390 Encephalitis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)

690.400 Escherichia coli Infections (E. coli O157:H7 and Other Shiga Toxin Producing E.

coli) (Reportable by telephone or facsimile as soon as possible, within 24 hours)
690.410 Foodborne or Waterborne Illness (Reportable by telephone or facsimile as soon as possible, within 24 hours) (Repealed)
690.420 Giardiasis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)
690.430 Gonorrhea (Repealed)
690.440 Granuloma Inguinale (Repealed)
690.441 Haemophilus Influenzae, Meningitis and Other Invasive Disease (Reportable by telephone or facsimile, within 24 hours)
690.442 Hantavirus Pulmonary Syndrome (Reportable by telephone as soon as possible, within 24 hours)
690.444 Hemolytic Uremic Syndrome, Post-diarrheal (Reportable by telephone or facsimile, within 24 hours)
690.450 Hepatitis A (Reportable by telephone or facsimile as soon as possible, within 24 hours)
690.451 Hepatitis B and Hepatitis D (Reportable by mail, telephone, facsimile or electronically, within seven days)
690.452 Hepatitis C, Acute Infection and Non-acute Confirmed Infection (Reportable by mail, telephone, facsimile or electronically, within seven days)
690.453 Hepatitis, Viral, Other (Reportable by mail, telephone, facsimile or electronically, within 7 days) (Repealed)
690.460 Histoplasmosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
690.465 Influenza, Death (in persons less than 18 years of age) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
690.468 Influenza (Laboratory Confirmed (Including Rapid Diagnostic Testing)) Intensive Care Unit Admissions (Reportable by telephone or facsimile or electronically as soon as possible, within 24 hours)
690.469 Influenza A, Variant Virus (Reportable by telephone immediately, within three hours upon initial clinical suspicion or laboratory test order)
690.470 Intestinal Worms (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)
690.475 Legionellosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
690.480 Leprosy (Hansen's Disease) (Infectious and Non-infectious Cases are Reportable) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days) (Repealed)
690.490 Leptospirosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)

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690.495	Listeriosis (When Both Mother and Newborn are Positive, Report Mother Only) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
690.500	Lymphogranuloma Venereum (Lymphogranuloma Inguinale Lymphopathia Venereum) (Repealed)
690.505	Lyme Disease (See Tickborne Disease)
690.510	Malaria (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
690.520	Measles (Reportable by telephone as soon as possible, within 24 hours)
690.530	Meningitis, Aseptic (Including Arboviral Infections) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)
690.540	Meningococcemia (Reportable by telephone as soon as possible) (Repealed)
690.550	Mumps (Reportable by telephone, facsimile or electronically as soon as possible, within 24 hours)
690.555	Neisseria meningitidis, Meningitis and Invasive Disease (Reportable by telephone or facsimile as soon as possible, within 24 hours)
690.560	Ophthalmia Neonatorum (Gonococcal) (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)
690.565	Outbreaks of Public Health Significance (Including, but Not Limited to, Foodborne or Waterborne Outbreaks) (Reportable by telephone or electronically as soon as possible, within 24 hours)
690.570	Plague (Reportable by telephone immediately, within three hours upon initial clinical suspicion of the disease)
690.580	Poliomyelitis (Reportable by telephone immediately, within three hours) upon initial clinical suspicion of the disease)
690.590	Psittacosis (Ornithosis) Due to Chlamydia psittaci (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
690.595	Q-fever Due to Coxiella burnetii (Reportable by telephone as soon as possible, within 24 Hours, unless suspect bioterrorist event or part of an outbreak, then reportable immediately (within three hours) by telephone)
690.600	Rabies, Human (Reportable by telephone or facsimile as soon as possible, within 24 hours)
690.601	Rabies, Potential Human Exposure and Animal Rabies (Reportable by telephone or facsimile, within 24 hours)
690.610	Rocky Mountain Spotted Fever (See Tickborne Disease)
690.620	Rubella (German Measles) (Including Congenital Rubella Syndrome) (Reportable by telephone, facsimile or electronically as soon as possible, within 24 hours)
690.630	Salmonellosis (Other than Typhoid Fever) (Reportable by mail, telephone,

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facsimile or electronically as soon as possible, within seven days)

690.635 Severe Acute Respiratory Syndrome (SARS) (Reportable by telephone immediately (within 3 hours) upon initial clinical suspicion of the disease)

690.640 Shigellosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)

690.650 Smallpox (Reportable by telephone immediately, within three hours upon initial clinical suspicion of the disease)

690.655 Smallpox vaccination, complications of (Reportable by telephone or electronically as soon as possible, within 24 hours)

690.658 Staphylococcus aureus, Methicillin Resistant (MRSA) Infection, Clusters of Two or More Laboratory Confirmed Cases Occurring in Community Settings (Including, but Not Limited to, Schools, Correctional Facilities, Day Care and Sports Teams) (Reportable by telephone or facsimile as soon as possible, within 24 hours) (Repealed)

690.660 Staphylococcus aureus, Methicillin Resistant (MRSA), Any Occurrence in an Infant Less Than 61 Days of Age (Reportable by telephone or facsimile or electronically as soon as possible, within 24 hours) (Repealed)

690.661 Staphylococcus aureus Infections with Intermediate (Minimum inhibitory concentration (MIC) between 4 and 8) (VISA) or High Level Resistance to Vancomycin (MIC greater than or equal to 16) (VRSA) (Reportable by telephone or facsimile, within 24 hours)

690.670 Streptococcal Infections, Group A, Invasive Disease (Including Streptococcal Toxic Shock Syndrome and Necrotizing fasciitis) (Reportable by telephone or facsimile, within 24 hours)

690.675 Streptococcal Infections, Group B, Invasive Disease, of the Newborn (birth to 3 months) (Reportable by mail, telephone, facsimile or electronically, within 7 days) (Repealed)

690.678 Streptococcus pneumoniae, Invasive Disease in Children Less than 5 Years (Including Antibiotic Susceptibility Test Results) (Reportable by mail, telephone, facsimile or electronically, within 7 days)

690.680 Syphilis (Repealed)

690.690 Tetanus (Reportable by mail, telephone, facsimile or electronically, within 7 days)

690.695 Toxic Shock Syndrome due to Staphylococcus aureus Infection (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)

690.698 Tickborne Disease (Includes Babesiosis, Ehrlichiosis, Anaplasmosis, Lyme Disease and Spotted Fever Rickettsiosis) (Reportable by mail, telephone, facsimile or electronically, within seven days)

690.700 Trachoma (Repealed)

690.710 Trichinosis (Trichinellosis) (Reportable by mail, telephone, facsimile or

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electronically as soon as possible, within seven days)
690.720 Tuberculosis (Repealed)
690.725 Tularemia (Reportable by telephone as soon as possible, within 24 hours, unless suspect bioterrorist event or part of an outbreak, then reportable immediately (within three hours))
690.730 Typhoid Fever (Reportable by telephone or facsimile as soon as possible, within 24 hours)
690.740 Typhus (Reportable by telephone or facsimile as soon as possible, within 24 hours)
690.745 Vibriosis (Other than Toxigenic Vibrio cholera O1 or O139) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
690.750 Pertussis (Whooping Cough) (Reportable by telephone as soon as possible, within 24 hours)
690.752 Yersiniosis (Reportable by mail, telephone, facsimile or electronically, within seven days) (Repealed)
690.800 Any Suspected Bioterrorist Threat or Event (Reportable by telephone immediately, within 3 hours upon initial clinical suspicion of the disease)

SUBPART E: DEFINITIONS

Section
690.900 Definition of Terms (Renumbered)

SUBPART F: GENERAL PROCEDURES

Section
690.1000 General Procedures for the Control of Communicable Diseases (Renumbered)
690.1010 Incorporated and Referenced Materials (Renumbered)

SUBPART G: SEXUALLY TRANSMITTED DISEASES

Section
690.1100 The Control of Sexually Transmitted Diseases (Repealed)

SUBPART H: PROCEDURES FOR WHEN DEATH OCCURS FROM COMMUNICABLE DISEASES

Section
690.1200 Death of a Person Who Had a Known or Suspected Communicable Disease

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690.1210 Funerals (Repealed)

SUBPART I: ISOLATION, QUARANTINE, AND CLOSURE

Section
690.1300 General Purpose
690.1305 Department of Public Health Authority
690.1310 Local Health Authority
690.1315 Responsibilities and Duties of the Certified Local Health Department
690.1320 Responsibilities and Duties of Health Care Providers
690.1325 Conditions and Principles for Isolation and Quarantine
690.1330 Order and Procedure for Isolation, Quarantine and Closure
690.1335 Isolation or Quarantine Premises
690.1340 Enforcement
690.1345 Relief from Isolation, Quarantine, or Closure
690.1350 Consolidation
690.1355 Access to Medical or Health Information
690.1360 Right to Counsel
690.1365 Service of Isolation, Quarantine, or Closure Order
690.1370 Documentation
690.1375 Voluntary Isolation, Quarantine, or Closure
690.1380 Physical Examination, Testing and Collection of Laboratory Specimens
690.1385 Vaccinations, Medications, or Other Treatments
690.1390 Observation and Monitoring
690.1400 Transportation of Persons Subject to Public Health or Court Order
690.1405 Information Sharing
690.1410 Amendment and Termination of Orders
690.1415 Penalties

SUBPART J: REGISTRIES

Section
690.1500 Extensively Drug-Resistant Organism Registry
690.1510 Entities Required to Submit Information
690.1520 Information Required to be Reported
690.1530 Methods of Reporting XDRO Registry Information
690.1540 Availability of Information

690.EXHIBIT A Typhoid Fever Agreement (Repealed)

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AUTHORITY: Implementing the Communicable Disease Report Act [745 ILCS 45] and implementing and authorized by the Department of Public Health Act [20 ILCS 2305].

