

---

# ILLINOIS

---

## REGISTER

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---



---

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

# TABLE OF CONTENTS

March 1, 2019 Volume 43, Issue 9

## PROPOSED RULES

### POLLUTION CONTROL BOARD

RCRA Permit Program	
35 Ill. Adm. Code 703.....	2613
Hazardous Waste Management System: General	
35 Ill. Adm. Code 720.....	2654
Identification and Listing of Hazardous Waste	
35 Ill. Adm. Code 721.....	2722
Standards Applicable to Generators of Hazardous Waste	
35 Ill. Adm. Code 722.....	2795
Standards Applicable to Transporters of Hazardous Waste	
35 Ill. Adm. Code 723.....	2837
Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	
35 Ill. Adm. Code 724.....	2843
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	
35 Ill. Adm. Code 725.....	2895
Standards for Owners and Operators of Hazardous Waste Facilities Operating under a RCRA Standardized Permit	
35 Ill. Adm. Code 727.....	2924
Standards for Universal Waste Management	
35 Ill. Adm. Code 733.....	2945
Standards for the Management of Used Oil	
35 Ill. Adm. Code 739.....	2953
General Provisions	
35 Ill. Adm. Code 1420.....	2966
Activity Standards	
35 Ill. Adm. Code 1421.....	2983
Design and Operation of Facilities	
35 Ill. Adm. Code 1422.....	2994

## ADOPTED RULES

### POLLUTION CONTROL BOARD

Air Quality Standards	
35 Ill. Adm. Code 243.....	3034

## 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 2019

<b>Issue#</b>	<b>Rules Due Date</b>	<b>Date of Issue</b>
1	December 26, 2018	January 4, 2019
2	December 31, 2018	January 11, 2019
3	January 7, 2019	January 18, 2019
4	January 14, 2019	January 25, 2019
5	January 22, 2019	February 1, 2019
6	January 28, 2019	February 8, 2019
7	February 4, 2019	February 15, 2019
8	February 11, 2019	February 22, 2019
9	February 19, 2019	March 1, 2019
10	February 25, 2019	March 8, 2019
11	March 4, 2019	March 15, 2019
12	March 11, 2019	March 22, 2019
13	March 18, 2019	March 29, 2019
14	March 25, 2019	April 5, 2019
15	April 1, 2019	April 12, 2019
16	April 8, 2019	April 19, 2019
17	April 15, 2019	April 26, 2019
18	April 22, 2019	May 3, 2019
19	April 29, 2019	May 10, 2019
20	May 6, 2019	May 17, 2019
21	May 13, 2019	May 24, 2019
22	May 20, 2019	May 31, 2019

23	May 28, 2019	June 7, 2019
24	June 3, 2019	June 14, 2019
25	June 10, 2019	June 21, 2019
26	June 17, 2019	June 28, 2019
27	June 24, 2019	July 5, 2019
28	July 1, 2019	July 12, 2019
29	July 8, 2019	July 19, 2019
30	July 15, 2019	July 26, 2019
31	July 22, 2019	August 2, 2019
32	July 29, 2019	August 9, 2019
33	August 5, 2019	August 16, 2019
34	August 12, 2019	August 23, 2019
35	August 19, 2019	August 30, 2019
36	August 26, 2019	September 6, 2019
37	September 3, 2019	September 13, 2019
38	September 9, 2019	September 20, 2019
39	September 16, 2019	September 27, 2019
40	September 23, 2019	October 4, 2019
41	September 30, 2019	October 11, 2019
42	October 7, 2019	October 18, 2019
43	October 15, 2019	October 25, 2019
44	October 21, 2019	November 1, 2019
45	October 28, 2019	November 8, 2019
46	November 4, 2019	November 15, 2019
47	November 12, 2019	November 22, 2019
48	November 18, 2019	December 2, 2019
49	November 25, 2019	December 6, 2019
50	December 2, 2019	December 13, 2019
51	December 9, 2019	December 20, 2019
52	December 16, 2019	December 27, 2019

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: RCRA Permit Program
- 2) Code Citation: 35 Ill. Adm. Code 703
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
703.183	Amendment
703.352	Amendment
703.Appendix A	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 the docket R19-11 rulemaking that also affects 35 Ill. Adm. Code 720 through 725, 727, 733, and 739. The R19-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during the second half of 2018: July 1, 2018 through December 31, 2018. A comprehensive description is contained in the Board's opinion and order of February 14, 2019, proposing amendments in docket R19-11, which opinion and order is available from the address below.

R19-11 further includes limited corrections and conforming revisions that the Board finds necessary to previously adopted rules. The Board includes non-substantive stylistic revisions to provisions opened for amendments--many of anticipate changes ordinarily requested by the Joint Committee on Administrative Rules (JCAR).

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

Conditional Exclusion of Airbag Waste from Regulation as Hazardous Waste derived from USEPA actions. Persons interested in the details of those deviations from the literal text should refer to the Identical-in-Substance Rulemaking Addendum (Proposed) in docket R19-11.

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).

## 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 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].
- 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 R19-11 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 docket R19-11:

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

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

Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's website at [pcb.illinois.gov](http://pcb.illinois.gov)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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].
  - 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].
  - 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].
- 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 (2018)] 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 2019

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: PERMITSPART 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
703.208	Boilers and Industrial Furnaces Burning Hazardous Waste
703.209	Miscellaneous Units
703.210	Process Vents
703.211	Equipment
703.212	Drip Pads
703.213	Air Emission Controls for Tanks, Surface Impoundments, and Containers
703.214	Post-Closure Care Permits

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART E: SPECIAL FORMS OF PERMITS

## Section

703.220	Emergency Permits
703.221	Alternative Compliance with the Federal NESHAPS
703.222	Incinerator Conditions Prior to Trial Burn
703.223	Incinerator Conditions During Trial Burn
703.224	Incinerator Conditions After Trial Burn
703.225	Trial Burns for Existing Incinerators
703.230	Land Treatment Demonstration
703.231	Research, Development and Demonstration Permits
703.232	Permits for Boilers and Industrial Furnaces Burning Hazardous Waste
703.234	Remedial Action Plans
703.238	RCRA Standardized Permits for Storage and Treatment Units

## SUBPART F: PERMIT CONDITIONS OR DENIAL

## Section

703.240	Permit Denial
703.241	Establishing Permit Conditions
703.242	Noncompliance Pursuant to Emergency Permit
703.243	Monitoring
703.244	Notice of Planned Changes (Repealed)
703.245	Twenty-four Hour Reporting
703.246	Reporting Requirements
703.247	Anticipated Noncompliance
703.248	Information Repository

## SUBPART G: CHANGES TO PERMITS

## Section

703.260	Transfer
703.270	Modification or Reissuance
703.271	Causes for Modification
703.272	Causes for Modification or Reissuance
703.273	Facility Siting
703.280	Permit Modification at the Request of the Permittee
703.281	Class 1 Modifications
703.282	Class 2 Modifications

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

703.283 Class 3 Modifications

## SUBPART H: REMEDIAL ACTION PLANS

## Section

703.300 Special Regulatory Format  
703.301 General Information  
703.302 Applying for a RAP  
703.303 Getting a RAP Approved  
703.304 How a RAP May Be Modified, Reissued, or Terminated  
703.305 Operating Under A RAP  
703.306 Obtaining a RAP for an Off-Site Location

SUBPART I: INTEGRATION WITH MAXIMUM ACHIEVABLE  
CONTROL TECHNOLOGY (MACT) STANDARDS

## Section

703.320 Options for Incinerators and Cement and Lightweight Aggregate Kilns to Minimize Emissions from Startup, Shutdown, and Malfunction Events

SUBPART J: RCRA STANDARDIZED PERMITS  
FOR STORAGE AND TREATMENT UNITS

## Section

703.350 General Information About RCRA Standardized Permits  
703.351 Applying for a RCRA Standardized Permit  
703.352 Information That Must Be Kept at the Facility  
703.353 Modifying a RCRA Standardized Permit

703.APPENDIX A Classification of Permit Modifications

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

**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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART D: APPLICATIONS

**Section 703.183 General Information**

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

- a) A general description of the facility;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- b) Chemical and physical analyses of the hazardous wastes and hazardous debris to be handled at the facility. At a minimum, these analyses must contain all the information that must be known to treat, store, or dispose of the wastes properly in accordance with 35 Ill. Adm. Code 724;
- c) A copy of the waste analysis plan required by 35 Ill. Adm. Code 724.113(b) and, if applicable, 35 Ill. Adm. Code 724.113(c);
- d) A description of the security procedures and equipment required by 35 Ill. Adm. Code 724.114, or a justification demonstrating the reasons for requesting a waiver of this requirement;
- e) A copy of the general inspection schedule required by 35 Ill. Adm. Code 724.115(b). Include where applicable, as part of the inspection schedule, specific requirements in 35 Ill. Adm. Code 724.274, 724.293(i), 724.295, 724.326, 724.354, 724.373, 724.403, 724.702, 724.933, 724.952, 724.953, 724.958, 724.984, 724.985, 724.986, and 724.988;
- f) A justification of any request for a waiver of the preparedness and prevention requirements of Subpart C of 35 Ill. Adm. Code 724;
- g) A copy of the contingency plan required by Subpart D of 35 Ill. Adm. Code 724;

BOARD NOTE: Include, where applicable, as part of the contingency plan, specific requirements in 35 Ill. Adm. Code 724.200 and 724.327. Corresponding 40 CFR 270.14(b)(7) refers to the requirements of 40 CFR 264.255 (corresponding with 35 Ill. Adm. Code 724.355), marked "reserved" by USEPA.

- h) A description of procedures, structures, or equipment used at the facility as follows:
  - 1) To prevent hazards in unloading operations (for example, ramps, or special forklifts);
  - 2) To prevent ~~run-off~~runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, or trenches);
  - 3) To prevent contamination of water supplies;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 4) To mitigate effects of equipment failure and power outages;
- 5) To prevent undue exposure of personnel to hazardous waste (for example, protective clothing); and
- 6) To prevent releases to the atmosphere;
- i) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes, as required to demonstrate compliance with 35 Ill. Adm. Code 724.117, including documentation demonstrating compliance with 35 Ill. Adm. Code 724.117(c);
- j) A description of the area traffic pattern, the estimated traffic volume (number and types of vehicles), and area traffic control (for example, show turns across traffic lanes and stacking lanes, if appropriate); a description of access road surfacing and load bearing capacity; and the locations and types of traffic control signals;
- k) Facility location information, as required by Section 703.184;

BOARD NOTE: The Board has codified 40 CFR 270.14(b)(11)(iii) through (b)(11)(v) (2005) as Section 703.184(c) through (e) to comport with Illinois Administrative Code codification requirements. The Board did not include an equivalent to 40 CFR 270.14(b)(11)(i) and (b)(11)(ii), relating to certain seismic zones not located within Illinois.

- l) An outline of both the introductory and continuing training programs by the owner or operator to prepare persons to operate or maintain the HWM facility in a safe manner, as required to demonstrate compliance with 35 Ill. Adm. Code 724.116. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in 35 Ill. Adm. Code 724.116(a)(3);
- m) A copy of the closure plan and, where applicable, the post-closure plan required by 35 Ill. Adm. Code 724.212, 724.218, and 724.297. Include, where applicable, as part of the plans, specific requirements in 35 Ill. Adm. Code 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451, 724.701, and 724.703;
- n) For hazardous waste disposal units that have been closed, documentation that notices required under 35 Ill. Adm. Code 724.219 have been filed;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- o) The most recent closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.242, and a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.243. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;
- p) Where applicable, the most recent post-closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.244, plus a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.245. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;
- q) Where applicable, a copy of the insurance policy or other documentation that comprises compliance with the requirements of 35 Ill. Adm. Code 724.247. For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 724.247(a) and, if applicable, 35 Ill. Adm. Code 724.247(b) that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal. A request for an alternative level of required coverage for a new or existing facility may be submitted as specified in 35 Ill. Adm. Code 724.247(c);
- r) This subsection corresponds with 40 CFR 270.14(b)(18), pertaining to state financial mechanisms that do not apply in Illinois. This statement maintains structural parity with the federal regulations;
- s) A topographic map showing 305 meters (1,000a distance of 1000 feet) around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow nearin the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). An owner or operator of ana HWM facility located in a mountainous area must use larger contour intervals to adequately show topographic profiles of facilities. The map must clearly show the following:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Map scale and date;
- 2) 100-year floodplain area;
- 3) Surface waters including intermittent streams;
- 4) Surrounding land uses (e.g., residential, commercial, agricultural, recreational, etc.);
- 5) A wind rose (i.e., prevailing windspeed and direction);
- 6) Orientation of the map (north arrow);
- 7) Legal boundaries of the HWM facility site;
- 8) Access control (e.g., fences, gates, etc.);
- 9) Injection and withdrawal wells both on-site and off-site;
- 10) Buildings; treatment, storage, or disposal operations; or other structures (e.g., recreation areas, ~~run-off~~runoff control systems, access and internal roads, storm, sanitary and process sewage systems, loading and unloading areas, fire control facilities, etc.);
- 11) Barriers for drainage or flood control; and
- 12) Location of operational units within the HWM facility site, where hazardous waste is (or will be) treated, stored, or disposed of (include equipment cleanup areas);

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

- t) Applicants must submit such information as the Agency determines is necessary for it to determine whether to issue a permit and what conditions to impose in any permit issued;
- u) For land disposal facilities, if a case-by-case extension has been approved under 35 Ill. Adm. Code 728.105 or if a petition has been approved under 35 Ill. Adm.



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Code 728.106, a copy of the notice of approval of the extension or of approval of the petition is required; and

- v) A summary of the pre-application meeting, along with a list of attendees and their addresses, and copies of any written comments or materials submitted at the meeting, as required under 35 Ill. Adm. Code 703.191(c).

BOARD NOTE: Derived from 40 CFR 270.14(b) ~~(2012)~~.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**SUBPART J: RCRA STANDARDIZED PERMITS  
FOR STORAGE AND TREATMENT UNITS**

**Section 703.352 Information That Must Be Kept at the Facility**

- a) General Types of Information to Be Maintained at the Facility. The facility owner or operator must keep the following information at its facility:
  - 1) A general description of the facility;
  - 2) Results of chemical and physical analyses of the hazardous waste and hazardous debris handled at the facility. At a minimum, these results of analyses must contain all the information that the owner or operator must know to treat or store the wastes properly pursuant to 35 Ill. Adm. Code 727;
  - 3) A copy of the waste analysis plan required by 35 Ill. Adm. Code 727.110(d)(2);
  - 4) A description of the security procedures and equipment required by 35 Ill. Adm. Code 727.110(e);
  - 5) A copy of the general inspection schedule required by 35 Ill. Adm. Code 727.110(f)(2). The owner or operator must include in the inspection schedule applicable requirements of 35 Ill. Adm. Code 724.933, 724.952, 724.953, 724.958, 724.988, 727.270(e), and 727.290(d) and (f);

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 6) A justification of any modification of the preparedness and prevention requirements of 35 Ill. Adm. Code 727.130(a) through (f);
- 7) A copy of the contingency plan required by 35 Ill. Adm. Code 727.150;
- 8) A description of procedures, structures, or equipment used at the facility to accomplish each of the following:
  - A) Prevent hazards in unloading operations (for example, use ramps, special forklifts);
  - B) Prevent ~~run-off~~runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, with berms, dikes, trenches, etc.);
  - C) Prevent contamination of water supplies;
  - D) Mitigate effects of equipment failure and power outages;
  - E) Prevent undue exposure of personnel to hazardous waste (for example, requiring protective clothing); and
  - F) Prevent releases to atmosphere;
- 9) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required by 35 Ill. Adm. Code 727.110(h);
- 10) The traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes, and stacking lanes; describe access road surfacing and load bearing capacity; show traffic control signals, etc.);
- 11) This subsection (a)(11) corresponds with 40 CFR 270.290(k), which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules;
- 12) An outline of both the introductory and continuing training programs that the owner or operator will use to prepare employees to operate or maintain

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

its facility safely as required by 35 Ill. Adm. Code 727.110(g). A brief description of how training will be designed to meet actual job tasks pursuant to 35 Ill. Adm. Code 727.110(g)(1)(B) requirements;

- 13) A copy of the closure plan required by 35 Ill. Adm. Code 727.210(c). Include, where applicable, as part of the plans, specific requirements in 35 Ill. Adm. Code 727.270(g), 727.290(l), and 727.900(i);
- 14) This subsection (a)(14) corresponds with 40 CFR 270.290(n), which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules;
- 15) The most recent closure cost estimate for the facility prepared pursuant to 35 Ill. Adm. Code 727.240(c) and a copy of the documentation required to demonstrate financial assurance pursuant to 35 Ill. Adm. Code 727.240(d). For a new facility, the owner or operator may gather the required documentation 60 days before the initial receipt of hazardous wastes;
- 16) This subsection (a)(16) corresponds with 40 CFR 270.290(p), which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules;
- 17) Where applicable, a copy of the insurance policy or other documentation that complies with the liability requirements of 35 Ill. Adm. Code 727.240(h). For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 727.240(h)(1) that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment or storage;
- 18) Where appropriate, proof of coverage by a State financial mechanism, as required by 35 Ill. Adm. Code 727.240(j) or 727.240(k);
- 19) A topographic map showing 305 meters (~~a distance of~~ 1,000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). The map must show elevation contours. The contour interval must show the pattern of surface water flow ~~nearin the vicinity of~~ and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

6.1 meters (20 feet). If the facility is in a mountainous area, the owner or operator should use large contour intervals to adequately show topographic profiles of the facility. The map must clearly show each of the following:

- A) The map scale and date;
- B) Any 100-year flood plain area;
- C) All surface waters including intermittent streams;
- D) The surrounding land uses (residential, commercial, agricultural, recreational, etc.);
- E) A wind rose (i.e., prevailing windspeed and direction);
- F) The orientation of the map (north arrow);
- G) Legal boundaries of the facility site;
- H) Facility access control (fences, gates);
- I) All injection and withdrawal wells both on-site and off-site;
- J) All buildings; treatment, storage, or disposal operations; and other structures (recreation areas, ~~run-off~~runoff control systems, access and internal roads, storm, sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, etc.);
- K) Barriers for drainage or flood control; and
- L) The location of operational units within the facility where hazardous waste is (or will be) treated or stored (including equipment cleanup areas).

BOARD NOTE: Subsection (a) is derived from 40 CFR 270.290-(2017).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- b) Container Information to Be Maintained at the Facility. If the facility owner or operator stores or treats hazardous waste in containers, it must keep the following information at its facility:
- 1) A description of the containment system to demonstrate compliance with the container storage area provisions of 35 Ill. Adm. Code 727.270(d). This description must show the following information:
    - A) The basic design parameters, dimensions, and materials of construction;
    - B) How the design promotes drainage or how containers are kept from contact with standing liquids in the containment system;
    - C) The capacity of the containment system relative to the number and volume of containers to be stored;
    - D) The provisions for preventing or managing run-on; and
    - E) How accumulated liquids can be analyzed and removed to prevent overflow;
  - 2) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with 35 Ill. Adm. Code 727.270(d)(3), including the following:
    - A) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and
    - B) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids;
  - 3) Sketches, drawings, or data demonstrating compliance with 35 Ill. Adm. Code 727.270(e) (location of buffer zone (15m or 50ft) and containers holding ignitable or reactive wastes) and 35 Ill. Adm. Code 727.270(f)(3) (location of incompatible wastes in relation to each other), where applicable;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 4) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with 35 Ill. Adm. Code 727.270(f)(1) and (f)(2), and 35 Ill. Adm. Code 727.110(h)(2) and (h)(3); and
- 5) Information on air emission control equipment as required by Section 703.352(e).

BOARD NOTE: Subsection (b) is derived from 40 CFR 270.300-~~(2017)~~.

- c) Tank Information to Be Maintained at the Facility. If the facility owner or operator uses tanks to store or treat hazardous waste, it must keep the following information at its facility:
  - 1) A written assessment that is reviewed and certified by an independent, qualified, registered professional engineer on the structural integrity and suitability for handling hazardous waste of each tank system, as required pursuant to 35 Ill. Adm. Code 727.290(b) and (c);
  - 2) The dimensions and capacity of each tank;
  - 3) A description of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);
  - 4) A diagram of piping, instrumentation, and process flow for each tank system;
  - 5) A description of materials and equipment used to provide external corrosion protection, as required pursuant to 35 Ill. Adm. Code 727.290(b);
  - 6) For new tank systems, a detailed description of how the tank systems will be installed in compliance with 35 Ill. Adm. Code 727.290(c) and (e);
  - 7) Detailed plans and description of how the secondary containment system for each tank system is or will be designed, constructed, and operated to meet the requirements of 35 Ill. Adm. Code 727.290(f) and (g);

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 8) This subsection (c)(8) corresponds with 40 CFR 270.305(h), which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules;
- 9) A description of controls and practices to prevent spills and overflows, as required pursuant to 35 Ill. Adm. Code 727.290(i);
- 10) For tank systems in which ignitable, reactive, or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with 35 Ill. Adm. Code 727.290(m) and (n); and
- 11) Information on air emission control equipment, as required by Section 703.352(e).

BOARD NOTE: Subsection (c) is derived from 40 CFR 270.305-~~(2017)~~.

- d) Equipment Information to Be Maintained at the Facility. If the facility has equipment to which Subpart BB of 35 Ill. Adm. Code 724 applies, the facility owner or operator must keep the following information at its facility:
  - 1) For each piece of equipment to which Subpart BB of 35 Ill. Adm. Code 724 applies, the following:
    - A) The equipment identification number and hazardous waste management unit identification;
    - B) The approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan);
    - C) The type of equipment (e.g., a pump or a pipeline valve);
    - D) The percent by weight of total organics in the hazardous waste stream at the equipment;
    - E) The phase of the hazardous waste at the equipment (e.g., gas or vapor or liquid); and

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- F) The method of compliance with the standard (e.g., monthly leak detection and repair, or equipped with dual mechanical seals);
- 2) For a facility that cannot install a closed-vent system and control device to comply with Subpart BB of 35 Ill. Adm. Code 724 on the effective date that the facility becomes subject to the Subpart BB provisions, an implementation schedule as specified in 35 Ill. Adm. Code 724.933(a)(2);
  - 3) Documentation that demonstrates compliance with the equipment standards in 35 Ill. Adm. Code 724.952 and 724.959. This documentation must contain the records required pursuant to 35 Ill. Adm. Code 724.964; and
  - 4) Documentation to demonstrate compliance with 35 Ill. Adm. Code 724.960, which must include the following information:
    - A) A list of all information references and sources used in preparing the documentation;
    - B) Records, including the dates, of each compliance test required by 35 Ill. Adm. Code 724.933(j);
    - C) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions", USEPA publication number EPA-450/2-81-005, incorporated by reference in 35 Ill. Adm. Code 720.111(a) or other engineering texts acceptable to the Agency that present basic control device design information. The design analysis must address the vent stream characteristics and control device operation parameters, as specified in 35 Ill. Adm. Code 724.935(b)(4)(iii);
    - D) A statement signed and dated by the facility owner or operator that certifies that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is operating at the highest load or capacity level reasonable expected to occur; and



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- E) A statement signed and dated by the facility owner or operator that certifies that the control device is designed to operate at an efficiency of 95 weight percent or greater.

BOARD NOTE: Subsection (d) is derived from 40 CFR 270.310-(2017).

- e) Air Emissions Control Information to Be Maintained at the Facility. If the facility owner or operator has air emission control equipment subject to Subpart CC of 35 Ill. Adm. Code 724, it must keep the following information at its facility:
- 1) Documentation for each floating roof cover installed on a tank subject to 35 Ill. Adm. Code 724.984(d)(1) or (d)(2) that includes information that the owner or operator prepared or the cover manufacturer or vendor provided describing the cover design, and the owner's or operator's certification that the cover meets applicable design specifications listed in 35 Ill. Adm. Code 724.984(e)(1) or (f)(1);
  - 2) Identification of each container area subject to Subpart CC of 35 Ill. Adm. Code 724 and the owner's or operator's certification that the requirements of this Subpart J are met;
  - 3) Documentation for each enclosure used to control air pollutant emissions from tanks or containers pursuant to requirements of 35 Ill. Adm. Code 724.984(d)(5) or 724.986(e)(1)(B). The owner or operator must include records for the most recent set of calculations and measurements that it performed to verify that the enclosure meets the criteria of a permanent total enclosure as specified in appendix B to 40 CFR 52.741 (Procedure T – Criteria for and Verification of a Permanent or Temporary Total Enclosure), incorporated by reference in 35 Ill. Adm. Code 720.111(b);
  - 4) This subsection (e)(4) corresponds with 40 CFR 270.315(d), which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules;
  - 5) Documentation for each closed-vent system and control device installed pursuant to 35 Ill. Adm. Code 724.987 that includes design and performance information, as specified in Section 703.210(c) and (d); and

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 6) An emission monitoring plan for both Method 21 in appendix A to 40 CFR 60 (Determination of Volatile Organic Compound Leaks), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and control device monitoring methods. This plan must include the following information: monitoring points, monitoring methods for control devices, monitoring frequency, procedures for documenting exceedances, and procedures for mitigating noncompliances.

BOARD NOTE: Subsection (e) is derived from 40 CFR 270.315-~~(2017)~~.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 703.APPENDIX A Classification of Permit Modifications**

## Class Modifications

## A. General Permit Provisions

- 1 1. Administrative and informational changes.
- 1 2. Correction of typographical errors.
- 1 3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).
4. Changes in the frequency of or procedures for monitoring, reporting, sampling, or maintenance activities by the permittee:
  - 1 a. To provide for more frequent monitoring, reporting, or maintenance.
  - 2 b. Other changes.
5. Schedule of compliance:
  - 1\* a. Changes in interim compliance dates, with prior approval of the Agency.
  - 3 b. Extension of final compliance date.
- 1\* 6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency.
- 1\* 7. Changes in ownership or operational control of a facility, provided the procedures of Section 703.260(b) are followed.
- 1\* 8. Changes to remove permit conditions that are no longer applicable (i.e., because the standards upon which they are based are no longer applicable to the facility).
- 1\* 9. Changes to remove permit conditions applicable to a unit excluded pursuant to the provisions of 35 Ill. Adm. Code 721.104.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1\* 10. Changes in the expiration date of a permit issued to a facility at which all units are excluded pursuant to the provisions of 35 Ill. Adm. Code 721.104.

B. General Facility Standards

1. Changes to waste sampling or analysis methods:

- 1 a. To conform with Agency guidance or Board regulations.

- 1\* b. To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods.

- 1\* c. To incorporate changes associated with underlying hazardous constituents in ignitable or corrosive wastes.

- 2 d. Other changes.

2. Changes to analytical quality assurance or quality control plan:

- 1 a. To conform with agency guidance or regulations.

- 2 b. Other changes.

- 1 3. Changes in procedures for maintaining the operating record.

- 2 4. Changes in frequency or content of inspection schedules.

5. Changes in the training plan:

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

- 1 b. Other changes.

6. Contingency plan:

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

procedures).

- 1           b. Replacement with functionally equivalent equipment, upgrade, or relocate emergency equipment listed.
- 2           c. Removal of equipment from emergency equipment list.
- 1           d. Changes in name, address, or phone number of coordinators or other persons or agencies identified in the plan.

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

## 7. CQA plan:

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

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

## C. Groundwater Protection

## 1. Changes to wells:

- 2           a. Changes in the number, location, depth, or design of upgradient or downgradient wells of permitted groundwater monitoring system.
- 1           b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design, or depth of the well.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1\* 2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Agency.
- 1\* 3. Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the Agency.
- 2 4. Changes in point of compliance.
- 2 5. Changes in indicator parameters, hazardous constituents, or concentration limits (including ACLs (Alternate Concentration Limits)):
- 3 a. As specified in the groundwater protection standard.
- 2 b. As specified in the detection monitoring program.
- 2 6. Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(h), unless otherwise specified in this Appendix.
- 2 7. Compliance monitoring program:
- 3 a. Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(g)(4) and 724.199.
- 2 b. Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(j), unless otherwise specified in this Appendix.
- 2 8. Corrective action program:
- 3 a. Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(i)(2) and 724.200.
- 2 b. Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.

## D. Closure

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

2 e. Tanks or containers (other than specified in paragraph D(3)(f) below).

1\* f. Tanks used for neutralization, dewatering, phase separation, or component separation, with prior approval of the Agency.

2 g. Staging piles.

## E. Post-Closure

1 1. Changes in name, address, or phone number of the contact in the post-closure plan.

2 2. Extension of post-closure care period.

3 3. Reduction in the post-closure care period.

1 4. Changes to the expected year of final closure, where other permit conditions are not changed.

2 5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure.

## F. Containers

1. Modification or addition of container units:

3 a. Resulting in greater than 25 percent increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).

2 b. Resulting in up to 25 percent increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).

1 c. Modification or addition of container units or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards, with prior approval of the Agency. This modification may also involve the



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

addition of new USEPA hazardous waste numbers or narrative description of wastes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

2. Modification of container units without an increased capacity or alteration of the system:
  - 2 a. Modification of a container unit without increasing the capacity of the unit.
  - 1 b. Addition of a roof to a container unit without alteration of the containment system.
3. Storage of different wastes in containers, except as provided in F(4):
  - 3 a. That require additional or different management practices from those authorized in the permit.
  - 2 b. That do not require additional or different management practices from those authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
4. Storage or treatment of different wastes in containers:
  - 2\* a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
  - 1\* b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## G. Tanks

1. Modification of a tank unit, secondary containment system, or treatment process that increases tank capacity, adds a new tank, or alters treatment, specified as follows:
  - 3 a. Modification or addition of tank units resulting in greater than 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(c), G(1)(d), and G(1)(e).
  - 2 b. Modification or addition of tank units resulting in up to 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).
  - 2 c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.
  - 1\* d. After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.
  - 1\* e. Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards, with prior approval of the Agency. This modification may also involve the addition of new USEPA hazardous waste numbers. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
- 2 2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit.
- 1 3. Replacement of a tank with a tank that meets the same design standards and has a capacity within  $\pm 10$  percent of the replaced tank provided:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- a. The capacity difference is no more than 1500 gallons (5680 ℓ),
  - b. The facility's permitted tank capacity is not increased, and
  - c. The replacement tank meets the same conditions in the permit.
- 2 4. Modification of a tank management practice.
5. Management of different wastes in tanks:
- 3 a. That require additional or different management practices, tank design, different fire protection specifications or significantly different tank treatment process from that authorized in the permit, except as provided in paragraph G(5)(c).
- 2 b. That do not require additional or different management practices or tank design, different fire protection specification, or significantly different tank treatment process than authorized in the permit, except as provided in paragraph G(5)(d).
- Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
- 1\* c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards. The modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
- 1 d. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## H. Surface Impoundments

- 3 1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity.
- 3 2. Replacement of a surface impoundment unit.
- 2 3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system, or leachate collection system.
- 2 4. Modification of a surface impoundment management practice.
5. Treatment, storage, or disposal of different wastes in surface impoundments:
  - 3 a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.
  - 2 b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
  - 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
  - 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2) (Procedures for Case-by-Case Extensions to an Effective Date),

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

incorporated by reference in 35 Ill. Adm. Code 720.111(b), and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

- 1\* 6. Modifications of unconstructed units to comply with 35 Ill. Adm. Code 724.321(c), 724.322, 724.323, and 724.326(d).
- 7. Changes in response action plan:
  - 3 a. Increase in action leakage rate.
  - 3 b. Change in a specific response reducing its frequency or effectiveness.
  - 2 c. Other changes.

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

- I. Enclosed Waste Piles. For all waste piles, except those complying with 35 Ill. Adm. Code 724.350(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with 35 Ill. Adm. Code 724.350(c).
  - 1. Modification or addition of waste pile units:
    - 3 a. Resulting in greater than 25 percent increase in the facility's waste pile storage or treatment capacity.
    - 2 b. Resulting in up to 25 percent increase in the facility's waste pile storage or treatment capacity.
  - 2. Modification of waste pile unit without increasing the capacity of the unit.
  - 1 3. Replacement of a waste pile unit with another waste pile unit of the

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

same design and capacity and meeting all waste pile conditions in the permit.

- 2 4. Modification of a waste pile management practice.
5. Storage or treatment of different wastes in waste piles:
- 3 a. That require additional or different management practices or  
different design of the unit.
- 2 b. That do not require additional or different management practices  
or different design of the unit.
- Note: See Section 703.280(g) for modification procedures to be  
used for the management of newly listed or identified wastes.
- 2 6. Conversion of an enclosed waste pile to a containment building unit.  
Note: See Section 703.280(g) for modification procedures to be used  
for the management of newly listed or identified wastes.

## J. Landfills and Unenclosed Waste Piles

- 3 1. Modification or addition of landfill units that result in increasing the  
facility's disposal capacity.
- 3 2. Replacement of a landfill.
- 3 3. Addition or modification of a liner, leachate collection system,  
leachate detection system, ~~run-off~~ control, or final cover system.
- 2 4. Modification of a landfill unit without changing a liner, leachate  
collection system, leachate detection system, ~~run-off~~ control, or  
final cover system.
- 2 5. Modification of a landfill management practice.
6. Landfill different wastes:
- 3 a. That require additional or different management practices,  
different design of the liner, leachate collection system, or leachate

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

detection system.

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

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

- 1           c. That are wastes restricted from land disposal that meet the applicable treatment standards. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

- 1           d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2) (Procedures for Case-by-Case Extensions to an Effective Date), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

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

8. Changes in response action plan:

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

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## K. Land Treatment

- 3 1. Lateral expansion of or other modification of a land treatment unit to increase area extent.
- 2 2. Modification of ~~run-on~~~~runoff~~ control system.
- 3 3. Modify ~~run-off~~~~runoff~~ control system.
- 2 4. Other modification of land treatment unit component specifications or standards required in permit.
- 5 5. Management of different wastes in land treatment units:
  - 3 a. That require a change in permit operating conditions or unit design specifications.
  - 2 b. That do not require a change in permit operating conditions or unit design specifications.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
- 6 6. Modification of a land treatment unit management practice to:
  - 3 a. Increase rate or change method of waste application.
  - 1 b. Decrease rate of waste application.
- 2 7. Modification of a land treatment unit management practice to change measures of pH or moisture content or to enhance microbial or chemical reactions.
- 3 8. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops or to modify operating plans for distribution of animal feeds resulting from such crops.
- 3 9. Modification of operating practice due to detection of releases from the



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

land treatment unit pursuant to 35 Ill. Adm. Code 724.378(g)(2).

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 2           18. Changes in vegetative cover requirements for closure.
- L. Incinerators, Boilers and Industrial Furnaces
- 3           1. Changes to increase by more than 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 2           2. Changes to increase by up to 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 3           3. Modification of an incinerator, boiler, or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units; by adding a primary or secondary combustion unit; by substantially changing the design of any component used to remove HCl/Cl<sub>2</sub>, metals, or particulate from the combustion gases; or by changing other features of the incinerator, boiler, or industrial furnace that could affect its capability to meet the regulatory performance standards. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.
- 2           4. Modification of an incinerator, boiler, or industrial furnace unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.
5. Operating requirements:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 3 a. Modification of the limits specified in the permit for minimum or maximum combustion gas temperature, minimum combustion gas residence time, oxygen concentration in the secondary combustion chamber, flue gas carbon monoxide or hydrocarbon concentration, maximum temperature at the inlet to the PM emission control system, or operating parameters for the air pollution control system. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 3 b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.
- 2 c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.
6. Burning different wastes:
- 3 a. If the waste contains a POHC that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency must require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.
- 2 b. If the waste does not contain a POHC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit.
- Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
7. Shakedown and trial burn:
- 2 a. Modification of the trial burn plan or any of the permit conditions

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

applicable during the shakedown period for determining operational readiness after construction, the trial burn period or the period immediately following the trial burn.

- 1\*           b. Authorization of up to an additional 720 hours of waste burning during the shakedown period for determining operational readiness after construction, with the prior approval of the Agency.
- 1\*           c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Agency.
- 1\*           d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.
- 1           8. Substitution of an alternative type of non-hazardous waste fuel that is not specified in the permit.
- 1\*           9. Technology changes needed to meet standards under federal subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b), provided the procedures of Section 703.280(j) are followed.
- 1\*           10. Changes to RCRA Permit provisions needed to support transition to federal subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b), provided the procedures of Section 703.280(k) are followed.

## M. Containment Buildings

- 1. Modification or addition of containment building units:
  - 3           a. Resulting in greater than 25 percent increase in the facility's containment building storage or treatment capacity.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 2            b. Resulting in up to 25 percent increase in the facility's containment building storage or treatment capacity.
- 2            2. Modification of a containment building unit or secondary containment system without increasing the capacity of the unit.
3. Replacement of a containment building with a containment building that meets the same design standards provided:
- 1            a. The unit capacity is not increased.
- 1            b. The replacement containment building meets the same conditions in the permit.
- 2            4. Modification of a containment building management practice.
5. Storage or treatment of different wastes in containment buildings:
- 3            a. That require additional or different management practices.
- 2            b. That do not require additional or different management practices.
- N. Corrective Action
- 3            1. Approval of a corrective action management unit pursuant to 35 Ill. Adm. Code 724.652.
- 2            2. Approval of a temporary unit or time extension pursuant to 35 Ill. Adm. Code 724.653.
- 2            3. Approval of a staging pile or staging pile operating term extension pursuant to 35 Ill. Adm. Code 724.654.

Note: \* indicates modifications requiring prior Agency approval.

BOARD NOTE: Derived from appendix I to 40 CFR 270.42 ~~(2017)~~.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
720.110	Amendment
720.111	Amendment
720.142	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 22.4, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 720 are a single segment of the docket R19-11 rulemaking that also affects 35 Ill. Adm. Code 703, 721 through 725, 727, 733, and 739. The R19-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during the second half of 2018: July 1, 2018 through December 31, 2018. A comprehensive description is contained in the Board's opinion and order of February 14, 2019, proposing amendments in docket R19-11, which opinion and order is available from the address below.

R19-11 further includes limited corrections and conforming revisions that the Board finds necessary to previously adopted rules. The Board includes non-substantive stylistic revisions to provisions opened for amendments--many of anticipate changes ordinarily requested by the Joint Committee on Administrative Rules (JCAR).

The following briefly summarizes the federal action in the update periods:  
Conditional Exclusion of Airbag Waste from Regulation as Hazardous Waste—  
November 30, 2018 (83 Fed. Reg. 61552): By an interim final rule immediately effective on publication, USEPA conditionally excluded airbag waste from regulation as hazardous waste by amendments to 40 CFR 260, 261, and 262. The Board incorporates most of these USEPA revisions into corresponding 35 Ill. Adm. Code 720, 721, and 722. USEPA intended to avoid hazardous waste requirements impeding replacement of defective airbags in the Takata recall.

