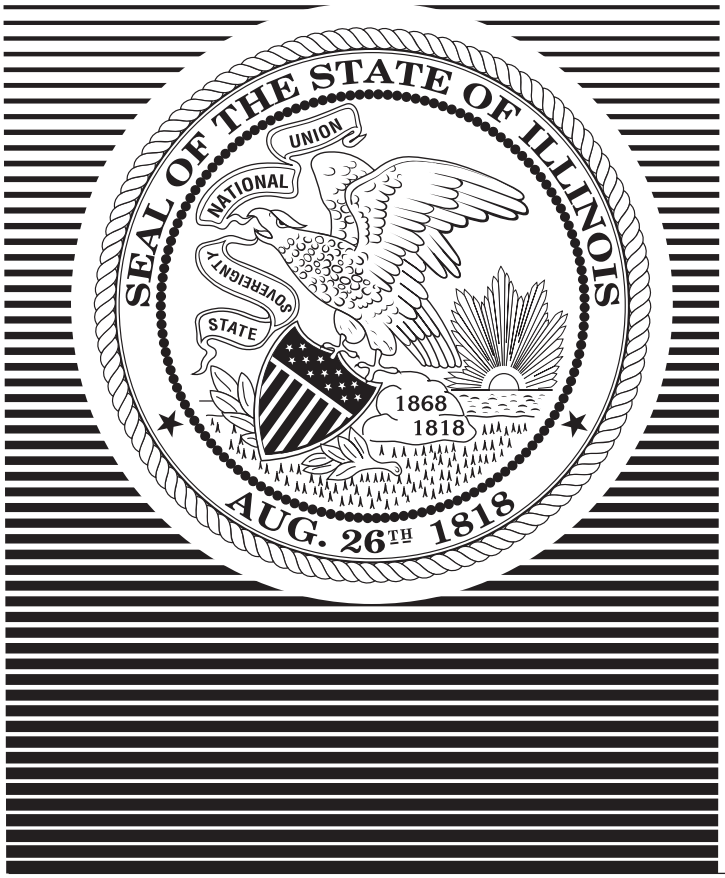
# 2018

# ILLINOIS

# REGISTER

Rules of
Governmental Agencies

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June 22, 2018

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## INTRODUCTION

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

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

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

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

## ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2018

| Issue# | Rules Due Date | Date of Issue |
|---|---|---|
| 1 | December 26, 2017 | January 5, 2018 |
| 2 | January 2, 2018 | January 12, 2018 |
| 3 | January 8, 2018 | January 19, 2018 |
| 4 | January 16, 2018 | January 26, 2018 |
| 5 | January 22, 2018 | February 2, 2018 |
| 6 | January 29, 2018 | February 9, 2018 |
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|---|---|---|
| 26 | June 18, 2018 | June 29, 2018 |
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| 41 | October 1, 2018 | October 12, 2018 |
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| 43 | October 15, 2018 | October 26, 2018 |
| 44 | October 22, 2018 | November 2, 2018 |
| 45 | October 29, 2018 | November 9, 2018 |
| 46 | November 5, 2018 | November 16, 2018 |
| 47 | November 13, 2018 | November 26, 2018 |
| 48 | November 19, 2018 | November 30, 2018 |
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| 51 | December 10, 2018 | December 21, 2018 |
| 52 | December 17, 2018 | December 28, 2018 |

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Enterprise Zone and High Impact Business Programs

2) Code Citation: 14 Ill. Adm. Code 520

3)

| Section Numbers: | Proposed Actions: |
|---|---|
| 520.610 | Amendment |
| 520.650 | Amendment |
| 520.910 | Amendment |
| 520.940 | New Section |
| 520.1010 | Amendment |
| 520.1040 | New Section |

4) Statutory Authority: Implementing the Illinois Enterprise Zone Act [20 ILCS 655]; Section 201(f), (g) and (h) of the Illinois Income Tax Act [35 ILCS 5/201(f), (g) and (h)]; Sections 1d-1f, 1i-1j and 1o of the Retailers' Occupation Tax Act [35 ILCS 120/1d-1f, 1i-1j, and 1o]; and Sections 9-221, 9-222, and 9-222.1 of the Public Utilities Act [220 ILCS 5/9-221, 9-222 and 9-222.1]; and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95].

5) A Complete Description of the Subjects and Issues Involved: The purposes of these rules are two-fold. First, the changes are decided to ensure that companies receiving tax exemptions under the Enterprise Zone or High Impact Business programs are in good standing with the Secretary of State and otherwise generally good corporate citizens. Second, these amendments are meant to further clarify the revocation procedures applicable to these programs and differentiate between businesses facing business setbacks and those whose threatened revocation arise as a result of "bad acts" or other improper actions by the company.