SOURCE: Amended July 1, 1977; emergency amendment at 3 Ill. Reg. 14, p. 7, effective March 21, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 52, p. 131, effective December 7, 1979; emergency amendment at 4 Ill. Reg. 21, p. 97, effective May 14, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 38, p. 183, effective September 9, 1980; amended at 7 Ill. Reg. 16183, effective November 23, 1983; codified at 8 Ill. Reg. 14273; amended at 8 Ill. Reg. 24135, effective November 29, 1984; emergency amendment at 9 Ill. Reg. 6331, effective April 18, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9124, effective June 3, 1985; amended at 9 Ill. Reg. 11643, effective July 19, 1985; amended at 10 Ill. Reg. 10730, effective June 3, 1986; amended at 11 Ill. Reg. 7677, effective July 1, 1987; amended at 12 Ill. Reg. 10045, effective May 27, 1988; amended at 15 Ill. Reg. 11679, effective August 15, 1991; amended at 18 Ill. Reg. 10158, effective July 15, 1994; amended at 23 Ill. Reg. 10849, effective August 20, 1999; amended at 25 Ill. Reg. 3937, effective April 1, 2001; amended at 26 Ill. Reg. 10701, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 592, effective January 2, 2003, for a maximum of 150 days; emergency expired May 31, 2003; amended at 27 Ill. Reg. 10294, effective June 30, 2003; amended at 30 Ill. Reg. 14565, effective August 23, 2006; amended at 32 Ill. Reg. 3777, effective March 3, 2008; amended at 37 Ill. Reg. 12063, effective July 15, 2013; recodified at 38 Ill. Reg. 5408; amended at 38 Ill. Reg. 5533, effective February 11, 2014; emergency amendment at 38 Ill. Reg. 21954, effective November 5, 2014, for a maximum of 150 days; amended at 39 Ill. Reg. 4116, effective March 9, 2015; amended at 39 Ill. Reg. 11063, effective July 24, 2015; amended at 39 Ill. Reg. 12586, effective August 26, 2015; amended at 40 Ill. Reg. 7146, effective April 21, 2016; amended at 43 Ill. Reg. 2386, effective February 8, 2019; emergency amendment at 44 Ill. Reg. 9282, effective May 15, 2020, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 44 Ill. Reg. 10000, effective May 20, 2020.

SUBPART A: GENERAL PROVISIONS

Section 690.40 Pandemic or Epidemic Respiratory Disease – Emergency Provisions (Repealed)
EMERGENCY

~~a)~~ ~~*The State Department of Public Health has general supervision of the interests of the health and lives of the people of the State.* As part of that general supervision, the Department has jurisdiction to address dangerously contagious or infectious diseases outbreaks to protect the health and lives of the people of the State. *The*

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~~*Department shall take means it considers necessary to restrict and suppress* dangerously contagious or infectious diseases, especially when existing in epidemic form. (Section 2(a) of the Act)~~

~~b)~~ ~~In order to restrict and suppress the novel coronavirus SARS-CoV-2 that causes the coronavirus disease 2019 (COVID-19), a dangerously contagious and infectious respiratory disease in the form of a pandemic or epidemic, which is spread person to person in respiratory droplets released by a person infected with the disease, the Department implements the following restrictions and requirements:~~

~~1)~~ ~~Businesses and establishments that serve food or beverages, including, but not limited to, restaurants, food buffets, self-serve areas, bars, taverns, pubs, wineries, breweries, or beer gardens, that operate under a permit or license issued by the State or local health authority, shall not allow indoor on-site consumption of food or beverages. Service shall be limited to drive-through, delivery, curb-side, or pick up only. Businesses and establishments located in airports and hospitals are exempt from the requirements of this Section.~~

~~2)~~ ~~Businesses and establishments that offer indoor fitness, exercise, physical workout or non-medical wellness services, such as health clubs or centers, fitness clubs or centers, gyms, tennis clubs, swimming pools, shall not allow on-site indoor fitness, exercise, workout or non-medical wellness options to customers, including but not limited to, classes, personal training, or individual customer use of exercise equipment or facilities. Service shall be limited to the sale of retail goods via drive-through, delivery, or pick up only, or the use of exercise equipment or the indoor use of facilities for the recording and streaming of online classes and instructional videos only.~~

~~3)~~ ~~Businesses or establishments that offer cosmetology, esthetics, nail technology, barber, tanning, body art, or similar non-medical personal care services, treatments, procedures or therapies shall not provide on-site services. Service shall be limited to the sale of retail goods via drive-through, delivery, curb-side, or pick up only~~

~~c)~~ ~~Any person who violates the provisions of this Section shall be subject to the penalties set forth in Section 8.1 of the Act.~~

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(Source: Added by emergency rulemaking at 44 Ill. Reg. 9282, effective May 15, 2020, for a maximum of 150 days; emergency rule repealed at 44 Ill. Reg. 10000, effective May 20, 2020)

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1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3) Section Number: 1030.88 — Emergency Action: Amendment

4) Statutory Authority: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5].

5) Effective Date of Emergency Rule: May 21, 2020

6) If this emergency rule will expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of 150 days or the date on which the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038 issued on March 9, 2020 terminates, whichever occurs first.

7) Date Filed with the Index Department: May 21, 2020

8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Reason for Emergency: Due to the COVID-19 virus and the recommendations of the health and safety experts, all Secretary of State offices were closed effective Tuesday, March 17, 2020. Currently, no licenses have been issued to teens during this closure. This rulemaking will establish protocol for those teens who have taken Driver Education through a Commercial Driver Training School to obtain their licenses during the remaining Phases of reopening Illinois.

10) A Complete Description of the Subject and Issues Involved: Due to COVID19, Secretary of State driver licensing facilities have been closed since March 17, 2020. As a result, teens who have completed driver education have been unable to obtain their driver's licenses. Teens who take driver education at a commercial driver training school, licensed by the Secretary of State, are required to take a road test administered by a Secretary of State examiner. Teens who take driver education at a high school that participates in the cooperative driver testing program are allowed to take a road test administered by a high school driver education instructor. To accommodate students who have been waiting to obtain their driver's licenses this rule will allow commercial

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driver education instructors who have at least 5 years of experience providing behind the wheel instruction to teens to administer the road test. This will help to alleviate the expected high volume of road tests when our facilities reopen, without sacrificing road safety since only experienced instructors will be providing the test. Additionally, the Secretary will retain the right to require a certain number of students who have taken the road test with a commercial driver education instructor to re-take the road test at a Secretary of State facility. The Secretary currently utilizes this procedure with teens who have taken the road test with a high school driver education instructor.

11) Are there any rulemakings to the Part pending? Yes

Section Numbers:	Proposed Actions:	*Illinois Register* Citations:
1030.90	Amendment	44 Ill. Reg. 5477; March 27, 2020
1030.160	New Section	44 Ill. Reg. 5730; April 3, 2020

12) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.