Specifically, the amendments to Part 720 incorporate elements of the federal conditional exclusion of airbag waste. The amendments also standardize use of USEPA Form 8700-12, conform use of defined terms, correct punctuation, and simplify phrasing to add clarity to previously adopted rules.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to docket R19-11. 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 docket R19-11.

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 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)].
- 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 R19-11 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 docket R19-11:

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

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

Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's website at [pcb.illinois.gov](http://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].
- 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].
- 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].

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 (2018)] provide that small business impact



POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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 2019

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 REQUIREMENTSPART 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

## SUBPART B: DEFINITIONS AND REFERENCES

Section	
720.110	Definitions
720.111	References

## SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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].

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,

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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. \_\_\_\_\_, 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) ~~canis able to~~ 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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.

"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 10 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## 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~~~~runoff~~, 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



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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 dibenzo dioxins 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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-~~  
~~onrunon~~ 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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 10 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"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).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

For ~~the purpose of~~ 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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"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



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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 the basis of~~ one or more of the following factors:

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

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

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

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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 10 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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,

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

"On-site" means the same or geographically contiguous property 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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

(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



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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 ~~the purpose of~~ 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 ~~located~~

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

in ~~such~~ 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"~~["Runoff"](#) means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

~~"Run-on"~~["Runon"](#) means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

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

"SIC code" means "Standard Industrial 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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"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).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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,

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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.

"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 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.



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"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. Code 721.

"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 is required to use a manifest to comply with any federal or state requirement to track the shipment, transportation, and receipt of either –

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

which elects to use either –

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:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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 43 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## Organizations and Associations:

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

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

BOARD NOTE: Also available on the Internet for download and viewing as a PDF file at the following Internet address:  
[http://www.acgme.org/acWebsite/about/ab\\_ACGMEglossary.pdf](http://www.acgme.org/acWebsite/about/ab_ACGMEglossary.pdf).

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

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

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

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

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

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

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

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

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

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

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

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

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

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

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

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

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

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

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

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

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

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

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

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

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: <https://www.iso.org/obp/ui/#search>.

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

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

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

"Flammable and Combustible Liquids 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,



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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 U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-605-6000 or 800-553-6847 (Internet address: [www.ntis.gov](http://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" (Internet address: [www.epa.gov/air/oaqps/eog/](http://www.epa.gov/air/oaqps/eog/)).

"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: [water.epa.gov/scitech/methods/cwa/methods\\_index.cfm](http://water.epa.gov/scitech/methods/cwa/methods_index.cfm). Revision A is also from the USEPA, National Service Center for Environmental Publications (NSCEP) website at [www.epa.gov/nscep/index.html](http://www.epa.gov/nscep/index.html).

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March 1983, USEPA document number EPA-600/4-79-020, NTIS

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

document number PB84-128677, referenced in 35 Ill. Adm. Code 725.192.

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

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

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

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

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

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

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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<sup>®</sup> Bags), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0050 (December 1996) (Isokinetic HCl/Cl<sub>2</sub> 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<sub>2</sub> 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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

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

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

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

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

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

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

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

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

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

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

"Annex 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Consideration") and VIII ("List A") to the Basel Convention.

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

OECD Guideline for Testing of Chemicals, "Ready Biodegradability", Method 301B (July 17, 1992), "CO<sub>2</sub> Evolution (Modified Sturm Test)", referenced in 35 Ill. Adm. Code 724.414.

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

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

USDOD. Available from the United States Department of Defense:

"DOD Ammunition and Explosives Safety Standards" (DOD 6055.09), as

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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/](http://www.esd.whs.mil/DD/).

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

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

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

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

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



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"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 for free download as a WordPerfect document from the USEPA website at following Internet address:  
[www.epa.gov/scram001/guidance/guide/scrng.wpd](http://www.epa.gov/scram001/guidance/guide/scrng.wpd).

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

"EPA RCRA Delisting Program – Guidance Manual for the 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](http://www.gsa.gov/forms/forms.htm).

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

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

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

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

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

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

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

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

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

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

40 CFR 3.2000 (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) (2018) (Definitions), referenced in 35 Ill. Adm. Code 726.200.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Appendix W to 40 CFR 51 (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 (~~2017~~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 (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 (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 (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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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 (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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Subpart V of 40 CFR 61 (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 (2018) (National Emission Standard for Benzene Waste Operations), referenced in 35 Ill. Adm. Code 724.982 and 725.983.

40 CFR 63 (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 (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 (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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 (2018) (Test Methods), referenced in 35 Ill. Adm. Code 721.983 and 725.984.

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

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

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

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

40 CFR 257 ~~(2018)~~(~~2017~~) (Criteria for Classification of Solid Waste Disposal Facilities and Practices), referenced in 35 Ill. Adm. Code 739.181.

Subpart B of 40 CFR 257 ~~(2018)~~(~~2017~~) (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 ~~(2018)~~(~~2017~~) (Criteria for Municipal Solid Waste Landfills), referenced in 35 Ill. Adm. Code 739.181.

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

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



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

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

40 CFR 264.1311 (2018) (Manifest Transactions Subject to Fees), referenced in 35 Ill. Adm. Code 724.171.

40 CFR 264.1312 (2018) (User Fee Calculation Methodology), referenced in 35 Ill. Adm. Code 724.171.

40 CFR 264.1313 (2018) (User Fee Revisions), referenced in 35 Ill. Adm. Code 724.171.

40 CFR 264.1314 (2018) (How to Make User Fee Payments), referenced in 35 Ill. Adm. Code 724.171.

40 CFR 264.1315 (2018) (Sanctions for Delinquent Payments), referenced in 35 Ill. Adm. Code 724.171.

40 CFR 264.1316 (2018) (Informal Fee Dispute Resolution), referenced in 35 Ill. Adm. Code 724.171.

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

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

Appendix IV to 40 CFR 264 (2018) (Cochran's Approximation to the Behrens-Fisher Students' T-Test), referenced in Appendix D to 35 Ill. Adm. Code 724.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Appendix V to 40 CFR 264 (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 (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 (2018) (Manifest Transactions Subject to Fees), referenced in 35 Ill. Adm. Code 724.171.

40 CFR 265.1312 (2018) (User Fee Calculation Methodology), referenced in 35 Ill. Adm. Code 724.171.

40 CFR 265.1313 (2018) (User Fee Revisions), referenced in 35 Ill. Adm. Code 724.171.

40 CFR 265.1314 (2018) (How to Make User Fee Payments), referenced in 35 Ill. Adm. Code 724.171.

40 CFR 265.1315 (2018) (Sanctions for Delinquent Payments), referenced in 35 Ill. Adm. Code 724.171.

40 CFR 265.1316 (2018) (Informal Fee Dispute Resolution), referenced in 35 Ill. Adm. Code 724.171.

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

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

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

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Appendix V to 40 CFR 265 (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 ~~(2018)~~(2017) (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 ~~(2018)~~(2017) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 727.240.

40 CFR 270.5 ~~(2018)~~(2017) (Noncompliance and Program Reporting by the Director), referenced in 35 Ill. Adm. Code 703.305.

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

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

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

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

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

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

Subpart B of 49 CFR 107 ~~(2018)~~(2017) (Exemptions), referenced generally in 35 Ill. Adm. Code 724.986 and 725.987.

49 CFR 171 ~~(2018)~~(2017) (General Information, Regulations, and Definitions), referenced generally in 35 Ill. Adm. Code 721.104, 733.118, 733.138, 733.152, and 739.143.

49 CFR 171.3 ~~(2018)~~(2017) (Hazardous Waste), referenced in 35 Ill. Adm. Code 722.133.

49 CFR 171.8 ~~(2018)~~(2017) (Definitions and Abbreviations), referenced in 35 Ill. Adm. Code 733.118, 733.138, 733.152, 733.155, and 739.143.

49 CFR 171.15 ~~(2018)~~(2017) (Immediate Notice of Certain Hazardous Materials Incidents), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 171.16 ~~(2018)~~(2017) (Detailed Hazardous Materials Incident Reports), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 172 ~~(2018)~~(2017) (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), referenced generally in 35 Ill. Adm. Code 721.104, 721.986, 722.131, 722.132, 724.986, 725.987, 733.114, 733.118, 733.134, 733.138, 733.152, 733.155, and 739.143.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Table to 49 CFR 172.101 [\(2018\)](#)~~(2017)~~ (Hazardous Materials Table), referenced in 35 Ill. Adm. Code 722.183, 722.184, 724.112, and 725.112.

49 CFR 172.304 [\(2018\)](#)~~(2017)~~ (Marking Requirements), referenced in 35 Ill. Adm. Code 722.132.

Subpart C of 49 CFR 172 [\(2018\)](#)~~(2017)~~ (Shipping Papers), referenced in 35 Ill. Adm. Code 722.124.

Subpart E of 49 CFR 172 [\(2018\)](#)~~(2017)~~ (Labeling), referenced in 35 Ill. Adm. Code 722.114 and 722.115.

Subpart F of 49 CFR 172 [\(2018\)](#)~~(2017)~~ (Placarding), referenced in 35 Ill. Adm. Code 722.114, 722.115, and 722.133.

49 CFR 173 [\(2018\)](#)~~(2017)~~ (Shippers – General Requirements for Shipments and Packages), referenced generally in 35 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 173.2 [\(2018\)](#)~~(2017)~~ (Hazardous Materials Classes and Index to Hazard Class Definitions), referenced in 35 Ill. Adm. Code 733.152.

49 CFR 173.12 [\(2018\)](#)~~(2017)~~ (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 [\(2018\)](#)~~(2017)~~ (Reuse, Reconditioning, and Remanufacture of Packagings), referenced in 35 Ill. Adm. Code 725.273.

49 CFR 173.50 [\(2018\)](#)~~(2017)~~ (Class 1 – Definitions), referenced in 35 Ill. Adm. Code 721.123.

49 CFR 173.54 [\(2018\)](#)~~(2017)~~ (Forbidden Explosives), referenced in 35 Ill. Adm. Code 721.123.

49 CFR 173.115 [\(2018\)](#)~~(2017)~~ (Class 2, Divisions 2.1, 2.2, and 2.3 – Definitions), referenced in 35 Ill. Adm. Code 721.121.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

49 CFR 173.127 [\(2018\)](#)~~(2017)~~ (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 [\(2018\)](#)~~(2017)~~ (Carriage by Rail), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 175 [\(2018\)](#)~~(2017)~~ (Carriage by Aircraft), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 176 [\(2018\)](#)~~(2017)~~ (Carriage by Vessel), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 177 [\(2018\)](#)~~(2017)~~ (Carriage by Public Highway), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 177.817 [\(2018\)](#)~~(2017)~~ (Shipping Papers), referenced in 35 Ill. Adm. Code 722.124.

49 CFR 178 [\(2018\)](#)~~(2017)~~ (Specifications for Packagings), referenced generally in 35 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 179 [\(2018\)](#)~~(2017)~~ (Specifications for Tank Cars), referenced in 35 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 180 [\(2018\)](#)~~(2017)~~ (Continuing Qualification and Maintenance of Packagings), referenced generally in 35 Ill. Adm. Code 721.986, 724.986, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 190 [\(2018\)](#)~~(2017)~~ (Pipeline Safety Programs and Rulemaking Procedures), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 191 [\(2018\)](#)~~(2017)~~ (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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

49 CFR 192 [\(2018\)](#)~~(2017)~~ (Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 193 [\(2018\)](#)~~(2017)~~ (Liquefied Natural Gas Facilities: Federal Safety Standards), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 194 [\(2018\)](#)~~(2017)~~ (Response Plans for Onshore Oil Pipelines), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 195 [\(2018\)](#)~~(2017)~~ (Transportation of Hazardous Liquids by Pipeline), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 196 [\(2018\)](#)~~(2017)~~ (Protection of Underground Pipelines from Excavation Activity), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 198 [\(2018\)](#)~~(2017)~~ (Regulations for Grants to Aid State Pipeline Safety Programs), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 199 [\(2018\)](#)~~(2017)~~ (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 [\(2017\)](#)~~(2016)~~), 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 [\(2017\)](#)~~(2016)~~), 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) [\(2017\)](#)~~(2016)~~), referenced in Section 720.110 and 35 Ill. Adm. Code 733.109.

Section 1004 of the Resource Conservation and Recovery Act (42 USC 6903 [\(2017\)](#)~~(2016)~~), referenced in 35 Ill. Adm. Code 721.931, 721.951, 721.981, 724.931, 724.981, 725.931, 725.951, and 725.981.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Chapter 601 of subtitle VIII of 49 USC (49 USC 60101 through 60140 ~~(2017)(2016)~~), referenced in 35 Ill. Adm. Code 721.104.

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

- d) This Section incorporates no later editions or amendments.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

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

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

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

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

- 4) The regulation under which the facility will manage the hazardous secondary materials;
- 5) For reclaimers and intermediate facilities managing hazardous secondary materials in accordance with 35 Ill. Adm. Code 721.104(a)(24) or (a)(25),



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

whether the reclaimer or intermediate facility has financial assurance (not applicable for persons managing hazardous secondary materials generated and reclaimed under the control of the generator);

- 6) When the facility began or expects to begin managing the hazardous secondary materials in accordance with the regulation;
  - 7) A list of hazardous secondary materials that the facility will manage according to the regulation (reported as the USEPA hazardous waste numbers that would apply if the hazardous secondary materials were managed as hazardous wastes);
  - 8) For each hazardous secondary material, whether the hazardous secondary material, or any portion thereof, will be managed in a land-based unit;
  - 9) The quantity of each hazardous secondary material to be managed annually; and
  - 10) The certification (included in USEPA Form 8700-12) signed and dated by an authorized representative of the facility.
- b) If a facility that manages hazardous secondary material has submitted a notification, but then subsequently ceases managing hazardous secondary materials in accordance with a regulation listed in subsection (a), the facility owner or operator must notify the Agency within 30 days after the cessation using a copy of USEPA Form 8700-12 ~~obtained from the Agency, Bureau of Land (217-782-6762)~~. For purposes of this Section, a facility has stopped managing hazardous secondary materials if the facility no longer generates, manages, or reclaims hazardous secondary materials under the regulation listed in subsection (a), and the facility owner or operator does not expect to manage any amount of hazardous secondary materials for at least one year.

BOARD NOTE: [USEPA Form 8700-12 is 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-Form-8700-12-is-the-required-instructions-and-forms-for-notification-of-regulated-waste-activity.](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and-USEPA-Form-8700-12-is-the-required-instructions-and-forms-for-notification-of-regulated-waste-activity)

(Source: Amended at 43 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) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
721.104	Amendment
721.296	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 the docket R19-11 rulemaking that also affects 35 Ill. Adm. Code 703, 720, 722 through 725, 727, 733, and 739. The R19-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during the second half of 2018: July 1, 2018 through December 31, 2018. A comprehensive description is contained in the Board's opinion and order of February 14, 2019, proposing amendments in docket R19-11, which opinion and order is available from the address below.

R19-11 further includes limited corrections and conforming revisions that the Board finds necessary to previously adopted rules. The Board includes non-substantive stylistic revisions to provisions opened for amendments--many of anticipate changes ordinarily requested by the Joint Committee on Administrative Rules (JCAR).

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

Conditional Exclusion of Airbag Waste from Regulation as Hazardous Waste—November 30, 2018 (83 Fed. Reg. 61552): By an interim final rule immediately effective on publication, USEPA conditionally excluded airbag waste from regulation as hazardous waste by amendments to 40 CFR 260, 261, and 262. The Board incorporates most of these USEPA revisions into corresponding 35 Ill. Adm. Code 720, 721, and 722. USEPA intended to avoid hazardous waste requirements impeding replacement of defective airbags in the Takata recall.

Specifically, the amendments to Part 721 incorporate elements of the federal conditional exclusion of airbag waste. The amendments also conform use of defined terms, correct punctuation and grammar, and simplify phrasing to add clarity to previously adopted rules.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to docket R19-11. 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 docket R19-11.

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 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].
- 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 R19-11 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 docket R19-11:

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

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

Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's website at [pcb.illinois.gov](http://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].
- 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].
- 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].

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 (2018)] provide that small business impact

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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 2019

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 REQUIREMENTSPART 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

## NOTICE OF PROPOSED AMENDMENTS

## 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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].

**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;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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. \_\_\_\_\_, 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:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Sewage.
  - A) Domestic sewage (untreated sanitary wastes that pass through a sewer system); and
  - B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment.
- 2) Industrial wastewater discharges that are point source discharges with National Pollutant Discharge Elimination System (NPDES) permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309.

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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;



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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/runoff~~ and ~~run-off/runoff~~ 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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).



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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);

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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 10 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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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.,

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Acknowledgment of Consent reflecting the country of import's consent to the changes.

- D) Upon request by USEPA, the hazardous secondary material generator 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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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:



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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:



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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~~runoff, collected by yard drains and sumps located outside the power plant building.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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,

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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;



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- C) The additional quantities ~~allowed~~ 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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 2) Injection of the carbon dioxide stream must ~~comply~~~~be in compliance~~ 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 Parts 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:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"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 handler 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;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART J: TANK SYSTEMS

**Section 721.296 Response to Leaks or Spills and Disposition of Leaking or Unfit-for-Use Tank Systems**

A tank system or secondary containment system from which there has been a leak or spill, or that is unfit for use, must be removed from service immediately, and the remanufacturer or other person that stores or treats the hazardous secondary material must satisfy the following requirements:

- a) Cessation of use; prevent flow or addition of materials. The remanufacturer or other person that stores or treats the hazardous secondary material must immediately stop the flow of hazardous secondary material into the tank system or secondary containment system and inspect the system to determine the cause of the release.
- b) Removal of material from tank system or secondary containment system.
  - 1) If the release was from the tank system, the remanufacturer or other person that stores or treats the hazardous secondary material must, within 24 hours after detection of the leak or, if the remanufacturer or other person that stores or treats the hazardous secondary material demonstrates that it is not possible, at the earliest practicable time, remove as much of the material as is necessary to prevent further release of hazardous

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

secondary material to the environment and to allow inspection and repair of the tank system to be performed.

- 2) If the material released was to a secondary containment system, all released materials must be removed within 24 hours or in as timely a manner as is possible to prevent harm to human health and the environment.
- c) Containment of visible releases to the environment. The remanufacturer or other person that stores or treats the hazardous secondary material must immediately conduct a visual inspection of the release and, based upon that inspection:
  - 1) The remanufacturer must prevent further migration of the leak or spill to soils or surface water; and
  - 2) The remanufacturer must remove, and properly dispose of, any visible contamination of the soil or surface water.
- d) Notifications, reports.
  - 1) Any release to the environment, except as provided in subsection (d)(2), must be reported to the Agency and the Administrator of USEPA Region 5 within 24 hours of its detection. If the release has been reported pursuant to 40 CFR 302, that report will satisfy the requirement to notify USEPA, but the release must still be reported to the Agency.
  - 2) A leak or spill of hazardous secondary material is exempted from the requirements of this subsection (d) if the following is true of the leak or spill:
    - A) The leak or spill is less than or equal to a quantity of one pound; and
    - B) The leak or spill is immediately contained and cleaned up.
  - 3) Within 30 days after detection of a release to the environment, a report containing the following information must be submitted to the Agency and the Administrator of USEPA Region 5:



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- A) The likely route of migration of the release;
  - B) The characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate);
  - C) The results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within 30 days, these data must be submitted to the Agency and the Administrator of USEPA Region 5 as soon as the results become available;
  - D) The proximity to downgradient drinking water, surface water, and populated areas; and
  - E) A description of response actions taken or planned.
- e) Provision of secondary containment, repair, or closure.
- 1) Unless the remanufacturer or other person that stores or treats the hazardous secondary material satisfies the requirements of subsections (e)(2) through (e)(4), the tank system must cease to operate under the remanufacturing exclusion at Section 721.104(a)(27).
  - 2) If the cause of the release was a spill that has not damaged the integrity of the tank system, the remanufacturer or other person that stores or treats the hazardous secondary material may return the tank system to service as soon as the released material is removed and repairs, if necessary, are made.
  - 3) If the cause of the release was a leak from the primary tank system into the secondary containment system, the primary tank system must be repaired prior to returning the tank system to service.
  - 4) If the source of the release was a leak to the environment from a component of a tank system without secondary containment, the remanufacturer or other person that stores or treats the hazardous secondary material must provide the component of the tank system from which the leak occurred with secondary containment that satisfies the requirements of Section 721.293 before it can be returned to service,

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

unless the source of the leak is an aboveground portion of a tank system that can be inspected visually. If the source is an aboveground component that can be inspected visually, the component must be repaired and may be returned to service without secondary containment as long as the requirements of subsection (f) are satisfied. Additionally, if a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection (e.g., the bottom of an inground or ~~on-ground~~ on-ground tank), the entire component must be provided with secondary containment in accordance with Section 721.193 prior to being returned to use.

- f) Certification of major repairs. If the remanufacturer or other person that stores or treats the hazardous secondary material has repaired a tank system in accordance with subsection (e), and the repair has been extensive (e.g., installation of an internal liner, repair of a ruptured primary containment or secondary containment vessel, etc.), the tank system must not be returned to service, unless the remanufacturer or other person that stores or treats the hazardous secondary material has obtained a certification by a qualified Professional Engineer that the repaired system is capable of handling hazardous secondary materials without release for the intended life of the system. This certification must be kept on file at the facility and maintained until closure of the facility.

BOARD NOTE: USEPA stated in note 1 appended to corresponding 40 CFR 261.196 that the Regional Administrator may, on the basis of any information received that there is or has been a release of hazardous secondary material or hazardous constituents into the environment, issue an order under RCRA section 7003(a) (42 USC 6973(a)) requiring corrective action or such other response as deemed necessary to protect human health or the environment. USEPA stated in note 2 appended to corresponding 40 CFR 261.196 that 40 CFR 302 may require the owner or operator to notify the National Response Center of certain releases.

(Source: Amended at 43 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) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
722.114	Amendment
722.117	Amendment
722.118	Amendment
722.121	Amendment
722.303	Amendment
722.304	Amendment
722.332	Amendment
722.333	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 the docket R19-11 rulemaking that also affects 35 Ill. Adm. Code 703, 720, 721, 723 through 725, 727, 733, and 739. The R19-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during the second half of 2018: July 1, 2018 through December 31, 2018. A comprehensive description is contained in the Board's opinion and order of February 14, 2019, proposing amendments in docket R19-11, which opinion and order is available from the address below.

R19-11 further includes limited corrections and conforming revisions that the Board finds necessary to previously adopted rules. The Board includes non-substantive stylistic revisions to provisions opened for amendments--many of anticipate changes ordinarily requested by the Joint Committee on Administrative Rules (JCAR).

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

Conditional Exclusion of Airbag Waste from Regulation as Hazardous Waste—November 30, 2018 (83 Fed. Reg. 61552): By an interim final rule immediately effective on publication, USEPA conditionally excluded airbag waste from regulation as hazardous waste by amendments to 40 CFR 260, 261, and 262. The Board incorporates most of these USEPA revisions into corresponding 35 Ill. Adm. Code 720, 721, and 722. USEPA intended to avoid hazardous waste requirements impeding replacement of defective airbags in the Takata recall.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Specifically, the amendments to Part 722 incorporate elements of the federal conditional exclusion of airbag waste. The amendments also standardize use of USEPA Form 8700-12; correct spelling, punctuation, and grammar; and simplify phrasing to add clarity to previously adopted rules.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to docket R19-11. 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 docket R19-11.

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 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].
- 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 R19-11 and be addressed to:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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 R19-11:

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

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

Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's website at [pcb.illinois.gov](http://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].
- 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].
- 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].

- 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 (2018)] 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 2019

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 REQUIREMENTSPART 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
722.140	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



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Section  
722.170

Farmers

SUBPART H: TRANSBOUNDARY SHIPMENTS OF  
HAZARDOUS WASTE FOR RECOVERY OR DISPOSAL

Section

722.180  
722.181  
722.182  
722.183  
722.184  
722.185  
722.186  
722.187  
722.189

Applicability  
Definitions  
General Conditions  
Exports of Hazardous Waste  
Imports of Hazardous Waste  
Contracts (Repealed)  
Provisions Relating to Recognized Traders (Repealed)  
Reporting and Recordkeeping (Repealed)  
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  
722.301  
722.302  
722.303  
722.304  
722.305  
722.306  
722.307  
722.308  
722.309  
  
722.310  
722.311  
722.312  
  
722.313  
722.314

Definitions  
Applicability  
Opting into the Subpart K Requirements  
Notice of Election into the Subpart K Requirements  
Notice of Withdrawal from the Subpart K Requirements  
Summary of the Requirements of this Subpart K  
Container Standards in the Laboratory  
Personnel Training  
Removing Unwanted Material from the Laboratory  
Hazardous Waste Determination and Removal of Unwanted Material from the  
Laboratory  
  
Hazardous Waste Determination in the Laboratory  
Hazardous Waste Determination at an On-Site Central Accumulation Area  
Hazardous Waste Determination at an On-Site Treatment, Storage, or Disposal  
Facility  
  
Laboratory Clean-Outs  
Laboratory Management Plan

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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

- 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,

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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/R18-31 at 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. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL

**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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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 Such~~ 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 Such~~ 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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;:-
  - D) This subsection (a)(5)(I) corresponds with 40 CFR 262.114(a)(5)(J), which USEPA marked "Reserved". This statement maintains structural consistency with the federal regulation;
  - J) This subsection (a)(5)(J) corresponds with 40 CFR 262.114(a)(5)(K), 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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 43 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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-



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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,

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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 ~~USEPA and~~ 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 ~~USEPA and~~ 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 ~~USEPA and~~ 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 \(a\)\(8\)\(D\), or for a facility with drip pads](#), notify using USEPA Form 8700-12 that it will close under the standards

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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 ~~USEPA and~~ 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](http://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



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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 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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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 ~~USEPA and~~ 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: \[www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and\]\(http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and\).](#)

- 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 722.118 USEPA Identification Numbers and Re-Notification for a Small Quantity Generator or Large Quantity Generator**

- a) An SQG or LQG must not treat, store, dispose of, transport, or offer for transportation hazardous waste without having received a USEPA identification number.
- b) An SQG or LQG that has not received a USEPA identification number must obtain one by applying to [the Agency](#) ~~USEPA~~ using [Notification of RCRA Subtitle C Activities \(Site Identification Form\)](#) (USEPA Form 8700-12). Upon receiving the request USEPA will assign a USEPA identification number to the generator.
- c) An SQG or LQG must not offer its hazardous waste to a transporter or treatment, storage, or disposal facility that has not received a USEPA identification number.
- d) Re-Notification
  - 1) An SQG must [renotify the Agency](#) ~~re-notify USEPA~~ starting in 2021 and every four years thereafter using USEPA Form 8700-12. The SQG must submit this re-notification by September 1<sup>st</sup> of each year in which re-

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

notification is required.

- 2) An LQG must renotify ~~the Agency~~USEPA by March 1 of each even-numbered year thereafter using USEPA Form 8700-12. An LQG may submit this renotification as part of its annual report required by Section 722.141.
- e) A recognized trader must not arrange for import or export of hazardous waste without having received a USEPA identification number from USEPA.

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](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and).

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART B: MANIFEST REQUIREMENTS APPLICABLE TO  
SMALL AND LARGE QUANTITY GENERATORS

**Section 722.121 Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests**

- a) USEPA exclusively administers requirements for hazardous waste manifest forms and continuation sheets (USEPA Forms ~~8700-22 and 8700-22A~~~~8700-12 and 8700-12A~~). USEPA prescribes the manifest form format, content, printing, and registration requirements in 40 CFR 262.21.
- b) Use of Approved Manifests
  - 1) A generator may use manifests printed by any source so long as the source of the printed form has received approval from USEPA to print the manifest pursuant to 40 CFR 262.21(c) and (e).

BOARD NOTE: USEPA maintains a listing of registered sources at <https://www.epa.gov/hwgenerators/approved-registered-printers-epas-manifest-registry>.

- 2) The waste generator must determine whether the generator state or the consignment state for a shipment regulates any additional wastes (beyond

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

those regulated federally) as hazardous wastes under these states' authorized programs. The generator must also determine whether the consignment state or generator state requires the generator to submit any copies of the manifest to these states. In cases where the generator must supply copies to either the generator's state or the consignment state, the generator is responsible for supplying legible photocopies of the manifest to these states.

BOARD NOTE: This subsection (b) derives from 40 CFR 262.21(g) (~~2017~~). It is the only provision in 40 CFR 262.21 that does not exclusively apply to the form format, content, printing, and registration requirements for manifests.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART K: ALTERNATIVE REQUIREMENTS FOR HAZARDOUS WASTE DETERMINATION AND ACCUMULATION OF UNWANTED MATERIAL FOR LABORATORIES OWNED BY ELIGIBLE ACADEMIC ENTITIES

**Section 722.303 Notice of Election into the Subpart K Requirements**

- a) If an eligible academic entity elects to become subject to the requirements of this Subpart K, it must notify the Agency ~~and USEPA Region 5~~ of this election in writing using the Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) for all the laboratories that the eligible academic entity owns or operates under the same USEPA identification number. If the eligible academic entity is a VSQG that does not have a USEPA identification number, the VSQG must notify the Agency and USEPA Region 5 that it has made this choice for all the laboratories that the eligible academic entity owns or operates that are onsite, as defined by 35 Ill. Adm. Code 720.110. If the eligible academic entity has multiple USEPA identification numbers, or if it is a VSQG with multiple sites, it must submit a separate notification (using USEPA Form 8700-12) for each USEPA identification number (or site, for a VSQG) that it elects to become subject to the requirements of this Subpart K. The eligible academic entity must submit USEPA Form 8700-12 to the Agency ~~and USEPA Region 5~~ before it begins operating under this Subpart K.

BOARD NOTE: Corresponding 40 CFR 262.203(a) requires the use of the "RCRA Subtitle C Site Identification Form (EPA Form 8700-12)". The title on



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

USEPA Form 8700-12, however, is "Notification of RCRA Subtitle C Activity". 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](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and).

- b) When submitting USEPA Form 8700-12, the eligible academic entity must, at a minimum, fill out each of the following fields on the form:

- "1. Reason for Submittal"
- "2. Site EPA identification number" (except for a VSQG)
- "3. Site Name"
- "4. Site Location Information"
- "5. Site Land Type"
- "6. North American Industry Classification System (NAICS) Code(s) for the Site"

BOARD NOTE: See the definition of "NAICS Code" in 35 Ill. Adm. Code 720.110.

- "7. Site Mailing Address"
- "8. Site Contact Person"
- "9. Operator and Legal Owner of the Site"
- "10. Type of Regulated Waste Activity"
- "13. Certification"

- c) An eligible academic entity must keep a copy of USEPA Form 8700-12, as filed with the Agency pursuant to subsection (a), on file at the eligible academic entity for as long as its laboratories are subject to this Subpart K.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- d) A teaching hospital that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the teaching hospital for as long as its laboratories are subject to this Subpart K.
- e) A non-profit research institute that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the non-profit research institute for as long as its laboratories are subject to this Subpart K.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 722.304 Notice of Withdrawal from the Subpart K Requirements**

- a) If an eligible academic entity elects to no longer remain subject to the requirements of this Subpart K for all the laboratories that the eligible academic entity owns or operates under the same USEPA identification number, it elects to instead comply with the requirements set forth in Sections 722.111 and 722.115, which are the generally applicable standards for SQGs and LQGs. An eligible academic entity must notify the Agency ~~and USEPA Region 5~~ in writing of this election using [Notification of RCRA Subtitle C Activities \(Site Identification Form\)](#) (~~the USEPA Form 8700-12~~). If the eligible academic entity is a VSQG that does not have a USEPA identification number, it must notify the Agency and USEPA Region 5 that it has elected to withdraw from the requirements of this Subpart K for all of the laboratories that it owns or operates that are on site. The eligible academic entity that is a VSQG that makes this election must comply with the conditional exemption in 35 Ill. Adm. Code 722.114. If the eligible academic entity has multiple USEPA identification numbers, or if it is a VSQG with multiple sites, it must submit a separate notification (using USEPA Form 8700-12) for each USEPA identification number (or site, for a VSQG) that it elects to withdraw from the requirements of this Subpart K. The eligible academic entity that chooses to withdraw from the requirements of this Subpart K must submit USEPA Form 8700-12 to the Agency ~~and USEPA Region 5~~ before it begins operating under the standards in Sections 722.111 and 722.115, which are the generally applicable standards for SQGs and LQGs, or Section 722.114, which are the generally applicable standards for VSQGs.

BOARD NOTE: Corresponding 40 CFR 262.204(a) requires the use of the "RCRA Subtitle C Site Identification Form (EPA Form 8700-12)". The title on USEPA Form 8700-12, however, is "Notification of RCRA Subtitle C Activity".

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and) .

- b) When submitting USEPA Form 8700-12, the eligible academic entity must, at a minimum, fill out each of the following fields on the form:

- "1. Reason for Submittal"
  - "2. Site EPA identification number" (except for a VSQG)
  - "3. Site Name"
  - "4. Site Location Information"
  - "5. Site Land Type"
  - "6. North American Industry Classification System (NAICS) Code(s) for the Site"
- BOARD NOTE: See the definition of "NAICS Code" in 35 Ill. Adm. Code 720.110.
- "7. Site Mailing Address"
  - "8. Site Contact Person"
  - "9. Operator and Legal Owner of the Site"
  - "10. Type of Regulated Waste Activity"
  - "13. Certification"

- c) An eligible academic entity must keep a copy of USEPA Form 8700-12, as filed with the Agency pursuant to subsection (a), on file at the eligible academic entity for three years after the date of the notification of withdrawal.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART L: ALTERNATIVE STANDARDS FOR EPISODIC GENERATION

**Section 722.332 Conditions for a Generator Managing Hazardous Waste from an Episodic Event**

- a) VSQGs. A VSQG may maintain its existing generator category for hazardous waste generated during an episodic event provided that the generator complies with the following conditions:
- 1) The VSQG is limited to one episodic event per calendar year, unless the Agency has determined that an additional episodic event is necessary, as provided in Section 722.333;
  - 2) Notification. The VSQG must notify the Agency no later than 30 calendar days prior to initiating a planned episodic event using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) ~~(Notification of RCRA Subtitle C Activities (Site Identification Form))~~. In the event of an unplanned episodic event, the generator must notify Agency within 72 hours of the unplanned event via phone, email, or fax and subsequently submit USEPA Form 8700-12. The generator must include the start date and end date of the episodic event, the reasons for the event and the types and estimated quantities of hazardous waste expected to be generated as a result of the episodic event, and the generator must identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to an emergency in compliance with Section 722.116(b)(9)(A);  
  
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](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and).
  - 3) USEPA Identification Number. The VSQG must have a USEPA identification number or obtain a USEPA identification number using USEPA Form 8700-12;
  - 4) Accumulation. A VSQG is prohibited from accumulating hazardous waste generated from an episodic event on drip pads or in containment

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

buildings. When accumulating hazardous waste in containers and tanks the following conditions apply:

- A) Containers. A VSQG accumulating in containers must mark or label its containers with the following:
  - i) The words "Episodic 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 (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 (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 when the episodic event began, clearly visible for inspection on each container.
- B) Tanks. A VSQG accumulating episodic hazardous waste in tanks must do the following:
  - i) Mark or label the tank with the words "Episodic 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;

- iii) Use inventory logs, monitoring equipment, or other records to identify the date upon which each episodic event begins; and
  - iv) Keep inventory logs or records with the information required by subsection (a)(4)(B)(iii) on site and readily available for inspection.
- C) The generator must manage hazardous waste in a manner that minimizes the possibility of a fire, explosion, or release of hazardous waste or hazardous waste constituents to the air, soil, or water;
- i) Containers must be in good condition and compatible with the hazardous waste being accumulated in them. The generator must keep containers closed except to add or remove waste; and
  - ii) Tanks must be in good condition and compatible with the hazardous waste accumulated in them. Tanks must have procedures in place to prevent the overflow (e.g., be equipped with a means to stop inflow with systems such as a waste feed cutoff system or bypass system to a standby tank when hazardous waste is continuously fed into the tank). Tanks must be inspected at least once each operating day to ensure all applicable discharge control equipment, such as waste feed cutoff systems, bypass systems, and drainage systems are in good working order and to ensure that the generator operates the tank according to its design by reviewing the data gathered from monitoring equipment such as pressure and temperature gauges from the inspection.
- 5) The VSQG must comply with the hazardous waste manifest provisions of Subpart B when the VSQG sends its episodic event hazardous waste off site to a designated facility, as defined in 35 Ill. Adm. Code 720.110.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 6) The VSQG has up to 60 calendar days from the start of the episodic event to manifest and send its hazardous waste generated from the episodic event to a designated facility, as defined in 35 Ill. Adm. Code 720.110.
- 7) A VSQG must maintain the following records for three years from the end date of the episodic event:
  - A) The beginning and end dates of the episodic event;
  - B) A description of the episodic event;
  - C) A description of the types and quantities of hazardous wastes generated during the event;
  - D) A description of how the hazardous waste was managed, as well as the name of the RCRA-designated facility that received the hazardous waste;
  - E) The names of hazardous waste transporters; and
  - F) The approval letter from the Agency if the generator requested the Agency under Section 722.333 to conduct one additional episodic event per calendar year.
- b) SQGs. An SQG may maintain its existing generator category during an episodic event provided that the generator complies with the following conditions:
  - 1) The SQG is limited to one episodic event per calendar year, unless the Agency has determined that an additional episodic event is necessary, as provided in Section 722.333;
  - 2) Notification. The SQG must notify Agency no later than 30 calendar days prior to initiating a planned episodic event using USEPA Form 8700-12 (Notification of RCRA Subtitle C Activities (Site Identification Form)). In the event of an unplanned episodic event, the SQG must notify Agency within 72 hours of the unplanned event via phone, email, or fax and subsequently submit USEPA Form 8700-12. The SQG must include the start date and end date of the episodic event, the reasons for the event and

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

the types and estimated quantities of hazardous wastes expected to be generated as a result of the episodic event, and the generator must identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to emergency;

[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.](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and)

- 3) USEPA Identification Number. The SQG must have a USEPA identification number or obtain a USEPA identification number using USEPA Form 8700-12; and
- 4) Accumulation by SQGs. An SQG is prohibited from accumulating hazardous wastes generated from an episodic event waste on drip pads or in containment buildings. When accumulating hazardous waste generated from an episodic event in containers and tanks, the following conditions apply:
  - A) Containers. An SQG accumulating episodic hazardous waste in containers must meet the standards at Section 722.116(b)(2) and must mark or label its containers with the following:
    - i) The words "Episodic 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 the USDOT requirements at 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



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- iii) The date when the episodic event began, clearly visible for inspection on each container.
- B) Tanks. An SQG accumulating episodic hazardous waste in tanks must meet the standards at Section 722.116(b)(3) and must do the following:
- i) Mark or label its tank with the words "Episodic 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) listed in Subpart C or D of 35 Ill. Adm. Code 721; hazard communication consistent with USDOT requirements at 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 identify the date upon which each period of accumulation begins and ends; and
  - iv) Keep inventory logs or records with the above information on site and available for inspection.
- 5) The SQG must treat hazardous waste generated from an episodic event on site or manifest and ship such hazardous waste off site to a designated facility (as defined by 35 Ill. Adm. Code 720.110) within 60 calendar days from the start of the episodic event.
- 6) The SQG must maintain the following records for three years from the end date of the episodic event:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- A) The beginning and end dates of the episodic event;
- B) A description of the episodic event;
- C) A description of the types and quantities of hazardous wastes generated during the event;
- D) A description of how the hazardous waste was managed as well as the name of the designated facility (as defined by 35 Ill. Adm. Code 720.110) that received the hazardous waste;
- E) The names of hazardous waste transporters; and
- F) The approval letter from the Agency if the generator requested the Agency under Section 722.333 to conduct one additional episodic event per calendar year.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 722.333 Request to Manage One Additional Episodic Event Per Calendar Year**

- a) After obtaining a provisional variance from the Agency, a generator may conduct a second episodic event not to exceed 60 days in a calendar year without impacting its generator category under the following conditions:
  - 1) If a VSQG or SQG has already held a planned episodic event in a calendar year, the generator may conduct an additional unplanned episodic event in that calendar year. The generator must submit a written request for a provisional variance to the Agency within 72 hours after the unplanned event.
  - 2) If a VSQG or SQG has already held an unplanned episodic event in a calendar year. The generator must obtain a provisional variance from the Agency before beginning the additional planned ~~episodic~~ event.
- b) The generator must submit the written request using [Notification of RCRA Subtitle C Activities \(Site Identification Form\)](#) (USEPA Form 8700-12), identifying it as a request for an additional episodic request. The written request must include the following information:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) The reasons why an additional episodic event is needed and the nature of the episodic event;
- 2) The estimated amount of hazardous waste to be managed from the event;
- 3) How the generator will manage the hazardous waste;
- 4) The estimated length of time needed to complete management of the hazardous waste generated from the episodic event – not to exceed 60 days; and
- 5) Information regarding the previous episodic event managed by the generator, including the nature of the event, whether it was a planned or unplanned event, and how the generator complied with the conditions.