6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? None

7) Will this rulemaking replace any emergency rule currently in effect? No

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

9) Does this rulemaking contain incorporations by reference? No

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

11) Statement of Statewide Policy Objective: The rulemaking does not create or expand a State Mandate as defined in Section 3(b) of the State Mandate Act [30 ILCS 805].

12) Information and questions regarding this rulemaking shall be directed in writing to:

Jolene Clarke
Rules Administrator
Department of Commerce and Economic Opportunity
500 E. Monroe
Springfield IL 62701

217/557-1820
fax: 217-524-3701
jolene.clarke@illinois.gov

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent agendas because the Department did not anticipate the changes.

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

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520.210 Eligibility Criteria
520.220 Form of Application
520.230 Application Procedures
520.240 Joint Application
520.250 Application Evaluation and Ranking

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Section
520.300 Application to Amend an Ordinance
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520.315 Application to Change Incentives, Alter Termination Date, and Make Technical Corrections
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520.520 Charitable Contributions

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520.630 Form of Application
520.640 Application Approval Process
520.650 Revocation of High Impact Business Designation

SUBPART G: TAX INCENTIVES FOR ENTERPRISE ZONES
AND HIGH IMPACT BUSINESSES

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520.700 List of Available Tax Incentives
520.710 Eligible Applicants (Repealed)
520.720 Eligibility Criteria (Repealed)
520.730 Form of Application (Repealed)
520.740 Application Review and Approval (Repealed)
520.750 Revocation of the High Impact Business Designation (Repealed)

SUBPART H: INVESTMENT TAX CREDIT

Section
520.800 General
520.810 Eligibility Criteria (Repealed)
520.820 Form of Application (Repealed)
520.830 Application Review and Approval Process (Repealed)

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SUBPART I: UTILITY TAX EXEMPTION

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520.900 Definitions
520.910 Eligibility Criteria
520.920 Form of Application
520.930 Application Approval Process
520.940 Revocation of the Utility Tax Exemption

SUBPART J: MACHINERY AND EQUIPMENT/POLLUTION CONTROL FACILITIES SALES TAX EXEMPTION

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520.1000 Definitions
520.1010 Eligibility Criteria
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Section
520.1100 General
520.1110 Eligibility Criteria (Repealed)
520.1120 Form of Application (Repealed)
520.1130 Application and Approval Process (Repealed)
520.1140 Use Tax Exemption (Repealed)

SUBPART L: JOBS TAX CREDIT

Section
520.1200 General (Repealed)

SUBPART M: DIVIDEND INCOME DEDUCTION

Section
520.1300 General

SUBPART N: INTEREST INCOME DEDUCTION FOR FINANCIAL INSTITUTIONS

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520.1720 Form of Application
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520.1740 Revocation of an Aircraft Support Center Designation

SUBPART R: AIRCRAFT MAINTENANCE FACILITY SALES TAX EXEMPTION

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520.1800 Definitions
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520.1840 Revocation of an Aircraft Maintenance Facility Designation

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing the Illinois Enterprise Zone Act [20 ILCS 655]; Section 201(f), (g) and (h) of the Illinois Income Tax Act [35 ILCS 5/201(f), (g) and (h)]; Sections 1d-1f, 1i-1j and 1o of the Retailers' Occupation Tax Act [35 ILCS 120/1d-1f, 1i-1j, and 1o]; and Sections 9-221, 9-222, and 9-222.1 of the Public Utilities Act [220 ILCS 5/9-221, 9-222 and 9-222.1]; and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95].

SOURCE: Adopted at 9 Ill. Reg. 11790, effective July 24, 1985; emergency amendments at 10 Ill. Reg. 4936, effective March 11, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 7323, effective April 18, 1986; amended at 10 Ill. Reg. 12563, effective July 7, 1986; amended at 10 Ill. Reg. 12915, effective July 22, 1986; amended at 10 Ill. Reg. 15200, effective September 8, 1986; amended at 10 Ill. Reg. 16580, effective September 24, 1986; amended at 10 Ill. Reg. 19718, effective November 6, 1986; amended at 11 Ill. Reg. 11054, effective June 5, 1987; emergency amendments at 11 Ill. Reg. 11174, effective June 8, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 16091, effective September 29, 1987; amended at 12 Ill. Reg. 4115, effective February 8, 1988; amended at 12 Ill. Reg. 11201, effective June 17, 1988; amended at 12 Ill. Reg. 17823, effective October 21, 1988; emergency amendment at 13 Ill. Reg. 16117, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19936, effective December 7, 1989; amended at 14 Ill. Reg. 3445, effective February 27, 1990; amended at 15 Ill. Reg. 8683, effective May 30, 1991; amended at 16 Ill. Reg. 89, effective December 20, 1991; amended at 17 Ill. Reg. 1837, effective February 1, 1993; amended at 18 Ill. Reg. 5172, effective March 21, 1994; amended at 27 Ill. Reg. 3282, effective February 14, 2002; amended at 27 Ill. Reg. 6165, effective March 28, 2003; amended at 35 Ill. Reg. 13125, effective August 1, 2011; amended at 36 Ill. Reg. 16067, effective October 26, 2012; emergency amendment at 37 Ill. Reg. 5006, effective March 28, 2013, for a maximum of 150 days; emergency amendment repealed at 37 Ill. Reg. 13457, effective August 2, 2013, for the remainder of the 150 days; emergency amendment at 37 Ill. Reg. 13502, effective August 2, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 457, effective December 20, 2013; amended at 40 Ill. Reg. 10858, effective July 29, 2016; amended at 42 Ill. Reg. _____, effective _____.