13) Information and questions regarding this emergency rule shall be directed to:

Brenda Glahn
Senior Legal Advisor
298 Howlett Building
Springfield IL 62756

bglahn@ilsos.gov

The full text of the Emergency Amendment begins on the next page:

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NOTICE OF EMERGENCY AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1030
ISSUANCE OF LICENSES

Section

1030.1 Definitions
1030.5 Procedure for Obtaining a Standard Driver's License or Identification Card
1030.6 Procedure for Obtaining a Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a)
1030.7 Procedure for Obtaining a Non-Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a-5)
1030.8 Procedure for Obtaining a Real ID Compliant Driver's License or Identification Card
1030.10 What Persons Shall Not Be Licensed or Granted Permits
1030.11 Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License (Renumbered)
1030.12 Identification Cards for the Homeless
1030.13 Denial of License or Permit
1030.14 Emergency Contact Database
1030.15 Cite for Re-testing
1030.16 Physical and Mental Evaluation
1030.17 Errors in Issuance of Driver's License/Cancellation
1030.18 Medical Criteria Affecting Driver Performance
1030.20 Classification of Drivers – References (Repealed)
1030.22 Medical Examiner's Certificate − CLP or CDL Holders
1030.25 Safe Driver License Renewals
1030.26 Identification Cards for IDOC/IDJJ Applicants
1030.27 Identification Cards for Youth in Care
1030.30 Classification Standards
1030.40 Fifth Wheel Equipped Trucks
1030.50 Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60 Third-Party Certification Program
1030.63 Religious Exemption for Social Security Numbers (Repealed)
1030.65 Instruction Permits
1030.66 Adult Driver Education
1030.70 Driver's License Testing/Vision Screening

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1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80 Driver's License Testing/Written Test
1030.81 Endorsements
1030.82 Charter Bus Driver Endorsement Requirements
1030.83 Hazardous Material Endorsement
1030.84 Vehicle Inspection
1030.85 Driver's License Testing/Road Test
1030.86 Multiple Attempts − Written and/or Road Tests
1030.88 Exemption of Facility Administered Road Test
EMERGENCY
1030.89 Temporary Driver's Licenses and Temporary Instruction Permits
1030.90 Requirement for Photograph and Signature of Licensee on Driver's License
1030.91 Person with a Disability Identification Card
1030.92 Restrictions
1030.93 Restricted Local Licenses
1030.94 Duplicate or Corrected Driver's License or Instruction Permit
1030.95 Consular Licenses (Repealed)
1030.96 Seasonal Restricted Commercial Driver's License
1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
1030.98 School Bus Endorsement or Learner's Permit
1030.100 Anatomical Gift Donor (Repealed)
1030.110 Emergency Medical Information Card
1030.115 Change-of-Address
1030.120 Issuance of a Probationary License
1030.130 Grounds for Cancellation of a Probationary License
1030.140 Use of Captured Images
1030.150 Veteran Designation on Driver's License or Identification Card

1030.APPENDIX A Questions Asked of a Driver's License Applicant
1030.APPENDIX B Acceptable Identification Documents – Applicants for a Standard Identification Card, Driver's License, Instruction Permit, Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) or Visa Status Temporary Visitor's Instruction Permit (Non-Real ID)
1030.APPENDIX C Acceptable Identification Documents – Applicants for a Non-Visa Status Temporary Visitor's Driver's License or Non-Visa Status Temporary Visitor's Instruction Permit Pursuant to IVC Section 6-105.1(a-5)

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1030.APPENDIX D Acceptable Identification Documents – Applicants for a Real ID Compliant Driver's License or Identification Card

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588,

effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill.

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Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23, 2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. 14755, effective September 18, 2012; amended at 37 Ill. Reg. 7776, effective May 22, 2013; amended at 37 Ill. Reg. 14176, effective September 1, 2013; amended at 37 Ill. Reg. 19342, effective November 28, 2013; amended at 38 Ill. Reg. 7946, effective March 28, 2014; emergency amendment at 38 Ill. Reg. 8429, effective April 4, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 12515, effective July 1, 2014; amended at 38 Ill. Reg. 16366, effective July 21, 2014; amended at 38 Ill. Reg. 20039, effective October 1, 2014; amended at 39 Ill. Reg. 1182, effective January 5, 2015; amended at 39 Ill. Reg. 5083, effective March 23, 2015; amended at 39 Ill. Reg. 8028, effective May 21, 2015; amended at 39 Ill. Reg. 11531, effective July 28, 2015; amended at 39 Ill. Reg. 14930, effective October 29, 2015; amended at 40 Ill. Reg. 1882, effective January 12, 2016; amended at 40 Ill. Reg. 7330, effective May 2, 2016; amended at 40 Ill. Reg. 13637, effective September 19, 2016; amended at 40 Ill. Reg. 15397, effective October 26, 2016; amended at 41 Ill. Reg. 438, December 29, 2016; amended at 41 Ill. Reg. 3009, effective February 24, 2017; amended at 41 Ill. Reg. 13665, effective October 30, 2017; amended at 42 Ill. Reg. 1886, effective January 3, 2018; amended at 42 Ill. Reg. 2891, effective January 29, 2018; amended at 42 Ill. Reg. 4969, effective March 5, 2018; amended at 42 Ill. Reg. 11499, effective June 8, 2018; amended at 42 Ill. Reg. 20548, effective October 30, 2018; amended at 43 Ill. Reg. 3724, effective March 4, 2019; amended at 43 Ill. Reg. 5322, effective April 24, 2019; amended at 44 Ill. Reg. 2041, effective December 31, 2019; emergency amendment at 44 Ill. Reg. 5477, effective March 16, 2020, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 5839, effective March 17, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6650, effective April 9, 2020, for the remainder of the 150 days; emergency amendment at 44 Ill. Reg. 10011, effective May 21, 2020, for a maximum of 150 days.

Section 1030.88 Exemption of Facility Administered Road Test
EMERGENCY

a) The Department shall exempt a high school student from a facility-administered road test if the student has earned a grade of A or B for an approved high school driver education course, passed a road test administered by a Department certified high school driver education instructor, and received an authorization form signed by the driver education instructor exempting the student from the facility-administered road test.

b) While the pilot program established by Section 1060.270 is in effect, the Department shall exempt a high school student from a facility-administered road test under the following conditions:

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1) The student has:

A) earned a grade of A or B in the classroom portion of an approved high school driver education course and has completed the behind-the-wheel portion at a commercial driver training school; or

B) successfully completed an approved driver education course at commercial driving training school licensed pursuant to IVC Section 6-401; and

2) the student has passed a road test administered by a Department certified commercial driver training school instructor; and

3) the student presents an authorization form signed by the commercial driver training school instructor exempting the student from the facility-administered road test upon application for a driver's license at an SOS facility.~~Commercial driver training schools licensed pursuant to IVC Section 6-401 shall not be allowed to participate in the cooperative driver testing program.~~

c) Each local board of education that wants to participate in the cooperative driver testing program must submit an application to the Field Services Bureau, Department of Driver Services of the Secretary of State's Office, 2701 S. Dirksen Parkway, Springfield, Illinois 62723. The application shall consist of the Cooperative Driver Testing Program Intent to Participate form and also a Compliance Affidavit for each participating driver education instructor. The application shall include the name and address of the high school and the names of the driver education instructors who will participate in the program. The application shall also include a statement that the schools and instructors listed for participation in the program shall administer a road test. The application shall be submitted once per calendar year. The Department shall accept all Intent to Participate forms that are accurate and complete and signed by the district superintendent. The Department shall accept all Compliance Affidavits that are accurate and complete and that show compliance with subsection (e).

d) Each high school instructor shall submit a compliance affidavit that shows the instructor is an accredited driver education teacher with the Illinois State Board of Education pursuant to 23 Ill. Adm. Code 1.737(b)(3), possesses either a valid

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Illinois driver's license or a valid and properly classified out-of-state driver's license with submission annually of an acceptable, certified out-of-state driving abstract, and shall have attended an initial certification clinic offered by the Department.

e) Each commercial driver training school that wants to administer a road test must submit an application to the Commercial Driver Training School Section, Department of Driver Services, 650 Roppolo Drive, Elk Grove Village IL 60007. The application shall consist of the Secretary of State Intent to Participate form and also a Compliance Affidavit for each participating commercial driver training instructor. The application shall include the name and address of the commercial driver training school (and branch if applicable) and the names of the commercial driver training instructors who will participate in administering road exams. The application shall be submitted once per calendar year and updated as needed during the year. The Department shall approve only those applications and instructors who meet the criteria set forth in Section 1060.270.

fe) The exemption from the facility testing will expire on the same day as the student's current instruction permit. The student shall be required to obtain a valid driver's license prior to the expiration date of the permit in accordance with the program. After the expiration date, the student shall complete a facility-administered road test. No extension of the exemption from facility testing beyond the expiration date of the instruction permit shall be allowed.

gf) The Department mayshall spot-check a sample of the exempted driver population. The Field Services Bureau of the Department shall choose the sample to be tested based on the applicant's birthday. Three calendar days per month shall be designated for the testing, and an applicant whose birthday is on one of the selected days shall be required to successfully complete a facility-administered drive test. The selected dates shall be altered every three months.

hg) The exemption authorization form shall be designated in a manner prescribed by the Department. The student shall submit the authorization form to a Driver Services Facility employee of the Department when applying for a driver's license.

ih) The Department shall exempt an applicant for a Class M or Class L driver's license (see Section 1030.30), which allows operation of a motorcycle and/or motor-driven cycle, from a facility-administered road test if the applicant:

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1) is 18 years of age or older;

2) possesses a valid Illinois driver's license to operate any other classification of motor vehicle; ~~and~~

3) shows acceptable proof of completion of a motorcycle rider safety training course approved by the Illinois Department of Transportation stating the individual is qualified to operate a motorcycle and/or motor-driven cycle with the cubic centimeter piston displacement that correlates to the classification of driver's license applied for. Successful completion of the motorcycle rider safety training course shall be evidenced by a Student Completion Card issued by the Illinois Department of Transportation not more than one year prior to the date of application; and~~.~~

4) is an active duty member of the United States Armed Forces and presents a motorcycle rider training/testing course completion card issued by the Motorcycle Safety Foundation, dated not more than one year prior to the date of application, that indicates the applicant is qualified to operate a motorcycle and/or motor-driven cycle with cubic centimeter piston displacement that correlates to the classification of driver's license for which the applicant is applying. The completion card must be accompanied by an Illinois Secretary of State approved verification form completed by the applicant and examiner certified by the Motorcycle Safety Foundation.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 10011, effective May 21, 2020, for a maximum of 150 days)

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1) Heading of the Part: Commercial Driver Training Schools

2) Code Citation: 92 Ill. Adm. Code 1060

3) Section Number: 1060.270 — Emergency Action: New Section

4) Statutory Authority: Implementing Article IV of the Illinois Driver Licensing Law of the Illinois Motor Vehicle Code [625 ILCS 5/Ch. 6, Art. IV] and authorized by Section 2-104(b) of the Illinois Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

5) Effective Date of Emergency Rule: May 21, 2020

6) If this emergency rule will expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of 150 days or the date on which the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038 issued on March 9, 2020 terminates, whichever occurs first.