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](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and).

- c) The generator must submit the written request to the Agency, either on paper or electronically.
- d) The generator must retain written approval in its records for three years from the date the episodic event ended.
- e) If the Agency determines the following is true of the additional episodic event, the Agency must approve the request in writing:
  - 1) The prior episodic event meets the definition of a planned episodic event or unplanned episodic event in Section 722.331;
  - 2) The additional episodic event meets the definition of a planned episodic event or unplanned episodic event in Section 722.331;
  - 3) The additional episodic event fulfills the criteria of subsection (a)(1) or subsection (a)(2);

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 4) The generator is legitimately having episodic events, and the generator is using this Section for true episodic events and not as a way to regularly avoid managing hazardous waste at a higher generator category;
- 5) The generator will comply with the applicable requirements of Section 722.332(a)(4) through (a)(7) or (b)(4) through (b)(6); and
- 6) The generator will manage the hazardous waste in a way that no violation of the Act or Board ~~regulations~~ regulations will occur.

BOARD NOTE: Any Agency determination made under this Section is not a "RCRA permit", as such is defined in 35 Ill. Adm. Code 702.110, and is not subject to the procedures of 35 Ill. Adm. Code 702, 703, or 705. A failure to obtain Agency approval as provided in this Section subjects the generator to higher generator category standards, and non-compliance may subject the generator to enforcement action.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Standards Applicable to Transporters of Hazardous Waste
- 2) Code Citation: 35 Ill. Adm. Code 723
- 3) Section Number: 723.111                      Proposed Action: 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 the docket R19-11 rulemaking that also affects 35 Ill. Adm. Code 703, 720 through 722, 724, 725, 727, 733, and 739. The R19-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during the second half of 2018: July 1, 2018 through December 31, 2018. A comprehensive description is contained in the Board's opinion and order of February 14, 2019, proposing amendments in docket R19-11, which opinion and order is available from the address below.

R19-11 further includes limited corrections and conforming revisions that the Board finds necessary to previously adopted rules. The Board includes non-substantive stylistic revisions to provisions opened for amendments--many of anticipate changes ordinarily requested by the Joint Committee on Administrative Rules (JCAR).

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

Conditional Exclusion of Airbag Waste from Regulation as Hazardous Waste—November 30, 2018 (83 Fed. Reg. 61552): By an interim final rule immediately effective on publication, USEPA conditionally excluded airbag waste from regulation as hazardous waste by amendments to 40 CFR 260, 261, and 262. The Board incorporates most of these USEPA revisions into corresponding 35 Ill. Adm. Code 720, 721, and 722. USEPA intended to avoid hazardous waste requirements impeding replacement of defective airbags in the Takata recall.

Specifically, the amendment to Part 723 standardizes use of USEPA Form 8700-12.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to docket R19-11. 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

details of those deviations from the literal text should refer to the Identical-in-Substance Rulemaking Addendum (Proposed) in docket R19-11.

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 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].
- 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 R19-11 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 docket R19-11:

Michael J. McCambridge  
Staff Attorney

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

Illinois Pollution Control Board  
100 W. Randolph, 11-500  
Chicago IL 60601

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

Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's website at [pcb.illinois.gov](http://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].
  - 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].
  - 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].
- 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 (2018)] 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 2019

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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 c: HAZARDOUS WASTE OPERATING REQUIREMENTSPART 723  
STANDARDS APPLICABLE TO  
TRANSPORTERS OF HAZARDOUS WASTE

## SUBPART A: GENERAL

Section	Scope
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	Scope
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	Scope
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].

**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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

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. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL

**Section 723.111 USEPA Identification Number**

- a) A transporter must not transport hazardous waste without having received a USEPA identification number from the Administrator.
- b) A transporter who has not received a USEPA identification number may obtain one by applying to ~~the Agency~~[USEPA Region 5](#) using [Notification of RCRA Subtitle C Activities \(Site Identification Form\)](#) (USEPA Form 8700-12). ~~The transporter must obtain a copy of the form from the Agency, Bureau of Land (217-782-6762), and submit a completed copy of the form to the Bureau of Land, in addition to notification to USEPA Region 5.~~ Upon receiving the request, ~~the~~ USEPA Region 5 will assign a USEPA identification number to the transporter.

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](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and).

(Source: Amended at 43 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) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
724.101	Amendment
724.111	Amendment
724.190	Amendment
724.212	Amendment
724.651	Amendment
724.652	Amendment
724.654	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 724 are a single segment of the docket R19-11 rulemaking that also affects 35 Ill. Adm. Code 703, 720 through 723, 725, 727, 733, and 739. The R19-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during the second half of 2018: July 1, 2018 through December 31, 2018. A comprehensive description is contained in the Board's opinion and order of February 14, 2019, proposing amendments in docket R19-11, which opinion and order is available from the address below.

R19-11 further includes limited corrections and conforming revisions that the Board finds necessary to previously adopted rules. The Board includes non-substantive stylistic revisions to provisions opened for amendments--many of anticipate changes ordinarily requested by the Joint Committee on Administrative Rules (JCAR).

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

Conditional Exclusion of Airbag Waste from Regulation as Hazardous Waste—November 30, 2018 (83 Fed. Reg. 61552): By an interim final rule immediately effective on publication, USEPA conditionally excluded airbag waste from regulation as hazardous waste by amendments to 40 CFR 260, 261, and 262. The Board incorporates most of these USEPA revisions into corresponding 35 Ill. Adm. Code 720, 721, and 722. USEPA intended to avoid hazardous waste requirements impeding replacement of defective airbags in the Takata recall.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Specifically, the amendments to Part 724 standardize use of USEPA Form 8700-12, conform use of defined terms, correct grammar, and revise the style of topical subheadings in the text.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to docket R19-11. 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 docket R19-11.

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 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].
- 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 R19-11 and be addressed to:

Don A. Brown, Clerk

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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 R19-11:

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

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

Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's website at [pcb.illinois.gov](http://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].
- 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].
- 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].

- 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 (2018)] 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 2019

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 REQUIREMENTSPART 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

## Section

724.150 Applicability  
724.151 Purpose and Implementation of Contingency Plan  
724.152 Content of Contingency Plan  
724.153 Copies of Contingency Plan  
724.154 Amendment of Contingency Plan  
724.155 Emergency Coordinator  
724.156 Emergency Procedures

## SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

## Section

724.170 Applicability  
724.171 Use of Manifest System  
724.172 Manifest Discrepancies  
724.173 Operating Record  
724.174 Availability, Retention, and Disposition of Records  
724.175 Annual Facility Activities Report  
724.176 Unmanifested Waste Report  
724.177 Additional Reports

## SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

## Section

724.190 Applicability  
724.191 Required Programs  
724.192 Groundwater Protection Standard  
724.193 Hazardous Constituents  
724.194 Concentration Limits  
724.195 Point of Compliance  
724.196 Compliance Period  
724.197 General Groundwater Monitoring Requirements  
724.198 Detection Monitoring Program  
724.199 Compliance Monitoring Program  
724.200 Corrective Action Program



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

724.201 Corrective Action for Solid Waste Management Units

## SUBPART G: CLOSURE AND POST-CLOSURE CARE

## Section

724.210 Applicability  
724.211 Closure Performance Standard  
724.212 Closure Plan; Amendment of Plan  
724.213 Closure; Time Allowed for Closure  
724.214 Disposal or Decontamination of Equipment, Structures, and Soils  
724.215 Certification of Closure  
724.216 Survey Plat  
724.217 Post-Closure Care and Use of Property  
724.218 Post-Closure Care Plan; Amendment of Plan  
724.219 Post-Closure Notices  
724.220 Certification of Completion of Post-Closure Care

## SUBPART H: FINANCIAL REQUIREMENTS

## Section

724.240 Applicability  
724.241 Definitions of Terms as Used in This Subpart  
724.242 Cost Estimate for Closure  
724.243 Financial Assurance for Closure  
724.244 Cost Estimate for Post-Closure Care  
724.245 Financial Assurance for Post-Closure Care  
724.246 Use of a Mechanism for Financial Assurance of Both Closure and Post-Closure Care  
724.247 Liability Requirements  
724.248 Incapacity of Owners or Operators, Guarantors, or Financial Institutions  
724.251 Wording of the Instruments

## SUBPART I: USE AND MANAGEMENT OF CONTAINERS

## Section

724.270 Applicability  
724.271 Condition of Containers  
724.272 Compatibility of Waste with Container  
724.273 Management of Containers

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

724.274	Inspections
724.275	Containment
724.276	Special Requirements for Ignitable or Reactive Waste
724.277	Special Requirements for Incompatible Wastes
724.278	Closure
724.279	Air Emission Standards

## SUBPART J: TANK SYSTEMS

Section	
724.290	Applicability
724.291	Assessment of Existing Tank System Integrity
724.292	Design and Installation of New Tank Systems or Components
724.293	Containment and Detection of Releases
724.294	General Operating Requirements
724.295	Inspections
724.296	Response to Leaks or Spills and Disposition of Leaking or Unfit-for-Use Tank Systems
724.297	Closure and Post-Closure Care
724.298	Special Requirements for Ignitable or Reactive Waste
724.299	Special Requirements for Incompatible Wastes
724.300	Air Emission Standards

## SUBPART K: SURFACE IMPOUNDMENTS

Section	
724.320	Applicability
724.321	Design and Operating Requirements
724.322	Action Leakage Rate
724.323	Response Actions
724.326	Monitoring and Inspection
724.327	Emergency Repairs; Contingency Plans
724.328	Closure and Post-Closure Care
724.329	Special Requirements for Ignitable or Reactive Waste
724.330	Special Requirements for Incompatible Wastes
724.331	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027
724.332	Air Emission Standards

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART L: WASTE PILES

## Section

724.350	Applicability
724.351	Design and Operating Requirements
724.352	Action Leakage Rate
724.353	Response Action Plan
724.354	Monitoring and Inspection
724.356	Special Requirements for Ignitable or Reactive Waste
724.357	Special Requirements for Incompatible Wastes
724.358	Closure and Post-Closure Care
724.359	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027

## SUBPART M: LAND TREATMENT

## Section

724.370	Applicability
724.371	Treatment Program
724.372	Treatment Demonstration
724.373	Design and Operating Requirements
724.376	Food-Chain Crops
724.378	Unsaturated Zone Monitoring
724.379	Recordkeeping
724.380	Closure and Post-Closure Care
724.381	Special Requirements for Ignitable or Reactive Waste
724.382	Special Requirements for Incompatible Wastes
724.383	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027

## SUBPART N: LANDFILLS

## Section

724.400	Applicability
724.401	Design and Operating Requirements
724.402	Action Leakage Rate
724.403	Monitoring and Inspection
724.404	Response Actions
724.409	Surveying and Recordkeeping

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

724.410	Closure and Post-Closure Care
724.412	Special Requirements for Ignitable or Reactive Waste
724.413	Special Requirements for Incompatible Wastes
724.414	Special Requirements for Bulk and Containerized Liquids
724.415	Special Requirements for Containers
724.416	Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)
724.417	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027

## SUBPART O: INCINERATORS

Section	
724.440	Applicability
724.441	Waste Analysis
724.442	Principal Organic Hazardous Constituents (POHCs)
724.443	Performance Standards
724.444	Hazardous Waste Incinerator Permits
724.445	Operating Requirements
724.447	Monitoring and Inspections
724.451	Closure

## SUBPART S: SPECIAL PROVISIONS FOR CLEANUP

Section	
724.650	Applicability of Corrective Action Management Unit Regulations
724.651	Grandfathered Corrective Action Management Units
724.652	Corrective Action Management Units
724.653	Temporary Units
724.654	Staging Piles
724.655	Disposal of CAMU-Eligible Wastes in Permitted Hazardous Waste Landfills

## SUBPART W: DRIP PADS

Section	
724.670	Applicability
724.671	Assessment of Existing Drip Pad Integrity
724.672	Design and Installation of New Drip Pads
724.673	Design and Operating Requirements

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

724.674 Inspections  
724.675 Closure

## SUBPART X: MISCELLANEOUS UNITS

Section  
724.700 Applicability  
724.701 Environmental Performance Standards  
724.702 Monitoring, Analysis, Inspection, Response, Reporting, and Corrective Action  
724.703 Post-Closure Care

## SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section  
724.930 Applicability  
724.931 Definitions  
724.932 Standards: Process Vents  
724.933 Standards: Closed-Vent Systems and Control Devices  
724.934 Test Methods and Procedures  
724.935 Recordkeeping Requirements  
724.936 Reporting Requirements

## SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section  
724.950 Applicability  
724.951 Definitions  
724.952 Standards: Pumps in Light Liquid Service  
724.953 Standards: Compressors  
724.954 Standards: Pressure Relief Devices in Gas/Vapor Service  
724.955 Standards: Sampling Connecting Systems  
724.956 Standards: Open-ended Valves or Lines  
724.957 Standards: Valves in Gas/Vapor or Light Liquid Service  
724.958 Standards: Pumps, Valves, Pressure Relief Devices, and Other Connectors  
724.959 Standards: Delay of Repair  
724.960 Standards: Closed-Vent Systems and Control Devices  
724.961 Alternative Percentage Standard for Valves  
724.962 Skip Period Alternative for Valves  
724.963 Test Methods and Procedures

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 724.964 Recordkeeping Requirements
- 724.965 Reporting Requirements

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS,  
SURFACE IMPOUNDMENTS, AND CONTAINERS

## Section

- 724.980 Applicability
- 724.981 Definitions
- 724.982 Standards: General
- 724.983 Waste Determination Procedures
- 724.984 Standards: Tanks
- 724.985 Standards: Surface Impoundments
- 724.986 Standards: Containers
- 724.987 Standards: Closed-Vent Systems and Control Devices
- 724.988 Inspection and Monitoring Requirements
- 724.989 Recordkeeping Requirements
- 724.990 Reporting Requirements
- 724.991 Alternative Control Requirements for Tanks (Repealed)

## SUBPART DD: CONTAINMENT BUILDINGS

## Section

- 724.1100 Applicability
- 724.1101 Design and Operating Standards
- 724.1102 Closure and Post-Closure Care

## SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

## Section

- 724.1200 Applicability
  - 724.1201 Design and Operating Standards
  - 724.1202 Closure and Post-Closure Care
- 
- 724.APPENDIX A Recordkeeping Instructions
  - 724.APPENDIX B EPA Report Form and Instructions (Repealed)
  - 724.APPENDIX D Cochran's Approximation to the Behrens-Fisher Student's T-Test
  - 724.APPENDIX E Examples of Potentially Incompatible Waste
  - 724.APPENDIX I Groundwater Monitoring List

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

**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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

601, effective December 6, 2018; amended in R19-11 at 43 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



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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.
- 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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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~~[USEPA Region 5](#) 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: \[www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and\]\(http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and\).](#)

- 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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: GENERAL FACILITY STANDARDS

**Section 724.111 USEPA Identification Number**

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Every facility owner or operator must apply to ~~the Agency~~USEPA Region 5 for a USEPA identification number using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12). ~~The facility owner or operator must obtain a copy of the form from the Agency, Bureau of Land (217-782-6762), and submit a completed copy of the form to the Bureau of Land, in addition to notification to USEPA Region 5.~~

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](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and).

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

**Section 724.190 Applicability**

- a) Types of Units
  - 1) Except as provided in subsection (b), the regulations in this Subpart F apply to owners and operators of facilities that treat, store or dispose of hazardous waste. The owner or operator must satisfy the requirements identified in subsection (a)(2) for all wastes (or constituents thereof) contained in solid waste management units at the facility regardless of the time at which waste was placed in such units.
  - 2) All solid waste management units must comply with the requirements in Section 724.201. A surface impoundment, waste pile, land treatment unit, or landfill that receives hazardous waste after July 26, 1982 (referred to in this Subpart F as a "regulated unit") must comply with Sections 724.191 through 724.200, in lieu of Section 724.201, for purposes of detecting, characterizing, and responding to releases to the uppermost aquifer. The financial responsibility requirements of Section 724.201 apply to regulated units.
- b) The owner or operator's regulated unit or units are not subject to regulation for releases into the uppermost aquifer under this Subpart F if the following is true:
  - 1) The owner or operator is exempted pursuant to Section 724.101; or

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 2) The owner or operator operates a unit that the Agency finds:
  - A) Is an engineered structure.
  - B) Does not receive or contain liquid waste or waste containing free liquids.
  - C) Is designed and operated to exclude liquid, precipitation, and other ~~run-on~~ and ~~run-off~~.
  - D) Has both inner and outer layers of containment enclosing the waste.
  - E) Has a leak detection system built into each containment layer.
  - F) The owner or operator will provide continuing operation and maintenance of these leak detection systems during the active life of the unit and the closure and post-closure care periods.
  - G) To a reasonable degree of certainty, will not allow hazardous constituents to migrate beyond the outer containment layer prior to the end of the post-closure care period; or
- 3) The Agency finds, pursuant to Section 724.380(d), that the treatment zone of a land treatment unit that qualifies as a regulated unit does not contain levels of hazardous constituents that are above background levels of those constituents by an amount that is statistically significant, and if an unsaturated zone monitoring program meeting the requirements of Section 724.378 has not shown a statistically significant increase in hazardous constituents below the treatment zone during the operating life of the unit. An exemption pursuant to this subsection (b) can only relieve an owner or operator of responsibility to meet the requirements of this Subpart F during the post-closure care period; or
- 4) The Agency finds that there is no potential for migration of liquid from a regulated unit to the uppermost aquifer during the active life of the regulated unit (including the closure period) and the post-closure care period specified pursuant to Section 724.217. This demonstration must be



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

certified by a qualified geologist or geotechnical engineer. In order to provide an adequate margin of safety in the prediction of potential migration of liquid, the owner or operator must base any predictions made pursuant to this subsection (b) on assumptions that maximize the rate of liquid migration; or

- 5) The owner or operator designs and operates a pile in compliance with Section 724.350(c).
- c) The regulations under this Subpart F apply during the active life of the regulated unit (including the closure period). After closure of the regulated unit, the following is true of the applicability of the regulations in this Subpart F:
- 1) Do not apply if all waste, waste residues, contaminated containment system components, and contaminated subsoils are removed or decontaminated at closure;
  - 2) Apply during the post-closure care period pursuant to Section 724.217 if the owner or operator is conducting a detection monitoring program pursuant to Section 724.198; or
  - 3) Apply during the compliance period pursuant to Section 724.196 if the owner or operator is conducting a compliance monitoring program pursuant to Section 724.199 or a corrective action program pursuant to Section 724.200.
- d) This Subpart F applies to miscellaneous units if necessary to comply with Sections 724.701 through 724.703.
- e) The regulations of this Subpart F apply to all owners and operators subject to 35 Ill. Adm. Code 703.161, when the Agency issues a post-closure care permit or other enforceable document that contains alternative requirements for the facility, as provided in 35 Ill. Adm. Code 703.161. When alternative requirements apply to a facility, a reference in this Subpart F to "in the permit" must mean "in the enforceable document".
- f) A permit or enforceable document can contain alternative requirements for groundwater monitoring and corrective action for releases to groundwater applicable to a regulated unit that replace all or part of the requirements of 35 Ill.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Adm. Code 724.191 through 724.200, as provided pursuant to 35 Ill. Adm. Code 703.161, where the Board or Agency determines the following:

- 1) The regulated unit is situated among solid waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more solid waste management units (or areas of concern) are likely to have contributed to the release; and
- 2) It is not necessary to apply the groundwater monitoring and corrective action requirements of 35 Ill. Adm. Code 724.191 through 724.200 because alternative requirements will adequately protect human health and the environment.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART G: CLOSURE AND POST-CLOSURE CARE

**Section 724.212 Closure Plan; Amendment of Plan**

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

landfill unit, estimates of the time required to treat and dispose of all hazardous waste inventory and of the time required to place a final cover must be included.);

- 7) For facilities that use trust funds to establish financial assurance pursuant to Section 724.243 or 724.245 and that are expected to close prior to the expiration of the permit, an estimate of the expected year of final closure; and
  - 8) For a facility where alternative requirements are established at a regulated unit pursuant to Section 724.190(f), 724.210(c), or 724.240(d), as provided pursuant to 35 Ill. Adm. Code 703.161, either the alternative requirements applying to the regulated unit or a reference to the enforceable document containing those alternative requirements.
- c) Amendment of the ~~Plan~~[plan](#). The owner or operator must submit a written notification of or request for a permit modification to authorize a change in operating plans, facility design, or the approved closure plan in accordance with the applicable procedures in 35 Ill. Adm. Code 702, 703, and 705. The written notification or request must include a copy of the amended closure plan for review or approval by the Agency.
- 1) The owner or operator may submit a written notification or request to the Agency for a permit modification to amend the closure plan at any time prior to notification of partial or final closure of the facility.
  - 2) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved closure plan whenever any of the following occurs:
    - A) Changes in operating plans or facility design affect the closure plan;
    - B) There is a change in the expected year of closure, if applicable;
    - C) In conducting partial or final closure activities, unexpected events require modification of the approved closure plan; or
    - D) The owner or operator requests the establishment of alternative

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

requirements, as provided pursuant to 35 Ill. Adm. Code 703.161, to a regulated unit pursuant to Section 724.190(f), 724.210(c), or 724.240(d).

- 3) The owner or operator must submit a written request for a permit modification including a copy of the amended closure plan for approval at least 60 days prior to the proposed change in the facility design or operation, or no later than 60 days after an unexpected event has occurred that has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator must request a permit modification no later than 30 days after the unexpected event. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to prepare a contingent closure plan pursuant to Section 724.328(c)(1)(A) or 724.358(c)(1)(A), must submit an amended closure plan to the Agency no later than 60 days after the date the owner or operator or Agency determines that the hazardous waste management unit must be closed as a landfill, subject to Section 724.410, or no later than 30 days after that date if the determination is made during partial or final closure. The Agency must approve, disapprove or modify this amended plan in accordance with the procedures in 35 Ill. Adm. Code 702, 703, and 705. In accordance with 35 Ill. Adm. Code 702.160 and 703.241, the approved closure plan will become a condition of any RCRA permit issued.
  - 4) The Agency may request modifications to the plan under the conditions described in Section 724.212(c)(2). The owner or operator must submit the modified plan within 60 days after the Agency's request, or within 30 days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the Agency must be approved in accordance with the procedures in 35 Ill. Adm. Code 702, 703, and 705.
- d) Notification of Partial Closure~~partial closure~~ and Final Closure~~final closure~~.
- 1) The owner or operator must notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, land treatment, or landfill unit or final closure of a facility with such a unit. The owner or operator must notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

treatment or storage tanks, container storage, or incinerator units to be closed. The owner or operator must notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace, whichever is earlier.

- 2) The date when the owner or operator "expects to begin closure" must be either of the following:
  - A) No later than 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner or operator has taken and will continue to take all steps to adequately prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency must approve an extension to this one-year limit; or
  - B) For units meeting the requirements of Section 724.213(d), no later than 30 days after the date on which the hazardous waste management unit receives the final known volume of non-hazardous wastes, or, if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator demonstrates to the Agency that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to adequately prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency must approve an extension to this one-year limit.
- 3) If the facility's permit is terminated, or if the facility is otherwise ordered

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

by judicial decree or Board order to cease receiving hazardous wastes or to close, then this subsection (d) does not apply. However, the owner or operator must close the facility in accordance with the deadlines established in Section 724.213.

- e) Removal of ~~Wastes~~ and ~~Decontamination~~ or ~~Dismantling~~ of ~~Equipment~~. Nothing in this Section must preclude the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART S: SPECIAL PROVISIONS FOR CLEANUP

**Section 724.651 Grandfathered Corrective Action Management Units**

- a) To implement remedies pursuant to Section 724.201 or RCRA section 3008(h), or to implement remedies at a permitted facility that is not subject to Section 724.201, the Agency may designate an area at the facility as a corrective action management unit in accordance with the requirements of this Section. "Corrective action management unit" or "CAMU" means an area within a facility that is used only for managing remediation wastes for implementing corrective action or cleanup at that facility. A CAMU must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the CAMU originated. One or more CAMUs may be designated at a facility.
- 1) Placement of remediation wastes into or within a CAMU does not constitute land disposal of hazardous wastes.
  - 2) Consolidation or placement of remediation wastes into or within a CAMU does not constitute creation of a unit subject to minimum technology requirements.
- b) Designation of a CAMU
- 1) The Agency may designate a regulated unit (as defined in Section

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

724.190(a)(2)) as a CAMU, or it may incorporate a regulated unit into a CAMU, if the following is true:

- A) The regulated unit is closed or closing, meaning it has begun the closure process pursuant to Section 724.213 or 35 Ill. Adm. Code 725.213; and
  - B) Inclusion of the regulated unit will enhance implementation of effective, protective, and reliable remedial actions for the facility.
- 2) The requirements of Subparts F, G, and H and the unit-specific requirements of this Part or the 35 Ill. Adm. Code 725 requirements that applied to that regulated unit will continue to apply to that portion of the CAMU after incorporation into the CAMU.
- c) The Agency must designate a CAMU in accordance with the following factors:
- 1) The CAMU must facilitate the implementation of reliable, effective, protective, and cost-effective remedies;
  - 2) Waste management activities associated with the CAMU must not create unacceptable risks to humans or to the environment resulting from exposure to hazardous wastes or hazardous constituents;
  - 3) The CAMU must include uncontaminated areas of the facility only if including such areas for the purpose of managing remediation waste is more protective than managing such wastes at contaminated areas of the facility;
  - 4) Areas within the CAMU where wastes remain in place after its closure must be managed and contained so as to minimize future releases to the extent practicable;
  - 5) The CAMU must expedite the timing of remedial activity implementation, when appropriate and practicable;
  - 6) The CAMU must enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility, or



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

volume of wastes that will remain in place after closure of the CAMU; and

- 7) The CAMU must, to the extent practicable, minimize the land area of the facility upon which wastes will remain in place after closure of the CAMU.
- d) The owner or operator must provide sufficient information to enable the Agency to designate a CAMU in accordance with the standards of this Section.
- e) The Agency must specify in the permit the requirements applicable to a CAMU, including the following:
  - 1) The areal configuration of the CAMU.
  - 2) Requirements for remediation waste management, including the specification of applicable design, operation, and closure requirements.
  - 3) Requirements for groundwater monitoring that are sufficient to do the following:
    - A) Continue to detect and to characterize the nature, extent, concentration, direction, and movement of existing releases of hazardous constituents in groundwater from sources located within the CAMU; and
    - B) Detect and subsequently characterize releases of hazardous constituents to groundwater that may occur from areas of the CAMU in which wastes will remain in place after closure of the CAMU.
  - 4) Closure and Post-Closure Care Requirements
    - A) Closure of a CAMU must do the following:
      - i) Minimize the need for further maintenance; and
      - ii) Control, minimize, or eliminate, to the extent necessary to adequately protect human health and the environment, for areas where wastes remain in place, post-closure escape of

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

hazardous waste, hazardous constituents, leachate, contaminated ~~run-off~~runoff, or hazardous waste decomposition products to the ground, to surface waters, or to the atmosphere.

- B) Requirements for closure of a CAMU must include the following, as appropriate:
- i) Requirements for excavation, removal, treatment, or containment of wastes;
  - ii) For areas in which wastes will remain after closure of the CAMU, requirements for the capping of such areas; and
  - iii) Requirements for the removal and decontamination of equipment, devices, and structures used in remediation waste management activities within the CAMU.
- C) In establishing specific closure requirements for a CAMU pursuant to this subsection (e), the Agency must consider the following factors:
- i) The characteristics of the CAMU;
  - ii) The volume of wastes that remain in place after closure;
  - iii) The potential for releases from the CAMU;
  - iv) The physical and chemical characteristics of the waste;
  - v) The hydrological and other relevant environmental conditions at the facility that may influence the migration of any potential or actual releases; and
  - vi) The potential for exposure of humans and environmental receptors if releases were to occur from the CAMU.
- D) Post-closure care requirements as necessary to adequately protect human health and the environment, including, for areas where

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

wastes will remain in place, monitoring and maintenance activities and the frequency with which such activities must be performed to ensure the integrity of any cap, final cover, or other containment system.

- f) The Agency must document the rationale for designating the CAMU and must make such documentation available to the public.
- g) Incorporation of a CAMU into an existing permit must be approved by the Agency according to the procedures for Agency-initiated permit modifications pursuant to 35 Ill. Adm. Code 703.270 through 703.273 or according to the permit modification procedures of 35 Ill. Adm. Code 703.283.
- h) The designation of a CAMU does not change the Agency's existing authority to address cleanup levels, media-specific points of compliance to be applied to remediation at a facility, or other remedy selection decisions.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.652 Corrective Action Management Units**

- a) To implement remedies pursuant to Section 724.201 or RCRA section 3008(h), or to implement remedies at a permitted facility that is not subject to Section 724.201, the Agency may designate an area at the facility as a corrective action management unit pursuant to the requirements in this Section. "Corrective action management unit" or "CAMU" means an area within a facility that is used only for managing CAMU-eligible wastes for implementing corrective action or cleanup at that facility. A CAMU must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the CAMU originated. One or more CAMUs may be designated at a facility.
  - 1) "CAMU-eligible waste" means the following:
    - A) All solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris, that are managed for implementing cleanup. As-generated wastes (either hazardous or non-hazardous) from ongoing industrial operations at a site are not CAMU-eligible wastes.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- B) Wastes that would otherwise meet the description in subsection (a)(1)(A) are not CAMU-eligible waste where the following is true:
- i) The wastes are hazardous waste found during cleanup in intact or substantially intact containers, tanks, or other non-land-based units found above ground, unless the wastes are first placed in the tanks, containers, or non-land-based units as part of cleanup, or the containers or tanks are excavated during the course of cleanup; or
  - ii) The Agency makes the determination in subsection (a)(2) to prohibit the wastes from management in a CAMU.
- C) Notwithstanding subsection (a)(1)(A), where appropriate, as-generated non-hazardous waste may be placed in a CAMU where such waste is being used to facilitate treatment or the performance of the CAMU.
- 2) The Agency must prohibit the placement of waste in a CAMU where the Agency determines that the wastes have not been managed in compliance with applicable land disposal treatment standards of 35 Ill. Adm. Code 728, applicable unit design requirements of this Part or 35 Ill. Adm. Code 725, or other applicable requirements of this Subtitle G, and that the non-compliance likely contributed to the release of the waste.
- 3) Prohibition against ~~Placing Liquids~~ placing liquids in a CAMU:
- A) The placement of bulk or noncontainerized liquid hazardous waste or free liquids contained in hazardous waste (whether or not sorbents have been added) in any CAMU is prohibited except where placement of such wastes facilitates the remedy selected for the waste.
  - B) The requirements in Section 724.414(c) for placement of containers holding free liquids in landfills apply to placement in a CAMU, except where placement facilitates the remedy selected for the waste.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- C) The placement of any liquid that is not a hazardous waste in a CAMU is prohibited unless such placement facilitates the remedy selected for the waste or a demonstration is made pursuant to Section 724.414(e).
  - D) The absence or presence of free liquids in either a containerized or a bulk waste must be determined in accordance with Section 724.414(b). Sorbents used to treat free liquids in a CAMU must meet the requirements of Section 724.414(d).
  - 4) Placement of CAMU-eligible wastes into or within a CAMU does not constitute land disposal of hazardous waste.
  - 5) Consolidation or placement of CAMU-eligible wastes into or within a CAMU does not constitute creation of a unit subject to minimum technology requirements.
- b) Establishing a CAMU
- 1) The Agency must designate a regulated unit (as defined in Section 724.190(a)(2)) as a CAMU or must incorporate a regulated unit into a CAMU, if it determines that the following is true of a regulated unit:
    - A) The regulated unit is closed or closing, meaning it has begun the closure process pursuant to Section 724.213 or 35 Ill. Adm. Code 725.213; and
    - B) Inclusion of the regulated unit will enhance implementation of effective, protective, and reliable remedial actions for the facility.
  - 2) The Subpart F, G, and H requirements and the unit-specific requirements of this Part or 35 Ill. Adm. Code 265 that applied to the regulated unit will continue to apply to that portion of the CAMU after incorporation into the CAMU.
- c) The Agency must designate a CAMU that will be used for storage or treatment only in accordance with subsection (f). The Agency must designate any other CAMU in accordance with the following requirements:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) The CAMU must facilitate the implementation of reliable, effective, protective, and cost-effective remedies;
  - 2) Waste management activities associated with the CAMU must not create unacceptable risks to humans or to the environment resulting from exposure to hazardous wastes or hazardous constituents;
  - 3) The CAMU must include uncontaminated areas of the facility, only if including such areas for the purpose of managing CAMU-eligible waste is more protective than management of such wastes at contaminated areas of the facility;
  - 4) Areas within the CAMU, where wastes remain in place after closure of the CAMU, must be managed and contained so as to minimize future releases, to the extent practicable;
  - 5) The CAMU must expedite the timing of remedial activity implementation, when appropriate and practicable;
  - 6) The CAMU must enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU; and
  - 7) The CAMU must, to the extent practicable, minimize the land area of the facility upon which wastes will remain in place after closure of the CAMU.
- d) The owner or operator must provide sufficient information to enable the Agency to designate a CAMU in accordance with the criteria in this Section. This must include, unless not reasonably available, information on the following:
- 1) The origin of the waste and how it was subsequently managed (including a description of the timing and circumstances surrounding the disposal or release);
  - 2) Whether the waste was listed or identified as hazardous at the time of disposal or release; and

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 3) Whether the disposal or release of the waste occurred before or after the land disposal requirements of 35 Ill. Adm. Code 728 were in effect for the waste listing or characteristic.
- e) The Agency must specify, in the permit or order, requirements for the CAMU to include the following:
- 1) The areal configuration of the CAMU.
  - 2) Except as provided in subsection (g), requirements for CAMU-eligible waste management to include the specification of applicable design, operation, treatment, and closure requirements.
  - 3) Minimum Design Requirements: a CAMU, except as provided in subsection (f), into which wastes are placed must be designed in accordance with the following:
    - A) Unless the Agency approves alternative requirements pursuant to subsection (e)(3)(B), a CAMU that consists of new, replacement, or laterally expanded units must include a composite liner and a leachate collection system that is designed and constructed to maintain less than a 30-cm depth of leachate over the liner. For purposes of this Section, "composite liner" means a system consisting of two components; the upper component must consist of a minimum 30-mil flexible membrane liner (FML), and the lower component must consist of at least a two-foot layer of compacted soil with a hydraulic conductivity of no more than  $1 \times 10^{-7}$  cm/sec. FML components consisting of high density polyethylene (HDPE) must be at least 60 mil thick. The FML component must be installed in direct and uniform contact with the compacted soil component;
    - B) Alternative Requirements. The Agency must approve alternative requirements if it determines that either of the following is true:
      - i) The Agency determines that alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous constituents into the groundwater or surface water at least as effectively

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

as the liner and leachate collection systems in subsection (e)(3)(A); or

- ii) The CAMU is to be established in an area with existing significant levels of contamination, and the Agency determines that an alternative design, including a design that does not include a liner, would prevent migration from the unit that would exceed long-term remedial goals.
- 4) Minimum Treatment Requirements. Unless the wastes will be placed in a CAMU for storage or treatment only in accordance with subsection (f), CAMU-eligible wastes that, absent this Section, would be subject to the treatment requirements of 35 Ill. Adm. Code 728, and that the Agency determines contain principal hazardous constituents must be treated to the standards specified in subsection (e)(4)(C).
- A) Principal hazardous constituents are those constituents that the Agency determines pose a risk to human health and the environment substantially higher than the cleanup levels or goals at the site.
    - i) In general, the Agency must designate as principal hazardous constituents those contaminants specified in subsection (e)(4)(H).

BOARD NOTE: The Board has codified 40 CFR 264.552(e)(4)(i)(A)(1) and (e)(4)(i)(A)(2) as subsections (e)(4)(H)(i) and (e)(4)(H)(ii) in order to comply with Illinois Administrative Code codification requirements.