SUBPART F: HIGH IMPACT BUSINESSES IN ILLINOIS

**Section 520.610 Eligible Applicants**

Any business located in Illinois, excluding businesses located in Illinois Enterprise Zones, may apply to the Department for designation as a High Impact Business pursuant to the provisions of Section 5.5 of the Act. A business is not an eligible applicant for designation as a High Impact Business if, at the time of application or designation:

a) it is not in good standing with the Illinois Secretary of State or other applicable

State authorities;

b) it is operating under or subject to any cease and desist order or subject to any informal or formal regulatory action; or

c) it is the subject of an investigation by any State or federal regulatory, law enforcement or legal authority.

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

**Section 520.650 Revocation of the High Impact Business Designation**

a) Failure to Need the Designation. The Department shall revoke a High Impact Business designation in the event that it demonstrates that the business would have placed in service in qualified property the minimum eligible investment and created or retained the requisite number of jobs without the benefits of the High Impact Business designation. Proof of this shall include, but is not limited to, correspondence, financial plans and prospectuses, internal memoranda, and other written documentation demonstrating that the business would have made the eligible investment without the designation.

b) Failure to Comply with Certification. The Department shall revoke a High Impact Business designation if the business fails to comply with the terms and conditions of the certification, including the minimum investment and job creation or retention requirements identified in the certification. A business whose High Impact Business designation is revoked pursuant to this subsection (b) that has not received any tax incentives as a result of the designation shall not be subject to the recovery procedures or penalty provisions of subsections (f) and (g).

c) Failure to Maintain Eligibility

1) A designated High Impact Business shall notify the Department of any of the following events not more than 30 days after the occurrence of the event:

A) the business is not in good standing with the Illinois Secretary of State or other applicable State authorities;

B) the business is operating under or subject to any cease and desist

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order or subject to any informal or formal regulatory action; or

C) the business is the subject of an investigation by any State or federal regulatory, law enforcement or legal authority.

2) The Department may revoke a High Impact Business designation if the business experiences any of the events set forth in subsection (c)(1) or if the business fails to provide the Department with timely notice of the event.

dе) Failure to Provide True Information on the Application. The Department shall revoke a High Impact Business designation if it is determined upon investigation that the business falsified application information in violation of Section 520.630(f).

eđ) Notification of Revocation. The Department shall notify a High Impact Business in writing that it is subject to revocation. The notice shall include the reason for revocation and the date and location of a hearing to be held pursuant to 56 Ill. Adm. Code 2605 (Administrative Hearing Rules).

fe) Recovery of Wrongfully Exempted State Taxes. Following revocation, the Department will contact the Director of the Illinois Department of Revenue and request he or she begin proceedings to recover wrongfully exempted State taxes with interest under the provisions of Sections 4 and 5 of the Retailers' Occupation Tax Act.

gf) Ineligibility for State Funded Programs. Any business whose High Impact Business designation is revoked pursuant to subsection (a) or (d) shall be ineligible for all State funded Department programs for 10 years. Any business whose High Impact Business designation is revoked pursuant to subsection (b) or (c) shall refund to the Illinois Department of Revenue any exempted State taxes resulting from the designation. In the event that business does not refund these sums within 90 days, it shall be ineligible for all State funded Department programs for 10 years.

hg) *The penalties for new wind power facilities or Wind Energy Businesses for failure to comply with any of the terms or conditions of the Illinois Prevailing Wage Act shall be only those penalties identified in the Illinois Prevailing Wage Act, and the Department shall not revoke a High Impact Business designation as a result of*

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*the failure to comply with any of the terms or conditions of the Illinois Prevailing Wage Act in relation to a new wind power facility or a Wind Energy Business* (a business generating electricity from wind kinetic energy devices with a nameplate capacity of at least 0.5 megawatts). [20 ILCS 655/5.5(g)]

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

SUBPART I: UTILITY TAX EXEMPTION

**Section 520.910 Eligibility Criteria**

a) Enterprise Zones

1) Minimum Eligible Investment. Eligibility for the tax exemption is contingent on the business making a minimum eligible investment of $5 million in an Enterprise Zone, which causes the creation of a minimum of 200 full-time equivalent jobs in Illinois; or a minimum eligible investment of $20 million in an Enterprise Zone, which causes the retention of a minimum of 1,000 full-time jobs in Illinois.