7) Date Filed with the Index Department: May 21, 2020

8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Reason for Emergency: Due to the COVID-19 virus and the recommendations of the health and safety experts, all Secretary of State offices were closed effective Tuesday, March 17, 2020. Currently, no licenses have been issued to teens during this closure. This rulemaking will establish protocol for those teens who have taken Driver Education through a Commercial Driver Training School to obtain their licenses during the remaining Phases of reopening Illinois.

10) A Complete Description of the Subjects and Issues Involved: Due to COVID19, Secretary of State driver licensing facilities have been closed since March 17, 2020. As a result, teens who have completed driver education have been unable to obtain their driver's licenses. Teens who take driver education at a commercial driver training school, licensed by the Secretary of State, are required to take a road test administered by a Secretary of State examiner. Teens who take driver education at a high school that participates in the cooperative driver testing program are allowed to take a road test administered by a high school driver education instructor. To accommodate students

who have been waiting to obtain their driver's licenses this rule will allow commercial driver education instructors who have at least 5 years of experience providing behind the wheel instruction to teens to administer the road test. This will help to alleviate the expected high volume of road tests when our facilities reopen, without sacrificing road safety since only experienced instructors will be providing the test. Additionally, the Secretary will retain the right to require a certain number of students who have taken the road test with a commercial driver education instructor to re-take the road test at a Secretary of State facility. The Secretary currently utilizes this procedure with teens who have taken the road test with a high school driver education instructor.

11) Are there any rulemakings to the Part pending? No

12) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.

13) Information and questions regarding this emergency rule shall be directed to:

Brenda Glahn
Senior Legal Advisor
298 Howlett Building
Springfield IL 62756

bglahn@ilsos.gov

The full text of the Emergency Amendment begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1060
COMMERCIAL DRIVER TRAINING SCHOOLS

Section

1060.5 Definitions
1060.10 Unlicensed Person May Not Operate Driver Training School
1060.20 Requirements for School Licenses
1060.30 Driver Training School Names
1060.40 Refund of Application Fees
1060.50 School Locations and Facilities
1060.60 Driver Training School Student Instruction Record
1060.70 Driver Training School Course of Instruction
1060.71 Adult Driver Education Course Certification
1060.72 Adult Driver Education Classroom Instruction
1060.80 Driver Training School Contracts
1060.90 Inspection of School Facilities
1060.100 Licenses
1060.110 Safety Inspection of Driver Training School Motor Vehicles
1060.120 Requirements to Obtain and Retain a Driver Training Instructor's License
1060.130 Examination for Driver Training Instructor
1060.140 Temporary Permit
1060.150 Driver Training School Responsibility for Employees
1060.160 Solicitation of Students and Pupils for Commercial Driver Training Instruction
1060.170 Hearings
1060.180 Teen Accreditation
1060.181 Teen Accreditation Classroom and Behind-the-Wheel Requirements
1060.190 Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training School's License, Teen Accreditation, CDL Accreditation, and Instructor's License
1060.200 Commercial Driver's License and/or Endorsement and/or Accreditation
1060.210 Driver Training School Responsibility for Employees (Recodified)
1060.220 Solicitation of Students and Pupils for Commercial Driver Training Instruction (Recodified)
1060.230 Hearings (Recodified)
1060.240 Teen Accreditation (Recodified)
1060.250 Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training

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School's License and Instructor's License (Recodified)
1060.260 Commercial Driver's License and/or Endorsement and/or Restriction Accreditation (Recodified)
1060.270 Operations During COVID-19 Pandemic EMERGENCY

AUTHORITY: Implementing Article IV of the Illinois Driver Licensing Law of the Illinois Motor Vehicle Code [625 ILCS 5/Ch. 6, Art. IV] and authorized by Section 2-104(b) of the Illinois Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 2, 1972; codified at 6 Ill. Reg. 12697; transferred from 23 Ill. Adm. Code 252.50 (State Board of Education) pursuant to Section 5-80(d) of the Illinois Administrative Procedure Act [5 ILCS 100/5-80(d)] and Section 6-411 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411] at 11 Ill. Reg. 1631, effective December 31, 1986; amended at 11 Ill. Reg. 17244, effective October 13, 1987; amended at 12 Ill. Reg. 13203, effective August 1, 1988; amended at 12 Ill. Reg. 19756, effective November 15, 1988; amended at 14 Ill. Reg. 8658, effective May 18, 1990; recodified at 17 Ill. Reg. 20006, effective November 3, 1993; amended at 18 Ill. Reg. 7788, effective May 9, 1994; amended at 20 Ill. Reg. 3861, effective February 14, 1996; amended at 22 Ill. Reg. 22069, effective December 2, 1998; emergency amendment at 24 Ill. Reg. 8403, effective June 2, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15443, effective October 5, 2000; amended at 25 Ill. Reg. 6409, effective April 26, 2001; amended at 26 Ill. Reg. 15020, effective October 1, 2002; emergency amendment at 28 Ill. Reg. 398, effective December 22, 2003, for a maximum of 150 days; emergency expired May 19, 2004; amended at 28 Ill. Reg. 11925, effective July 26, 2004; amended at 30 Ill. Reg. 11377, effective June 14, 2006; amended at 31 Ill. Reg. 16008, effective November 16, 2007; amended at 33 Ill. Reg. 15811, effective October 27, 2009; amended at 34 Ill. Reg. 19099, effective November 22, 2010; amended at 37 Ill. Reg. 4295, effective March 20, 2013; amended at 37 Ill. Reg. 18893, effective November 5, 2013; amended at 38 Ill. Reg. 12566, effective July 1, 2014; amended at 42 Ill. Reg. 16056, effective August 3, 2018; amended at 43 Ill. Reg. 3857, effective March 8, 2019; emergency amendment at 44 Ill. Reg. 10021, effective May 21, 2020, for a maximum of 150 days.

Section 1060.270 Operations During COVID-19 Pandemic EMERGENCY

Notwithstanding any other provision of this Part, as a result of the COVID-19 emergency declared through the Gubernatorial Disaster Proclamations, the following procedures shall apply for the time periods specified in this Section:

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a) Classroom instruction may be provided virtually, with either a live instructor or via pre-recorded sessions with an instructor, until such time as the region in which the driving training school is located reaches Phase 4 of the Restore Illinois plan released by Governor Pritzker's office on May 5, 2020. If a pre-recorded program is to be used, it must be submitted to the Department for approval. Content must be specific to Illinois laws and Rules of the Road.

1) The instruction must include all course content set forth in Section 1060.181.

2) A student who started classroom instruction virtually may be allowed to finish virtual classroom instruction even if the driving training school is located in a region that reaches Phase 4 before classroom instruction is concluded.