- ii) The Agency must also designate constituents as principal hazardous constituents, where appropriate, when risks to human health and the environment posed by the potential migration of constituents in wastes to groundwater are substantially higher than cleanup levels or goals at the site. When making such a designation, the Agency must consider such factors as constituent concentrations, and fate and transport characteristics under site conditions.



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- iii) The Agency must also designate other constituents as principal hazardous constituents that the Agency determines pose a risk to human health and the environment substantially higher than that posed by the cleanup levels or goals at the site.
- B) In determining which constituents are "principal hazardous constituents", the Agency must consider all constituents that, absent this Section, would be subject to the treatment requirements in 35 Ill. Adm. Code 728.
  - C) Waste that the Agency determines contains principal hazardous constituents must meet treatment standards determined in accordance with subsection (e)(4)(D) or (e)(4)(E).
  - D) Treatment Standards for Wastes Placed in a CAMU
    - i) For non-metals, treatment must achieve 90 percent reduction in total principal hazardous constituent concentrations, except as provided by subsection (e)(4)(D)(iii).
    - ii) For metals, treatment must achieve 90 percent reduction in principal hazardous constituent concentrations as measured in leachate from the treated waste or media (tested according to the TCLP) or 90 percent reduction in total constituent concentrations (when a metal removal treatment technology is used), except as provided by subsection (e)(4)(D)(iii).
    - iii) When treatment of any principal hazardous constituent to a 90 percent reduction standard would result in a concentration less than 10 times the Universal Treatment Standard for that constituent, treatment to achieve constituent concentrations less than 10 times the Universal Treatment Standard is not required. Universal Treatment Standards are identified in Table U to 35 Ill. Adm. Code 728.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- iv) For waste exhibiting the hazardous characteristic of ignitability, corrosivity, or reactivity, the waste must also be treated to eliminate these characteristics.
  - v) For debris, the debris must be treated in accordance with 35 Ill. Adm. Code 728.145, or by methods or to levels established pursuant to subsections (e)(4)(D)(i) through (e)(4)(D)(iv) or subsection (e)(4)(E), whichever the Agency determines is appropriate.
  - vi) Alternatives to TCLP. For metal bearing wastes for which metals removal treatment is not used, the Agency must specify a leaching test other than 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) to measure treatment effectiveness, provided the Agency determines that an alternative leach testing protocol is appropriate for use, and that the alternative more accurately reflects conditions at the site that affect leaching.
- E) Adjusted Standards. The Board will grant an adjusted standard pursuant to Section 28.1 of the Act to adjust the treatment level or method in subsection (e)(4)(D) to a higher or lower level, based on one or more of the following factors, as appropriate, if the owner or operator demonstrates that the adjusted level or method would adequately protect human health and the environment, based on consideration of the following:
- i) The technical impracticability of treatment to the levels or by the methods in subsection (e)(4)(D);
  - ii) The levels or methods in subsection (e)(4)(D) would result in concentrations of principal hazardous constituents (PHCs) that are significantly above or below cleanup standards applicable to the site (established either site-specifically, or promulgated pursuant to State or federal law);

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- iii) The views of the affected local community on the treatment levels or methods in subsection (e)(4)(D), as applied at the site, and, for treatment levels, the treatment methods necessary to achieve these levels;
- iv) The short-term risks presented by the on-site treatment method necessary to achieve the levels or treatment methods in subsection (e)(4)(D);
- v) The long-term protection offered by the engineering design of the CAMU and related engineering controls under the circumstances set forth in subsection (e)(4)(I).

BOARD NOTE: The Board has codified 40 CFR 264.552(e)(4)(v)(E)(I) through (e)(4)(v)(E)(5) as subsections (e)(4)(I)(i) through (e)(4)(I)(v) in order to comply with Illinois Administrative Code codification requirements.

- F) The treatment required by the treatment standards must be completed prior to, or within a reasonable time after, placement in the CAMU.
- G) For the purpose of determining whether wastes placed in a CAMU have met site-specific treatment standards, the Agency must specify a subset of the principal hazardous constituents in the waste as analytical surrogates for determining whether treatment standards have been met for other principal hazardous constituents if it determines that the specification is appropriate based on the degree of difficulty of treatment and analysis of constituents with similar treatment properties.
- H) Principal hazardous constituents that the Agency must designate are the following:
  - i) Carcinogens that pose a potential direct risk from ingestion or inhalation at the site at or above  $10^{-3}$ ; and

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- ii) Non-carcinogens that pose a potential direct risk from ingestion or inhalation at the site an order of magnitude or greater over their reference dose.
- I) Circumstances relating to the long-term protection offered by engineering design of the CAMU and related engineering controls are the following:
- i) Where the treatment standards in subsection (e)(4)(D) are substantially met and the principal hazardous constituents in the waste or residuals are of very low mobility;
  - ii) Where cost-effective treatment has been used and the CAMU meets the Subtitle C liner and leachate collection requirements for new land disposal units at Section 724.401(c) and (d);
  - iii) Where, after review of appropriate treatment technologies, the Board determines that cost-effective treatment is not reasonably available, and the CAMU meets the Subtitle C liner and leachate collection requirements for new land disposal units at Section 724.401(c) and (d);
  - iv) Where cost-effective treatment has been used and the principal hazardous constituents in the treated wastes are of very low mobility; or
  - v) Where, after review of appropriate treatment technologies, the Board determines that cost-effective treatment is not reasonably available, the principal hazardous constituents in the wastes are of very low mobility, and either the CAMU meets or exceeds the liner standards for new, replacement, or a laterally expanded CAMU in subsections (e)(3)(A) and (e)(3)(B) or the CAMU provides substantially equivalent or greater protection.
- 5) Except as provided in subsection (f), requirements for groundwater monitoring and corrective action that are sufficient to do the following:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- A) Continue to detect and to characterize the nature, extent, concentration, direction, and movement of existing releases of hazardous constituents in groundwater from sources located within the CAMU;
  - B) Detect and subsequently characterize releases of hazardous constituents to groundwater that may occur from areas of the CAMU in which wastes will remain in place after closure of the CAMU; and
  - C) Require notification to the Agency and corrective action as necessary to adequately protect human health and the environment for releases to groundwater from the CAMU.
- 6) Except as provided in subsection (f), closure and post-closure requirements, as follows:
- A) Closure of corrective action management units must do the following:
    - i) It must minimize the need for further maintenance; and
    - ii) It must control, minimize, or eliminate, to the extent necessary to adequately protect human health and the environment, for areas where wastes remain in place, post-closure escape of hazardous wastes, hazardous constituents, leachate, contaminated ~~run-off~~~~runoff~~, or hazardous waste decomposition products to the ground, to surface waters, or to the atmosphere.
  - B) Requirements for closure of a CAMU must include the following, as appropriate and as deemed necessary by the Agency for a given CAMU:
    - i) Requirements for excavation, removal, treatment or containment of wastes; and
    - ii) Requirements for removal and decontamination of equipment, devices, and structures used in CAMU-eligible

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

waste management activities within the CAMU.

- C) In establishing specific closure requirements for a CAMU pursuant to this subsection (e), the Agency must consider the following factors:
- i) CAMU characteristics;
  - ii) Volume of wastes that remain in place after closure;
  - iii) Potential for releases from the CAMU;
  - iv) Physical and chemical characteristics of the waste;
  - v) Hydrogeological and other relevant environmental conditions at the facility that may influence the migration of any potential or actual releases; and
  - vi) Potential for exposure of humans and environmental receptors if releases were to occur from the CAMU.
- D) Cap Requirements
- i) At final closure of the CAMU, for areas in which wastes will remain with constituent concentrations at or above remedial levels or goals applicable to the site after closure of the CAMU, the owner or operator must cover the CAMU with a final cover designed and constructed to meet the performance criteria listed in subsection (e)(6)(F) , except as provided in subsection (e)(6)(D)(ii):  
  
BOARD NOTE: The Board has codified 40 CFR 264.552(e)(6)(iv)(A)(1) through (e)(6)(iv)(A)(5) as subsections (e)(6)(F)(i) through (e)(6)(F)(v) in order to comply with Illinois Administrative Code codification requirements.
  - ii) The Agency must apply cap requirements that deviate from those prescribed in subsection (e)(6)(D)(i) if it determines

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

that the modifications are needed to facilitate treatment or the performance of the CAMU (e.g., to promote biodegradation).

- E) Post-closure requirements as necessary to adequately protect human health and the environment, to include, for areas where wastes will remain in place, monitoring and maintenance activities, and the frequency with which such activities must be performed to ensure the integrity of any cap, final cover, or other containment system.
- F) The final cover design and performance criteria are as follows:
  - i) The final cover must provide long-term minimization of migration of liquids through the closed unit;
  - ii) The final cover must function with minimum maintenance;
  - iii) The final cover must promote drainage and minimize erosion or abrasion of the cover;
  - iv) The final cover must accommodate settling and subsidence so that the cover's integrity is maintained; and
  - v) The final cover must have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.
- f) A CAMU used for storage or treatment only is a CAMU in which wastes will not remain after closure. Such a CAMU must be designated in accordance with all of the requirements of this Section, except as follows:
  - 1) A CAMU that is used for storage or treatment only and that operates in accordance with the time limits established in the staging pile regulations at Section 724.654(d)(1)(C), (h), and (i) is subject to the requirements for staging piles at Section 724.654(d)(1)(A) and (d)(1)(B), (d)(2), (e), (f), (j), and (k) in lieu of the performance standards and requirements for a CAMU in subsections (c) and (e)(3) through (e)(6).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 2) A CAMU that is used for storage or treatment only and that does not operate in accordance with the time limits established in the staging pile regulations at Section 724.654(d)(1)(C), (h), and (i):
- A) The owner or operator must operate in accordance with a time limit, established by the Agency, that is no longer than necessary to achieve a timely remedy selected for the waste and
  - B) The CAMU is subject to the requirements for staging piles at Section 724.654(d)(1)(A) and (d)(1)(B), (d)(2), (e), (f), (j), and (k) in lieu of the performance standards and requirements for a CAMU in subsections (c), (e)(4), and (e)(6).
- g) A CAMU into which wastes are placed where all wastes have constituent levels at or below remedial levels or goals applicable to the site do not have to comply with the requirements for liners at subsection (e)(3)(A), caps at subsection (e)(6)(D), groundwater monitoring requirements at subsection (e)(5) or, for treatment or storage-only a CAMU, the design standards at subsection (f).
- h) The Agency must provide public notice and a reasonable opportunity for public comment before designating a CAMU. Such notice must include the rationale for any proposed adjustments pursuant to subsection (e)(4)(E) to the treatment standards in subsection (e)(4)(D).
- i) Notwithstanding any other provision of this Section, the Agency must impose those additional requirements that it determines are necessary to adequately protect human health and the environment.
- j) Incorporation of a CAMU into an existing permit must be approved by the Agency according to the procedures for Agency-initiated permit modifications pursuant to 35 Ill. Adm. Code 703.270 through 703.273, or according to the permit modification procedures of 35 Ill. Adm. Code 703.280 through 703.283.
- k) The designation of a CAMU does not change the Agency's existing authority to address cleanup levels, media-specific points of compliance to be applied to remediation at a facility, or other remedy selection decisions.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 724.654 Staging Piles**

- a) **Definition of a Staging Pile.** A staging pile is an accumulation of solid, non-flowing remediation waste (as defined in 35 Ill. Adm. Code 720.110) that is not a containment building and which is used only during remedial operations for temporary storage at a facility. A staging pile must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the staging pile originated. Staging piles must be designated by the Agency in accordance with the requirements in this Section.
  - 1) For the purposes of this Section, storage includes mixing, sizing, blending, or other similar physical operations as long as they are intended to prepare the wastes for subsequent management or treatment.
  - 2) This subsection (a)(2) corresponds with 40 CFR 264.554(a)(2), which USEPA has marked as "reserved". This statement maintains structural consistency with the federal regulations.
- b) **Use of a Staging Pile.** An owner or operator may use a staging pile to store hazardous remediation waste (or remediation waste otherwise subject to land disposal restrictions) only if an owner or operator follows the standards and design criteria the Agency has designated for that staging pile. The Agency must designate the staging pile in a permit or, at an interim status facility, in a closure plan or order (consistent with 35 Ill. Adm. Code 703.155(a)(5) and (b)(5)). The Agency must establish conditions in the permit, closure plan, or order that comply with subsections (d) through (k).
- c) **Information That an Owner or Operator Must Submit to Gain Designation of a Staging Pile.** When seeking a staging pile designation, an owner or operator must provide the following:
  - 1) Sufficient and accurate information to enable the Agency to impose standards and design criteria for the facility's staging pile according to subsections (d) through (k);
  - 2) Certification by a qualified Professional Engineer of technical data, such as design drawings and specifications, and engineering studies, unless the Agency determines, based on information that an owner or operator provides, that this certification is not necessary to ensure that a staging

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

pile will adequately protect human health and the environment; and

- 3) Any additional information the Agency determines is necessary to adequately protect human health and the environment.
- d) Performance Criteria That a Staging Pile Must Satisfy. The Agency must establish the standards and design criteria for the staging pile in the permit, closure plan, or order.
  - 1) The standards and design criteria must comply with the following:
    - A) The staging pile must facilitate a reliable, effective, and protective remedy;
    - B) The staging pile must be designed so as to prevent or minimize releases of hazardous wastes and hazardous constituents into the environment, and minimize or adequately control cross-media transfer, as necessary to adequately protect human health and the environment (for example, through the use of liners, covers, or ~~run-off~~runoff and ~~run-on~~runon controls, as appropriate); and
    - C) The staging pile must not operate for more than two years, except when the Agency grants an operating term extension pursuant to subsection (i). An owner or operator must measure the two-year limit or other operating term specified by the Agency in the permit, closure plan, or order from the first time an owner or operator places remediation waste into a staging pile. An owner or operator must maintain a record of the date when it first placed remediation waste into the staging pile for the life of the permit, closure plan, or order, or for three years, whichever is longer.
  - 2) In setting the standards and design criteria, the Agency must consider the following factors:
    - A) The length of time the pile will be in operation;
    - B) The volumes of wastes the owner or operator intends to store in the pile;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- C) The physical and chemical characteristics of the wastes to be stored in the unit;
  - D) The potential for releases from the unit;
  - E) The hydrogeological and other relevant environmental conditions at the facility that may influence the migration of any potential releases; and
  - F) The potential for human and environmental exposure to potential releases from the unit.
- e) Receipt of Ignitable or Reactive Remediation Waste. An owner or operator must not place ignitable or reactive remediation waste in a staging pile unless the following is true:
- 1) The owner or operator has treated, rendered, or mixed the remediation waste before it placed the waste in the staging pile so that the following is true of the waste:
    - A) The remediation waste no longer meets the definition of ignitable or reactive pursuant to 35 Ill. Adm. Code 721.121 or 721.123; and
    - B) The owner or operator has complied with Section 724.117(b); or
  - 2) The owner or operator manages the remediation waste to protect it from exposure to any material or condition that may cause it to ignite or react.
- f) Managing Incompatible Remediation Wastes in a Staging Pile. The term "incompatible waste" is defined in 35 Ill. Adm. Code 720.110. An owner or operator must comply with the following requirements for incompatible wastes in staging piles:
- 1) The owner or operator must not place incompatible remediation wastes in the same staging pile unless an owner or operator has complied with Section 724.117(b);
  - 2) If remediation waste in a staging pile is incompatible with any waste or material stored nearby in containers, other piles, open tanks, or land

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

disposal units (for example, surface impoundments), an owner or operator must separate the incompatible materials, or protect them from one another by using a dike, berm, wall, or other device; and

- 3) The owner or operator must not pile remediation waste on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to comply with Section 724.117(b).
- g) Staging piles are not subject to land disposal restrictions and federal minimum technological requirements. Placing hazardous remediation wastes into a staging pile does not constitute land disposal of hazardous wastes or create a unit that is subject to the federal minimum technological requirements of section 3004(o) of RCRA, 42 USC 6924(o).
- h) How Long an Owner or Operator May Operate a Staging Pile. The Agency may allow a staging pile to operate for up to two years after hazardous remediation waste is first placed into the pile. An owner or operator must use a staging pile no longer than the length of time designated by the Agency in the permit, closure plan, or order (the "operating term"), except as provided in subsection (i).
- i) Receiving an Operating Extension for a Staging Pile
  - 1) The Agency may grant one operating term extension of up to 180 days beyond the operating term limit contained in the permit, closure plan, or order (see subsection (l) for modification procedures). To justify the need for an extension, an owner or operator must provide sufficient and accurate information to enable the Agency to determine that the following is true of continued operation of the staging pile:
    - A) Continued operation will not pose a threat to human health and the environment; and
    - B) Continued operation is necessary to ensure timely and efficient implementation of remedial actions at the facility.
  - 2) The Agency must, as a condition of the extension, specify further standards and design criteria in the permit, closure plan, or order, as necessary, to ensure adequate protection of human health and the

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

environment.

- j) The Closure Requirement for a Staging Pile Located in a Previously Contaminated Area
  - 1) Within 180 days after the operating term of the staging pile expires, an owner or operator must close a staging pile located in a previously contaminated area of the site by removing or decontaminating all of the following:
    - A) Remediation waste;
    - B) Contaminated containment system components; and
    - C) Structures and equipment contaminated with waste and leachate.
  - 2) An owner or operator must also decontaminate contaminated subsoils in a manner and according to a schedule that the Agency determines will adequately protect human health and the environment.
  - 3) The Agency must include the above requirements in the permit, closure plan, or order in which the staging pile is designated.
- k) The Closure Requirement for a Staging Pile Located in a Previously Uncontaminated Area
  - 1) Within 180 days after the operating term of the staging pile expires, an owner or operator must close a staging pile located in an uncontaminated area of the site according to Sections 724.358(a) and 724.211 or according to 35 Ill. Adm. Code 725.358(a) and 725.211.
  - 2) The Agency must include the requirement of this Section stated in subsection (k)(1) in the permit, closure plan, or order in which the staging pile is designated.
- l) Modifying an Existing Permit (e.g., a RAP), Closure Plan, or Order to Allow the Use of a Staging Pile
  - 1) To modify a permit, other than a RAP, to incorporate a staging pile or

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

staging pile operating term extension, either of the following must occur:

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

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
725.111	Amendment
725.156	Amendment
725.190	Amendment
725.212	Amendment
725.296	Amendment
725.353	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 725 are a single segment of the docket R19-11 rulemaking that also affects 35 Ill. Adm. Code 703, 720 through 724, 727, 733, and 739. The R19-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during the second half of 2018: July 1, 2018 through December 31, 2018. A comprehensive description is contained in the Board's opinion and order of February 14, 2019, proposing amendments in docket R19-11, which opinion and order is available from the address below.

R19-11 further includes limited corrections and conforming revisions that the Board finds necessary to previously adopted rules. The Board includes non-substantive stylistic revisions to provisions opened for amendments--many of anticipate changes ordinarily requested by the Joint Committee on Administrative Rules (JCAR).

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

Conditional Exclusion of Airbag Waste from Regulation as Hazardous Waste—November 30, 2018 (83 Fed. Reg. 61552): By an interim final rule immediately effective on publication, USEPA conditionally excluded airbag waste from regulation as hazardous waste by amendments to 40 CFR 260, 261, and 262. The Board incorporates most of these USEPA revisions into corresponding 35 Ill. Adm. Code 720, 721, and 722. USEPA intended to avoid hazardous waste requirements impeding replacement of defective airbags in the Takata recall.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Specifically, the amendments to Part 725 standardize use of USEPA Form 8700-12, conform use of defined terms, correct grammar and punctuation, and simplify phrasing to add clarity to previously adopted rules.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to docket R19-11. 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 docket R19-11.

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 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].
- 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 R19-11 and be addressed to:

Don A. Brown, Clerk  
Illinois Pollution Control Board



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago IL 60601

Please direct inquiries to the following person and reference docket R19-11:

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

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

Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's website at [pcb.illinois.gov](http://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].
- 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].
- 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].

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 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 (2018)] 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 2019

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

SUBPART A: GENERAL PROVISIONS

- Section  
725.101 Purpose, Scope, and Applicability  
725.102 Electronic Reporting  
725.104 Imminent Hazard Action

SUBPART B: GENERAL FACILITY STANDARDS

- Section  
725.110 Applicability  
725.111 USEPA Identification Number  
725.112 Required Notices  
725.113 General Waste Analysis  
725.114 Security  
725.115 General Inspection Requirements  
725.116 Personnel Training  
725.117 General Requirements for Ignitable, Reactive, or Incompatible Wastes  
725.118 Location Standards  
725.119 Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

- Section  
725.130 Applicability  
725.131 Maintenance and Operation of Facility  
725.132 Required Equipment  
725.133 Testing and Maintenance of Equipment  
725.134 Access to Communications or Alarm System  
725.135 Required Aisle Space

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

725.137 Arrangements with Local Authorities

## SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

## Section

725.150 Applicability  
725.151 Purpose and Implementation of Contingency Plan  
725.152 Content of Contingency Plan  
725.153 Copies of Contingency Plan  
725.154 Amendment of Contingency Plan  
725.155 Emergency Coordinator  
725.156 Emergency Procedures

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

## Section

725.170 Applicability  
725.171 Use of Manifest System  
725.172 Manifest Discrepancies  
725.173 Operating Record  
725.174 Availability, Retention, and Disposition of Records  
725.175 Annual Report  
725.176 Unmanifested Waste Report  
725.177 Additional Reports

## SUBPART F: GROUNDWATER MONITORING

## Section

725.190 Applicability  
725.191 Groundwater Monitoring System  
725.192 Sampling and Analysis  
725.193 Preparation, Evaluation, and Response  
725.194 Recordkeeping and Reporting

## SUBPART G: CLOSURE AND POST-CLOSURE CARE

## Section

725.210 Applicability  
725.211 Closure Performance Standard

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

725.212	Closure Plan; Amendment of Plan
725.213	Closure; Time Allowed for Closure
725.214	Disposal or Decontamination of Equipment, Structures, and Soils
725.215	Certification of Closure
725.216	Survey Plat
725.217	Post-Closure Care and Use of Property
725.218	Post-Closure Care Plan; Amendment of Plan
725.219	Post-Closure Notices
725.220	Certification of Completion of Post-Closure Care
725.221	Alternative Post-Closure Care Requirements

## SUBPART H: FINANCIAL REQUIREMENTS

Section	
725.240	Applicability
725.241	Definitions of Terms as Used in this Subpart H
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
725.251	Promulgation of Forms (Repealed)

## SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section	
725.270	Applicability
725.271	Condition of Containers
725.272	Compatibility of Waste with Containers
725.273	Management of Containers
725.274	Inspections
725.276	Special Requirements for Ignitable or Reactive Wastes
725.277	Special Requirements for Incompatible Wastes
725.278	Air Emission Standards

## SUBPART J: TANK SYSTEMS

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## Section

725.290	Applicability
725.291	Assessment of Existing Tank System Integrity
725.292	Design and Installation of New Tank Systems or Components
725.293	Containment and Detection of Releases
725.294	General Operating Requirements
725.295	Inspections
725.296	Response to Leaks or Spills and Disposition of Tank Systems
725.297	Closure and Post-Closure Care
725.298	Special Requirements for Ignitable or Reactive Wastes
725.299	Special Requirements for Incompatible Wastes
725.300	Waste Analysis and Trial Tests
725.301	Generators of 100 to 1,000 Kilograms of Hazardous Waste Per Month (Repealed)
725.302	Air Emission Standards

## SUBPART K: SURFACE IMPOUNDMENTS

## Section

725.320	Applicability
725.321	Design and Operating Requirements
725.322	Action Leakage Rate
725.323	Containment System
725.324	Response Actions
725.325	Waste Analysis and Trial Tests
725.326	Monitoring and Inspections
725.328	Closure and Post-Closure Care
725.329	Special Requirements for Ignitable or Reactive Wastes
725.330	Special Requirements for Incompatible Wastes
725.331	Air Emission Standards

## SUBPART L: WASTE PILES

## Section

725.350	Applicability
725.351	Protection from Wind
725.352	Waste Analysis
725.353	Containment
725.354	Design and Operating Requirements

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

725.355	Action Leakage Rates
725.356	Special Requirements for Ignitable or Reactive Wastes
725.357	Special Requirements for Incompatible Wastes
725.358	Closure and Post-Closure Care
725.359	Response Actions
725.360	Monitoring and Inspections

## SUBPART M: LAND TREATMENT

Section	
725.370	Applicability
725.372	General Operating Requirements
725.373	Waste Analysis
725.376	Food Chain Crops
725.378	Unsaturated Zone (Zone of Aeration) Monitoring
725.379	Recordkeeping
725.380	Closure and Post-Closure Care
725.381	Special Requirements for Ignitable or Reactive Wastes
725.382	Special Requirements for Incompatible Wastes

## SUBPART N: LANDFILLS

Section	
725.400	Applicability
725.401	Design Requirements
725.402	Action Leakage Rate
725.403	Response Actions
725.404	Monitoring and Inspections
725.409	Surveying and Recordkeeping
725.410	Closure and Post-Closure Care
725.412	Special Requirements for Ignitable or Reactive Wastes
725.413	Special Requirements for Incompatible Wastes
725.414	Special Requirements for Liquid Wastes
725.415	Special Requirements for Containers
725.416	Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

## SUBPART O: INCINERATORS

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Section	
725.440	Applicability
725.441	Waste Analysis
725.445	General Operating Requirements
725.447	Monitoring and Inspections
725.451	Closure
725.452	Interim Status Incinerators Burning Particular Hazardous Wastes

## SUBPART P: THERMAL TREATMENT

Section	
725.470	Other Thermal Treatment
725.473	General Operating Requirements
725.475	Waste Analysis
725.477	Monitoring and Inspections
725.481	Closure
725.482	Open Burning; Waste Explosives
725.483	Interim Status Thermal Treatment Devices Burning Particular Hazardous Wastes

## SUBPART Q: CHEMICAL, PHYSICAL, AND BIOLOGICAL TREATMENT

Section	
725.500	Applicability
725.501	General Operating Requirements
725.502	Waste Analysis and Trial Tests
725.503	Inspections
725.504	Closure
725.505	Special Requirements for Ignitable or Reactive Wastes
725.506	Special Requirements for Incompatible Wastes

## SUBPART R: UNDERGROUND INJECTION

Section	
725.530	Applicability

## SUBPART W: DRIP PADS

Section	
725.540	Applicability



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

725.541	Assessment of Existing Drip Pad Integrity
725.542	Design and Installation of New Drip Pads
725.543	Design and Operating Requirements
725.544	Inspections
725.545	Closure

## SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section	
725.930	Applicability
725.931	Definitions
725.932	Standards: Process Vents
725.933	Standards: Closed-Vent Systems and Control Devices
725.934	Test Methods and Procedures
725.935	Recordkeeping Requirements

## SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section	
725.950	Applicability
725.951	Definitions
725.952	Standards: Pumps in Light Liquid Service
725.953	Standards: Compressors
725.954	Standards: Pressure Relief Devices in Gas/Vapor Service
725.955	Standards: Sampling Connecting Systems
725.956	Standards: Open-Ended Valves or Lines
725.957	Standards: Valves in Gas/Vapor or Light Liquid Service
725.958	Standards: Pumps, Valves, Pressure Relief Devices, Flanges, and Other Connectors
725.959	Standards: Delay of Repair
725.960	Standards: Closed-Vent Systems and Control Devices
725.961	Percent Leakage Alternative for Valves
725.962	Skip Period Alternative for Valves
725.963	Test Methods and Procedures
725.964	Recordkeeping Requirements

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS,  
SURFACE IMPOUNDMENTS, AND CONTAINERS

Section

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

725.980	Applicability
725.981	Definitions
725.982	Schedule for Implementation of Air Emission Standards
725.983	Standards: General
725.984	Waste Determination Procedures
725.985	Standards: Tanks
725.986	Standards: Surface Impoundments
725.987	Standards: Containers
725.988	Standards: Closed-Vent Systems and Control Devices
725.989	Inspection and Monitoring Requirements
725.990	Recordkeeping Requirements
725.991	Alternative Tank Emission Control Requirements (Repealed)

## SUBPART DD: CONTAINMENT BUILDINGS

## Section

725.1100	Applicability
725.1101	Design and Operating Standards
725.1102	Closure and Post-Closure Care

## SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

## Section

725.1200	Applicability
725.1201	Design and Operating Standards
725.1202	Closure and Post-Closure Care

725.APPENDIX A	Recordkeeping Instructions
725.APPENDIX B	EPA Report Form and Instructions (Repealed)
725.APPENDIX C	USEPA Interim Primary Drinking Water Standards
725.APPENDIX D	Tests for Significance
725.APPENDIX E	Examples of Potentially Incompatible Wastes
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].

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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: GENERAL FACILITY STANDARDS

**Section 725.111 USEPA Identification Number**

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Every facility owner or operator must apply to ~~the Agency~~USEPA Region 5 for a USEPA identification number using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12). ~~The facility owner or operator must obtain a copy of the form from the Agency, Bureau of Land (217-782-6762), and submit a completed copy of the form to the Bureau of Land, in addition to notification to USEPA.~~

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](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and).

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

**Section 725.156 Emergency Procedures**

- a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately do the following:
  - 1) He or she must activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and
  - 2) He or she must notify appropriate State or local agencies with designated response roles if their help is needed.
- b) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials. He or she may do this by observation or review of facility records or manifests and, if necessary, by chemical analysis.
- c) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water ~~run-off~~runoffs from water or chemical agents used to control fire and heat-induced explosions).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- d) If the emergency coordinator determines that the facility has had a release, fire, or explosion that could threaten human health or the environment outside the facility, he or she must report ~~those~~his findings as follows:
- 1) If ~~the~~his assessment indicates that evacuation of local areas may be advisable, the emergency coordinator must immediately notify appropriate local authorities. The emergency coordinator~~He or she~~ must be available to help appropriate officials decide whether local areas should be evacuated; and
  - 2) The emergency coordinator must immediately notify either the government official designated as the on-scene coordinator for that geographical area, or the National Response Center (using their 24-hour toll free number 800-424-8802). The report must include the following:
    - A) The name and telephone number of the reporter;
    - B) The name and address of facility;
    - C) The time and type of incident (e.g., release, fire, etc.);
    - D) The name and quantity of materials involved, to the extent known;
    - E) The extent of injuries, if any; and
    - F) The possible hazards to human health or the environment outside the facility.
- e) During an emergency the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.
- f) If the facility stops operations in response to a fire, explosion or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- g) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil, or surface water, or any other material that results from a release, fire, or explosion at the facility.

BOARD NOTE: Unless the owner or operator can demonstrate in accordance with 35 Ill. Adm. Code 721.103(d) or (e) that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 722, 723, and 725.

- h) The emergency coordinator must ensure that, in the affected areas of the facility, the following occur:
- 1) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and
  - 2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.
- i) The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, it must submit a written report on the incident to the Agency. The report must include the following information:
- 1) The name, address, and telephone number of the owner or operator;
  - 2) The name, address, and telephone number of the facility;
  - 3) The date, time, and type of incident (e.g., fire, explosion, etc.);
  - 4) The name and quantity of materials involved;
  - 5) The extent of injuries, if any;
  - 6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and
  - 7) The estimated quantity and disposition of recovered material that resulted

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

from the incident.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: GROUNDWATER MONITORING

**Section 725.190 Applicability**

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 2) The potential for hazardous waste or hazardous waste constituents that enter the uppermost aquifer to migrate to a water supply well or surface water by an evaluation of the following information:
  - A) Saturated zone characteristics (i.e., geologic materials, physical properties, and rate of groundwater flow); and
  - B) The proximity of the facility to water supply wells or surface water.
  
- d) If an owner or operator assumes (or knows) that groundwater monitoring of indicator parameters in accordance with Sections 725.191 and 725.192 would show statistically significant increases (or decreases in the case of pH) when evaluated pursuant to Section 725.193(b), it may install, operate, and maintain an alternate groundwater monitoring system (other than the one described in Sections 725.191 and 725.192). If the owner or operator decides to use an alternate groundwater monitoring system, it must have done as follows:
  - 1) The owner or operator must develop a specific plan, certified by a qualified geologist or geotechnical engineer, that satisfies the requirements of federal 40 CFR 265.93(d)(3) for an alternate groundwater monitoring system. This plan is to be placed in the facility's operating record and maintained until closure of the facility;
  - 2) The owner or operator must have initiated the determinations specified in federal 40 CFR 265.93(d)(4);
  - 3) The owner or operator must prepare a written report in accordance with Section 725.193(d)(5) and place it in the facility's operating record and maintain until closure of the facility;
  - 4) The owner or operator must continue to make the determinations specified in Section 725.193(d)(4) on a quarterly basis until final closure of the facility; and
  - 5) The owner or operator must comply with the recordkeeping and reporting requirements in Section 725.194(b).
  
- e) The groundwater monitoring requirements of this Subpart F may be waived with



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

respect to any surface impoundment of which the following is true:

- 1) The impoundment is used to neutralize wastes that are hazardous solely because they exhibit the corrosivity characteristic pursuant to 35 Ill. Adm. Code 721.122 or which are listed as hazardous wastes in Subpart D of 35 Ill. Adm. Code 721 only for this reason; and
  - 2) The impoundment contains no other hazardous wastes, if the owner or operator can demonstrate that there is no potential for migration of hazardous wastes from the impoundment. The demonstration must establish, based upon consideration of the characteristics of the wastes and the impoundment, that the corrosive wastes will be neutralized to the extent that they no longer meet the corrosivity characteristic before they can migrate out of the impoundment. The demonstration must be in writing and must be certified by a qualified professional.
- f) A permit or enforceable document can contain alternative requirements for groundwater monitoring that replace all or part of the requirements of this Subpart F applicable to a regulated unit (as defined in 35 Ill. Adm. Code 724.190), as provided pursuant to 35 Ill. Adm. Code 703.161, where the Board has determined by an adjusted standard granted pursuant to Section 28.1 of the Act and Subpart D of 35 Ill. Adm. Code 104 the following:
- 1) The regulated unit is situated among solid waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more solid waste management units (or areas of concern) are likely to have contributed to the release; and
  - 2) It is not necessary to apply the groundwater monitoring requirements of this Subpart F because the alternative requirements will adequately protect human health and the environment. The alternative standards for the regulated unit must meet the requirements of 35 Ill. Adm. Code 724.201(a).

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART G: CLOSURE AND POST-CLOSURE CARE

**Section 725.212 Closure Plan; Amendment of Plan**

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- a) **Written Plan.** Within six months after the effective date of the rule that first subjects a facility to provisions of this Section, the owner or operator of a hazardous waste management facility must have a written closure plan. Until final closure is completed and certified in accordance with Section 725.215, a copy of the most current plan must be furnished to the Agency upon request including request by mail. In addition, for facilities without approved plans, it must also be provided during site inspections on the day of inspection to any officer, employee, or representative of the Agency.
- b) **Content of Plan.** The plan must identify the steps necessary to perform partial or final closure of the facility at any point during its active life. The closure plan must include the following minimal information:
- 1) A description of how each hazardous waste management unit at the facility will be closed in accordance with Section 725.211;
  - 2) A description of how final closure of the facility will be conducted in accordance with Section 725.211. The description must identify the maximum extent of the operation that will be unclosed during the active life of the facility;
  - 3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial and final closure, including, but not limited to methods for removing, transporting, treating, storing, or disposing of all hazardous waste, and identification of and the types of off-site hazardous waste management units to be used, if applicable;
  - 4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures, and soils during partial and final closure including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination necessary to satisfy the closure performance standard;
  - 5) A detailed description of other activities necessary during the partial and final closure periods to ensure that all partial closures and final closure

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and ~~run-on/runoff~~ and run-off/runoff control;

- 6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities that will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat or dispose of all hazardous waste inventory and of the time required to place a final cover must be included.);
  - 7) An estimate of the expected year of final closure for facilities that use trust funds to demonstrate financial assurance under Section 725.243 or 725.245 and whose remaining operating life is less than twenty years, and for facilities without approved closure plans; and
  - 8) For a facility where alternative requirements are established at a regulated unit under Section 725.190(f), 725.210(d), or 725.240(d), as provided under 35 Ill. Adm. Code 703.161, either the alternative requirements applying to the regulated unit or a reference to the enforceable document containing those alternative requirements.
- c) Amendment of Plan. The owner or operator may amend the closure plan at any time prior to the notification of partial or final closure of the facility. An owner or operator with an approved closure plan must submit a written request to the Agency to authorize a change to the approved closure plan. The written request must include a copy of the amended closure plan for approval by the Agency.
- 1) The owner or operator must amend the closure plan whenever any of the following occurs:
    - A) Changes in the operating plans or facility design affect the closure plan;
    - B) Whenever there is a change in the expected year of closure, if applicable;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- C) In conducting partial or final closure activities, unexpected events require a modification of the closure plan; or
  - D) The owner or operator requests the establishment of alternative requirements, as provided under 35 Ill. Adm. Code 703.161, to a regulated unit under Section 725.190(f), 725.210(c), or 725.240(d).
- 2) The owner or operator must amend the closure plan at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred that has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator must amend the closure plan no later than 30 days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles that intended to remove all hazardous wastes at closure, but are required to close as landfills in accordance with Section 725.410.
  - 3) An owner or operator with an approved closure plan must submit the modified plan to the Agency at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred that has affected the closure plan. If an unexpected event has occurred during the partial or final closure period, the owner or operator must submit the modified plan no more than 30 days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles that intended to remove all hazardous wastes at closure but are required to close as landfills in accordance with Section 725.410. If the amendment to the plan is a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 703.280, the modification to the plan must be approved according to the procedures in subsection (d)(4).
  - 4) The Agency may request modifications to the plan under the conditions described in subsection (c)(1). An owner or operator with an approved closure plan must submit the modified plan within 60 days after the request from the Agency, or within 30 days if the unexpected event occurs during partial or final closure. If the amendment is considered a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 703.280, the modification to the plan must be approved in accordance with the procedures in subsection (d)(4).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- d) Notification of Partial Closure and Final Closure
- 1) When ~~Notice~~notice is Required
- A) The owner or operator must submit the closure plan to the Agency at least 180 days prior to the date on which the owner or operator expects to begin closure of the first surface impoundment, waste pile, land treatment, or landfill unit, or final closure if it involves such a unit, whichever is earlier.
- B) The owner or operator must submit the closure plan to the Agency at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace.
- C) The owner or operator must submit the closure plan to the Agency at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage, or incinerator units.
- D) An owner or operator with an approved closure plan must notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, landfill, or land treatment unit, or final closure of a facility involving such a unit.
- E) An owner or operator with an approved closure plan must notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace.
- F) An owner or operator with an approved closure plan must notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage, or incinerator units.
- 2) The date when the owner or operator "expects to begin closure" must be either of the following dates:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- A) Within 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner or operator has taken and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all interim status requirements, the Agency must approve an extension to this one-year limit; or
  - B) For units meeting the requirements of Section 725.213(d), no later than 30 days after the date on which the hazardous waste management unit receives the known final volume of non-hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator demonstrates to the Agency that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable interim status requirements, the Agency must approve an extension to this one-year limit.
- 3) The owner or operator must submit the closure plan to the Agency no later than 15 days after occurrence of either of the following events:
- A) Termination of interim status (except when a permit is issued to the facility simultaneously with termination of interim status); or
  - B) Issuance of a judicial decree or Board order to cease receiving hazardous wastes or to close the facility or unit.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 4) The Agency must provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the plan and request modifications of the plan no later than 30 days from the date of the notice. The Agency must also, in response to a request or at its own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning a closure plan. The Agency must give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments and the two notices may be combined.) The Agency must approve, modify, or disapprove the plan within 90 days after its receipt. If the Agency does not approve the plan, the Agency must provide the owner or operator with a detailed written statement of reasons for the refusal, and the owner or operator must modify the plan or submit a new plan for approval within 30 days after receiving such written statement. The Agency must approve or modify this plan in writing within 60 days. If the Agency modifies the plan, this modified plan becomes the approved closure plan. The Agency must assure that the approved plan is consistent with Sections 725.211 through 725.215 and the applicable requirements of Sections 725.190 et seq., 725.297, 725.328, 725.358, 725.380, 725.410, 725.451, 725.481, 725.504, and 725.1102. A copy of this modified plan with a detailed statement of reasons for the modifications must be mailed to the owner or operator.
- e) Removal of Wastes and Decontamination or Dismantling of Equipment. Nothing in this Section precludes the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART J: TANK SYSTEMS

**Section 725.296 Response to Leaks or Spills and Disposition of Tank Systems**

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- a) Cease Using; Prevent Flow or Addition of Wastes. The owner or operator must immediately stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.
- b) Removal of Waste from Tank System or Secondary Containment System
  - 1) If the release was from the tank system, the owner or operator must, within 24 hours after detection of the leak, remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the tank system to be performed.
  - 2) If the release was to a secondary containment system, all released materials must be removed within 24 hours to prevent harm to human health and the environment.
- c) Containment of Visible Releases to the Environment. The owner or operator must immediately conduct a visual inspection of the release and, based upon that inspection, do the following:
  - 1) Prevent further migration of the leak or spill to soils or surface water; and
  - 2) Remove and properly dispose of any visible contamination of the soil or surface water.
- d) Notifications; Reports
  - 1) Any release to the environment, except as provided in subsection (d)(2), must be reported to the Agency within 24 hours after detection.
  - 2) A leak or spill of hazardous waste is exempted from the requirements of this subsection (d) if the following occur:
    - A) The spill is less than or equal to a quantity of one pound (0.45 kg); and
    - B) The spill is immediately contained and cleaned-up.