3) If pre-recorded instruction is used, the student may not be allowed to fast-forward through instruction or skip a classroom session.

b) A driving training school may, but is not required to, resume in-person classroom instruction when the region in which the commercial driving school is located reaches Phase 3 of the Restore Illinois plan, so long as no more than 10 persons, inclusive of students and staff, are physically present in the classroom under the following conditions:

1) Adherence to social distancing guidelines promulgated by the Illinois Department of Public Health (IDPH);

2) Face coverings must be worn by instructors and students, in accordance with IDPH safety guidance;

3) Hand sanitizer is available in the classroom;

4) A disposable mask is made available to all students upon request of the student;

5) Classrooms are sanitized between each class session, including the use of disinfectant on desks, door knobs, light switches, computers and related equipment such as the monitor, keyboard and mouse, and books; and

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6) Adherence to all requirements of Phase 3 of the Restore Illinois plan.

c) When the region in which a commercial driving school is located reaches Phase 4 of the Restore Illinois plan, in-person classroom instruction shall resume under the following conditions:

1) Adherence to social distancing guidelines promulgated by IDPH;

2) Face coverings must be worn by instructors and students, in accordance with IDPH safety guidance;

3) Hand sanitizer is available in the classroom;

4) A disposable mask is made available to all students upon request of the student;

5) Classrooms are sanitized between each class session, including the use of disinfectant on desks, door knobs, light switches, computers and related equipment such as the monitor, keyboard and mouse, and books; and

6) Adherence to all requirements of Phase 4 of the Restore Illinois plan.

d) Behind-the-wheel instruction may resume when the region in which the commercial driving school reaches Phase 3 of the Restore Illinois plan, under the following conditions:

1) Face coverings must be worn by instructors and students, in accordance with IDPH safety guidance;

2) Hand sanitizer is available in the training vehicle;

3) A disposable mask is made available to all students upon request of the student;

4) Each student is limited to one hour of behind-the-wheel instruction per day;

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5) Only the instructor and the student may be present in the training vehicle (no other students are allowed). If requested, a parent may be present in the training vehicle, seated in the back seat;

6) The commercial driver training school must obtain written consent from the student's parent or guardian (if the student is under the age of 18) to allow for the behind-the-wheel instruction with only the instructor being present in the vehicle;

7) The training vehicle must be sanitized before and after each lesson;

8) Instructors must wash hands or use hand sanitizer prior to starting any behind-the-wheel lesson and must wear a face covering during any interaction with the student;

9) Observation hours, as set forth in Section 1060.181(c)(2) are waived through August 31, 2020; and

10) Adherence to all requirements of Phase 3 of the Restore Illinois plan.

e) A 12-month pilot program is hereby established that allows a commercial driver training school instructor to administer a road test to a student that successfully completes an approved driver education course.

1) A commercial driver training instructor must be approved by the Department to administer the road test. Only instructors with five continuous years of providing behind-the-wheel instruction to teens may be approved to administer the road test.

2) The road test route used by the commercial driving training instructor must be approved by the Department and must contain all the maneuvers included on a road test administered by Secretary of State employees.

3) A road test administered by a commercial driver training school instructor must be scored in the same manner as a road test administered by a Secretary of State employee.

4) Only vehicles listed on CDTS form 10-7, Insurance Certificate, may be used to administer a road test.

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f) All other provisions of this Part that have not been modified by this Section remain in full force and effect.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 10021, effective May 21, 2020, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

OBJECTION TO AND SUSPENSION OF EMERGENCY RULE

SECRETARY OF STATE

Heading of the Part: Business Corporation Act (Emergency Amendment to Emergency Rule)

Code Citation: 14 Ill. Adm. Code 150

Section Numbers: 150.740

Date Related Proposed Rulemaking Published in the *Illinois Register*: 4/3/20

Date Emergency Rule Published in the *Illinois Register*: 5/8/20
44 Ill. Reg. 7944

At its meeting on May 20, 2020, the Joint Committee on Administrative Rules voted to object to and suspend the above-referenced emergency amendment to emergency rule (14 Ill. Adm. Code 150; 44 Ill. Reg. 7944) and to notify the Secretary of State Administrative Code Unit of the Suspension of the emergency rule. The reasons for the Suspension are as follows:

> The rulemaking sets aside statutory timeframes in which SOS is to review, approve and effectuate official paper filings of documents by businesses. During a declared disaster, statutory requirements can be waived pursuant to Executive Order by the Governor, but not by agency rule.

The suspended emergency rule may not be enforced by the Secretary of State for any reason, nor may the Department file with the Secretary of State Administrative Code Unit any rule having substantially the same purpose and effect as the suspended rule, for as long as the Suspension remains in effect.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

OBJECTION TO AND SUSPENSION OF EMERGENCY RULE

SECRETARY OF STATE

Heading of the Part: General Not For Profit Corporations (Emergency Amendment to Emergency Rule)

Code Citation: 14 Ill. Adm. Code 160

Section Numbers: 160.30

Date Related Proposed Rulemaking Published in the *Illinois Register*: 4/3/20

Date Emergency Rule Published in the *Illinois Register*: 5/8/20
44 Ill. Reg. 7951

At its meeting on May 20, 2020, the Joint Committee on Administrative Rules voted to object to and suspend the above-referenced emergency amendment to emergency rule (14 Ill. Adm. Code 160; 44 Ill. Reg. 7951) and to notify the Secretary of State Administrative Code Unit of the Suspension of the emergency rule. The reasons for the Suspension are as follows:

> The rulemaking sets aside statutory timeframes in which SOS is to review, approve and effectuate official paper filings of documents by businesses. During a declared disaster, statutory requirements can be waived pursuant to Executive Order by the Governor, but not by agency rule.

The suspended emergency rule may not be enforced by the Secretary of State for any reason, nor may the Department file with the Secretary of State Administrative Code Unit any rule having substantially the same purpose and effect as the suspended rule, for as long as the Suspension remains in effect.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

OBJECTION TO AND SUSPENSION OF EMERGENCY RULE

SECRETARY OF STATE

Heading of the Part: Uniform Partnership Act (1997) (Emergency Amendment to Emergency Rule)

Code Citation: 14 Ill. Adm. Code 166

Section Numbers: 166.85

Date Related Proposed Rulemaking Published in the *Illinois Register*: 4/3/20

Date Emergency Rule Published in the *Illinois Register*: 5/8/20
44 Ill. Reg. 7956

At its meeting on May 20, 2020, the Joint Committee on Administrative Rules voted to object to and suspend the above-referenced emergency amendment to emergency rule (14 Ill. Adm. Code 166; 44 Ill. Reg. 7956) and to notify the Secretary of State Administrative Code Unit of the Suspension of the emergency rule. The reasons for the Suspension are as follows:

> The rulemaking sets aside statutory timeframes in which SOS is to review, approve and effectuate official paper filings of documents by businesses. During a declared disaster, statutory requirements can be waived pursuant to Executive Order by the Governor, but not by agency rule.

The suspended emergency rule may not be enforced by the Secretary of State for any reason, nor may the Department file with the Secretary of State Administrative Code Unit any rule having substantially the same purpose and effect as the suspended rule, for as long as the Suspension remains in effect.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

OBJECTION TO AND SUSPENSION OF EMERGENCY RULE

SECRETARY OF STATE

Heading of the Part: Uniform Limited Partnership Act (2001) (Emergency Amendment to Emergency Rule)

Code Citation: 14 Ill. Adm. Code 171

Section Numbers: 171.90

Date Related Proposed Rulemaking Published in the *Illinois Register*: 4/3/20

Date Emergency Rule Published in the *Illinois Register*: 5/8/20
44 Ill. Reg. 7961

At its meeting on May 20, 2020, the Joint Committee on Administrative Rules voted to object to and suspend the above-referenced emergency amendment to emergency rule (14 Ill. Adm. Code 171; 44 Ill. Reg. 7961) and to notify the Secretary of State Administrative Code Unit of the Suspension of the emergency rule. The reasons for the Suspension are as follows:

> The rulemaking sets aside statutory timeframes in which SOS is to review, approve and effectuate official paper filings of documents by businesses. During a declared disaster, statutory requirements can be waived pursuant to Executive Order by the Governor, but not by agency rule.

The suspended emergency rule may not be enforced by the Secretary of State for any reason, nor may the Department file with the Secretary of State Administrative Code Unit any rule having substantially the same purpose and effect as the suspended rule, for as long as the Suspension remains in effect.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

OBJECTION TO AND SUSPENSION OF EMERGENCY RULE

SECRETARY OF STATE

Heading of the Part: Limited Liability Company Act (Emergency Amendment to Emergency Rule)

Code Citation: 14 Ill. Adm. Code 178

Section Numbers: 178.70

Date Related Proposed Rulemaking Published in the *Illinois Register*: 4/3/20

Date Emergency Rule Published in the *Illinois Register*: 5/8/20
44 Ill. Reg. 7966

At its meeting on May 20, 2020, the Joint Committee on Administrative Rules voted to object to and suspend the above-referenced emergency amendment to emergency rule (14 Ill. Adm. Code 178; 44 Ill. Reg. 7966) and to notify the Secretary of State Administrative Code Unit of the Suspension of the emergency rule. The reasons for the Suspension are as follows:

> The rulemaking sets aside statutory timeframes in which SOS is to review, approve and effectuate official paper filings of documents by businesses. During a declared disaster, statutory requirements can be waived pursuant to Executive Order by the Governor, but not by agency rule.