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 3) Within 30 days after detection of a release to the environment, a report containing the following information must be submitted to the Agency:
  - A) Likely route of migration of the release;
  - B) Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate, etc.);
  - C) Results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within 30 days, these data must be submitted to the Agency as soon as they become available;
  - D) Proximity to downgradient drinking water, surface water, and population areas; and
  - E) Description of response actions taken or planned.
- e) Provision of Secondary Containment, Repair, or Closure
  - 1) Unless the owner or operator satisfies the requirements of subsections (e)(2) through (e)(4), the tank system must be closed in accordance with Section 725.297.
  - 2) If the cause of the release was a spill that has not damaged the integrity of the system, the owner or operator may return the system to service as soon as the released waste is removed and repairs, if necessary, are made.
  - 3) If the cause of the release was a leak from the primary tank system into the secondary containment system, the system must be repaired prior to returning the tank system to service.
  - 4) If the source of the release was a leak to the environment from a component of a tank system without secondary containment, the owner or operator must provide the component of the system from which the leak occurred with secondary containment that satisfies the requirements of Section 725.293 before it is returned to service, unless the source of the leak is an aboveground portion of a tank system. If the source is an aboveground component that can be inspected visually, the component

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

must be repaired and may be returned to service without secondary containment as long as the requirements of subsection (f) are satisfied. If a component is replaced to comply with the requirements of this subsection (e)(4), that component must satisfy the requirements for new tank systems or components in Sections 725.292 and 725.293. Additionally, if a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection (e.g., the bottom of an inground or ~~on-ground~~ on-ground tank), the entire component must be provided with secondary containment in accordance with Section 725.293 prior to being returned to use.

- f) **Certification of Major Repairs.** If the owner or operator has repaired a tank system in accordance with subsection (e), and the repair has been extensive (e.g., installation of an internal liner, repair of a ruptured primary containment or secondary containment vessel, etc.), the tank system must not be returned to service unless the owner or operator has obtained a certification by a qualified Professional Engineer, in accordance with 35 Ill. Adm. Code 702.126(d), that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. This certification must be placed in the operating record and maintained until closure of the facility.

BOARD NOTE: See Section 725.115(c) for the requirements necessary to remedy a failure. Also, federal 40 CFR 302.6 requires the owner or operator to notify the National Response Center of a release of any "reportable quantity".

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART L: WASTE PILES

**Section 725.353 Containment**

If leachate or run-off from a pile is a hazardous waste, then control of the leachate or ~~run-off~~ runoff must be accomplished by either of the following means:

- a) **Control by Pile Design, Construction, and Operation**
- 1) The pile must be placed on an impermeable base that is compatible with the waste under the conditions of treatment or storage;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 2) The owner or operator must design, construct, operate and maintain a run-on control system capable of preventing flow onto the active portion of the pile during peak discharge from at least a 25-year storm;
  - 3) The owner or operator must design, construct, operate and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm; and
  - 4) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously to maintain design capacity of the system; or
- b) Alternative Control
- 1) The pile must be protected from precipitation and ~~run-on/runoff~~ by some other means; and
  - 2) No liquids or wastes containing free liquids may be placed in the pile.

BOARD NOTE: If collected leachate or ~~run-off/runoff~~ is discharged through a point source to waters of the United States, it is subject to the requirements of Section 12 of the ~~Illinois~~ [Environmental Protection](#) Act.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Facilities Operating under a RCRA Standardized Permit
- 2) Code Citation: 35 Ill. Adm. Code 727
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
727.110	Amendment
727.900	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 727 are a single segment of the docket R19-11 rulemaking that also affects 35 Ill. Adm. Code 703, 720 through 725, 733, and 739. The R19-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during the second half of 2018: July 1, 2018 through December 31, 2018. A comprehensive description is contained in the Board's opinion and order of February 14, 2019, proposing amendments in docket R19-11, which opinion and order is available from the address below.

R19-11 further includes limited corrections and conforming revisions that the Board finds necessary to previously adopted rules. The Board includes non-substantive stylistic revisions to provisions opened for amendments--many of anticipate changes ordinarily requested by the Joint Committee on Administrative Rules (JCAR).

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

Conditional Exclusion of Airbag Waste from Regulation as Hazardous Waste—November 30, 2018 (83 Fed. Reg. 61552): By an interim final rule immediately effective on publication, USEPA conditionally excluded airbag waste from regulation as hazardous waste by amendments to 40 CFR 260, 261, and 262. The Board incorporates most of these USEPA revisions into corresponding 35 Ill. Adm. Code 720, 721, and 722. USEPA intended to avoid hazardous waste requirements impeding replacement of defective airbags in the Takata recall.

Specifically, the amendments to Part 727 standardize use of USEPA Form 8700-12, removes unnecessary dates from citations to federal rules that are not incorporated by reference, correct punctuation and diction, and simplify phrasing to add clarity to previously adopted rules.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to docket R19-11. 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 docket R19-11.

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 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].
- 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 R19-11 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 docket R19-11:

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

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

Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's website at [pcb.illinois.gov](http://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].
- 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].
- 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].

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 (2018)] provide that small business impact

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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 2019

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 727

STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE  
FACILITIES OPERATING UNDER A RCRA STANDARDIZED PERMIT

## Section

727.100	General
727.110	General Facility Standards
727.130	Preparedness and Prevention
727.150	Contingency Plan and Emergency Procedures
727.170	Recordkeeping, Reporting, and Notifying
727.190	Releases from Solid Waste Management Units
727.210	Closure
727.240	Financial Requirements
727.270	Use and Management of Containers
727.290	Tank Systems
727.900	Containment Buildings

## 727.APPENDIX A Financial Assurance Forms (Repealed)

727.ILLUSTRATION A	Letter of Chief Financial Officer: Financial Assurance for Facility Closure (Repealed)
727.ILLUSTRATION B	Letter of Chief Financial Officer: Financial Assurance for Liability Coverage (Repealed)

## 727.APPENDIX B Correlation of State and Federal Provisions

727.TABLE A	Correlation of Federal RCRA Standardized Permit Provisions to State Provisions
727.TABLE B	Correlation of State RCRA Standardized Permit Provisions to Federal Provisions

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

SOURCE: Adopted in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1146, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12829, effective July 14, 2008; amended in R13-15 at 37 Ill. Reg. 17909, effective October 24, 2013; amended in R14-1/R14-2/R14-3 at 38 Ill.



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Reg. 7221, effective March 13, 2014; amended in R16-7 at 40 Ill. Reg. 12011, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 24055, effective November 19, 2018; amended in R19-11 at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 727.110 General Facility Standards**

- a) Applicability of This Section. This Section applies to the owner or operator of a facility that treats or stores hazardous waste under a ~~Subpart J~~ of 35 Ill. Adm. Code 703.Subpart J RCRA standardized permit, except as provided in Section 727.100(a)(2).

BOARD NOTE: Subsection (a) is derived from 40 CFR 267.10 ~~(2017)~~.

- b) Compliance with This Section. To comply with this Section, the facility owner or operator must obtain a USEPA identification number, and follow the requirements of this Part for waste analysis, security, inspections, training, special waste handling, and location standards.

BOARD NOTE: Subsection (b) is derived from 40 CFR 267.11 ~~(2017)~~.

- c) Obtaining a USEPA Identification Number. The facility owner or operator must apply to ~~the Agency~~ USEPA Region 5 for a USEPA identification number using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12). ~~The owner or operator must obtain a copy of the form from the Agency, and submit a completed copy of the form to the Bureau of Land, in addition to notification to USEPA Region 5.~~

BOARD NOTE: Subsection (c) is derived from 40 CFR 267.12 ~~(2017)~~. 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](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and).

- d) Waste Analysis Requirements
- 1) Before it treats or stores any hazardous wastes, the facility owner or operator must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information needed to treat or store the waste to comply

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

with this Part and 35 Ill. Adm. Code 728.

- A) The facility owner or operator may include data in the analysis that was developed pursuant to 35 Ill. Adm. Code 721 or data published or documented on the hazardous waste or on hazardous waste generated from similar processes.
  - B) The facility owner or operator must repeat the analysis as necessary to ensure that it is accurate and up to date. At a minimum, the owner or operator must repeat the analysis if the process or operation generating the hazardous wastes has changed.
- 2) The facility owner or operator must develop and follow a written waste analysis plan that describes the procedures it will follow to comply with subsection (d)(1). The owner or operator must keep this plan at the facility. If the owner or operator receives wastes generated from off-site and is eligible for a RCRA standardized permit, the owner or operator also must have submitted the waste analysis plan with the Notice of Intent. At a minimum, the plan must specify all of the following:
- A) The hazardous waste parameters that the owner or operator will analyze and the rationale for selecting these parameters (that is, how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (d)(1)).
  - B) The test methods the owner or operator will use to test for these parameters.
  - C) The sampling method the owner or operator will use to obtain a representative sample of the waste to be analyzed. The owner or operator may obtain a representative sample using either of the following methods:
    - i) One of the sampling methods described in Appendix A of 35 Ill. Adm. Code 721; or
    - ii) An equivalent sampling method.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- D) How frequently the owner or operator will review or repeat the initial analysis of the waste to ensure that the analysis is accurate and up to date.
- E) Where applicable, the methods the owner or operator will use to meet the additional waste analysis requirements for specific waste management methods, as specified in 35 Ill. Adm. Code 724.117, 724.934(d), 724.963(d), and 724.983.

BOARD NOTE: Subsection (d) is derived from 40 CFR 267.13-~~(2017)~~.

e) Security Requirements

- 1) The facility owner or operator must prevent, and minimize the possibility for, livestock and unauthorized people from entering the active portion of its facility.
- 2) The facility must have either of the features listed in subsection (e)(2)(A) or those listed in subsections (e)(2)(B), ~~and (e)(2)(C)~~:
  - A) A 24-hour surveillance system (for example, television monitoring or surveillance by guards or facility personnel) that continuously monitors and controls entry onto the active portion of the facility; or
  - B) Both:
    - i) An artificial or natural barrier (for example, a fence in good repair or a fence combined with a cliff) that completely surrounds the active portion of the facility; and
    - ii) A means to control entry, at all times, through the gates or other entrances to the active portion of the facility (for example, an attendant, television monitors, locked entrance, or controlled roadway access to the facility).
- 3) The facility owner or operator must post a sign at each entrance to the active portion of a facility, and at other prominent locations, in sufficient numbers to be seen from any approach to this active portion. The sign

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

must bear the legend "Danger – Unauthorized Personnel Keep Out". The legend must be in English and in any other language predominant in the area surrounding the facility (for example, French or Spanish), and must be legible from a distance of at least 25 feet. The owner or operator may use existing signs with a legend other than "Danger – Unauthorized Personnel Keep Out" if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion and entry onto the active portion can be dangerous.

BOARD NOTE: Subsection (e) is derived from 40 CFR 267.14-~~(2017)~~.

- f) General Inspection Requirements
- 1) The owner or operator must inspect its facility for malfunctions and deterioration, operator errors, and discharges that may be causing, or may lead to either of the conditions listed in subsection (f)(1)(A) or (f)(1)(B). The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they result in harm to human health and the environment.
    - A) A release of hazardous waste constituents to the environment; or
    - B) A threat to human health.
  - 2) The facility owner or operator must develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.
    - A) The owner or operator must keep this schedule at the facility.
    - B) The schedule must identify the equipment and devices that the owner or operator will inspect and what problems it will look for, such as malfunctions or deterioration of equipment (for example, inoperative sump pump, leaking fitting, etc.).
    - C) The frequency of the owner's or operator's inspections may vary for the items on the schedule. However, the frequency should be

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies required in Sections 727.270(e), 727.290(d) and (f), and 727.900(d) and 35 Ill. Adm. Code 724.933, 724.952, 724.953, 724.958, and 724.983 through 724.989, when/where applicable.

- 3) The facility owner or operator must remedy any deterioration or malfunction of equipment or structures that the inspection reveals in time to prevent any environmental or human health hazards. When/Where hazard is imminent or has already occurred, the owner or operator must take immediate remedial action.
- 4) The facility owner or operator must record all inspections. The owner or operator must keep these records for at least three years from the date of inspection. At a minimum, the owner or operator must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

BOARD NOTE: Subsection (f) is derived from 40 CFR 267.15-~~(2017)~~.

- g) Employee Training
  - 1) Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this Part. The facility owner or operator must ensure that this program includes all the elements described in the documents that are required pursuant to subsection (g)(4)(C).
    - A) A person trained in hazardous waste management procedures must direct this program; and must teach facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to their employment positions.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- B) At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by including instruction on emergency procedures, emergency equipment, and emergency systems, including all of the following, whenwhere applicable:
- i) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment.
  - ii) Key parameters for automatic waste feed cut-off systems.
  - iii) Communications or alarm systems.
  - iv) Response to fires or explosions.
  - v) Response to groundwater contamination incidents.
  - vi) Shutdown of operations.
- 2) Facility personnel must successfully complete the program required in subsection (g)(1) within six months after the date of their employment or assignment to a facility or to a new position at a facility, whichever is later. Employees hired after the effective date of the owner's or operator's RCRA standardized permit must not work in unsupervised positions until they have completed the training requirements of subsection (g)(1).
- 3) Facility personnel must take part in an annual review of the initial training required in subsection (g)(1).
- 4) The facility owner or operator must maintain the following documents and records at its facility:
- A) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;
  - B) A written job description for each position listed pursuant to subsection (g)(4)(A). This description must include the requisite skill, education, or other qualifications, and duties of employees assigned to each position;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- C) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed pursuant to subsection (g)(4)(A);
  - D) Records that document that facility personnel have received and completed the training or job experience required pursuant to subsections (g)(1), (g)(2), and (g)(3).
- 5) The facility owner or operator must keep training records on current personnel until its facility closes. The owner or operator must keep training records on former employees for at least three years from the date the employee last worked at its facility. Personnel training records may accompany personnel transferred within a company.

BOARD NOTE: Subsection (g) is derived from 40 CFR 267.16-~~(2017)~~.

- h) Requirements for Managing Ignitable, Reactive, or Incompatible Wastes
- 1) The facility owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste by following these requirements:
    - A) The owner or operator must separate these wastes and protect them from sources of ignition or reaction such as open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (for example, from heat-producing chemical reactions), and radiant heat.
    - B) While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flames to specially designated locations.
    - C) "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.
  - 2) If it treats or stores ignitable or reactive waste, or mixes incompatible waste or incompatible wastes and other materials, the owner or operator must take precautions to prevent reactions that do the following:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- A) Generate extreme heat or pressure, fire or explosions, or violent reactions.
  - B) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment.
  - 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 device or facility.
  - E) Threaten human health and the environment in any similar way.
- 3) The facility owner or operator must document compliance with subsection (h)(1) or (h)(2). The owner or operator may base this documentation on references to published scientific or engineering literature, data from trial tests (for example bench scale or pilot scale tests), waste analyses (as specified in Section 727.110(d)), or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

BOARD NOTE: Subsection (h) is derived from 40 CFR 267.17-~~(2017)~~.

- i) Facility Location Standards
  - 1) The facility owner or operator may not locate any portion of a new facility where hazardous waste will be treated or stored within 61 meters (200 feet) of a fault that has had displacement in Holocene time.
    - A) "Fault" means a fracture along which rocks on one side have been displaced with respect to those on the other side.
    - B) "Displacement" means the relative movement of any two sides of a fault measured in any direction.
    - C) "Holocene" means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene to the present.



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: Under the note to corresponding 40 CFR 267.18(a)(3) and 40 CFR 270.14(b)(11), a facility that is ~~located~~ in a political jurisdiction other than those listed in appendix VI of 40 CFR 264, incorporated by reference in 35 Ill. Adm. Code 720.111(b), is assumed to be in compliance with this requirement. No area of Illinois is listed in appendix VI of 40 CFR 264.

- 2) If an owner's or operator's facility is located within a 100-year flood plain, it must be designed, constructed, operated, and maintained to prevent washout of any hazardous waste by a 100-year flood.
  - A) "100-year flood plain" means any land area that is subject to a one percent or greater chance of flooding in any given year from any source.
  - B) "Washout" means the movement of hazardous waste from the active portion of the facility as a result of flooding.
  - C) "100-year flood" means a flood that has a one percent chance of being equaled or exceeded in any given year.

BOARD NOTE: Subsection (i) is derived from 40 CFR 267.18 ~~(2017)~~.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 727.900 Containment Buildings**

- a) **Applicability of This Section.** This Section applies to the owner or operator of a facility that treats or stores hazardous waste in containment buildings under a RCRA standardized permit pursuant to ~~Subpart J of~~ 35 Ill. Adm. Code 703. ~~Subpart J~~, except as provided in Section 727.100(a)(2). Storage or treatment in a containment building is not land disposal, as defined in 35 Ill. Adm. Code 728.102, if the unit meets the requirements of subsections (b), (c), and (d).

BOARD NOTE: Subsection (a) is derived from 40 CFR 267.1100 ~~(2017)~~.

- b) **Design and Operating Standards for Containment Buildings.** A containment building must comply with the design and operating standards in this subsection (b). The Agency may consider standards established by professional

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

organizations generally recognized by the industry, such as the American Concrete Institute (ACI) or the American Society of Testing Materials (ASTM), in judging the structural integrity requirements of this subsection (b).

- 1) The containment building must be completely enclosed with a floor, walls, and a roof to prevent exposure to the elements (e.g., precipitation, wind, ~~run-on/run-off~~, etc.), and to assure containment of managed wastes.
- 2) The floor and containment walls of the unit, including the secondary containment system, if required pursuant to subsection (d), must be designed and constructed of manmade materials of sufficient strength and thickness to accomplish the following:
  - A) They must support themselves, the waste contents, and any personnel and heavy equipment that operates within the unit;
  - B) They must prevent failure due to any of the following causes:
    - i) Pressure gradients, settlement, compression, or uplift;
    - ii) Physical contact with the hazardous wastes to which they are exposed;
    - iii) Climatic conditions;
    - iv) Stresses of daily operation, including the movement of heavy equipment within the unit and contact of ~~heavy~~ equipment with containment walls; or
    - v) Collapse or other failure.
- 3) All surfaces to be in contact with hazardous wastes must be chemically compatible with those wastes.
- 4) The facility owner or operator must not place incompatible hazardous wastes or treatment reagents in the unit or its secondary containment system if they could cause the unit or secondary containment system to leak, corrode, or otherwise fail.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 5) A containment building must have a primary barrier designed to withstand the movement of personnel, waste, and handling equipment in the unit during the operating life of the unit and appropriate for the physical and chemical characteristics of the waste to be managed.
- 6) If appropriate to the nature of the waste management operation to take place in the unit, an exception to the structural strength requirement may be made for light-weight doors and windows that meet these criteria:
  - A) The doors and windows provide an effective barrier against fugitive dust emissions pursuant to subsection (c)(4); and
  - B) The unit is designed and operated in a fashion that assures that wastes will not actually come in contact with these openings.
- 7) The facility owner or operator must inspect and record in the facility's operating record, at least once every seven days, data gathered from monitoring equipment and leak detection equipment, as well as the containment building and the area immediately surrounding the containment building to detect signs of releases of hazardous waste.
- 8) The facility owner or operator must obtain certification by a qualified registered professional engineer that the containment building design meets the requirements of subsections (b)(1) through (b)(6), (c), and (d).

BOARD NOTE: Subsection (b) is derived from 40 CFR 267.1101-~~(2017)~~.

- c) Other Requirements for Preventing Releases. The facility owner or operator must use controls and practices to ensure containment of the hazardous waste within the unit and must meet the following minimum requirements:
  - 1) It must maintain the primary barrier to be free of significant cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the primary barrier;
  - 2) It must maintain the level of the stored or treated hazardous waste within the containment walls of the unit so that the height of any containment wall is not exceeded;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 3) It must take measures to prevent personnel or by equipment used in handling the waste from tracking hazardous waste out of the unit. The owner or operator must designate an area to decontaminate equipment, and it must collect and properly manage any rinsate; and
- 4) It must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visible emissions (see Method 22 of appendix A to 40 CFR 60 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares), incorporated by reference in 35 Ill. Adm. Code 720.111(b)). In addition, the owner or operator must operate and maintain all associated particulate collection devices (for example, fabric filter, electrostatic precipitator, etc.) with sound air pollution control practices. The owner or operator must effectively maintain this state of no visible emissions at all times during routine operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.

BOARD NOTE: Subsection (c) is derived from 40 CFR 267.1102-~~(2017)~~.

- d) Additional Design and Operating Standards When Liquids Are in the Containment Building. If a containment building will be used to manage hazardous wastes containing free liquids or treated with free liquids, as determined by the paint filter test, by a visual examination, or by other appropriate means, the facility owner or operator must include the following:
  - 1) A primary barrier designed and constructed of materials to prevent the migration of hazardous constituents into the barrier (for example, a geomembrane covered by a concrete wear surface);
  - 2) A liquid collection and removal system to minimize the accumulation of liquid on the primary barrier of the containment building, as follows:
    - A) The primary barrier must be sloped to drain liquids to the associated collection system; and
    - B) The facility owner or operator must collect and remove liquids and waste to minimize hydraulic head on the containment system at the earliest practicable time;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 3) A secondary containment system, including a secondary barrier designed and constructed to prevent migration of hazardous constituents into the barrier, and a leak detection system capable of detecting failure of the primary barrier and collecting accumulated hazardous wastes and liquids at the earliest practical time, as follows:
- A) The facility owner or operator may meet the requirements of the leak detection component of the secondary containment system by installing a system that meets the following minimum construction requirements:
- i) It is constructed with a bottom slope of one percent or more; and
- ii) It is constructed of a granular drainage material with a hydraulic conductivity of  $1 \times 10^{-2}$  cm/sec or more and a thickness of 12 inches (30.5 cm) or more, or constructed of synthetic or geonet drainage materials with a transmissivity of  $3 \times 10^{-5}$  m<sup>2</sup>/sec or more;
- B) If the facility owner or operator will be conducting treatment in the building, it must design the area in which the treatment will be conducted to prevent the release of liquids, wet materials, or liquid aerosols to other portions of the building; and
- C) The facility owner or operator must construct the secondary containment system using materials that are chemically resistant to the waste and liquids managed in the containment building and of sufficient strength and thickness to prevent collapse under the pressure exerted by overlaying materials and by any equipment used in the containment building.

BOARD NOTE: Subsection (d) is derived from 40 CFR 267.1103-~~(2017)~~.

- e) Alternatives to Secondary Containment Requirements. Notwithstanding any other provision of this Section, the Agency must, in writing, allow the use of alternatives to the requirements for secondary containment for a permitted containment building where the Agency has determined that the facility owner or operator has adequately demonstrated both of the following:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) The only free liquids in the unit are limited amounts of dust suppression liquids required to meet occupational health and safety requirements; and
- 2) The containment of managed wastes and dust suppression liquids can be assured without a secondary containment system.

BOARD NOTE: Subsection (e) is derived from 40 CFR 267.1104-(2017).

- f) Requirements ~~When~~<sup>Where</sup> the Containment Building Contains Areas Both ~~With~~<sup>with</sup> and ~~Without~~<sup>without</sup> Secondary Containment. For a containment building that contains both areas that have secondary containment and areas that do not have secondary containment, the facility owner or operator must fulfill the following requirements:
- 1) It must design and operate each area in accordance with the requirements enumerated in subsections (b) through (d);
  - 2) It must take measures to prevent the release of liquids or wet materials into areas without secondary containment; and
  - 3) It must maintain in the facility's operating log a written description of the operating procedures used to maintain the integrity of areas without secondary containment.

BOARD NOTE: Subsection (f) is derived from 40 CFR 267.1105-(2017).

- g) Requirements in the Event of a Release. Throughout the active life of the containment building, if the facility owner or operator detects a condition that could lead to or has caused a release of hazardous waste, it must repair the condition promptly, in accordance with the following procedures.
- 1) Upon detection of a condition that has ~~led~~<sup>lead</sup> to a release of hazardous waste (for example, upon detection of leakage from the primary barrier), the owner or operator must undertake each of the following actions:
    - A) It must enter a record of the discovery in the facility operating record;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- B) It must immediately remove the portion of the containment building affected by the condition from service;
  - C) It must determine what steps it will need to take to repair the containment building, to remove any leakage from the secondary collection system, and to establish a schedule for accomplishing the cleanup and repairs; and
  - D) Within seven days after the discovery of the condition, it must notify the Agency of the condition, and within 14 working days, provide a written notice to the Agency with a description of the steps taken to repair the containment building, and the schedule for accomplishing the work.
- 2) The Agency must review the information submitted, ~~determinemake a determination regarding~~ whether the containment building must be removed from service completely or partially until repairs and cleanup are complete, and notify the owner or operator of the determination and the underlying rationale in writing.
  - 3) Upon completing all repairs and cleanup, the facility owner or operator must notify the Agency in writing and provide a verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with subsection (g)(1)(D).

BOARD NOTE: Subsection (g) is derived from 40 CFR 267.1106-(2017).

- h) **A Containment Building That Can Be Considered Secondary Containment.** A containment building can serve as an acceptable secondary containment system for tanks placed within the building if both of the following conditions are fulfilled:
  - 1) The containment building can serve as an external liner system for a tank if it meets the requirements of Section 727.290(g)(2); and
  - 2) The containment building also meets the requirements of ~~Section~~Sections 727.290(f)(1), (f)(2)(A), and (f)(2)(B).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: Subsection (h) is derived from 40 CFR 267.1107-~~(2017)~~.

- i) Requirements When the Owner or Operator Stops Operating the Containment Building. When the facility owner or operator close a containment building, it must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate and manage them as hazardous waste unless 35 Ill. Adm. Code 721.103(d) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for containment buildings must meet all of the requirements specified in Sections 727.210 and 727.240.

BOARD NOTE: Subsection (i) is derived from 40 CFR 267.1108-~~(2017)~~.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Standards for Universal Waste Management
- 2) Code Citation: 35 Ill. Adm. Code 733
- 3) Section Number: 733.132                      Proposed Action: 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 the docket R19-11 rulemaking that also affects 35 Ill. Adm. Code 703, 720 through 725, 727, and 739. The R19-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during the second half of 2018: July 1, 2018 through December 31, 2018. A comprehensive description is contained in the Board's opinion and order of February 14, 2019, proposing amendments in docket R19-11, which opinion and order is available from the address below.

R19-11 further includes limited corrections and conforming revisions that the Board finds necessary to previously adopted rules. The Board includes non-substantive stylistic revisions to provisions opened for amendments--many of anticipate changes ordinarily requested by the Joint Committee on Administrative Rules (JCAR).

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

Conditional Exclusion of Airbag Waste from Regulation as Hazardous Waste—November 30, 2018 (83 Fed. Reg. 61552): By an interim final rule immediately effective on publication, USEPA conditionally excluded airbag waste from regulation as hazardous waste by amendments to 40 CFR 260, 261, and 262. The Board incorporates most of these USEPA revisions into corresponding 35 Ill. Adm. Code 720, 721, and 722. USEPA intended to avoid hazardous waste requirements impeding replacement of defective airbags in the Takata recall.

Specifically, the amendment to Part 733 standardizes use of USEPA Form 8700-12 and conform the format of a stated threshold quantity.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to docket R19-11. The tables list the deviations from the literal text of the federal amendments and the several necessary corrections and

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

stylistic revisions not directly derived from USEPA actions. Persons interested in the details of those deviations from the literal text should refer to the Identical-in-Substance Rulemaking Addendum (Proposed) in docket R19-11.

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 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].
- 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 R19-11 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 docket R19-11:

Michael J. McCambridge

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

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

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

Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's website at [pcb.illinois.gov](http://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].
  - 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].
  - 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].
- 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 (2018)] 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 2019

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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 c: HAZARDOUS WASTE OPERATING REQUIREMENTSPART 733  
STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

## SUBPART A: GENERAL

## Section

733.101	Scope
733.102	Applicability: Batteries
733.103	Applicability: Pesticides
733.104	Applicability: Mercury-Containing Equipment
733.105	Applicability: Lamps
733.106	Applicability: Mercury-Containing Equipment (Repealed)
733.107	Applicability: Mercury-Containing Lamps (Repealed)
733.108	Applicability: Household and Conditionally Exempt Small Quantity Generator Waste
733.109	Definitions

## SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

## Section

733.110	Applicability
733.111	Prohibitions
733.112	Notification
733.113	Waste Management
733.114	Labeling and Marking
733.115	Accumulation Time Limits
733.116	Employee Training
733.117	Response to Releases
733.118	Off-Site Shipments
733.119	Tracking Universal Waste Shipments
733.120	Exports

## SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

Section	
733.130	Applicability
733.131	Prohibitions
733.132	Notification
733.133	Waste Management
733.134	Labeling and Marking
733.135	Accumulation Time Limits
733.136	Employee Training
733.137	Response to Releases
733.138	Off-Site Shipments
733.139	Tracking Universal Waste Shipments
733.140	Exports

SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Section	
733.150	Applicability
733.151	Prohibitions
733.152	Waste Management
733.153	Accumulation Time Limits
733.154	Response to Releases
733.155	Off-site Shipments
733.156	Exports

SUBPART E: STANDARDS FOR DESTINATION FACILITIES

Section	
733.160	Applicability
733.161	Off-Site Shipments
733.162	Tracking Universal Waste Shipments

SUBPART F: IMPORT REQUIREMENTS

Section	
733.170	Imports

SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

Section	
---------	--

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

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].

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. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

**Section 733.132 Notification**

- a) Written ~~Notification~~notification of ~~Universal Waste Management~~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)~~5,000-kilogram storage limit.
  - 2) A large quantity handler of universal waste that has already notified ~~USEPA and~~ 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 ~~USEPA and~~ the Agency, as required by federal 40 CFR 165, is not required to notify for those recalled universal waste pesticides pursuant to this Section.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 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); 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. ~~(Obtain USEPA Form 8700-12 from the Agency.)~~ The generator or consolidation point must notify the Agency ~~and USEPA Region 5~~, 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 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards for the Management of Used Oil
- 2) Code Citation: 35 Ill. Adm. Code 739
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
739.142	Amendment
739.151	Amendment
739.162	Amendment
739.173	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 739 are a single segment of the docket R19-11 rulemaking that also affects 35 Ill. Adm. Code 703, 720 through 725, 727, and 733. The R19-11 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during the second half of 2018: July 1, 2018 through December 31, 2018. A comprehensive description is contained in the Board's opinion and order of February 14, 2019, proposing amendments in docket R19-11, which opinion and order is available from the address below.

R19-11 further includes limited corrections and conforming revisions that the Board finds necessary to previously adopted rules. The Board includes non-substantive stylistic revisions to provisions opened for amendments--many of anticipate changes ordinarily requested by the Joint Committee on Administrative Rules (JCAR).

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

Conditional Exclusion of Airbag Waste from Regulation as Hazardous Waste—November 30, 2018 (83 Fed. Reg. 61552): By an interim final rule immediately effective on publication, USEPA conditionally excluded airbag waste from regulation as hazardous waste by amendments to 40 CFR 260, 261, and 262. The Board incorporates most of these USEPA revisions into corresponding 35 Ill. Adm. Code 720, 721, and 722. USEPA intended to avoid hazardous waste requirements impeding replacement of defective airbags in the Takata recall.

Specifically, the amendments to Part 739 standardize use of USEPA Form 8700-12 and conform the format of contact information.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to docket R19-11. 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 docket R19-11.

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 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].
- 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 R19-11 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 docket R19-11:

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

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

Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's website at [pcb.illinois.gov](http://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].
  - 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].
  - 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].
- 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 (2018)] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

15) Regulatory Agenda on which this rulemaking was summarized: January 2019

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 739  
STANDARDS FOR THE MANAGEMENT OF USED OIL

SUBPART A: DEFINITIONS

Section  
739.100 Definitions

SUBPART B: APPLICABILITY

Section  
739.110 Applicability  
739.111 Used Oil Specifications  
739.112 Prohibitions  
739.113 Electronic Reporting

SUBPART C: STANDARDS FOR USED OIL GENERATORS

Section  
739.120 Applicability  
739.121 Hazardous Waste Mixing  
739.122 Used Oil Storage  
739.123 On-Site Burning in Space Heaters  
739.124 Off-Site Shipments

SUBPART D: STANDARDS FOR USED OIL COLLECTION CENTERS  
AND AGGREGATION POINTS

Section  
739.130 Do-It-Yourselfer Used Oil Collection Centers  
739.131 Used Oil Collection Centers  
739.132 Used Oil Aggregate Points Owned by the Generator

SUBPART E: STANDARDS FOR USED OIL TRANSPORTER

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## AND TRANSFER FACILITIES

## Section

- 739.140 Applicability
- 739.141 Restrictions on Transporters that Are Not Also Processors
- 739.142 Notification
- 739.143 Used Oil Transportation
- 739.144 Rebuttable Presumption for Used Oil
- 739.145 Used Oil Storage at Transfer Facilities
- 739.146 Tracking
- 739.147 Management of Residues

## SUBPART F: STANDARDS FOR USED OIL PROCESSORS

## Section

- 739.150 Applicability
- 739.151 Notification
- 739.152 General Facility Standards
- 739.153 Rebuttable Presumption for Used Oil
- 739.154 Used Oil Management
- 739.155 Analysis Plan
- 739.156 Tracking
- 739.157 Operating Record and Reporting
- 739.158 Off-Site Shipments of Used Oil
- 739.159 Management of Residues

SUBPART G: STANDARDS FOR USED OIL BURNERS THAT BURN  
OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

## Section

- 739.160 Applicability
- 739.161 Restriction on Burning
- 739.162 Notification
- 739.163 Rebuttable Presumption for Used Oil
- 739.164 Used Oil Storage
- 739.165 Tracking
- 739.166 Notices
- 739.167 Management of Residues

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

## Section

739.170	Applicability
739.171	Prohibitions
739.172	On-Specification Used Oil Fuel
739.173	Notification
739.174	Tracking
739.175	Notices

## SUBPART I: DISPOSAL OF USED OIL

## Section

739.180	Applicability
739.181	Disposal
739.182	Use As a Dust Suppressant

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 R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6931, effective April 26, 1994; amended in R94-17 at 18 Ill. Reg. 17616, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 10036, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 767, effective December 16, 1997; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2274, effective January 19, 1999; amended in R04-16 at 28 Ill. Reg. 10706, effective July 19, 2004; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4094, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1413, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 13047, effective July 14, 2008; amended in R06-20(A) at 34 Ill. Reg. 3296, effective February 25, 2010; amended in R06-20(B) at 34 Ill. Reg. 17381, effective October 29, 2010; amended in R13-15 at 37 Ill. Reg. 17963, effective October 24, 2013; amended in R17-14/R17-15/R18-12/R18-31 at 43 Ill. Reg. 667, effective November 19, 2018; amended in R19-11 at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART E: STANDARDS FOR USED OIL TRANSPORTER  
AND TRANSFER FACILITIES**Section 739.142 Notification**

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- a) Identification ~~Numbers~~~~numbers~~. A used oil transporter that has not previously complied with the notification requirements of RCRA ~~section~~~~Section~~ 3010 must comply with these requirements and obtain a USEPA identification number pursuant to RCRA ~~section~~~~Section~~ 3010 and an Illinois special waste identification number.
- b) Mechanics of ~~Notification~~~~notification~~
  - 1) A used oil transporter that has not received a USEPA identification number may obtain one by notifying ~~USEPA Region 5 and~~ the Agency of its used oil activity by submitting either of the following:
    - A) A completed Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) to ~~USEPA Region 5 and~~ the Agency; or  

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](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and). The used oil transporter that wishes to use USEPA Form 8700-12 for notification must obtain a copy of the form from the Agency.
    - B) A letter to ~~USEPA Region 5 and~~ the Agency requesting a USEPA identification number. The letter should include the following information:
      - i) The transporter company name;
      - ii) The owner of the transporter company;
      - iii) The mailing address for the transporter;
      - iv) The name and telephone number for the transporter point of contact;
      - v) The type of transport activity (i.e., transport only, transport and transfer facility, or transfer facility only);



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- vi) The location of all transfer facilities at which used oil is stored;
  - vii) The name and telephone number for a contact at each transfer facility.
- 2) A used oil transporter that has not received an Illinois special waste identification number may obtain one pursuant to 35 Ill. Adm. Code 809 by contacting the Agency at the following address: Division of Land Pollution Control, Illinois EPA, 1021 North Grand Avenue, Springfield, Illinois 62794-9276 (~~telephone: 217-782-6761~~).