The suspended emergency rule may not be enforced by the Secretary of State for any reason, nor may the Department file with the Secretary of State Administrative Code Unit any rule having substantially the same purpose and effect as the suspended rule, for as long as the Suspension remains in effect.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

ENVIRONMENTAL PROTECTION AGENCY

Heading of the Part: Public Participation in the Air Pollution Control Permit Program

Code Citation: 35 Ill. Adm. Code 252

Section Numbers:				
	252.101	252.106	252.205	252.210
	252.102	252.201	252.206	252.211
	252.103	252.202	252.207	252.301
	252.104	252.203	252.208	
	252.105	252.204	252.209	

Date Originally Published in the *Illinois Register*: 6/21/19
43 Ill. Reg. 7028

At its meeting on May 20, 2020, the Joint Committee on Administrative Rules considered the above-referenced rulemaking and recommended, with respect to the Environmental Protection Agency rulemaking titled Public Participation in the Air Pollution Control Permit Program (35 Ill. Adm. Code 252; 43 Ill. Reg. 7028), that EPA specify in rule the number of persons, or the standards it will use to determine that number, required to request a hearing. Currently, Sec. 252.205 (Opportunity for Public Hearing) leaves to the EPA Director the determination of how many persons requesting a hearing constitute a significant number. Sec. 1-70 of the IAPA requires any agency statements of general applicability that affect the interests of persons outside the agency to be specified in rule.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

NOTICE OF PUBLIC HEARING AND COMMENT PERIOD
PURSUANT TO 415 ILCS 5/9.1(e) and 1 ILCS 100/5-70(b)

Notice of Public Comment Period and Public Hearing
for State Implementation Plan (SIP) Submittal for Ozone

The Pollution Control Board (Board) is accepting public comments and will conduct a public hearing on a prospective NAAQS SIP submittal to the U.S. Environmental Protection Agency (USEPA). The Board will accept written comments on the proposed rule that will form the basis for the SIP proposal until 45 days after the Notice of Proposed Amendments appears in the *Illinois Register*. A public hearing will occur by videoconference between Chicago and Springfield on July 16, 2020. The Board presently anticipates adoption of amendments to the Illinois ambient air quality standards before September 30, 2020.

Section 9.1(e) of the Environmental Protection Act (Act) [415 ILCS 5/9.1(e)] requires the Board to expand the exclusion from ozone regulation "due to negligible photochemical reactivity." 415 ILCS 5/9.1(e) (2018). In addition, Section 9.1(e) also requires the Board to use the identical-in-substance procedure of Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2018)).

The USEPA exclusions from ozone regulation are codified at 40 C.F.R. § 51.100(s). The Board is required to adopt those exemptions using the "identical in substance" rulemaking procedure of Section 7.2 of the Act [415 ILCS 5/7.2]. The Illinois listing of these compounds is codified at 35 Ill. Adm. Code 211.7150.

On May 21, 2020, the Board adopted a proposal for public comment in consolidated docket R19-15 to initiate adoption of the latest USEPA exclusions from ozone regulation in 40 C.F.R. § 51.100(s) during the second half of 2018.

- On November 28, 2018 (83 Fed. Reg. 61127), USEPA added one hydrofluoroolefin compound to the list of chemical species excluded from ozone regulation.

The Board submitted this Notice of Public Hearing and Public Comment together with a Notice of Proposed Amendments to appear in the *Illinois Register* relative to docket R19-15 proposal.

The Board expects that the Illinois Environmental Protection Agency (Agency) will submit the present amendments to USEPA to be included in or to revise the Illinois SIP pertaining to ozone pursuant to section 110 of the federal Clean Air Act (42 U.S.C. § 7410(a) (2018)) and the implementing USEPA regulations. *See* 40 C.F.R. § 51.102 and appendix V (2019).

As USEPA will require the State to have conducted a hearing on the amendments to the Illinois NAAQS rules involved in this proceeding pursuant to 42 U.S.C. § 4210(a) and 40 C.F.R.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

§ 51.102

The Board scheduled a public hearing to allow the public to comment on the proposed amendments and the anticipated SIP revision. The Board will conduct that hearing by videoconference between the Board's offices in Chicago and Springfield, as follows:

11:50 a.m., Thursday, July 16, 2020

James R. Thompson Center
Illinois Pollution Control Board Hearing Room
100 West Randolph Street, Room 11-512
Chicago

and

Illinois Environmental Protection Agency Building
Illinois Pollution Control Board Hearing Room, Room 1244N, First Floor
1021 North Grand Avenue East
Springfield

Due to the Coronavirus pandemic and Executive Orders in effect at the time of this opinion and order, the Board is providing remote access through Webex as an additional platform for public participation.

Use the following for remote access via Webex:

Meeting number (access code): 288 342 643
Meeting password: 3NwnDH6pJm3

Remote Access by Webex with Video:

Hyperlink: https://illinois.webex.com/illinois/j.php?MTID=m3da6af1115c11cbd59249d98ff67ad17

Once on the Webex page, click "Join Now", then enter the Meeting number and Password information:

Remote Access by Webex by Telephone without Video:

Phone (toll call only): 312-535-8110, or 415-655-0002

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

Only persons physically present at either of the two hearing locations given above and those remotely participating by video will be allowed to give testimony on the record. Testimony will not be allowed by those participating by telephone. This does not limit the right of any person to submit public comments on the proposed amendments.

The Board invites public comment on the proposed amendments. The Board will receive public comments until at least 45 days after a notice of these proposed amendments appears in the *Illinois Register*. Anyone may file a public comment with the Board addressed as follows:

Office of the Clerk
Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

All comments relating to this rulemaking should clearly refer to consolidated docket R19-14/ R20-3/R20-11.

The record in this docket will include all documents pertaining to this proceeding. All documents in the record are publicly available for inspection and copying as provided in 2 Ill. Adm. Code 2175 by contacting the Office of the Clerk. The documents are also freely available online at the Board's webpage: www.ipcb.state.il.us.

The record will not include a copy of the following documents, which are all otherwise publicly available:

- The November 28, 2018 *Federal Register* notices that prompted this action (referenced in the Board's May 21, 2020 opinion and order proposing amendments);

- Federal statutes and regulations referenced in the Board's May 21, 2020 opinion and order; and

- Illinois statutes and regulations referenced in the Board's May 21, 2020 opinion and order.

The Board requests that interested persons direct questions to the following person:

Michael J. McCambridge, Staff Attorney
Pollution Control Board
100 West Randolph Street, Room 11-500
Chicago, Illinois 60601

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

312-814-6924
michael.mccambridge@illinois.gov

The Board requests that interested persons request documents from or submit documents to the following person:

Don A. Brown, Clerk of the Board
Pollution Control Board
100 West Randolph Street, Room 11-500
Chicago, Illinois 60601
312-814-3461
don.brown@illinois.gov

After the hearing and conclusion of the public comment period, the Board will promptly issue an opinion and order adopting final rule amendments. The Board presently anticipates voting to adopt the amendments before September 30, 2020. The Board will then file the amendments with the Office of the Secretary of State, and a Notice of Adopted Amendments will appear in the *Illinois Register*. Any Agency submission of the associated SIP revision to USEPA will follow that Notice.

NOTICE PURSUANT TO 415 ILCS 5/7.2(b)

Section 9.1(e) of the Environmental Protection Act (Act) [415 ILCS 5/9.1(e)] requires the Board to "exempt from regulation under the SIP for ozone the [VOMs] which have been determined by (USEPA) to be exempt from regulation under [SIPs] for ozone due to negligible photochemical reactivity." The USEPA listing of these compounds is codified at 40 C.F.R. 51.100(s). The Board is required to adopt those exemptions using the "identical in substance" rulemaking procedure of Section 7.2 of the Act [415 ILCS 5/7.2]. The Illinois listing of these compounds is codified at 35 Ill. Adm. Code 211.7150, which is to be amended in Board docket R19-15.

Section 7.2(a) of the Act requires the Board to complete its identical-in-substance rulemaking actions within one year after the date of the USEPA action on which they are based. Section 7.2(b) allows the Board to extend the deadline for adoption by publication of a notice of reason for delay in the *Illinois Register*.

On May 21, 2020, the Pollution Control Board adopted an opinion and order in docket R19-15 that proposed amendments to 35 Ill. Adm. Code 211.7150 for public comment. A segment of that opinion and order set forth reasons for delay in the 35 Ill. Adm. Code 211.7150 update. In that order, the Board stated as follows:

REASONS FOR UNAVOIDABLE DELAY, EXTENDED DUE DATE,

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

AND TIMETABLE TO COMPLETE RULEMAKING

The statutory due date for this proceeding was November 28, 2019 (one year after the USEPA action requiring Board action in this docket). To complete this proceeding by that date, the Board would have needed to adopt this proposal for public comment by August 22, 2019.

The Board finds that more time is needed to complete rulemaking on the present amendments. The Board encountered several factors that contributed to unavoidable delay in preparing this proposal for public comment. The time needed to complete the amendments in SDWA Update, USEPA Amendments (July 1, 2018 through December 31, 2018), R19-16 (Apr. 16, 2020) and prepare a proposal in RCRA Subtitle C Update, USEPA Amendments (January 1, 2019 through June 30, 2019), R20-8, RCRA Subtitle C Update, USEPA Amendments (July 1, 2019 through December 31, 2019), R20-16 (May 21, 2020) exceeded the normally expected time. Significant absences due to illnesses and injuries of the Board staff member assigned to work on this proposal and the current state of emergency due to the COVID-19 crisis further significantly contributed to the delay.