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: STANDARDS FOR USED OIL PROCESSORS

**Section 739.151 Notification**

- a) Identification ~~Numbers~~~~numbers~~. A used oil processor or re-refiner that has not previously complied with the notification requirements of RCRA ~~section~~~~Section~~ 3010 must obtain a USEPA identification number pursuant to RCRA ~~section~~~~Section~~ 3010 and an Illinois special waste identification number.
- b) Mechanics of ~~Notification~~~~notification~~
  - 1) A used oil processor or re-refiner that has not received a USEPA identification number may obtain one by notifying ~~USEPA Region 5 and~~ the Agency of its used oil activity by submitting either of the following:
    - A) A completed Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) ~~to USEPA Region 5 and~~ the Agency; or

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](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and)~~The used oil processor or re-refiner that~~

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

~~wishes to use USEPA Form 8700-12 for notification must obtain a copy of USEPA Form 8700-12 from the Agency.~~

- B) A letter to ~~USEPA Region 5 and~~ the Agency requesting a USEPA identification number. The letter should include the following information:
- i) The processor or re-refiner company name;
  - ii) The owner of the processor or re-refiner company;
  - iii) The mailing address for the processor or re-refiner;
  - iv) The name and telephone number for the processor or re-refiner point of contact;
  - v) The type of transport activity (i.e., transport only, transport and transfer facility, or transfer facility only);
  - vi) The location of all transfer facilities at which used oil is stored;
  - vii) The name and telephone number for a contact at each transfer facility.
- 2) A used oil processor or re-refiner that has not received an Illinois special waste identification number may obtain one by contacting the Agency at the following address: Division of Land Pollution Control, Illinois EPA, 1021 North Grand Avenue, Springfield, Illinois 62794-9276 (~~telephone: 217-782-6761~~).

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART G: STANDARDS FOR USED OIL BURNERS THAT BURN  
OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

**Section 739.162 Notification**

- a) Identification ~~Numbers~~numbers. A used oil burner that has not previously

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

complied with the notification requirements of RCRA ~~section~~Section 3010 must comply with these requirements and obtain a USEPA identification number pursuant to RCRA ~~section~~Section 3010 and an Illinois special waste identification number.

- b) Mechanics of ~~Notification~~notification. A used oil burner that has not received a USEPA identification number may obtain one by notifying ~~USEPA Region 5 and~~ the Agency of its used oil activity by submitting either of the following:

- 1) A completed Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) ~~to USEPA Region 5 and~~ the Agency; or

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](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and). The used oil burner that wishes to use USEPA Form 8700-12 for notification must obtain a copy of the form from the Agency, Bureau of Land (217-782-6762), and submit the completed form to USEPA Region 5.

- 2) A letter to ~~USEPA Region 5 and~~ the Agency requesting a USEPA identification number. The letter should include the following information:

- A) The burner company name;
- B) The owner of the burner company;
- C) The mailing address for the burner;
- D) The name and telephone number for the burner point of contact;
- E) The type of used oil activity; and
- F) The location of the burner facility.

- c) A used oil burner that has not previously obtained an Illinois special waste identification number may obtain one by contacting the Agency at the following

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

address: Division of Land Pollution Control, Illinois EPA, 1021 North Grand Avenue, Springfield, Illinois 62794-9276 (~~telephone: 217-782-6761~~).

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

**Section 739.173 Notification**

- a) A used oil fuel marketer subject to the requirements of this Section that has not previously complied with the notification requirements of RCRA ~~section~~Section 3010 must comply with these requirements and obtain a USEPA identification number pursuant to RCRA ~~section~~Section 3010 and an Illinois special waste identification number.
- b) A used oil marketer that has not received a USEPA identification number may obtain one by notifying the USEPA Region 5 ~~and the Agency~~ of its used oil activity by submitting either of the following:
  - 1) A completed Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) ~~to USEPA Region 5 and the Agency; or~~

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](http://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and). The used oil fuel marketer that wishes to use USEPA Form 8700-12 for notification must obtain a copy of the form from the Agency, Bureau of Land (217-782-6762), and submit the completed form to USEPA Region 5.

- 2) A letter to ~~USEPA Region 5 and~~ the Agency requesting a USEPA identification number. The letter should include the following information:
  - A) The marketer company name;
  - B) The owner of the marketer;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- C) The mailing address for the marketer;
  - D) The name and telephone number for the marketer point of contact;  
and
  - E) The type of used oil activity (i.e., generator directing shipments of off-specification used oil to a burner).
- c) A used oil burner that has not previously obtained an Illinois special waste identification number may obtain one by contacting the Agency at the following address: Division of Land Pollution Control, Illinois EPA, 1021 North Grand Avenue, Springfield, Illinois 62794-9276 (~~telephone: 217-782-6761~~).

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 1420
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1420.101	Amendment
1420.102	Amendment
1420.103	Amendment
1420.104	Amendment
1420.105	Amendment
1420.106	Amendment
1420.107	Amendment
1420.120	Amendment
- 4) Statutory Authority: Implementing Section 56.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/56.2 and 5/27].
- 5) A Complete Description of the Subjects and Issues Involved: Part 1420 contains general provisions of the Board's potentially infectious medical waste rules. In Part 1420, the Board is removing legalese, redundant and superfluous language, and reorganizing some provisions for clarity.
- 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? 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: The amendments seek to improve accessibility and ease compliance with the Board's rules. The proposed changes involve updating definitions and references, and removing legalese and reorganizing some provisions to simplify language and improve clarity.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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 R18-29 and be addressed to:

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 [pcb.illinois.gov](http://pcb.illinois.gov).

Interested persons may request copies of the Board's opinion and order in R18-29 by calling the Clerk's office at 312/814-3620 or may download copies from the Board's website at [pcb.illinois.gov](http://pcb.illinois.gov).

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None, the amendments are non-substantive.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2018

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE M: BIOLOGICAL MATERIALS  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER b: POTENTIALLY INFECTIOUS MEDICAL WASTESPART 1420  
GENERAL PROVISIONS

## Section

1420.101	Scope and Applicability
1420.102	Definitions
1420.103	Incorporations by Reference
1420.104	Prohibitions
1420.105	Permit and Manifest Requirements and Exceptions
1420.106	Penalty Factor
1420.107	Cleaning and Disinfection
1420.120	Severability

AUTHORITY: Implementing Section 56.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5].

SOURCE: Adopted in R91-19, at 16 Ill. Reg. 2594, effective February 3, 1992; amended in R91-20, at 17 Ill. Reg. 9947, effective June 21, 1993; amended in R18-29 at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

~~NOTE: Capitalization denotes statutory language.~~

**Section 1420.101 Scope and Applicability**

This Subtitle ~~establishes standards for and~~ applies to all persons who generate, transport, treat, store, or dispose of potentially infectious medical waste. ~~It sets forth standards for such activities occurring in whole or in part~~ within the State of Illinois.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1420.102 Definitions**

All definitions ~~set forth~~ in this Section have the following meanings throughout this Subtitle, unless specifically ~~stated~~ ~~provided~~ otherwise. Words and terms not defined have the meanings



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

~~stated set forth~~ in the Act.

"6-log reduction" means a 6 decade reduction or a one millionth (0.000001) survival probability in a microbial population.

"Act" means the Environmental Protection Act (~~Ill. Rev. Stat. 1991, ch. 111½, par. 1001 et seq., as amended by P.A. 87-1097, effective January 1, 1993~~) [415 ILCS 5/1 et seq.].

"Agency" means the Illinois Environmental Protection Agency.

"ATCC" means American Type Culture Collection.

"Board" means the ~~Illinois~~ Pollution Control Board.

"CFU" means colony forming unit.

"Chemical treatment" means ~~using the treatment of PIMW in a unit that uses~~ disinfectants or chemicals as the primary means to eliminate the infectious potential of ~~PIMW the waste~~. Examples ~~include of chemical~~ treatment ~~with are~~ ethylene oxide, chlorine, and ozone.

"Class 4 etiologic agent" means a pathogenic agent that is extremely hazardous to laboratory personnel or that may cause serious epidemic disease. Class 4 etiologic agent includes the following viral agents:

Alastrim, Smallpox, Monkey pox, and Whitepox (when used for transmission or animal inoculation experiments);

Hemorrhagic fever agents (including Crimean hemorrhagic fever (Congo), Junin, and Machupo viruses, and others not yet defined);

Herpes\_virus simiae (Monkey B virus);

Lassa virus;

Marburg virus;

Tick-borne encephalitis virus complex (including Absettarov, Hanzalova,

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

HYPR, Kumlinge, Russian spring-summer encephalitis, Kyasanur forest disease, Omsk hemorrhagic fever, and Central European encephalitis viruses);

Venezuelan equine encephalitis virus (epidemic strains, when used for transmission or animal inoculation experiments); and

Yellow fever virus (wild, when used for transmission or animal inoculation experiments).

BOARD NOTE: A Class 4 Agent helps define an "isolation waste" for ~~the purposes of~~ Section ~~3.360(a)(6)~~~~3.84(a)(6)~~ of the Act and this Subtitle. This listing ~~is derived~~~~derives~~ from the CDC document, "Classification of Human Etiologic Agents on the Basis of Hazard," and is supplemented from the CDC/NIH document "Biosafety in Microbiological and Biomedical Laboratories:"

"Container" means a receptacle that does not contain PIMW.

"Detergent" means a cleansing substance that contains surface-active agents for rapid wetting, penetration, and emulsification of fats and oils, plus a sequestering agent.

"Detergent-sanitizer cleaner" means an agent that is both a detergent and sanitizer. ~~The sanitizer must be~~ registered by the United States Environmental Protection Agency (EPA), as identified on its label.

"Discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of waste into or on any land or water. This does not include the normal loading and unloading of PIMW from a vehicle.

"Enclosed compartment" means a compartment that ~~protects~~~~provides protection~~ from the elements, prevents spillage and prevents containers from falling off the vehicle. The enclosed compartment cannot be used to meet the packaging requirements of 35 Ill. Adm. Code 1421.Subpart C.

"Equivalent log kill" (~~T~~) means the logarithm of the indicator microorganisms that must be killed and correlates, ~~at a minimum,~~ to a 6-log reduction of viable test microorganisms.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

*"Highly communicable disease-Communicable Disease" means those diseases identified as Class 4 etiologic agents" means those diseases identified as Class 4 etiologic agents under this SectionPart. (Section 3.60(a)(6)3.84(a)(6) of the Act)*

"Indicator microorganisms" means those microorganisms listed in 35 Ill. Adm. Code 1422.Appendix A, Table B, as classified by ATCC.

"International biohazard symbol" means the symbol that is shown in 35 Ill. Adm. Code 1421.Illustration A.

"Irradiation treatment" means using the treatment of PIMW in a unit that uses ionizing radiation as the primary means to eliminate the infectious potential of PIMW the waste. Examples include of irradiation treatment with are gamma (cobalt 60) and electron beam.

"Log" means logarithm to the base ~~ten~~ (10).

"Log kill" (~~L~~) means the difference between the logarithms of viable test microorganisms or indicator microorganisms before and after treatment.

"Oversized PIMW" means a single waste item that is too large to be placed into a ~~thirty three~~ (33) gallon bag or container.

"Package" means a receptacle that contains PIMW.

~~"PFU" means plaque forming unit.~~

*"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 representative, agent, or assigns. (Section 3.3153.26 of the Act)*

*"Potentially infectious medical waste~~Infectious Medical Waste~~" or "PIMW" means the following types of waste generated in connection with the diagnosis, treatment (i.e., provision of medical services), or immunization of human beings or animals; research pertaining to the provision of medical services; or the production~~provision~~ or testing of biologicals:*

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

*Cultures and stocks. This waste shall include but not be limited to cultures and stocks of agents infectious to humans, and associated biologicals; cultures from medical or pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live or attenuated vaccines; or culture dishes and devices used to transfer, inoculate, or mix cultures.*

*Human pathological wastes. This waste shall include tissue, organs, and body parts (except teeth and the contiguous structures of bone and gum); body fluids that are removed during surgery, autopsy, or other medical procedures; or specimens of body fluids and their containers.*

*Human blood and blood products. This waste shall include discarded human blood, blood components (e.g., serum and plasma), or saturated material containing free flowing blood or blood components.*

*Used sharps. This waste shall include but not be limited to discarded sharps used in animal or human patient care, medical research, or clinical or pharmaceutical laboratories; hypodermic, intravenous, or other medical needles; hypodermic or intravenous syringes; Pasteur pipettes; scalpel blades; or blood vials. This waste shall also include but not be limited to other types of broken or unbroken glass (including slides and cover slips) in contact with infectious agents.*

*Animal waste. Animal waste means discarded materials, including carcasses, body parts, body fluids, blood, or bedding originating from animals inoculated during research, production of biologicals, or pharmaceutical testing with agents infectious to humans.*

*Isolation waste. This waste shall include discarded materials contaminated with blood, excretions, exudates, and secretions from humans that are isolated to protect others from highly communicable diseases, as defined in this Section. ~~"Highly communicable diseases" means those diseases identified by the Board in rules adopted under subsection (e) of Section 56.2 of the Act. (See Section 1420.102 of this Part.)~~*

*Unused sharps. This waste shall include but not be limited to the*

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

*following unused, discarded sharps: hypodermic, intravenous, or other needles; hypodermic or intravenous syringes; or scalpel blades.*

*Potentially infectious medical waste does not include:*

*Waste generated as general household waste;*

*Waste (except for sharps) for which the infectious potential has been eliminated by treatment; or*

*Sharps that meet both of the following conditions:*

*The infectious potential has been eliminated from the sharps by treatment; and*

*The sharps are rendered unrecognizable by treatment.*

*Sharps that are managed in accordance with the following requirements:*

*The infectious potential is eliminated from the sharps by treatment at a facility that is permitted by the Agency for the treatment of PIMW;*

*The sharps are certified by the treatment facility as non-special waste in accordance with Section 22.48 of the Act;*

*The sharps are packaged at the treatment facility the same as required under Board rules for PIMW;*

*The sharps are transported under the custody of the treatment facility to a landfill permitted by the Agency under Section 21 of the Act to accept municipal waste for disposal; and*

*The above activities are authorized in, and conducted in accordance with, a permit issued by the Agency to the treatment facility. (Section 3.3603-84 of the Act)*

"PFU" means plaque forming unit.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"Putrescence" means the partial decomposition of organic matter by microorganisms ~~that causes~~~~so as to cause~~ malodors, gases, or other offensive conditions, or that ~~can provide~~~~is capable of providing~~ food for vectors.

"Registered professional engineer" means a person registered under the Illinois Professional Engineering Practice Act ~~(Ill. Rev. Stat. 1991, ch. 111, par. 5201 et seq.)~~ [225 ILCS 325/4 et seq.].

"Reusable container" means a receptacle that ~~complies with~~~~meets the requirements of~~ 35 Ill. Adm. Code 1421.121(a) and (b); is made and repaired with materials that are corrosion resistant and non-absorbent; and designed and constructed ~~so as~~ to easily permit cleaning and disinfection in ~~compliance~~~~accordance~~ with Section 1420.107 ~~of this Subtitle. A reusable container is not a single-use container or is not made of cardboard.~~

"Sanitizer" means an antimicrobial agent that is intended for application to inanimate objects or surfaces for ~~the purpose of~~ reducing the microbial count to safe levels ~~and that is. The sanitizer must be~~ registered by ~~USEPA~~~~the United States Environmental Protection Agency~~, as identified on its label.

"Sharps" mean unused sharps and used sharps as stated in the definition of ~~PIMW~~~~potentially infectious medical waste in this Section~~ with or without residual fluids.

"Significant mechanical change" means the substitution or addition of mechanical parts that result in different operating conditions. A significant mechanical change does not mean the replacement of a part(s) that meets the same specifications as the original ~~part~~.

"Single-use container" means a container intended by the manufacturer for one use only, ~~such as~~ ~~(e.g.,~~ biohazard bags).

"Site" means any location, place, tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by the Act or regulations thereunder. (Section ~~3.4603.43~~ of the Act) For ~~the purpose of~~ this Subtitle, ~~every~~~~each~~ campus of an educational ~~institution's~~ ~~campus~~~~institution~~ is ~~considered to be~~ a single site.

"Storage" means the containment of waste, either on a temporary basis or for a

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

*period of years, in such a manner as not to constitute disposal.* (Section ~~3.4803-46~~ of the Act)

*"Storage site" means a site at which waste is stored. "Storage site" includes transfer stations.* (Section ~~3.4853-47~~ of the Act)

*"Test microorganisms" means those microorganisms listed in 35 Ill. Adm. Code Section 1422.Appendix A, Table A, as classified by ATCC.*

*"Thermal treatment" means ~~using the treatment of PIMW in a unit that uses~~ elevated temperatures as the primary means to eliminate the infectious potential of ~~PIMW the waste~~. Examples of thermal treatment are incineration, steam sterilization, microwaving, radiowaving, infrared heating, pyrolysis, plasma systems and laser treatments.*

*"Transfer station" means a site or facility that accepts waste for temporary storage or consolidation and further transfer to a waste disposal, treatment or storage facility. "Transfer station" includes a site where waste is transferred from:*

- ~~(1)~~ a rail carrier to a motor vehicle or water carrier;
- ~~(2)~~ a water carrier to a rail carrier or motor vehicle;
- ~~(3)~~ a motor vehicle to a rail carrier, water carrier or motor vehicle;
- ~~(4)~~ a rail carrier to a rail carrier, if the waste is removed from a rail car; or
- ~~(5)~~ a water carrier to a water carrier, if the waste is removed from a vessel.  
(Section ~~3.5003-83~~ of the Act)

*"Treatment" means any method, technique or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any waste so as to neutralize it or render it nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.* (Section ~~3.5053-49~~ of the Act)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"Unrecognizable" means relating to a sharp that has undergone physical alteration (e.g., melting, charring, corroding, or grinding) so that the sharp may no longer be used for its intended purpose.

"Vector" means any living agent, other than human, capable of transmitting, directly or indirectly, an infectious disease.

"Vehicle" means any device used to transport special waste in bulk or in packages, tanks or other containers.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1420.103 Incorporations by Reference**

The following materials are incorporated by reference. This Section incorporates no later editions or amendments.

Standard Methods for the Examination of Water and Wastewater, American Public Health Association et al. (1015 Fifteenth Street, N.W., Washington, D.C. 20005) (~~23<sup>rd</sup>~~ ~~18<sup>th</sup>~~ Edition, ~~2017~~~~1992~~).

Test Methods for Evaluating Solid Waste. Physical/Chemical Methods, EPA Publication SW-846 (Third Edition, [Final Updates I \(1993\), II \(1995\), IIA \(1994\), IIB \(1995\), III \(1997\), IIIA \(1999\), IIIB \(2005\), IV \(2008\), and V \(2015\)](#)~~1986 as amended by Update I (November, 1990)~~). SW-846 and [updates](#)~~Update I~~ are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 783-3238.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1420.104 Prohibitions**

*No person shall:*

- a) *Cause or allow the disposal of any PIMW. Sharps may be disposed of in any landfill permitted by the Agency under Section 21 of the Act to accept municipal waste for disposal, if both:*
  - 1) *The infectious potential has been eliminated from the sharps by treatment;*



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

and

- 2) *The sharps are packaged in accordance with 35 Ill. Adm. Code 1421~~Part 1421, Subpart C of this Subtitle.~~*
- b) *Cause or allow the delivery of any PIMW for transport, storage, treatment or transfer except in accordance with 35 Ill. Adm. Code 1421.Subpart C and Subpart E~~Part 1421, Subpart C of this Subtitle.~~*
- c) *Cause or allow the delivery of any PIMW to a person or facility for storage, treatment, or transfer, or transfer that does not have a permit issued by the Agency to receive~~Beginning July 1, 1992, cause or allow the delivery of any PIMW to a person or facility for storage, treatment, or transfer that does not have a permit issued by the Agency to receive~~ PIMW under~~pursuant to~~ Section 39 of the Act, unless no permit is required under Section~~pursuant to subsection~~ 1420.105(c)~~of this Part.~~*
- d) *Cause~~Beginning July 1, 1992, cause~~ or allow the delivery or transfer of any PIMW for transport unless:
  - 1) *The transporter has a permit issued by the Agency to transport PIMW, or the transporter is exempt from the permit requirement pursuant to subsection under Section 1420.105(b)~~of this Part.~~ Permit applications must be submitted on forms provided by the Agency.*
  - 2) *A PIMW manifest is completed for the waste unless no manifest is required under Section~~pursuant to subsection~~ 1420.105(e)~~of this Part.~~**
- e) *Cause or allow the acceptance of any PIMW for purposes of transport, storage, treatment, or transfer except in accordance with 35 Ill. Adm. Code 1421.Subpart C and 35 Ill. Adm. Code 1422.Subpart B~~Part 1421, Subpart C of this Subtitle and Part 1422, Subpart B of this Subtitle.~~*
- f) *Conduct any PIMW transportation operation~~Beginning July 1, 1992, conduct any PIMW transportation operation:~~
  - 1) *Without a permit issued by the Agency to transport PIMW, unless no permit is required under Section~~pursuant to subsection~~ 1420.105(b)~~of this Part.~~**

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 2) *In violation of any condition of any permit issued by the Agency under the Act.*
  - 3) *In violation of any regulation adopted by the Board.*
  - 4) *In violation of any order adopted by the Board under the Act.*
- g) *~~Conduct Beginning July 1, 1992, conduct~~ any PIMW treatment, storage, or transfer operation:*
- 1) *Without a permit issued by the Agency that specifically authorizes the treatment, storage, or transfer of PIMW ~~under~~ pursuant with Section 39 of the Act, unless no permit is required ~~under Section pursuant to subsection 1420.105(c) of this Part. Permit applications must be submitted on forms provided by the Agency.~~*
  - 2) *In violation of any condition of any permit issued by the Agency under the Act.*
  - 3) *In violation of any regulations adopted by the Board.*
  - 4) *In violation of any order adopted by the Board under the Act.*
- h) *Transport PIMW unless the transporter carries a completed PIMW manifest, unless no manifest is required ~~under Section pursuant to subsection 1420.105(e) of this Part.~~*
- i) *Offer for transportation, transport, deliver, receive, or accept PIMW for which a manifest is required, unless the manifest indicates that the fee required under Section 56.4 of the Act has been paid.*
- j) *~~Conduct Beginning January 1, 1994, conduct~~ a PIMW treatment operation at an incinerator in existence on the effective date of this Title in violation of emission standards established for these incinerators under Section 129 of the Clean Air Act (42 USC 7429), as amended. (Section 56.1 of the Act)*
- k) *Cause or allow the discharge of PIMW from a vehicle.*

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- l) Cause or allow the discharge of PIMW into a sanitary or combined sewer except in ~~compliance~~accordance with 35 Ill. Adm. Code, Subtitle C. ~~No person shall cause or allow the discharge of inert or solid PIMW, or inert or solid materials resulting from the treatment of PIMW, into any sanitary sewerage system, combined sewerage system, or storm sewerage system directly or indirectly tributary to waters of the State. Such prohibition applies to, but is not limited to, absorbents, aluminum or other metallic foils, ash, bone, bedding materials, cellulose, culture dishes, garments and other cloth materials, gauze, glass, pads, plastic, sharps, shavings, straw and syringes.~~
- m) Cause or allow the discharge of inert or solid PIMW, or inert or solid materials resulting from PIMW treatment, into any sanitary sewerage system, combined sewerage system, or storm sewerage system directly or indirectly tributary to waters of the State. This prohibition applies to absorbents, aluminum, or other metallic foils, ash, bone, bedding materials, cellulose, culture dishes, garments and other cloth materials, gauze, glass, pads, plastic, sharps, shavings, straw, and syringes.

~~BOARD NOTE~~Board Note: Interested persons should note that units of local government can regulate discharges to sewer systems ~~can also be regulated by units of local government.~~

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1420.105 Permit and Manifest Requirements and Exceptions**

- a) The permit and permit appeal provisions ~~in~~of Sections 39 and 40 of the Act and Board regulations adopted thereunder apply to this Subtitle.
- b) A person who ~~transport~~conducts a PIMW ~~must~~transportation operation is required to obtain a PIMW hauling permit from the Agency, except:
- 1) *A person transporting PIMW generated solely by that person's activities;*  
~~or~~
  - 2) *Noncommercial transportation of less than 50 pounds of PIMWpotentially ~~infectious medical waste~~ at any one time; or*
  - 3) *The U.S. Postal Service. (Section 56.1(f)(1)(A) through (C) of the Act)*

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- c) A person who conducts a PIMW treatment, storage, or transfer operation ~~mustis required to~~ obtain a permit from the Agency, except:
- 1) *Any person conducting a PIMW treatment, storage, or transfer operation for PIMW generated by the person's own activities that are treated, stored, or transferred within the site where the PIMW is generated;* ~~or~~
  - 2) *Any hospital that treats, stores, or transfers only PIMW generated by its own activities or by members of its medical staff. (Section 56.1(g)(1) of the Act) ~~No storage~~If the transportation of PIMW is interrupted so as not to constitute storage, no permit is required under Section 56.1(g) of the Act if PIMW transportation is interrupted. For example, transportation of PIMW interrupted by vehicle repairs or inclement weather is~~does~~ not ~~constitute~~ storage.*
- d) A person applying for a permit for a PIMW treatment, storage, or transfer operation ~~must~~shall file an application, on forms provided by the Agency, with the Agency in compliance~~accordance~~ with ~~the requirements and procedures of~~ 35 Ill. Adm. Code 1422.105 through 1422.107.
- e) Any person who transports PIMW ~~mustis required to~~ carry a completed PIMW manifest except for the transportation of:
- 1) *PIMW being transported by generators who generated the waste by their own activities, when the PIMW is transported within or between sites or facilities owned, controlled, or operated by that person;* ~~or~~
  - 2) *Less than 50 pounds of PIMW at any one time for a noncommercial transportation activity; or*
  - 3) *PIMW by the U.S. Postal Service. (Section 56.1(h) of the Act)*

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1420.106 Penalty Factor**

*In making its orders and determinations relative to penalties, if any, to be imposed for violating Section 56.1(a) of the Act, the Board, in addition to the factors in Sections 33(c) and 42(h) of the*

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

*Act, or the court shall take into consideration whether the owner or operator of the landfill reasonably relied on written statements from the person generating or treating the waste that the waste is not PIMW~~potentially infectious medical waste~~. (Section 56.1(B)(k) of the Act)*

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1420.107 Cleaning and Disinfection**

- a) Cleaning and disinfection ~~includes~~comprises:
- 1) Washing with a solution of detergent used ~~compliant in accordance~~ with manufacturer's instructions and agitation to remove visible contamination from each surface, followed by a clean water rinse; and
  - 2) One of the following methods of low-level disinfection:
    - A) Exposure to hot water of at least 82 degrees Centigrade (180 degrees Fahrenheit) for a minimum of ~~fifteen (15)~~ seconds;
    - B) Rinsing with, or immersion in, a chemical disinfectant registered by ~~USEPA the United States Environmental Protection Agency~~, as identified on its label and used ~~following in accordance with~~ the manufacturer's instructions;
    - C) Rinsing with, or immersion in, a hypochlorite solution at a concentration of 50 parts per million (ppm). For example,  $\frac{1}{8}$  cup of common household bleach (5.25% sodium hypochlorite) per gallon of tap water (31 milliliters bleach to 3.78 liters of water); or
    - D) Other disinfection processes as approved by the Agency in writing as an equivalent to one of the methods in subsections (a)(2)(A) and (B)~~of this Section~~.
- b) A detergent-sanitizer used in conjunction with agitation to remove visible contamination may be substituted for the methods in subsection (a)~~of this Section~~, if used ~~following in accordance with~~ the manufacturer's instructions.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 1420.120 Severability**

If any provision of this Part or its application to any person is adjudged invalid, the adjudication does not affect the validity of this Part as a whole or of any portion not adjudged invalid.~~If any Section, subsection, sentence or clause of this Subtitle is adjudged unconstitutional, invalid or otherwise not effective for any reason, such adjudication does not affect the validity of this Subtitle as a whole or of any Section, subsection, sentence or clause thereof not adjudged unconstitutional, invalid or otherwise not effective for any reason.~~

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Activity Standards
- 2) Code Citation: 35 Ill. Adm. Code 1421
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1421.101	Repealed
1421.110	Amendment
1421.111	Amendment
1421.121	Amendment
1421.131	Amendment
1421.140	Amendment
1421.141	Amendment
- 4) Statutory Authority: Implementing Section 56.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/56.2 and 5/27].
- 5) A Complete Description of the Subjects and Issues Involved: Part 1421 contain the standards for segregating, packaging, labeling and marking, and transportation of potentially infectious medical waste. In Part 1421, the Board is removing legalese, redundant and superfluous language, and reorganizing some provisions for clarity. The Board repeals Section 1421.101 because the compliance dates are no longer relevant.
- 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? 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: The amendments seek to improve accessibility and ease compliance with the Board's rules. The proposed changes involve updating definitions and references, and removing legalese and reorganizing some provisions to simplify language and improve clarity.

## 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 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 R18-29 and be addressed to:

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 [pcb.illinois.gov](http://pcb.illinois.gov).

Interested persons may request copies of the Board's opinion and order in R18-29 by calling the Clerk's office at 312/814-3620 or may download copies from the Board's website at [pcb.illinois.gov](http://pcb.illinois.gov).

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None, the amendments are non-substantive.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2018

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



POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE M: BIOLOGICAL MATERIALS  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER b: POTENTIALLY INFECTIOUS MEDICAL WASTES

PART 1421  
ACTIVITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section  
1421.101 Compliance Dates ([Repealed](#))

SUBPART B: SEGREGATION

Section  
1421.110 Scope and Applicability  
1421.111 Standards and Criteria

SUBPART C: PACKAGING

Section  
1421.120 Scope and Applicability  
1421.121 Standards and Criteria

SUBPART D: LABELING AND MARKING

Section  
1421.130 Scope and Applicability  
1421.131 Standards and Criteria

SUBPART E: TRANSPORTATION

Section  
1421.140 Scope and Applicability  
1421.141 Standards and Criteria

1421.ILLUSTRATION A International Biohazard Symbol

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing Section 56.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5].

SOURCE: Adopted in R91-20, at 17 Ill. Reg. 10392, effective June 21, 1993; amended in R18-29 at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 1421.101 Compliance Dates (Repealed)**

~~Persons subject to this Part shall comply with its standards and criteria by June 21, 1993 (effective date).~~

(Source: Repealed at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: SEGREGATION

**Section 1421.110 Scope and Applicability**

This Subpart applies to persons who generate or transport PIMW, and to owners or operators of PIMW storage sites, transfer stations, and treatment facilities.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1421.111 Standards and Criteria**

- a) Generators ~~must~~shall segregate PIMW as follows:
  - 1) Sharps;
  - 2) Oversized PIMW; and
  - 3) All other.
- b) PIMW mixed with other waste is regulated under this Subtitle as PIMW and the mixture is not exempt from any other ~~applicable~~ regulations.
- c) This Section does not prohibit ~~the~~ placing ~~of~~ previously segregated and properly

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

packaged (~~compliant in accordance~~ with Section 1421, Subpart C of this Part) sharps with other waste ~~if, provided~~ the mixture is managed in ~~compliance accordance~~ with subsection (b) ~~of this Section~~.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: PACKAGING

**Section 1421.121 Standards and Criteria**

- a) PIMW, except for oversized PIMW, must be placed in a container, or a combination of containers. ~~The Such~~ container must be:
- 1) ~~Rigid rigid~~;
  - 2) ~~Leak-resistant leak-resistant~~;
  - 3) ~~Impervious to moisture impervious to moisture~~;
  - 4) ~~Of a strength sufficient to prevent tearing or bursting under normal conditions of use and handling; and of a strength sufficient to prevent tearing or bursting under normal conditions of use and handling; and~~
  - 5) ~~Sealed to prevent leakage during transport. sealed to prevent leakage during transport. (Section 56.1(b)(2)(A))~~
- b) Sharps, unless rendered unrecognizable ~~by treatment pursuant to 35 Ill. Adm. Code 1422.126(a)~~, must be packaged in a container, or a combination of containers, that is puncture-resistant and ~~complies with meets the requirements of~~ subsection (a) ~~of this Section~~.
- c) Oversized PIMW must be covered or packaged in a manner that minimizes contact with transport workers and the public. ~~Do not package sharps Sharps must not be packaged~~ with oversized PIMW in the same container.
- d) If the outside of a container is contaminated by PIMW, ~~a person shall place~~ the container ~~must be placed~~ inside another container, or ~~the container must be cleaned and disinfected in compliance clean and disinfect the container in~~

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

~~accordance~~ with 35 Ill. Adm. Code 1420.107~~of this Subtitle~~. In either case, the container or combination of containers must comply with subsection~~meet applicable requirements of subsections~~ (a) or (b)~~of this Section~~.

- e) Once a reusable container has been cleaned and disinfected in compliance~~accordance~~ with 35 Ill. Adm. Code 1420.107~~of this Subtitle~~, it can be used for only waste. If a reusable container is not or cannot be cleaned and disinfected in compliance~~accordance~~ with 35 Ill. Adm. Code~~Section~~ 1420.107~~of this Subtitle~~, it must be regulated as PIMW under~~pursuant to~~ this Subtitle.
- f) Residues from cleaning a PIMW container, or discharges from PIMW packages, are regulated under this Subtitle, except when discharged directly into a sanitary or combined sewer in compliance~~accordance~~ with 35 Ill. Adm. Code Subtitle C.

BOARD NOTE: Interested persons should note that units of local government can regulate discharges to sewer systems~~can also be regulated by units of local government~~.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: LABELING AND MARKING

**Section 1421.131 Standards and Criteria**

- a) The exterior of the outer package must be marked as follows before~~prior to~~ shipment:
- 1) The generator must~~shall~~:
    - A) Mark on two opposite sides of the outer package in lettering that is readable at a minimum distance of five ~~(5)~~ feet:
      - i) The International Biohazard Symbol, as shown in Illustration A, of this Part and the word "Biohazard"; and
      - ii) The word "Sharps~~sharps~~", if the package contains sharps.
    - B) Mark with indelible ink in lettering that is legible on a water-

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

resistant label or tag securely attached to or marked on the outer package:

- i) The generator's name;~~;~~
  - ii) The generator's address;~~;~~ and
  - iii) The generator's phone number (a 24-hour phone number, if available).
- 2) The transporter ~~must~~shall mark with indelible ink in lettering that is legible on a water-resistant label or tag securely attached to or marked on the outer package:
- A) The transporter's name;~~;~~
  - B) The transporter's permit number;~~;~~
  - C) The transporter's address;~~;~~
  - D) The transporter's phone number (a 24-hour phone number, if available);~~;~~ and
  - E) For each PIMW package, the shipment date when PIMW initially left the generator's site; or for each shipment, a unique identification number ~~that~~which directly corresponds to the initial date of shipment.
- b) Except for subsection (c) ~~of this Section~~, inner packages must be marked as described in subsection (a)(1)(A)(i) ~~of this Section~~.
- c) If a sharps container is packaged within an outer container, the inner sharps container must be marked with indelible ink in lettering that is legible as follows:
- 1) The International Biohazard Symbol, as shown in Illustration A, ~~of this Part~~ and the word "Biohazard~~biohazard~~"; and
  - 2) The word "Sharps~~sharps~~".

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- d) Containers ~~that which~~ are not the inner or outer containers are exempt from ~~the labeling requirements in~~ subsection (a) ~~of this Section~~. Packages may be placed in a transparent container ~~if provided that~~ all required markings are legible through the transparent container. A non-rigid transparent container cannot be used as an outer container.
- e) For oversized PIMW, the following requirements must be met ~~before prior to~~ shipment:
- 1) The generator ~~must shall~~:
    - A) Mark on one side of the outer package in lettering that is readable at a minimum distance of five ~~(5)~~ feet the International Biohazard Symbol, as shown in Illustration A, ~~of this Part~~ and the word "~~Biohazard~~~~biohazard~~".
    - B) Mark with indelible ink in lettering that is legible on a water-resistant label or tag securely attached to or marked on the outer package:
      - i) The generator's name;~~;~~
      - ii) The generator's address;~~;~~ and
      - iii) The generator's phone number (a 24-hour phone number, if available).
  - 2) The transporter ~~must shall~~ mark with indelible ink in lettering that is legible on a water-resistant label or tag securely attached to or marked on the outer package:
    - A) The transporter's name;~~;~~
    - B) The transporter's permit number;~~;~~
    - C) The transporter's address;~~;~~

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- D) The transporter's phone number (a 24-hour phone number, if available);~~;~~ and
- E) For each PIMW package, the shipment date when PIMW initially left the generator's site; or for each shipment, a unique identification number which directly corresponds to the initial date of shipment.
- f) When PIMW is transported by more than one transporter, each transporter ~~must~~shall mark with indelible ink in lettering that is legible on a water-resistant label or tag securely attached to or marked on the outer package the information listed in subsection (a)(2) ~~of this Section~~. The label, tag, or mark must not obscure any previous information on the package.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: TRANSPORTATION

**Section 1421.140 Scope and Applicability**

This Subpart applies to persons who transport PIMW and are required to have a PIMW hauling permit ~~by in accordance with~~ 35 Ill. Adm. Code 1420.105 ~~of this Subtitle~~.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1421.141 Standards and Criteria**

- a) PIMW must be transported under conditions that:
- 1) ~~Minimize to minimize~~ the effects of putrescence; ~~and~~
  - 2) prevent a breeding place or food source for vectors.
- b) Packages of PIMW must be transported:
- 1) ~~Only~~only in enclosed compartments of vehicles that are secured against public access when unattended. This ~~requirement~~ does not apply to oversized PIMW, which must be handled in a manner that minimizes

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

contact with transport workers and the public; and-

2) In a manner that:

A) prevents compaction of packages; or

B) does not subject them to stress that compromises the integrity of the container.

c) Vehicles and associated storage compartments, doors, piping, and valving must be:

1) Cleaned of visible PIMW contamination after each use; and

2) In good repair when transporting PIMW.

~~d) PIMW must be transported in a manner that prevents a breeding place or food source for vectors.~~

~~e) During transport, a PIMW package must not be compacted or subjected to stress that compromises the integrity of the container.~~

~~df) This Subtitle regulates residues~~Residues from the cleaning of vehicles contaminated by PIMW ~~are regulated under this Subtitle~~, except when discharged directly into a sanitary or combined sewer in ~~compliance~~accordance with 35 Ill. Adm. Code Subtitle C.

BOARD NOTE: Interested persons should note that units of local government can regulate discharges to sewer systems ~~can also be regulated by units of local government~~.

~~eg) Vehicles transporting PIMW must display information in~~ ~~compliance~~accordance with the PIMW hauling permit.

~~fh) Emergency Response Plan~~

1) The transporter ~~must~~shall develop and keep an emergency response plan in the vehicle.



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 2) This plan must identify the names and telephone numbers of State and local authorities who must be contacted ~~during in the event of~~ an emergency or discharge of PIMW.
- 3) ~~If there is~~~~In the event of~~ an emergency or discharge of PIMW, the transporter ~~must~~~~shall~~ take immediate action in ~~compliance~~~~accordance~~ with the emergency response plan to protect the health and safety of the public and the environment. In addition, each vehicle transporting PIMW must carry all equipment necessary to provide a response.
- g) Vehicles transporting PIMW must not be used to haul ~~for the hauling of~~ non-waste materials, ~~except for with the exception of~~ equipment and supplies intended for ~~the use of~~ waste management, including scales, bar coding equipment, printers, stampers, manifests, logs, dollies, load locks, conveyers, material handling equipment, plastic containers, corrugated boxes, plastic bags, tape, sharps containers, drums, labels, signs, stickers, spill kits, new PIMW containers or PIMW containers that have been cleaned and disinfected in compliance~~accordance~~ with 35 Ill. Adm. Code 1420.107 ~~of this Subtitle~~.
- h) PIMW must not be in transport for more than ~~ten~~ (10) calendar days.
- i) This Subpart does not apply to the U.S.~~United States~~ Postal Service.
- j) Each transporter of PIMW required to have a permit under Section 56.1(f) of the Act must file a report annually with the Agency specifying the quantities and disposition of PIMW transported during the previous calendar year. These reports must be on forms prescribed and provided by the Agency. ~~Commencing March 31, 1993, and annually thereafter, each transporter of PIMW required to have a permit under subsection (f) of Section 56.1 of the Act shall file a report with the agency specifying the quantities and disposition of PIMW transported during the previous calendar year. Such reports shall be on forms prescribed and provided by the Agency. (Section 56.3 of the Act)~~

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Design and Operation of Facilities
- 2) Code Citation: 35 Ill. Adm. Code 1422
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1422.101	Repealed
1422.105	Amendment
1422.106	Amendment
1422.107	Amendment
1422.111	Amendment
1422.121	Amendment
1422.122	Amendment
1422.123	Amendment
1422.124	Amendment
1422.125	Amendment
1422.126	Amendment
1422.127	Amendment
1422.APPENDIX A	Amendment
1422.TABLE C	Amendment
1422.APPENDIX B	Amendment
- 4) Statutory Authority: Implementing Section 56.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/56.2 and 5/27].
- 5) A Complete Description of the Subjects and Issues Involved: Part 1422 contains the design and operation standards for the storage, transfer, and treatment operations and facilities of potentially infectious medical waste. In Part 1422, the Board is removing legalese, redundant and superfluous language, and is reorganizing some provisions for clarity. The Board repeals Section 1422.101 because the compliance dates are no longer relevant. The Board also recodifies appendices and tables.
- 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? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The amendments seek to improve accessibility and ease compliance with the Board's rules. The proposed changes involve updating definitions and references, and removing legalese and reorganizing some provisions to simplify language and improve clarity.
- 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 R18-29 and be addressed to:
- 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 [pcb.illinois.gov](http://pcb.illinois.gov).
- Interested persons may request copies of the Board's opinion and order in R18-29 by calling the Clerk's office at 312/814-3620, or may download copies from the Board's website at [pcb.illinois.gov](http://pcb.illinois.gov).
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None, the amendments are non-substantive.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2018

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
 SUBTITLE M: BIOLOGICAL MATERIALS  
 CHAPTER I: POLLUTION CONTROL BOARD  
 SUBCHAPTER b: POTENTIALLY INFECTIOUS MEDICAL WASTES

PART 1422  
 DESIGN AND OPERATION OF FACILITIES

## SUBPART A: GENERAL PROVISIONS

## Section

1422.101	Compliance Date ( <a href="#">Repealed</a> )
1422.105	PIMW Permit Application Contents
1422.106	PIMW Permit Application Certifications
1422.107	PIMW Permit Application Filing Requirements

## SUBPART B: STORAGE OR TRANSFER OPERATIONS

## Section

1422.110	Scope and Applicability
1422.111	Design and Operating Standards and Criteria

## SUBPART C: TREATMENT FACILITIES

## Section

1422.120	Scope and Applicability
1422.121	Treatment Facility Certification
1422.122	Design and Operating Standards
1422.123	Treatment Units
1422.124	Initial Efficacy Test
1422.125	Periodic Verification <a href="#">Tests</a> <del>Test(s)</del>
1422.126	Sharps
1422.127	Experimental Permits

[Section](#)

1422.APPENDIX A	Initial Efficacy Test Procedures
1422.TABLE A	Test Microorganisms
1422.TABLE B	Indicator Microorganisms
1422.TABLE C	Challenge Loads

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## 1422.APPENDIX B Correlating Periodic Verification Test Procedures

AUTHORITY: Implementing Section 56.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5].

SOURCE: Adopted in R91-20, at 17 Ill. Reg. 9911, effective June 21, 1993; amended in R18-29 at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 1422.101 Compliance Date (Repealed)**

~~Persons subject to this Part shall comply with its requirements by June 21, 1993.~~

(Source: Repealed at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1422.105 PIMW Permit Application Contents**

- a) ~~An application for a permit~~ application for a PIMW treatment, storage, or transfer operation must contain: ~~the information specified in this Section. If the applicant believes that the documentation or information required pursuant to any subsection of this Section is not applicable for reasons such as irrelevancy, the application must include the reasons in support of such belief.~~
- 1a) Legal description of the facility's location ~~site at which the facility is to be located.~~
- 2b) Maps and floor plans showing the location of the facility, the facility boundary, and the location of all units included in the facility.
- 3e) Process flow diagrams or schematic drawings showing the flow of waste through the facility. The diagrams or drawings must show, ~~but not be limited to,~~ the locations of residuals, recycled streams, sample points, equipment, and process monitoring devices. Equipment must be labeled on the process flow diagram to correspond to an equipment number.
- 4d) Written description of the facility or facility operations with supporting documentation describing the procedures and plans that will be used at the facility to comply with the requirements of 35 Ill. Adm. Code ~~Parts 1420~~

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

~~through 1422 of this~~ Subtitle M and any other applicable Board rules ~~Parts of 35 Ill. Adm. Code: Chapter 1. The~~ Such description must include, ~~but not be limited to, the following information:~~

- A1) The type of waste management units, and the types and volumes of waste;
- B2) The overall process to be used for treating or storing PIMW and the anticipated performance of the process;
- C3) In detail, the major activities at the facility, such as transfer, storing, screening, weighing, processing, and treatment (including the number of units) of PIMW;
- D4) The operations for initial facility startup, daily startup, and scheduled and unscheduled shutdowns;
- E5) The days and hours of operation;
- F6) The operating parameters for the treatment units;
- G7) The safety and monitoring equipment for the treatment units;
- H8) A cleaning and disinfection plan describing the daily cleanup procedures, including the methods to disinfect emptied reusable PIMW containers, transport vehicles, and facility surfaces and equipment contaminated with PIMW;
- I9) The methods to control: emissions of odors and aerosols generated, including all supporting design and engineering data; dust, noise, litter, and vectors; and handling and storing;
- J10) The methods to treat, transfer, or dispose of residual wastes generated from the operation of the facility;
- K11) Adequacy of the utilities to operate the facility and to respond to emergency situations;
- L12) Numbers and duties of employees directly responsible for the

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

operation of the site or facility; and

- ~~M43~~) Location and type of security devices to prevent unauthorized access.
- ~~5e~~) A waste screening plan that describes procedures to be used to identify and prevent the acceptance of unauthorized wastes.
- ~~6f~~) Description of procedures to be used for inspection, contingency, recordkeeping, and closure plans as required by this Part.
- ~~7g~~) For a facility at which the owner or operator is required to conduct either Initial Efficacy Tests or Periodic Verification Tests, a written description of procedures to be used for recordkeeping, classifying residuals, and collecting data for the Document of Initial Efficacy Demonstration and Correlating Periodic Verification Demonstration.
- b) If the applicant believes that any of the documentation or information listed in subsection (a) is not applicable for reasons such as irrelevancy, the application must include the reasons in support of that belief.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1422.106 PIMW Permit Application Certifications**

~~An application for a~~ permit application for PIMW treatment, storage, or transfer operation must contain the certifications specified in this Section.

- a) The permit application must contain a certificate of ownership of the permit area or a copy of the lease and its duration. The lease must clearly specify that the owner authorizes the construction of a PIMW waste management facility on the leased premises. The owner or operator ~~must~~shall certify that the Agency will be notified 30 days prior to any changes in ownership or conditions in the lease affecting the permit area.
- b) All permit applications must be signed by a duly authorized agent of the operator and the property owner, must be accompanied by an oath or affidavit attesting to the agent's authority to sign the application, and must be notarized. The following persons are considered duly authorized agents of the operator and the property



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

owner:

- 1) For corporations, a principal executive officer of at least the level of vice president;
  - 2) For a sole proprietorship or partnership, a proprietor or general partner, respectively; and
  - 3) For a municipality, state, federal, or other public agency, by the head of the agency or ranking elected official.
- c) All permit applications must contain the name, address, and telephone number of the duly authorized agent of the operator and the property owner to whom all inquiries and correspondence must be addressed.
- d) All designs presented in the application must be prepared by, or under the supervision of, a professional engineer. The professional engineer ~~must~~ affix the name of the engineer, date of preparation, registration number, a statement attesting to the accuracy of the information, and design and a professional seal to all designs.
- e) The applicant must state whether the facility is a new regional pollution control facility, as defined in Section ~~3.3303-32~~ of the Act, ~~that~~ which is subject to the site location suitability approval requirements of Sections 39(c) and 39.2 of the Act. If ~~such~~ approval by a unit of local government is required, the application must identify the unit of local government with jurisdiction. The application must contain any approval issued by that unit of local government. If no approval has been granted, the application must describe the status of the approval request.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1422.107 PIMW Permit Application Filing Requirements**

- a) All permit applications must be filed with the Agency, on forms ~~provided as prescribed~~ by the Agency. Hand delivered applications must be delivered during the Agency's normal business hours to the offices of the Permit Section. The Agency ~~must~~ provide a dated, signed receipt of filing ~~only~~ if the applicant requests. The date of filing must be that recorded by the Agency, unless proven otherwise by a dated, signed receipt.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- b) The permit application must be accompanied by all filing fees required ~~by pursuant to~~ Section 5(f) of the Act.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: STORAGE OR TRANSFER OPERATIONS

**Section 1422.111 Design and Operating Standards and Criteria**

- a) Any person who stores PIMW prior to treatment or disposal on-site or transport off-site must comply with ~~all of the following storage requirements:~~
- 1) Store ~~the~~ PIMW in a manner and location that maintains the integrity of the packaging and provides protection from water, rain, and wind.
  - 2) Maintain ~~the~~ PIMW in a nonputrescent state, using refrigeration when necessary.
  - 3) Lock the outdoor storage areas containing PIMW to prevent unauthorized access.
  - 4) Limit access to on-site storage areas to authorized employees.
  - 5) Store ~~the~~ PIMW in a manner that affords protection from animals and does not provide a breeding place or food source for vectors. ~~-(Section 56.1(e)(2)(D)(i)-(v) of the Act)~~
  - 6) PIMW packages must not be compacted or subjected to stress that compromises the integrity of the container.
  - 7) Multiple generators in the same building may store their PIMW packages in a common storage area.
  - 8) Clean reusable ~~Reusable~~ PIMW containers or facility equipment (e.g., carts, squeegees, or shovels) ~~that which~~ are visually contaminated with PIMW ~~must be cleaned~~ in a designated area in compliance ~~accordance~~ with 35 Ill. Adm. Code 1420.107 ~~of this Subtitle~~.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 9) ~~Manage residues~~Residues from cleaning a PIMW contaminated container, equipment, or work surface ~~are regulated~~ under this Subtitle, except when directly discharged into a sanitary or combined sewer in ~~compliance~~accordance with 35 Ill. Adm. Code: Subtitle C.

BOARD NOTE: Interested persons should note that local government units can regulate discharges to sewer systems ~~can also be regulated by units of local government.~~

- 10) ~~Retain copies~~Copies of all PIMW manifests required by 35 Ill. Adm. Code 1420.105 ~~of this Subtitle must be retained by and kept~~ at the storage operation for three ~~(3)~~ years and make them~~must be made~~ available at the storage operation during normal business hours for inspection and photocopying by the Agency. The retention period for PIMW manifests is extended automatically during ~~the course of~~ any unresolved enforcement action involving~~regarding~~ the storage operation or as requested in writing by the Agency.
- 11) Upon closure of a storage operation, ~~the owner or operator shall~~ clean the area, equipment, and structures in ~~compliance~~accordance with 35 Ill. Adm. Code 1420.107 ~~of this Subtitle.~~
- b) In addition to the requirements listed in subsection (a) ~~of this Section, the owner or operator of PIMW~~ storage operations required to have a permit by~~pursuant to~~ 35 Ill. Adm. Code 1420.105 ~~of this Subtitle~~ must also comply with the following requirements that the Agency will~~shall~~ review during the permitting process:
- 1) ~~Unless previously weighed by the transporter, Storage operations shall weigh in pounds the amount of PIMW received, unless previously weighed by the transporter. PIMW must be weighed~~ with a device for which certification has been obtained under the Weights and Measures Act ~~(Ill. Rev. Stat. 1991, ch. 147, pars. 101 et seq.)~~ [225 ILCS 470].
  - 2) Store PIMW packages ~~must be stored~~ in designated areas ~~so as not to~~ not contaminate other waste or materials.
  - 3) Store cardboard~~Cardboard~~ packages ~~must be stored~~ in an enclosed area at an elevation above that of the floor.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 4) Store PIMW ~~must be stored~~ on a surface that allows drainage and collection of liquids and ~~that~~ minimizes exposure to workers and the public.
- 5) Maintain adequate ~~Adequate~~ aisle space, ~~as specified in the permit, must be maintained~~ between packages, as specified in the permit, to allow inspection of at least one ~~(1)~~ side of each package and stack packages. ~~Packages must be stacked~~ so that labels are readable. A vehicle containing PIMW is exempt from the ~~above~~ aisle space requirement for a period that does not exceed five calendar days when:
  - A) Loading ~~When loading~~ or unloading a vehicle; or
  - B) A ~~When a~~ fully-loaded vehicle is on a site. ~~Either exemption, or both exemptions, must not exceed five (5) calendar days.~~
- 6) Use material ~~Material~~ handling equipment ~~must be~~ designed ~~so as to~~ maintain the integrity of the package.
- 7) Prominently display signs ~~Signs~~ identifying the storage operation ~~must be prominently displayed~~ at the points of access to the secured storage area. The signs must: ~~Signs must be marked in lettering that is readable at a minimum distance of five (5) feet. At a minimum, the signs must display the International Biohazard Symbol as shown in 35 Ill. Adm. Code 1421. Illustration A and the word "biohazard".~~
  - A) Display the International Biohazard Symbol as shown in 35 Ill. Adm. Code 1421. Illustration A and the word "Biohazard"; and
  - B) Be marked in lettering that is readable at a minimum distance of five feet.
- 8) Provide personnel ~~Personnel~~ training ~~must be provided~~ to all staff annually and prior to the handling of PIMW that includes. ~~Annual personnel training must include, at a minimum,~~ a thorough explanation of the operating procedures to be taken during normal and emergency situations. The owner or operator ~~must~~ shall keep records verifying training of personnel.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 9) ~~Have~~Storage operations ~~must have~~ a written contingency plan. ~~The and~~ the applicable sections of that plan must be implemented if there is an injury or in the event of a discharge of PIMW ~~or personal injury~~.
- A) The contingency plan must:
- i) ~~Describe~~describe the actions to be taken by~~that~~ personnel ~~shall take~~ in response to emergency situations such as, ~~but not limited to,~~ personal injury, discharges of PIMW, rupture of plastic bags, and equipment failure; and.
- ii) Include~~This contingency plan must, at a minimum, include~~ a list of all emergency equipment at the storage operation, an up-to-date list of names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, procedures for cleanup, protection of personnel, disposal of spill residue, repackaging of PIMW, and alternate arrangements for PIMW storage and transfer; and.
- B) The storage operation must keep a~~A~~ copy of the contingency plan and must post emergency~~must be maintained at the storage operation. Emergency~~ phone numbers and a brief description of the emergency procedures ~~must be posted at the storage operation~~.
- 10) ~~Keep~~The owner or operator shall keep a written operating record that includes~~at the storage operation. At a minimum,~~ the following information ~~must be recorded and maintained in the operating record~~:
- A) Quantities and disposition of PIMW stored or transferred;
- B) Date and time ~~the~~ PIMW arrived at the permitted storage operation site;
- C) Date and time ~~the~~ PIMW left the storage operation;
- D) Waste stream permit number (authorization number), if applicable, issued by the Agency;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- E) Generator ~~names~~name(s), ~~location or locations~~location(s) and, if applicable, the generator identification ~~numbers~~number(s) issued by the Agency for each PIMW load received at the storage operation;
- F) ~~Temperatures~~Temperature(s) the PIMW load was maintained at the storage operation;
- G) Destination of packages, ~~including which must include at a minimum~~ the name of the receiving facility, the location of the receiving facility, the identification number of the receiving facility issued by the Agency (if applicable), and the disposition (i.e., storage, transfer, treatment, or disposal); and
- H) ~~In a~~ separate log with:
- i) the date, time, nature, and extent of all discharges and ~~personal injuries~~; and
  - ii) the date, time, nature, and result of any ~~responses~~response(s) taken.
- 11) Retain records as follows:
- A) The records ~~underrequired by~~ subsections (b)(8) and (10) ~~of this Section~~ must be:
- i) ~~Keptretained by and kept~~ at the storage operation until closure of the storage operation; and
  - ii) ~~Mademust be made~~ available at the storage operation during normal business hours for inspection and photocopying by the Agency. ~~These records must be kept until closure of the storage operation.~~
- B) The retention period in subsection (b)(11)(A) is extended:
- i) automatically during ~~the course of~~ any unresolved enforcement action involvingregarding the storage

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

operation; or

ii) at the written request of ~~as requested in writing by~~ the Agency.

- 12) Unless otherwise authorized by the Agency in the permit, do not store PIMW ~~must not be stored~~ for more than:
- A) ~~Seventy two (72)~~ hours at the storage operation unless the surface temperature of the package is maintained at or below 45 degrees Fahrenheit; and
- B) ~~Thirty (30)~~ days at the storage operation regardless of temperature.
- 13) For a planned closure:
- A) Notify the agency of the planned closure at ~~At least sixty (60) days prior to closing a storage operation; and, the owner or operator shall notify the Agency of the planned closure.~~
- B) Certify ~~Within ninety (90) days after the date the final load of PIMW is received at the storage operation, the owner or operator shall certify~~ to the Agency that final closure has been completed in compliance ~~accordance~~ with the permit, the Act, and all applicable regulations promulgated under the Act ~~thereunder~~ within 90 days after the date the final load of PIMW is received at the storage operation.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: TREATMENT FACILITIES

**Section 1422.121 Treatment Facility Certification**

~~A~~ No person must not ~~shall~~ cause or allow the disposal of any PIMW when ~~where~~ the infectious potential has been eliminated by treatment unless the treatment facility certifies to the transporter, if other than the generator, and certifies to the landfill operator or receiving facility operator that the PIMW has been treated in compliance ~~accordance~~ with this Part, and, if applicable, with all terms and conditions specified in its operating permit. Data to verify the

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

efficacy of the treatment unit must be made available to the receiving facility upon request ~~of the receiving facility~~. ~~A~~ No person ~~must not~~ ~~shall~~ falsely certify that PIMW has been treated in ~~compliance~~ ~~accordance~~ with this Part.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1422.122 Design and Operating Standards**

- a) Treatment of PIMW must be conducted in a manner that:
- 1) *Eliminates the infectious potential of the waste.* A treatment process eliminates the infectious potential of PIMW if the owner or operator of a treatment unit demonstrates that an Initial Efficacy Test and Periodic Verification Test have been completed successfully.
    - A) ~~Demonstrate successful~~ ~~Successful~~ completion of an Initial Efficacy Test ~~must be demonstrated~~ by a 6-log kill of test microorganisms. For a thermal unit that maintains the integrity of the container, a 6-log kill of indicator microorganism spores may be used as an alternative test. These demonstrations must ~~comply~~ ~~be conducted in accordance~~ with Section 1422.124.
    - B) Successful completion of a Periodic Verification Test must ~~comply~~ ~~be demonstrated, in accordance~~ with Section 1422.125, ~~and~~ ~~may be demonstrated~~ by:
      - i) a 6-log kill of test microorganisms or indicator microorganism spores as provided in subsection (a)(1)(A) above; or
      - ii) a minimum 3-log kill of indicator microorganism spores that has been correlated with a 6-log kill of test microorganisms; or
      - iii) an alternate method ~~submitted to and~~ approved in writing by the Agency.
  - 2) *Prevents ~~the~~ compaction and rupture of containers during handling operations*, except when compaction or rupture is an integral part of the



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

treatment process and the treatment process is conducted without discharge of PIMW to the environment;

- 3) *Disposes of treatment residuals in accordance with ~~the~~this Act and Board regulations~~adopted thereunder~~;*
- 4) *Provides for quality assurance programs that must include, ~~at a minimum,~~ a written plan that:*
  - A) Designates responsibility to personnel;
  - B) Describes operating parameters that must be monitored to ~~ensure~~insure effectiveness of the treatment process;
  - C) Identifies monitoring devices;
  - D) ~~Ensures~~Insures monitoring devices are operating properly;
  - E) Establishes appropriate ranges for all operating parameters;
  - F) Identifies the ~~person or persons~~person(s) who ~~must~~shall collect and organize data for inclusion in the operating record;
  - G) Identifies the ~~person or persons~~person(s) who ~~must~~shall evaluate any discrepancies or problems;
  - H) Identifies the ~~person or persons~~person(s) who ~~must~~shall propose actions to correct any problems identified; and
  - I) Identifies the ~~person or persons~~person(s) who ~~must~~shall assess actions taken and document improvement;
- 5) *Provides for periodic testing using biological testing, where appropriate, that demonstrate proper treatment of the waste;*
- 6) *Provides for assurances that clearly demonstrate that ~~PIMW~~potentially infectious medical waste has been properly treated; and*
- 7) *Is in compliance with all ~~federal~~Federal and State laws and regulations*

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

*pertaining to environmental protection.* (Section 56.2(a)(1) ~~through~~ (7) of the Act)

- b) In addition to the requirements in subsection (a) ~~of this Section:~~
- 1) ~~Manage residues~~ Residues from cleaning a PIMW contaminated container, equipment, or work surface ~~are regulated~~ under this Subtitle, except when directly discharged into a sanitary or combined sewer in ~~compliance~~ accordance with 35 Ill. Adm. Code ~~Subtitle C.~~

BOARD NOTE: Interested persons should note that local government units can regulate discharges to sewer systems ~~can also be regulated by units of local government.~~
- 2) ~~Manage ash~~ Ash resulting from the incineration of PIMW ~~is an industrial process waste, as defined in Section 3.17 of the Act, and must be managed~~ as a special waste in ~~compliance~~ accordance with 35 Ill. Adm. Code 807 and 809 ~~because it is an industrial process waste, as defined in Section 3.235 of the Act.~~
  - 3) ~~Retain copies~~ Copies of PIMW manifests required by 35 Ill. Adm. Code 1420.105 ~~of this Subtitle must be retained by and kept~~ at the treatment facility for three ~~(3)~~ years and ~~make them~~ must be made available at the treatment facility during normal business hours for inspection and photocopying by the Agency. The retention period for PIMW manifests is extended automatically during ~~the course of~~ any unresolved enforcement action regarding the treatment facility or as requested in writing by the Agency.
  - 4) *Commencing March 31, 1993, and annually thereafter, each treatment facility for which a permit is required* ~~by pursuant to~~ 35 Ill. Adm. Code 1420.105 shall file the report required by this subsection (b)(4). ~~Additionally, of this Subtitle and each facility not required to have a permit~~ underpursuant to 35 Ill. Adm. Code ~~Section 1420.105 of this Subtitle that treats more than 50 pounds per month of PIMW potentially infectious medical waste shall file the report. The report shall be filed with the Agency and shall specify~~ agency specifying the quantities and disposition of PIMW potentially infectious medical waste treated during the previous calendar year. These ~~Such~~ reports shall be on forms

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

*prescribed and provided by the Agency.* (Section 56.3 of the Act)

- 5) Upon closure of a treatment facility, ~~the owner or operator shall~~ clean the area, equipment, and structures in ~~compliance~~ accordance with 35 Ill. Adm. Code 1420.107 ~~of this Subtitle.~~
  
- c) In addition to the requirements listed in subsections (a) and (b) ~~of this Section,~~ the owners or operators of PIMW treatment facilities required to have a permit ~~by~~ pursuant to 35 Ill. Adm. Code 1420.105 ~~must of this Subtitle shall~~ also comply with the following requirements that the Agency ~~will~~ shall review during the permitting process:
  - 1) ~~Weigh amounts~~ Amounts of PIMW received ~~must be weighed~~ in pounds with a device for which certification has been obtained under the Weights and Measures Act ~~(Ill. Rev. Stat. 1991, ch. 147, pars. 101 et seq.). [225 ILCS 470]~~
  - 2) ~~Prominently display signs~~ Signs identifying that the facility treats PIMW ~~must be prominently displayed~~ at the points of access to the treatment area. ~~The signs must:~~ Signs must be marked in lettering that is readable at a minimum distance of five (5) feet. At a minimum, the signs must display the International Biohazard Symbol as shown in 35 Ill. Adm. Code 1421. Illustration A and the word "biohazard".
    - A) Display the International Biohazard Symbol as shown in 35 Ill. Adm. Code 1421. Illustration A and the word "Biohazard"; and
    - B) Be marked in lettering that is readable at a minimum distance of five feet.
  - 3) ~~Provide personnel~~ Personnel training ~~must be provided~~ to all staff annually, and prior to the handling of PIMW, that includes. ~~Annual personnel training must include, at a minimum,~~ a thorough explanation of the operating procedures to be taken during normal and emergency situations. The owner or operator ~~must~~ shall keep records verifying training of personnel.
  - 4) ~~Have~~ Treatment facilities must have a written contingency plan and implement the applicable sections of that plan if there is ~~must be~~

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

~~implemented in the event of a discharge, equipment failure, or personal injury, or a discharge of PIMW.~~

- A) The contingency plan must:
- i) ~~Describe~~describe the actions ~~to be taken by~~that personnel ~~shall take~~ in response to emergency situations such as, ~~but not limited to,~~ personal injury, discharges of PIMW, and equipment failure; and.
  - ii) ~~Include~~This contingency plan must, at a minimum, include a list of all emergency equipment at the treatment facility, an up-to-date list of names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, procedures for cleanup, protection of personnel, disposal of spill residue, and alternative arrangements for PIMW treatment; and.
- B) ~~The treatment facility must keep a~~A copy of the contingency plan ~~and must post emergency~~must be maintained at the treatment facility. ~~Emergency~~ phone numbers and a brief description of the emergency procedures ~~must be posted at the treatment facility.~~
- 5) ~~Keep~~The owner or operator shall keep a written operating record ~~that includes~~at the treatment facility. ~~At a minimum,~~ the following information ~~must be recorded and maintained in the operating record:~~
- A) Quantities and disposition of PIMW treated;
  - B) Date and time ~~the~~ PIMW arrived at the permitted PIMW site;
  - C) Date and time ~~the~~ PIMW was treated;
  - D) The operating parameters of the treatment unit (e.g., temperature, pressure, residence time, chemical concentration, irradiation dose);
  - E) Date and time the PIMW left the treatment facility;
  - F) Generator names, location or locations,~~name(s), location(s)~~ and, if

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

applicable, the generator identification ~~numbers~~number(s) issued by the Agency for each PIMW load received at the treatment facility;

- G) The destination of the treated waste, ~~which must include, at a minimum,~~ the name of the receiving facility, the location of the receiving facility, the identification number of the receiving facility issued by the Agency (if applicable), and the disposition; and
- H) ~~In a~~ separate log, ~~with,~~ the date, time, nature, and extent of all discharges and ~~personal~~injuries, and ~~with~~ the date, time, nature, and result of any ~~responses~~response(s) taken.

6) Retain the following records:

- A) The records required by subsections (c)(3) and (c)(5) ~~of this Section~~ must be:
- i) ~~Kept~~retained by and kept at the treatment facility until closure of the treatment facility; and
- ii) ~~Made~~must be made available at the treatment facility during normal business hours for inspection and photocopying by the Agency. ~~These records must be kept until closure of the treatment facility.~~
- B) The retention period in subsection (c)(6)(A) is extended automatically during ~~the course of~~any unresolved enforcement action ~~involving~~regarding the treatment facility or at the written request ofas requested ~~in writing by~~ the Agency.

7) For a planned closure:

- A) Notify the Agency of the planned closure atAt least ~~sixty (60)~~ days prior to closing a treatment facility; ~~and, the owner or operator shall notify the Agency of the planned closure.~~
- B) Certify~~Within ninety (90) days after the date the final load of~~

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

~~PIMW is received at the treatment facility, the owner or operator shall certify~~ to the Agency that final closure has been completed in ~~compliance~~ ~~accordance~~ with the permit, the Act, and all applicable regulations promulgated ~~under the Act~~ ~~thereunder~~ within 90 days after the date the final load of PIMW is received at the storage operation.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1422.123 Treatment Units**

- a) A treatment unit must be:
- 1) Designed and operated to eliminate the infectious potential of PIMW as demonstrated by the Initial Efficacy Test and Periodic Verification Tests, ~~under pursuant to~~ Sections 1422.124 and 1422.125 ~~of this Part~~;
  - 2) Operated according to the manufacturer's instructions, if it is a commercially available unit;
  - 3) Operated under the same conditions that have been used to demonstrate that the infectious potential was eliminated in ~~compliance~~ ~~accordance~~ with this Part;
  - 4) Operated with a PIMW feed rate not to exceed that which was used to demonstrate that the infectious potential was eliminated; and
  - 5) Designed and operated to limit the emission of microorganisms into the air.
- b) A treatment unit may be used by the owner or operator of a treatment facility not required to have a permit ~~by pursuant to~~ 35 Ill. Adm. Code 1420.105 ~~of this Subtitle, if; the requirements of subsection (b)(1) or (2) below are met.~~
- 1) The treatment unit meets the standards of ~~subsection (a)~~ ~~subsections (a)(1)-(5) of this Section~~, and:
    - A) The treatment unit ~~uses~~ ~~utilizes~~ a thermal, chemical, or irradiation treatment, as defined in 35 Ill. Adm. Code 1420.102 ~~of this~~

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

~~Subtitle~~; or

- B) The owner or operator maintains a copy of the Initial Efficacy Test results for the treatment unit ~~and conducts~~. ~~In addition, the owner or operator shall conduct~~ Periodic Verification Tests ~~compliant in accordance~~ with the manufacturer's instructions and ~~the requirements of~~ Section 1422.125. Test results ~~must~~ ~~shall~~ be ~~kept retained~~ and made available for inspection ~~as required by in accordance with~~ Section 1422.125(d) and (g); and
- C) The owner or operator ~~keeps~~ ~~retains~~ any notification from the manufacturer of the permitted commercially available treatment unit of a permit modification; ~~or~~:-
- 2) The Board has granted the owner's or operator's petition for an adjusted standard ~~as authorized by pursuant to~~ 35 Ill. Adm. Code 106.Subpart G or a site-specific rulemaking ~~under pursuant to~~ 35 Ill. Adm. Code 102. The petition must include a demonstration that the treatment unit meets the standards of subsection (a) ~~(1) (5) of this Section~~.
- ~~e) For an autoclave, incinerator or ethylene oxide unit installed or operated prior to the effective date of these regulations, an Initial Efficacy Test is not required. The first Periodic Verification Test must be performed within three (3) months of the effective date of these regulations to demonstrate that the infectious potential has been eliminated.~~
- ~~cd) For treatment facilities required to have a permit by pursuant to 35 Ill. Adm. Code 1420.105 of this Subtitle, the permit application must include, at a minimum, the following information regarding the treatment unit:~~
- 1) An operating plan that includes a description of the treatment facility's operating procedures and parameters; and
- 2) Test data and supporting documentation demonstrating that the infectious potential has been eliminated from either similar existing PIMW treatment units or pilot projects.
- ~~de) The treated PIMW is managed in compliance accordance with this Subtitle and 35 Ill. Adm. Code:- Subtitle G.~~

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1422.124 Initial Efficacy Test**

- a) The manufacturer, owner, or operator of a treatment unit ~~must~~ shall conduct an Initial Efficacy Test, ~~underpursuant to Section 1422. Appendix A of this Part,~~ for each model prior to its operation. If significant mechanical changes are made to a treatment unit, the Initial Efficacy Test must be repeated. Treatment units are ~~considered to be~~ the same model if they:
- 1) Are manufactured by the same company;
  - 2) Have the same capacity; and
  - 3) Have no significant mechanical changes.
- b) The Initial Efficacy Test must be conducted ~~using Option~~ by the use of Options 1, 2, or 3 (~~see of Appendix A) of this Part,~~ and the challenge loads as described in ~~Section 1422. Table C of Appendix A, Table C of this Part.~~ If any of the challenge loads fails the Initial Efficacy Test, the operating conditions must be revised and the Initial Efficacy Test must be repeated for all challenge loads. ~~The Initial Efficacy Test must also meet the requirements of this Section.~~
- 1) ~~Option 1 must be used for a~~ treatment unit that does not maintain the integrity of the container of test microorganisms (e.g., grinding followed by chemical disinfection) must use Option 1. This option is a two phase test.
    - A) The first phase is to determine the dilution of each test microorganism from the operation of the treatment unit for each challenge load. The log of the number of viable test microorganisms in the processed residue must be greater than or equal to six ~~(6)~~.
    - B) The second phase is to determine the effectiveness of the treatment unit. The log kill ~~(L)~~ for each test microorganism after treatment must be greater than or equal to six ~~(6)~~.



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 2) ~~Option 2 must be used for a~~ treatment unit that maintains the integrity of the container of test microorganisms (e.g., autoclaving) must use Option 2. The log kill ~~(L)~~ for each test microorganism after treatment must be greater than or equal to six ~~(6)~~.
  - 3) Option 3 can only be used for a thermal treatment unit that maintains the integrity of the container of indicator microorganism spores (e.g., autoclaving, incinerating). The log kill ~~(L)~~ of indicator microorganism spores after treatment must be greater than or equal to six ~~(6)~~.
- c) Composition of Challenge Loads
- 1) For treatment units designed to treat all types of PIMW:
    - A) Conduct the Initial Efficacy Test using all three ~~(3)~~ types of challenge in Appendix A, Table C ~~loads must be used in conducting the Initial Efficacy Test~~. The three ~~(3)~~ types of challenge loads represent PIMW with a high moisture content, low moisture content, and high organic content. Appendix A, Table C contains the moisture and organic content requirements that must be met in each type of challenge load.
    - B) The quantity of each challenge load must equal 100% of the maximum capacity of the treatment unit.
    - C) Each challenge load must include, ~~at a minimum,~~ 5% of each of the following categories: blood/broth cultures, fibers, metals, sharps, plastics, pathological waste, glass, non-woven fibers, and bottles of liquids. ~~Table C of Appendix A of this Part contains the moisture and organic content requirements that must be met in each type of challenge load.~~
  - 2) For treatment units designed to treat only select categories of PIMW (e.g., a sharps treatment unit), a modification in the composition of the challenge ~~loads~~ load(s) may be used if approved by the Agency in writing.
- d) The Initial Efficacy Test must be conducted under the same operating conditions under which the treatment unit operates on a day-to-day basis. The feed rate for the treatment unit must remain constant throughout the Initial Efficacy Test. This

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

feed rate must never be exceeded during the operation of the treatment unit.