The Board observes that adopting this proposal for public comment today will enable the Board, assuming no further delay occurs, to follow the schedule below:

Board order proposing amendments:	May 21, 2020
Submission for *Illinois Register* publication:	June 1, 2020
Estimated *Illinois Register* publication date:	June 12, 2020
Public Hearing on Amendments	July 16, 2020
Estimated end of 45-day public comment period:	July 27, 2020
Board order adopting amendments:	August 6, 2020
Estimated filing and effective date:	August 17, 2020
Estimated *Illinois Register* publication date:	August 28, 2020

The Board believes it necessary to add one month to this projected schedule to accommodate minimal further delay. For these reasons, the Board extends the deadline for final Board action until September 30, 2020.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

NOTICE OF PUBLIC HEARING AND COMMENT PERIOD
PURSUANT TO 415 ILCS 5/10(H) and 1 ILCS 100/5-70(b)

Notice of Public Comment Period and Public Hearing
for State Implementation Plan (SIP) Submittals
for National Ambient Air Quality Standards (NAAQS)

The Pollution Control Board (Board) is accepting public comments and will conduct a public hearing on a prospective NAAQS SIP submittal to the U.S. Environmental Protection Agency (USEPA). The Board will accept written comments on the proposed rule that will form the basis for the SIP proposal until 45 days after the Notice of Proposed Amendments appears in the *Illinois Register*. A public hearing will occur by videoconference between Chicago and Springfield on July 16, 2020. The Board presently anticipates adoption of amendments to the Illinois ambient air quality standards before September 30, 2020.

Section 10(H) of the Environmental Protection Act (Act) [415 ILCS 5/10(H)] requires the Board to do as follows:

> [T]he Board shall adopt ambient air quality standards specifying the maximum permissible short-term and long-term concentrations of various contaminants in the atmosphere, those standards shall be identical in substance to the national ambient air quality standards promulgated by the Administrator of the United States Environmental Protection Agency in accordance with Section 109 of the Clean Air Act [(42 U.S.C. § 7409 (2018))].

The USEPA NAAQS are codified at 40 C.F.R. § 50. The Board is required to adopt those exemptions using the "identical in substance" rulemaking procedure of Section 7.2 of the Act [415 ILCS 5/7.2]. The Illinois listing of these compounds is codified at 35 Ill. Adm. Code 243.

On November 1, 2018, the Board adopted a proposal for public comment in consolidated docket R19-14/R20-3/R20-11 to initiate adoption of the latest USEPA amendments to and actions affecting the federal NAAQS during the second half of 2018 through the end of 2019.

- On October 16, 2018 (83 Fed. Reg. 52157), USEPA corrected the November 16, 2017 and June 4, 2018 area designations for the 2015 NAAQS for ozone (O_3) by adding McHenry and Monroe Counties in Illinois.

- On December 27, 2018 (84 Fed. Reg. 9866), USEPA redesignated all areas in Illinois, formerly designated unclassifiable, as unclassifiable/attainment for the 2012 primary annual average NAAQS for fine particulate matter ($PM_{2.5}$).

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

- On March 18, 2019 (84 Fed. Reg. 9866), USEPA concluded after review to retain the existing 2010 primary NAAQS for sulfur dioxide (SO_2).

- On March 29, 2019 (84 Fed. Reg. 11973), USEPA designated a new FEM for (O_3) in ambient air.

- On May 28, 2019 (84 Fed. Reg. 24395), USEPA redesignated the Metro East area from "unclassifiable/attainment" to "attainment" for the 1997 primary and secondary NAAQS for $PM_{2.5}$.

- On May 28, 2019 (84 Fed. Reg. 24508), USEPA designated a new FRM for monitoring carbon monoxide in ambient air.

- On August 23, 2019 (84 Fed. Reg. 44238), USEPA reclassified the Chicago-Naperville area from moderate to serious nonattainment for the 2008 primary and secondary NAAQS for O_3.

- On September 13, 2019 (84 Fed. Reg. 48286), USEPA reconsidered its 2016 designation of Williamson County as nonattainment for the 2010 NAAQS for SO_2.

- On September 26, 2019 (84 Fed. Reg. 50833), USEPA designated a new FRM for monitoring nitrogen dioxide in ambient air.

- On December 15, 2019, USEPA updated the *List of Designated Reference and Equivalent Methods*. This update included the FRMs that USEPA designated on March 29, 2019; May 28, 2019; and September 26, 2019.

The Board submitted this Notice of Public Hearing and Public Comment together with a Notice of Proposed Amendments to appear in the *Illinois Register* relative to the consolidated docket R19-14/R20-3/R20-11 proposal.

The Board expects that the Illinois Environmental Protection Agency (Agency) will submit the present amendments to USEPA to be included in or to revise the Illinois SIP pertaining to one or more ambient air quality priority pollutants (carbon monoxide, lead nitrogen oxides, ozone, particulate matter, and sulfur dioxide) pursuant to section 110 of the federal Clean Air Act (42 U.S.C. § 7410(a) (2018)) and the implementing USEPA regulations. *See* 40 C.F.R. § 51.102 and appendix V (2019).

As USEPA will require the State to have conducted a hearing on the amendments to the Illinois NAAQS rules involved in this proceeding pursuant to 42 U.S.C. § 4210(a) and 40 C.F.R. § 51.102

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

The Board scheduled a public hearing to allow the public to comment on the proposed amendments and the anticipated SIP revision. The Board will conduct that hearing by videoconference between the Board's offices in Chicago and Springfield, as follows:

11:45 a.m., Thursday, July 16, 2020

James R. Thompson Center
Illinois Pollution Control Board Hearing Room
100 West Randolph Street, Room 11-512
Chicago

and

Illinois Environmental Protection Agency Building
Illinois Pollution Control Board Hearing Room, Room 1244N, First Floor
1021 North Grand Avenue East
Springfield

Due to the Coronavirus pandemic and Executive Orders in effect at the time of this opinion and order, the Board is providing remote access through Webex as an additional platform for public participation.

Use the following for remote access via Webex:

Meeting number (access code): 288 342 643
Meeting password: 3NwnDH6pJm3

Remote Access by Webex with Video:

Hyperlink: https://illinois.webex.com/illinois/j.php?MTID=m3da6af1115c11cbd59249d98ff67ad17

Once on the Webex page, click “Join Now”, then enter the Meeting number and Password information:

Remote Access by Webex by Telephone without Video:

Phone (toll call only): 312-535-8110, or 415-655-0002

Only persons physically present at either of the two hearing locations given above and those remotely participating by video will be allowed to give testimony on the record. Testimony will

not be allowed by those participating by telephone. This does not limit the right of any person to submit public comments on the proposed amendments.

The Board invites public comment on the proposed amendments. The Board will receive public comments until at least 45 days after a notice of these proposed amendments appears in the *Illinois Register*. Anyone may file a public comment with the Board addressed as follows:

Office of the Clerk
Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

All comments relating to this rulemaking should clearly refer to consolidated docket R19-14/ R20-3/R20-11.

The record in this docket will include all documents pertaining to this proceeding. All documents in the record are publicly available for inspection and copying as provided in 2 Ill. Adm. Code 2175 by contacting the Office of the Clerk. The documents are also freely available online at the Board's webpage: www.ipcb.state.il.us.

The record will not include a copy of the following documents, which are all otherwise publicly available:

- The October 16, 2018, December 27, 2018, March 18, 2019, March 29, 2019, May 28, 2019, August 23, 2019, September 13, 2019, and September 26, 2019 *Federal Register* notices that prompted this action (referenced in the Board's May 21, 2020 opinion and order proposing amendments);

- The December 15, 2020 update to the List of Designated Methods that prompted this action (referenced in the Board's May 21, 2020 opinion and order proposing amendments);

- Federal statutes and regulations referenced in the Board's May 21, 2020 opinion and order; and

- Illinois statutes and regulations referenced in the Board's May 21, 2020 opinion and order.

The Board requests that interested persons direct questions to the following person:

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

Michael J. McCambridge, Staff Attorney
Pollution Control Board
100 West Randolph Street, Room 11-500
Chicago, Illinois 60601
312-814-6924
michael.mccambridge@illinois.gov

The Board requests that interested persons request documents from or submit documents to the following person:

Don A. Brown, Clerk of the Board
Pollution Control Board
100 West Randolph Street, Room 11-500
Chicago, Illinois 60601
312-814-3461
don.brown@illinois.gov

After the hearing and conclusion of the public comment period, the Board will promptly issue an opinion and order adopting final rule amendments. The Board presently anticipates voting to adopt the amendments before September 30, 2020. The Board will then file the amendments with the Office of the Secretary of State, and a Notice of Adopted Amendments will appear in the *Illinois Register*. Any Agency submission of the associated SIP revision to USEPA will follow that Notice.

NOTICE PURSUANT TO 415 ILCS 5/7.2(b)

Section 10(H) of the Environmental Protection Act (Act) [415 ILCS 5/10(H)] requires the Board to adopt ambient air quality standards that are identical in substance to the National Ambient Air Quality Standards (NAAQS) adopted by the United States Environmental Protection Agency (USEPA). The USEPA NAAQS are codified at in 40 C.F.R. 50. USEPA rules that directly affect implementing the NAAQS are codified in 40 C.F.R. 51 and 81.314. The Board is required to adopt those air quality standards using the "identical in substance" rulemaking procedure of Section 7.2 of the Act [415 ILCS 5/7.2]. The Illinois ambient air quality standards are codified in 35 Ill. Adm. Code 243, which is to be amended in Board docket R19-15.

Section 7.2(a) of the Act requires the Board to complete its identical-in-substance rulemaking actions within one year after the date of the USEPA action on which they are based. Section 7.2(b) allows the Board to extend the deadline for adoption by publication of a notice of reason for delay in the *Illinois Register*.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

On May 21, 2020, the Pollution Control Board adopted an opinion and order in docket R19-15 that proposed amendments to 35 Ill. Adm. Code 243 for public comment. A segment of that opinion and order set forth reasons for delay in the 35 Ill. Adm. Code 243 update. In that order, the Board stated as follows:

REASONS FOR UNAVOIDABLE DELAY, EXTENDED DUE DATE, AND TIMETABLE TO COMPLETE RULEMAKING

The statutory due date for this proceeding was March 29, 2020 (one year after the USEPA action requiring Board action in this docket). To complete this proceeding by that date, the Board would have needed to adopt this proposal for public comment by December 19, 2019.

The Board finds that more time is needed to complete rulemaking on the present amendments. The Board encountered several factors that contributed to unavoidable delay in preparing this proposal for public comment. The time needed to complete the amendments in SDWA Update, USEPA Amendments (July 1, 2018 through December 31, 2018), R19-16 (Apr. 16, 2020) and prepare a proposal in RCRA Subtitle C Update, USEPA Amendments (January 1, 2019 through June 30, 2019), R20-8, RCRA Subtitle C Update, USEPA Amendments (July 1, 2019 through December 31, 2019), R20-16 (May 21, 2020) exceeded that normally expected. Significant absences due to illnesses and injuries of the Board staff member assigned to work on this proposal and the current state of emergency due to the COVID-19 crisis further significantly contributed to the delay.

The Board observes that adopting this proposal for public comment today will enable the Board, assuming no further delay occurs, to follow the schedule below:

Board order proposing amendments:	May 21, 2020
Submission for *Illinois Register* publication:	June 1, 2020
Estimated *Illinois Register* publication date:	June 12, 2020
Public Hearing on Amendments	July 16, 2020
Estimated end of 45-day public comment period:	July 27, 2020
Board order adopting amendments:	August 6, 2020
Estimated filing and effective date:	August 17, 2020
Estimated *Illinois Register* publication date:	August 28, 2020

The believes it necessary to add one month to this projected schedule to

accommodate minimal further delay. For these reasons, the Board extends the deadline for final Board action until September 30, 2020.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

NOTICE PURSUANT TO 415 ILCS 5/7.2(b)

Section 22.4(a) of the Environmental Protection Act (Act) [415 ILCS 5/22.4(a)] requires the Board to adopt regulations that are identical in substance to rules adopted by the United States Environmental Protection Agency (USEPA) under authority of Subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA) (42 U.S.C. §§ 6921-6939g (2018)). The USEPA hazardous waste regulations adopted under this authority are codified as 40 C.F.R. 260 through 268, 271 through 273, and 279. The Board is required to adopt these rules using the "identical in substance" rulemaking procedure of Section 7.2 of the Act [415 ILCS 5/7.2].

Section 7.2(a) of the Act requires the Board to complete its identical-in-substance rulemaking actions within one year after the date of the USEPA action on which they are based. Section 7.2(b) allows the Board to extend the deadline for adoption by publication of a notice of reason for delay in the *Illinois Register*.

On May 21, 2020, the Pollution Control Board adopted an opinion and order in docket R20-8/R20-16 that proposed amendments to 35 Ill. Adm. Code 211.7150 for public comment. A segment of that opinion and order set forth reasons for delay in the update to 35 Ill. Adm. Code 702, 703, 720 through 726, 728, and 733. In that order, the Board stated as follows:

EXTENSION OF DUE DATE AND REASONS FOR DELAY

Under Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2018)), the Board must complete this rulemaking within one year after the corresponding federal action. Based on the date of the earliest USEPA action included in this rulemaking, the due date for completing the present amendments was February 22, 2020.

The Board could not adopt amendments before February 22, 2020. Unanticipated illness-and injury-related absences of Board staff working on the proposal caused delay. The current CoViD-19 pandemic and ongoing state of emergency and shelter-in-place measures have stymied preparing the proposed amendments. The Board finds it necessary to extend the date for completion until September 30, 2020. This allows about 30 days lee-time should further unexpected delay occur.

If the Board meets no unexpected delay, the following schedule represents the earliest adoption of the present amendments using the IIS procedure.

Board order proposing amendments:	May 21, 2020
Submission for *Illinois Register* publication:	June 1, 2020
Estimated *Illinois Register* publication date:	June 12, 2020
Estimated end of 45-day public comment period:	July 27, 2020

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

Board order adopting amendments:	August 6, 2020
Estimated filing and effective date:	August 17, 2020
Estimated *Illinois Register* publication date:	August 28, 2020

PROCLAMATION

2020-47
Flood Disaster

WHEREAS, multiple recent storm fronts moving through Illinois have generated moderate to heavy rainfall, including 6 to 7 inches of precipitation in some places, causing ground saturation, flash flooding and river flooding; and

WHEREAS, already-elevated river levels on the Illinois River have been exacerbated by these recent storms; and

WHEREAS, according to data provided by the National Weather Service (NWS), at the Illinois River gauge for Morris, located in north-central Grundy County, the river level reached major flood stage (22.0 feet) at approximately 7:00 a.m. on Sunday, May 17, 2020, the river level crested at approximately 24.85 feet in the early morning on Tuesday, May 19, and the river level is expected to recede below major flood stage at approximately 7:00 a.m. on Wednesday, May 20; and

WHEREAS, the river flooding in the vicinity of Morris constitutes an occurrence or threat of widespread or severe damage, injury or loss of life or property, causing Grundy County to declare a local disaster on Tuesday, May 19, and to request assistance with efforts to clean up impacts resulting from the flood; and

WHEREAS, according to data provided by the NWS, at the Illinois River gauge for Meredosia, located adjacent to the northwest corner of Morgan County and the northeast corner of Pike County, the river level is projected to reach major flood stage (24.0 feet) in the late morning on Saturday, May 23, and is projected to continue rising to approximately 25.9 feet by noon on Tuesday, May 26, with no current estimate for when the river level is expected to start receding; and

WHEREAS, the projected river flooding in the vicinity of Meredosia constitutes an occurrence or threat of widespread or severe damage, injury or loss of life or property, both to the approximately 980 residents of the Village of Meredosia, and to critical infrastructure such as Illinois State Route 104 and a Frontier switch station for telecommunications; and

WHEREAS, according to data provided by the NWS, at the Illinois River gauge for Valley City, located between Scott County to the east and Pike County to the west, the river level is projected to reach major flood stage (23.0 feet) in the early afternoon on Sunday, May 24, and is projected to continue rising to approximately 23.9 feet by late morning on Tuesday, May 26, with no current estimate for when river levels are expected to start receding; and

PROCLAMATION

WHEREAS, the projected river flooding in the vicinity of Valley City constitutes an occurrence or threat of widespread or severe damage, injury or loss of life or property, not only to the approximately 522 residents of Montezuma Township and the approximately 100 residents of Pearl, both located in Pike County, but also to critical infrastructure such as the Twin Eagle Bridge on Interstate Route 72, the bridge from Winchester in Scott County to Florence in Pike County on State Route 106, and the Scott County and Big Swan Levee Districts; and

WHEREAS, based on reports received by the Illinois Emergency Management Agency, local resources and capabilities have been exhausted, and state resources are needed to respond to the effects of the severe storms, to contain the anticipated flooding, and to recover from impacts caused by actual flooding; and

WHEREAS, these conditions provide legal justification under section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster.

NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, JB Pritzker, Governor of the State of Illinois, hereby proclaim as follows:

Section 1. Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare Grundy, Morgan, Pike, and Scott Counties as disaster areas.

Section 2. The Illinois Emergency Management Agency is directed to continue implementation of the State Emergency Operations Plan and to coordinate State resources to support local governments in disaster response and recovery operations.

Section 3. To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law.

Section 4. In order to alleviate any impediments to flood-fighting activities in these counties, the provisions of 17 Illinois Administrative Code Parts 3700 and 3704 related to levees and floodwalls are suspended.

Section 5: This proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Section 6: This proclamation shall be effective immediately and remain in effect for 30 days.

PROCLAMATION

Issued by the Governor: May 20, 2020
Filed by the Secretary of State: May 20, 2020

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