- e) The Initial Efficacy Test must be performed so that:
- 1) Each container of test microorganisms ~~and/or~~ indicator microorganism spores is placed in the load to simulate the ~~worst/worse~~ case scenario (i.e., that part of the load that is the most difficult to treat). For example, the worst case scenario for an autoclave would be to place the container of test microorganisms ~~and/or~~ indicator microorganism spores within a sharps container that ~~is must in turn be~~ deposited in a plastic biohazard bag that is then located centrally within each of the challenge loads.
  - 2) Test microorganisms ~~and/or~~ indicator microorganisms must be cultured and enumerated ~~following in accordance with~~ instructions provided by the supplier of the microorganisms and Standard Methods for the Examination of Water and Wastewater, ~~incorporated by reference at~~ (see 35 Ill. Adm. Code 1420.103).
- f) A Document of Initial Efficacy Demonstration must be ~~kept/retained~~ at the treatment facility; and made available at the treatment facility during normal business hours for inspection and photocopying by the Agency. The Document of Initial Efficacy Demonstration must include, ~~at a minimum~~:
- 1) A detailed description of the test procedures used, including all test data generated, with descriptions of data handling, and a presentation and interpretation of final test results;
  - 2) A detailed description and verification of the operating parameters (e.g., temperatures, pressures, retention times, chemical concentrations, irradiation doses, and feed rates);
  - 3) A description of quality assurance ~~and~~ /quality control procedures and practices for the culture, storage, and preparation of test ~~and/or~~ indicator microorganisms (including, ~~but not limited to~~, organism history, source, stock culture maintenance, and enumeration procedures). The purity of the test microorganisms ~~and/or~~ indicator microorganism spores must be certified by a commercial or clinical laboratory;
  - 4) A description of microorganism preparation and packaging, challenge load

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

weight and composition, unit testing scheme (numbers of test rows), and sampling strategy (e.g., number and weight of solid and ~~or~~ liquid samples);

- 5) A description and demonstration of microorganism recovery, including sample processing, incubation and effective neutralization, and absence of toxic compounds due to neutralization (as applicable);
- 6) Appendices containing raw data and assumptions in tabular form;
- 7) The ~~name~~name(s), date, ~~signature, signature(s) and title, and qualification~~title(s) of ~~the person or persons~~person(s) conducting the Initial Efficacy Test, ~~and their qualifications~~; and
- 8) A list of references used to evaluate the data and obtain the ~~final~~ conclusion.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1422.125 Periodic Verification ~~Tests~~Test(s)**

- a) The effectiveness of the treatment unit is verified by the Periodic Verification ~~Tests~~Test(s), ~~which must be conducted in accordance with this Section~~. The manufacturer, owner, or operator of a treatment unit must perform Periodic Verification ~~Tests~~Test(s) that satisfy at least one ~~(1)~~ of the following:
  - 1) Passing the Initial Efficacy Test by using ~~Option~~Options 1, 2, or 3 (~~see of Appendix A) of this Part~~ (whichever is applicable). The three challenge loads described in Appendix A, Table C, do not need to be used. The test microorganisms or indicator microorganisms must be placed in a representative load in ~~compliance~~accordance with Section 1422.124(e)(1) ~~of this Part~~. For example, an autoclave may use Option 3 (e.g., demonstrate ~~at a minimum~~ the destruction of ~~one million~~ (1,000,000) Bacillus stearothermophilus spores) to meet the Periodic Verification ~~Test~~Tests(s) requirement. In the case of an incinerator, a stainless steel pipe with threaded ends and removable caps lined with a ceramic insulation may be used to contain a glass culture vial with Bacillus subtilis spore strips. The pipe with the spore strips may be placed in a load of PIMW for the Periodic Verification Test. After the treatment, the pipe

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

with the spore strips may be recovered and the spores may be cultured to assess whether 1,000,000, ~~at a minimum, one million~~ spores have been destroyed to meet the Periodic Verification ~~Test~~Test(s) requirement.

- 2) Correlating the log kill ~~(L)~~ of the test microorganisms in the Initial Efficacy Test to an equivalent log kill ~~(T)~~ of the indicator microorganism spores in ~~compliance accordance~~ with Appendix B ~~of this Part~~. The equivalent log kill ~~(T)~~ of the indicator microorganism spores must be used for all subsequent Periodic Verification Tests. The correlation must be done with the three ~~(3)~~ challenge loads identified in ~~Table C of~~ Appendix A, ~~Table C of this Part~~. (See subsection (b) ~~of this Section~~ for further requirements.); or
  - 3) Submitting and obtaining written approval by the Agency for a procedure that is equivalent to subsection (a)(2) ~~of this Section~~.
    - A) Examples of alternatives include, ~~but are not limited to~~, use of another indicator microorganism or measurement of disinfectant concentrations in the treated residue.
    - B) For incinerators only, an example of an alternative is visually inspecting the ash from each load of treated PIMW to ~~ensure insure~~ that all PIMW within the load is completely combusted.
    - C) The approval of an alternative by the Agency may require more frequent testing and ~~or~~ monitoring of the treatment unit.
- b) For the Correlating Periodic Verification Test, which provides the correlation of log kill ~~(L)~~ of the test microorganisms with the equivalent log kill ~~(T)~~ of the indicator microorganisms, the following procedures apply:
- 1) ~~Use~~At a minimum, an initial population of ~~one million~~ (1,000,000) indicator microorganism spores per gram of waste solids in each challenge load ~~must be used~~;
  - 2) ~~Use the~~The fraction of surviving indicator microorganisms that correlates to a log kill ~~(L)~~ of six ~~(6)~~ for each test microorganism ~~must be used~~ in future Periodic Verification ~~Tests~~Test(s).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- A) ~~(For example, if a log kill ~~(L)~~ of four ~~(4)~~ for the indicator microorganism spores per gram of waste solids is achieved during this demonstration, then a population of ~~ten thousand (10,000)~~ of the indicator microorganism must be used in all future Periodic Verification ~~Tests~~ Test(s)).~~
- B) For future Periodic Verification Tests, the three challenge loads described in Appendix A, Table C~~7~~, do not need to be used.
- C) The test microorganisms or indicator microorganism spores must be placed in a representative load in compliance~~accordance~~ with Section 1422.124(e)(1)~~of this Part~~;
- 3) ~~The minimum threshold death rate is an~~An equivalent log kill ~~(T)~~ of three ~~(3)~~ for the indicator microorganism spores ~~must be the minimum threshold death rate to~~ ensure~~insure~~ that all test microorganisms are destroyed;
- 4) Test microorganisms ~~and~~/or indicator microorganisms must be cultured and enumerated compliant~~in accordance~~ with instructions provided by the supplier of the microorganisms and Standard Methods for the Examination of Water and Wastewater; ~~(see incorporated by reference at 35 Ill. Adm. Code 1420.103); and~~
- 5) The Periodic Verification Test and the Initial Efficacy Test may be run concurrently to verify the correlation.
- c) If a load of PIMW fails a Periodic Verification Test~~Test(s)~~, the Periodic Verification Test~~Test(s)~~ must be repeated.
- 1) The operator ~~must~~shall implement the quality assurance program (~~see~~in Section 1422.122(a)(4)~~of this Part~~) and contact the manufacturer, if applicable, to identify and correct the problem or problems~~problem(s)~~ until the unit can eliminate the infectious potential of the PIMW.
- 2) If the operating parameters are altered, another Initial Efficacy Test must be performed to demonstrate the effectiveness of the unit and, if applicable, another Periodic Verification Test correlation, under~~pursuant to~~ subsection (a)~~of this Section~~, must also be repeated.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 3) Loads of PIMW that were first processed prior to receiving results showing a failure of the Periodic Verification Tests are considered treated.
  - 4) A second Periodic Verification Test must be run immediately after the first Periodic Verification Test indicates a failure. The second Periodic Verification Test is to determine whether ~~or not~~ the treatment unit is eliminating the infectious potential of the waste.
  - 5) After the second Periodic Verification Test shows a failure of the treatment unit, the processed waste is considered PIMW and must be managed in ~~compliance~~ ~~accordance~~ with this Subtitle.
- d) Results of the Period Verification ~~Tests~~ ~~Test(s)~~ must be received, verified, and made available for inspection by the Agency within two weeks of when the test was conducted. When a Periodic Verification Test is used to confirm the failure of a treatment unit, the results of the Periodic Verification ~~Test~~ ~~Test(s)~~ must be received, verified, and made available for inspection by the Agency within one week of when the test was conducted. Results of Periodic Verification Tests must be made available in ~~compliance~~ ~~accordance~~ with the requirements of subsection (g), ~~below~~.
- e) Periodic Verification ~~Tests~~ ~~Test(s)~~ must be conducted monthly, or more frequently if required by the permit or recommended by the manufacturer.
- f) A Document of Correlating Periodic Verification Demonstration must be prepared by and ~~kept~~ ~~retained~~ at the treatment facility, and must be available at the treatment facility during normal business hours for inspection and photocopying by the Agency. The Document of Periodic Verification Demonstration must include, ~~at a minimum~~:
- 1) A detailed description of the test procedures used and documentation showing the correlation between the log kill ~~(L)~~ of the test microorganisms and the equivalent kill ~~(T)~~ of the indicator microorganism spores. An evaluation of the test results must include: All test data generated, with description of data handling, and a presentation and interpretation of final test results;
  - 2) A detailed description of the operating parameters (e.g., temperatures, pressures, retention times, chemical concentrations, irradiation dose, and

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

feed rates);

- 3) A description of quality assurance and /quality control procedures and practices for the culture, storage, and preparation of test ~~and~~/or indicator microorganisms (including, ~~but not limited to~~, organism history, source, stock culture maintenance, and enumeration procedures). The purity of the test microorganisms and/or indicator microorganism spores must be certified by a commercial or clinical laboratory;
  - 4) A description of microorganism preparation and packaging, challenge load weight and composition, unit testing scheme (numbers of test rows), and sampling strategy (e.g., number and weight of solid ~~and/or~~ liquid samples);
  - 5) A description and demonstration of microorganism recovery including sample processing, incubation, and effective neutralization, and absence of toxic compounds due to neutralization;
  - 6) Appendices containing raw data and assumptions in tabular form;
  - 7) The names(s), date, signature,signature(s) ~~and~~ title, and qualificationstitle(s) of the person or persons~~person(s)~~ conducting the Periodic Verification~~Initial Efficacy~~ Test, ~~and their qualifications~~; and
  - 8) A list of references used to evaluate the data and obtain the ~~final~~ conclusion.
- g) Records of Periodic Verification Tests~~Test(s)~~ must be prepared by and kept~~retained~~ at the treatment facility, and made available at the treatment facility during normal business hours for inspection and photocopying by the Agency. These records must include, at a minimum:
- 1) The dates the Periodic Verification Tests~~Test(s)~~ were performed;
  - 2) Operating parameters (e.g., temperatures, pressures, retention times, chemical concentrations, irradiation dose, and feed rates);
  - 3) Test protocols;

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 4) Evaluation of test results; and
  - 5) The name(s), dates, signature, signature(s) and title, and qualification(s) of the person or persons conducting the Periodic Verification Test(s).
- h) Periodic Verification Test(s) must be conducted under the same operating conditions ~~under which~~ the treatment unit operates on a day-to-day basis. The feed rate for the treatment unit is the maximum feed rate at which the unit operates on a day-to-day basis. The feed rate must remain constant throughout the Periodic Verification Test(s). This feed rate must never be exceeded during the operation of the treatment unit.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1422.126 Sharps**

Sharps may not be disposed of in a landfill ~~unless only if~~ they have been treated to eliminate the infectious potential and:

- a) Have been rendered unrecognizable and therefore are no longer PIMW; or
- b) Have been:
  - 1) Packaged, marked, and labeled in ~~compliance accordance~~ with 35 Ill. Adm. Code 1421.Subparts C and D~~Part 1421, Subparts C and D~~;
  - 2) Delivered by a transporter with a PIMW hauling permit as required by 35 Ill. Adm. Code 1420.105 ~~of this Subtitle~~, unless specifically exempted; and
  - 3) Accompanied by a PIMW manifest as required by 35 Ill. Adm. Code 1420.105 ~~of this Subtitle~~, unless specifically exempted.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1422.127 Experimental Permits**

- a) The Agency may issue Experimental Permits for processes or techniques that do



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

not satisfy the standards ~~set forth~~ in this Subpart if the applicant can provide proof that the process or technique has a reasonable chance for success and that the environmental hazards are minimal. ~~The~~A description ~~must include~~of the type of residuals anticipated and how they will be managed and disposed of ~~must be included~~.

- b) A valid Experimental Permit ~~is~~constitutes a prima facie defense to any action brought against the permit holder for a violation of the Act or regulations promulgated ~~under the Act~~thereunder, but only to the extent that ~~the~~such action is based upon the failure of the process or technique.
- c) All Experimental Permits have a duration not to exceed two ~~(2)~~ years. These permits can only be renewed once. Original experimental permits and renewals granted to any person cannot exceed a total of four ~~(4)~~ years.
- d) Application for renewal of an experimental permit must be submitted to the Agency at least ~~ninety (90)~~ days prior to the expiration of the existing permit. ~~The applicant must note in its renewal application whether~~To the extent the information to be supplied for renewal is identical with that contained in the prior permit application. ~~The, the applicant shall so note on the renewal application, and the~~ Agency ~~may~~shall not require the resubmittal of data and information previously supplied to it.
- e) A report must be submitted at the end of the experimental permit period, or as required by the Agency, which ~~must include~~includes, ~~at a minimum,~~ the following:
- 1) A summary of operating data, including results of the Initial Efficacy ~~Tests~~Test(s) or Periodic Verification ~~Tests~~Test(s);
  - 2) A discussion of how the equipment performed;
  - 3) A discussion of how residuals were managed; and
  - 4) A demonstration that the infectious potential has been eliminated.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 1422.APPENDIX A Initial Efficacy Test Procedures**

All PIMW treatment units must demonstrate that the infectious potential has been eliminated by using an Initial Efficacy Test in ~~accordance with~~ this Appendix.

This Option 1 is for a treatment unit that compromises the integrity of the container of test microorganisms (e.g., grinding followed by chemical disinfection).

The purpose of this Phase 1 is to determine the dilution of each test microorganism from the treatment unit for each challenge load (Types A through C) identified in Appendix A, Table C of this Appendix.

- a) Prepare and sterilize by autoclaving, two ~~(2)~~ challenge loads of Type A as identified in Appendix A, Table C of this Appendix. Reserve one ~~(1)~~ challenge load for Phase 2.
- b) ~~Process each~~ Each test microorganism ~~must be processed~~ in separate runs through the treatment unit. Prior to each run, the number of viable test microorganisms in each container must be determined ~~using in accordance with~~ applicable manufacturer's recommendations, and Standard Methods for the Examination of Water and Wastewater; ~~(see incorporated by reference at~~ 35 Ill. Adm. Code 1420.103).
- c) ~~Process~~ Processing of the PIMW ~~must occur~~ within ~~thirty (30)~~ minutes after introducing the container of test microorganisms into the treatment unit.
- d) ~~Process the~~ The container of test microorganisms and challenge loads ~~must be processed~~ together without the physical ~~and/or~~ chemical agents designed to kill the test microorganisms. For example, in treatment units that use a chemical disinfectant ~~disinfectant(s)~~, an equal volume of liquid (e.g., sterile saline solution (0.9%, volume/volume), phosphate buffer solution, tap water) must be substituted in place of the chemical disinfectant ~~disinfectant(s)~~.
- e) ~~Take a~~ A minimum of five ~~(5)~~ representative grab samples ~~must be taken~~ from the processed residue of each challenge load in ~~compliance~~ accordance with Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846); ~~(see incorporated by reference at~~ 35 Ill. Adm. Code 1420.103). Determine the ~~The~~ number of viable test microorganisms in each grab sample ~~using~~ must be determined in accordance with applicable manufacturer's recommendations; and

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Standard Methods for the Examination of Water and Wastewater, [\(see incorporated by reference at 35 Ill. Adm. Code 1420.103\)](#).

- f) Calculate the effect of dilution for the treatment unit as follows:

$$SA = \text{Log NoA} - \text{Log N1A}; \text{ where } \text{Log N1A} \geq 6$$

where: SA is the log of the number of viable test microorganisms (CFU/gram of waste solids and PFU/gram of waste solids) that were not recovered after processing challenge load Type A.

NoA is the number of viable test microorganisms (CFU/gram of waste solids and PFU/gram of waste solids) introduced into the treatment unit for challenge load Type A.

N1A is the number of viable test microorganisms (CFU/gram of waste solids and PFU/gram of waste solids) remaining in the processed residue for challenge load Type A.

If Log N1A is less than 6, then the number of viable test microorganisms introduced into the treatment unit must be increased and steps (a) through (f) in Phase 1 must be repeated until Log N1A is  $\geq 6$ . NoA is the inoculum size for challenge load Type A in Phase 2 below.

- g) Repeat steps (a) through (f) in Phase 1 for challenge loads of PIMW for Types B and C identified in [Appendix A, Table C](#) ~~of this Appendix~~ to determine the effect of dilution (SB and SC, respectively).

The purpose of this Phase 2 is to determine the log kill of each test microorganism in each challenge load (Types A through C) identified in [Appendix A, Table C](#) ~~of this Appendix~~.

- a) Using the inoculum size (NoA) determined in Phase 1 above, repeat Phase 1 steps (a) through (e) under the same operating parameters, except that the physical and/or chemical agents designed to kill the test microorganisms must be used.
- b) Calculate the effectiveness of the treatment unit by subtracting the log of viable cells after treatment from the log of viable cells introduced into the treatment unit as the inoculum, as follows:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

$$LA = \text{Log NoA} - SA - \text{Log N2A} \geq 6$$

where: LA is the log kill of the test microorganisms (CFU/gram of waste solids and PFU/gram of waste solids) after treatment in the challenge load Type A.

NoA is the number of viable test microorganisms (CFU/gram of waste solids and PFU/gram of waste solids) introduced into the treatment unit as the inoculum for challenge load Type A as determined in Phase 1 above.

SA is the log of the number of viable test microorganisms (CFU/gram of waste solids and PFU/gram of waste solids) that were not recovered after processing the challenge load Type A in Phase 1 above.

N2A is the number of viable test microorganisms (CFU/gram of waste solids and PFU/gram of waste solids) remaining in the treated residue for challenge load Type A.

- c) Repeat steps (a) through (b) in Phase 2 for challenge loads Types B and C identified in [Appendix A](#), Table C ~~of this Appendix~~ to determine the effectiveness of the treatment unit (LB and LC, respectively).

This Option 2 is for a treatment unit that maintains the integrity of the container of test microorganisms (e.g., autoclaves).

- a) ~~Place one~~One microbiological indicator assay containing one of the test microorganisms at numbers greater than ~~one million (1,000,000) must be placed~~ in a sealed container that remains intact during treatment. The inside diameter of the container must be no larger than required to contain the assay ~~vials~~vial(s). The ~~vials~~vial(s) must only contain the test microorganisms.
- b) ~~Place the~~The container of test microorganisms ~~must be placed~~ within a Type A challenge load as identified in [Appendix A](#), Table C ~~of this Appendix~~.
- c) Calculate the effectiveness of the treatment unit by subtracting the log of viable cells after treatment from the log of viable cells introduced into the treatment unit as the inoculum, as follows:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

$$LA = \text{Log } N_o - \text{Log } N_{2A} \geq 6$$

where: LA is the log kill of the test microorganisms (CFU and PFU) after treatment in challenge load Type A.

No is the number of viable test microorganisms (CFU and PFU) introduced into the treatment unit as the inoculum.

N2A is the number of viable test microorganisms (CFU and PFU) remaining after treatment in challenge load Type A.

- d) Repeat steps (a) through (c) in this option for challenge loads Types B and C identified in [Appendix A](#), Table C ~~of this Appendix~~ to determine the effectiveness of the treatment unit (LB and LC, respectively).

This Option 3 is for a treatment unit that uses thermal treatment and maintains the integrity of the container of indicator microorganism spores (e.g., autoclaves and incinerators).

- a) ~~Place one~~One microbiological indicator assay containing at least ~~one million~~ (1,000,000) spores of one of the indicator microorganisms listed in [Appendix A](#), Table B ~~of this Appendix must be placed~~ in a sealed container that remains intact during treatment. The inside diameter of the container must be no larger than required to contain the assay ~~vials~~vial(s). The vial must contain only the indicator microorganism vial.
- b) ~~Place the~~The container of indicator microorganisms ~~must be placed~~ within a Type A challenge load as identified in [Appendix A](#), Table C ~~of this Appendix~~.
- c) Calculate the effectiveness of the treatment unit by subtracting the log of viable cells after treatment from the log of viable cells introduced into the treatment unit as the inoculum, as follows:

$$LA = \text{Log } N_o - \text{Log } N_{2A} \geq 6$$

where: LA is the log kill of the viable indicator microorganisms (CFU) after treatment in challenge load Type A.

No is the number of viable indicator microorganisms (CFU) introduced into the treatment unit as the inoculum.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

N2A is the number of viable indicator microorganisms (CFU) remaining after treatment in challenge load Type A.

- d) Repeat steps (a) through (c) in this option for challenge loads Types B and C identified in [Appendix A, Table C](#) ~~of this Appendix~~ to determine the effectiveness of the treatment unit (LB and LC, respectively).

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 1422.APPENDIX A Initial Efficacy Test Procedures****Section 1422.TABLE C Challenge Loads**

This table identifies the three types of challenge loads of PIMW that must be used as part of the Initial Efficacy Test and Periodic Verification ~~Test~~Test(s).

## COMPOSITION OF CHALLENGE LOADS

% (w/w)

	A	B	C
Moisture	$\leq 5$	$\geq 50$	---
Organic	---	---	$\geq 70$

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 1422.APPENDIX B Correlating Periodic Verification Test Procedures**

- a) A certified microbiological indicator assay containing the test microorganisms and indicator microorganism spores is introduced into each challenge load as identified in ~~Table C of Appendix A, Table C~~.
- b) ~~Place the~~The test microorganisms and indicator microorganism spores ~~must be placed~~ in a sealed container that remains intact during treatment.
- c) ~~Place the~~The container ~~must be placed~~ in each challenge load to simulate the worst case scenario (i.e., that part of the load that is the most difficult to treat). For example, the worst case scenario for an autoclave would be to place the test microorganisms and indicator microorganism spores container within a sharps container that must in turn be deposited in a plastic biohazard bag that is then located centrally within the treatment unit.
- d) ~~Calculate~~The effectiveness of the treatment unit is demonstrated by calculating the log kill (~~L~~) of the test microorganisms ~~compliant in accordance~~ with Option 2 of Appendix A ~~to determine the effectiveness of the treatment unit of this Part~~. The equivalent log kill (~~T~~) of the indicator microorganism spores is calculated by subtracting the log of viable cells after treatment from the log of viable cells introduced into the treatment unit as the inoculum as follows:

$$TA = \text{Log } N_0 - \text{Log } N_{2A} \geq 3$$

where: TA is the equivalent log kill of the viable indicator microorganisms (CFU) after treatment in challenge load Type A.

$N_0$  is the number of viable indicator microorganism spores (CFU) introduced into the treatment unit as the inoculum ( $\geq 6$ )

$N_{2A}$  is the number of viable indicator microorganism (CFU) remaining after treatment in challenge load Type A.

- e) Repeat steps (a) through (d) for challenge loads Types B and C identified in ~~Table C of Appendix A, Table C~~ to determine the correlation between the log kill of the test microorganisms and the equivalent kill of the indicator microorganism spores (LB and LC, respectively).



POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Air Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 243
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
243.108	Amendment
243.120	Amendment
243.122	Amendment
243.125	Amendment
243.126	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 10, and 27
- 5) Effective Date of Rules: February 19, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) Statement of Availability: The adopted rules, a copy of the Board's opinion and order adopted February 14, 2019 in docket R19-6, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 20601; November 26, 2018
- 10) Has JCAR issued a Statement of Objection to these rules? 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).
- 11) Differences between the Proposal and Final Version: The differences between the amendment adopted on February 14, 2019 in docket R19-6 and those proposed by the Board in an opinion and order dated November 1, 2018 are limited to minor corrections that have no substantive effect. The Board listed the changes in a document entitled,

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Identical-in-Substance Rulemaking Addendum (Final) to the February 14, 2019 Opinion and Order of the Board" (IIS-RA(P)) that the Board added to docket R19-6.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? 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 JCAR.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: 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 February 14, 2019, adopting amendments in docket R19-6, which opinion and order is available from the address below.

The R19-6 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 period January 1, 2018 through June 30, 2018. The Federal NAAQS are codified at 40 C.F.R. 50. During this period, USEPA amended implementation of its NAAQSs as follows:

February 13, 2018 (83 Fed. Reg. 6174)	USEPA designated one new federal reference method (FRM) for nitrogen dioxide (NO <sub>2</sub> ), in ambient air.
March 28, 2018 (83 Fed. Reg. 13198)	USEPA redesignated the Chicago and Granite City areas to attainment for the 2008 NAAQS for lead in ambient air.
June 1, 2018 (83 Fed. Reg. 25451)	USEPA designated one new federal reference method (FRM) for nitrogen dioxide (NO <sub>2</sub> ), in ambient air.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

June 15, 2018

USEPA issued an updated version of its List of Designated Reference and Equivalent Methods (List of Designated Methods).

The Board deviated from the literal text of the USEPA amendment by using incorporation by reference rather than listing the designated methods. The Board further updated incorporations by reference to Code of Federal Regulations provisions to the latest version available. Review prompted by the USEPA action of March 28, 2018 prompted the Board to remove the 1978 primary and secondary quarterly average NAAQS for lead from the Illinois rules.

Tables appear in the IIS-RA(F) that the Board added to docket R19-6 that list the revisions to the text of the corresponding federal rule and the amendment that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the Identical-in-Substance Rulemaking Addendum (Final) in docket R19-6.

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 JCAR.

- 16) Information and questions regarding these adopted rules shall be directed to: Please reference consolidated docket R19-6 and direct inquiries to the following person:

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 of October 19, 2017 at 312/814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at [www.illinois.gov](http://www.illinois.gov).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER I: AIR QUALITY STANDARDS AND EPISODESPART 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 <sub>10</sub> and PM <sub>2.5</sub>
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].

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

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.

## 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](http://www.gpo.gov)). The following documents incorporated by reference are available from this source:

Appendix A-1 to 40 CFR 50 ~~(2017)~~(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 ~~(2017)~~(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 ~~(2017)~~(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 ADOPTED AMENDMENTS

Appendix C to 40 CFR 50 [\(2018\)](#)~~(2017)~~ (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 [\(2018\)](#)~~(2017)~~ (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 [\(2018\)](#)~~(2017)~~ (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 [\(2018\)](#)~~(2017)~~ (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 [\(2018\)](#)~~(2017)~~ (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 [\(2018\)](#)~~(2017)~~ (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 [\(2018\)](#)~~(2017)~~ (Reference Method for the Determination of Particulate Matter as PM<sub>10</sub> in the Atmosphere), referenced in Section 243.120.

Appendix K to 40 CFR 50 [\(2018\)](#)~~(2017)~~ (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 [\(2018\)](#)~~(2017)~~ (Reference Method for the Determination of Fine Particulate Matter as PM<sub>2.5</sub> in the Atmosphere), referenced in Section 243.120.



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Appendix N to 40 CFR 50 ~~(2018)(2017)~~, as amended at 82 Fed. Reg. 14325 (Mar. 20, 2017) (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 ~~(2018)(2017)~~ (Reference Method for the Determination of Coarse Particulate Matter as PM<sub>10-2.5</sub> 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 ~~(2018)(2017)~~ (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix Q to 40 CFR 50 ~~(2018)(2017)~~ (Reference Method for the Determination of Lead in Particulate Matter as PM<sub>10</sub> Collected from Ambient Air), referenced in appendix R to 40 CFR 50.

Appendix R to 40 CFR 50 ~~(2018)(2017)~~ (Interpretation of the National Ambient Air Quality Standards for Lead), referenced in Section 243.126.

Appendix S to 40 CFR 50 ~~(2018)(2017)~~ (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 ~~(2018)(2017)~~ (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 ~~(2018)(2017)~~ (Interpretation of the Primary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

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

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

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" ([June 15, 2018](#)~~December 15, 2017~~) (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 43 Ill. Reg. 3034, effective February 19, 2019)

## SUBPART B: STANDARDS AND MEASUREMENT METHODS

**Section 243.120 PM<sub>10</sub> and PM<sub>2.5</sub>**

- a) 1987 Primary and Secondary 24-Hour NAAQS for PM<sub>10</sub>:
  - 1) The level of the 1987 primary and secondary 24-hour NAAQS for PM<sub>10</sub> is 150 µg/m<sup>3</sup>, 24-hour average concentration. The 1987 primary and secondary NAAQS for PM<sub>10</sub> is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m<sup>3</sup>, 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.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 3) For the purpose of determining attainment of the 1987 primary and secondary 24-hour NAAQS for PM<sub>10</sub>, particulate matter must be measured in the ambient air as PM<sub>10</sub> 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~~(2016)~~. USEPA adopted 1997 primary NAAQS for PM<sub>10</sub> 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<sub>10</sub> are included in this subsection (a).

- b) 1997 Primary and Secondary Annual Average and 24-Hour NAAQS for PM<sub>2.5</sub>:
- 1) The 1997 primary and secondary annual average NAAQS for PM<sub>2.5</sub> is 15.0 µg/m<sup>3</sup>, annual arithmetic mean concentration, and the 1997 primary and secondary 24-hour NAAQS for PM<sub>2.5</sub> is 65 µg/m<sup>3</sup>, 24-hour average concentration, measured in the ambient air as PM<sub>2.5</sub> 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<sub>2.5</sub> is met when the annual arithmetic mean concentration, as determined in

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 15.0  $\mu\text{g}/\text{m}^3$ .

- 3) The 1997 primary and secondary 24-hour NAAQS for  $\text{PM}_{2.5}$  is met when the 98<sup>th</sup> 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  $\mu\text{g}/\text{m}^3$ .
- 4) The [1997](#) primary annual  $\text{PM}_{2.5}$  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  $\text{PM}_{2.5}$  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  $\text{PM}_{2.5}$  and the 1997 24-hour  $\text{PM}_{2.5}$  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-~~(2016)~~ and ~~40 CFR 50.13(d), as added at 82 Fed. Reg. 14325 (Mar. 20, 2017)~~. 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 24-Hour NAAQS for  $\text{PM}_{2.5}$ :
  - 1) The 2006 primary and secondary annual average NAAQS for  $\text{PM}_{2.5}$  is 15.0  $\mu\text{g}/\text{m}^3$ , annual arithmetic mean concentration, and the 2006 primary and secondary 24-hour NAAQS for  $\text{PM}_{2.5}$  is 35  $\mu\text{g}/\text{m}^3$ , 24-hour average concentration, measured in the ambient air as  $\text{PM}_{2.5}$  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

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 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<sub>2.5</sub> 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<sup>3</sup>.
- 3) The 2006 primary and secondary 24-hour NAAQS for PM<sub>2.5</sub> is met when the 98<sup>th</sup> 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<sup>3</sup>.
- 4) The primary annual PM<sub>2.5</sub> 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<sub>2.5</sub> 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<sub>2.5</sub> 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<sub>2.5</sub> in this subsection (c) is the 1997 primary annual average NAAQS for PM<sub>2.5</sub>. 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-~~(2016)~~.

- d) 2012 Primary Annual Average and 24-Hour NAAQS for PM<sub>2.5</sub>
- 1) The 2012 primary annual average NAAQS for PM<sub>2.5</sub> is 12.0 µg/m<sup>3</sup> annual arithmetic mean concentration, and the 2012 primary 24-hour NAAQS for PM<sub>2.5</sub> is 35 µg/m<sup>3</sup> 24-hour average concentration, measured in the ambient air as PM<sub>2.5</sub> by a method that fulfills either of the following requirements:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 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<sub>2.5</sub> 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 µg/m<sup>3</sup>.
  - 3) The 2012 primary 24-hour NAAQS for PM<sub>2.5</sub> is met when the 98<sup>th</sup> 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<sup>3</sup>.

BOARD NOTE: This subsection (d) is derived from 40 CFR 50.18-(2016).

(Source: Amended at 43 Ill. Reg. 3034, effective February 19, 2019)

**Section 243.122 Sulfur Oxides (Sulfur Dioxide)**

- a) 1971 Primary Annual Average and 24-Hour NAAQS for Sulfur Oxides (as Sulfur Dioxide (SO<sub>2</sub>)):
  - 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).

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 3) Sulfur oxides must be measured in the ambient air as SO<sub>2</sub> 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) 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: Corresponding 40 CFR 50.4(e) recites that the 1971 primary NAAQS for sulfur oxides remains effective in two types of areas for which USEPA has not yet approved an implementation plan for attainment with the 2010 primary one-hour NAAQS for sulfur oxides. The first type of area is one that USEPA had designated as non-attainment for that standard as of the effective date of the 2010 primary one-hour NAAQS for the 1971 primary NAAQS for sulfur oxides as of the effective date of the 2010 NAAQS. That date was August 23, 2010. See 75 Fed. Reg. 35520 (June 22, 2010). As of that date, USEPA had not designated any area in Illinois as non-attainment. See 40 CFR 81.314 (2010). The Board is unaware of any USEPA SIP call for any area of Illinois relative to the 1971 primary NAAQS for sulfur oxides. USEPA designated the~~

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

~~attainment status of two areas in Illinois for the 2010 primary one-hour NAAQS for sulfur oxides on August 5, 2013, effective October 4, 2013. See 40 CFR 81.314 (2013) as amended at 78 Fed. Reg. 47191 (Aug. 5, 2013) (Lemont and Pekin areas). The 1971 primary annual average and 24-hour NAAQS for sulfur oxides will no longer apply to those two designated areas effective October 4, 2014; although the NAAQS will continue to apply to all other areas of Illinois after that date. When the conditions of this subsection (a)(5) have been fulfilled as to all areas of Illinois, or USEPA has removed 40 CFR 50.4, the Board will remove the standard of this subsection (a) as obsolete.~~

BOARD NOTE: This subsection (a) is derived from 40 CFR 50.4. This subsection (a) no longer applies in the following areas in Illinois: 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<sub>2</sub>):
- 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<sub>2</sub> 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



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

would exceed the level of the standard when zeros are substituted for the missing values, subject to the rounding rule of subsection (b)(1) ~~of this Section~~, 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<sub>2</sub>)-
- 1) The level of the 2010 primary one-hour NAAQS for sulfur oxides is 75 ppb, measured in the ambient air as SO<sub>2</sub>.
  - 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<sup>th</sup> 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<sub>2</sub> remains in effect until the federal conditions of 40 CFR 50.4(e) have been fulfilled, as outlined in subsection (a)(5) ~~of this Section~~ and the appended Board note.

(Source: Amended at 43 Ill. Reg. 3034, effective February 19, 2019)

**Section 243.125 Ozone**

- a) 2008 Primary and Secondary Eight-Hour NAAQS for Ozone-
- 1) The 2008 primary and secondary eight-hour NAAQS for ozone is 0.075 ppm, daily maximum eight-hour average, measured by an FRM based on appendix D to 40 CFR 50, incorporated by reference in Section 243.108,

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108, or 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 eight-hour NAAQS for ozone ambient air quality standards are met at an ambient air quality monitoring site when the three-year average of the annual fourth-highest daily maximum eight-hour average ozone concentration is less than or equal to 0.075 ppm, as determined in accordance with appendix P to 40 CFR 50, incorporated by reference in Section 243.108.

BOARD NOTE: This subsection (a) is derived from 40 CFR 50.15 (~~2015~~).

b) 2015 Primary and Secondary Eight-Hour NAAQS for Ozone:

- 1) The level of the eight-hour primary NAAQS for ozone is 0.070 ppm, daily maximum eight-hour average, measured by a reference method based on appendix D to 40 CFR 50, incorporated by reference in Section 243.108, or an equivalent method designated by USEPA and listed in the List of Designated Methods or a Federal Register notice incorporated by reference in Section 243.108.
- 2) The eight-hour primary NAAQS for ozone is met at an ambient air quality monitoring site when the three-year average of the annual fourth-highest daily maximum eight-hour average ozone concentration is less than or equal to 0.070 ppm, as determined in accordance with appendix U to 40 CFR 50, incorporated by reference in Section 243.108.
- 3) The level of the secondary NAAQS for ozone is 0.070 ppm, daily maximum eight-hour average ozone concentration, measured by a reference method based on appendix D to 40 CFR 50, incorporated by reference in Section 243.108, and designated in accordance with part 53 of this chapter or an equivalent method designated by USEPA and listed in the List of Designated Methods or a Federal Register notice incorporated by reference in Section 243.108.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 4) The eight-hour secondary NAAQS for ozone is met at an ambient air quality monitoring site when the three-year average of the annual fourth-highest daily maximum eight-hour average ozone concentration is less than or equal to 0.070 ppm, as determined in accordance with appendix U to 40 CFR 50, incorporated by reference in Section 243.108.

BOARD NOTE: This subsection (b) is derived from 40 CFR 50.19-~~(2015)~~.

(Source: Amended at 43 Ill. Reg. 3034, effective February 19, 2019)

**Section 243.126 Lead**

- a) 1978 Primary and Secondary Quarterly Average NAAQS for Lead-
  - 1) ~~The 1978 primary and secondary quarterly average NAAQS for lead and its compounds, measured as elemental lead by an FRM based on appendix G 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 by an FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108, is 1.5  $\mu\text{g}/\text{m}^3$ , maximum arithmetic mean averaged over a calendar quarter.~~
  - 2) ~~The 1978 primary and secondary quarterly average NAAQS for lead set forth in this subsection (a) will remain applicable to all areas notwithstanding the 2008 primary and secondary quarterly average NAAQS for lead in subsection (b) of this Section. The 1978 primary and secondary quarterly average NAAQS for lead set forth in this subsection (a) will no longer apply to an area one year after the effective date of the designation of that area by USEPA pursuant to 42 USC 7407 for the 2008 primary and secondary three-month average NAAQS for lead set forth in subsection (b) of this Section; except that, for areas designated nonattainment for the 1978 primary and secondary quarterly average NAAQS for lead set forth in this subsection (a) as of January 12, 2009, the 1978 primary and secondary NAAQS for lead set forth in this subsection (a) will apply until USEPA has approved an implementation plan for that area pursuant to 42 USC 7514 providing for attainment or maintenance of the 2008 primary and secondary three-month average NAAQS for lead set forth in subsection (b) of this Section.~~

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

~~BOARD NOTE: The Board substituted "January 12, 2009" for the open-ended language in corresponding 40 CFR 50.12(b) relative to the effective date of 40 CFR 50.16. January 12, 2009 is the effective date recited at 73 Fed. Reg. 66964 (Nov. 12, 2008). USEPA designated Granite City as nonattainment with the 2008 primary and secondary three-month average NAAQS for lead in 2010 and an area of Chicago in 2011. USEPA designated all other areas of Illinois for the 2008 primary and secondary three-month average NAAQS for lead in 2012. See 40 CFR 81.314 (area designations in Illinois); 76 Fed. Reg. 72097, 108 (Nov. 22, 2011) (effective December 31, 2011); 75 Fed. Reg. 71033, 42 (Nov. 22, 2010) (effective December 31, 2010). Thus, this subsection (a) has been obsolete since December 31, 2012.~~

BOARD NOTE: This subsection (a) is derived from 40 CFR 50.12 ~~(2012)~~. USEPA designated Granite City as nonattainment with the 2008 primary and secondary three-month average NAAQS for lead effective December 31, 2011 and an area of Chicago effective December 31, 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  $0.15 \mu\text{g}/\text{m}^3$ , 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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to  $0.15 \mu\text{g}/\text{m}^3$ .

BOARD NOTE: This subsection (b) is derived from 40 CFR 50.16~~(2012)~~.

(Source: Amended at 43 Ill. Reg. 3034, effective February 19, 2019)

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 43, Issue 9 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

**PROPOSED RULES**

35 - 703	.....	2613
35 - 720	.....	2654
35 - 721	.....	2722
35 - 722	.....	2795
35 - 723	.....	2837
35 - 724	.....	2843
35 - 725	.....	2895
35 - 727	.....	2924
35 - 733	.....	2945
35 - 739	.....	2953
35 - 1420	.....	2966
35 - 1421	.....	2983
35 - 1422	.....	2994

**ADOPTED RULES**

35 - 243	2/19/2019 .....	3034
----------	-----------------	------