2) More Than One Facility. Businesses owning and operating more than one facility located in Illinois Enterprise Zones shall qualify for this exemption by combining their investments and jobs created or retained if the business can demonstrate that the manufacturing processes at each location are interrelated. The Department considers the manufacturing processes to be interrelated if the facilities act as one functional unit in the manufacture of the final product. Proof of the~~such~~ interrelationship shall include, but is not limited to, internal memoranda, flow charts, narrative descriptions, organization charts, annual reports, or any other written documentation that demonstrates that the manufacturing processes are interrelated. The majority of jobs shall be located in one or more Illinois Enterprise Zones.

3) A business located in an Enterprise Zone is not eligible for the tax exemption, if at the time of application or designation:

A) it is not in good standing with the Illinois Secretary of State or other applicable State authorities;

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B) it is operating under or subject to any cease and desist order or subject to any informal or formal regulatory action; or

C) it is the subject of an investigation by any State or federal regulatory, law enforcement or legal authority.

b) High Impact Business
Minimum Eligible Investment. In the case of a designated High Impact Business, eligibility is contingent on the business making a minimum eligible investment of $12 million placed in service in qualified property at a designated location in Illinois, which causes the creation of 500 full-time equivalent jobs at the designated location; or making a minimum eligible investment of $30 million placed in service in qualified property in a designated location in Illinois, which causes the retention of 1,500 full-time equivalent jobs at a designated location in Illinois.

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

**Section 520.940 Revocation of the Utility Tax Exemption**

a) Failure to Comply with Certification. The Department shall revoke or terminate a Utility Tax Exemption if the business fails to comply with the terms and conditions of the certification, including the minimum investment and job creation or retention requirements identified in the certification.

b) Failure to Maintain Eligibility

1) A business in possession of a Utility Tax Exemption certificate shall notify the Department of any of the following events not more than 30 days after the occurrence of the event:

A) the business is not in good standing with the Illinois Secretary of State or other applicable State authorities;

B) the business is operating under or subject to any cease and desist order or subject to any informal or formal regulatory action; or

C) the business is the subject of an investigation by any State or federal regulatory, law enforcement or legal authority.

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2) The Department may revoke a certificate if the business experiences any of the events set forth in this subsection or if the business fails to provide the Department with timely notice of the event.

c) Failure to Provide True Information on the Application. The Department shall revoke a Utility Tax Exemption certificate if it is determined upon investigation that the business falsified application information.

d) Notification of Revocation. The Department shall notify a business in writing that its Utility Tax Exemption certificate has been revoked, and shall concurrently inform the Director of the Illinois Department of Revenue of that revocation.

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

SUBPART J: MACHINERY AND EQUIPMENT/POLLUTION CONTROL FACILITIES SALES TAX EXEMPTION

**Section 520.1010 Eligibility Criteria**

a) Enterprise Zone

1) Minimum Eligible Investment. Eligibility for the tax exemption is contingent on the business making:

A) a minimum eligible investment of $5 million in an Enterprise Zone that causes the creation of a minimum of 200 full-time equivalent jobs in Illinois;~~, or~~

B) a minimum eligible investment of $40 million in an Enterprise Zone that causes the retention of a minimum of 2,000 full-time jobs in Illinois; or

C) a minimum eligible investment of $40 million that causes the retention of at least 90% of the jobs in place on the date on which the exemption is granted for the duration of the exemption.

2) More Than One Facility. Businesses owning and operating more than one facility located in Illinois Enterprise Zones shall qualify for this exemption

by combining their investments and jobs created or retained if the business can demonstrate that the manufacturing processes at each location are interrelated. The Department considers the manufacturing processes to be interrelated if the facilities act as one functional unit in the manufacture of the final product. Proof of the~~such~~ interrelationship shall include, but is not limited to, internal memoranda, flow charts, narrative descriptions, organization charts, annual reports, or any other written documentation that demonstrates that the manufacturing processes are interrelated. The majority of jobs shall be located in one or more Illinois Enterprise Zones.

3) A business located in an Enterprise Zone is not eligible for the tax exemption if, at the time of application or designation:

A) it is not in good standing with the Illinois Secretary of State or other applicable State authorities;

B) it is operating under or subject to any cease and desist order or subject to any informal or formal regulatory action; or

C) it is the subject of an investigation by any State or federal regulatory, law enforcement or legal authority.

b) High Impact Business
Minimum. In the case of a designated High Impact Business, eligibility is contingent on the business making a minimum eligible investment of $12 million placed in service in qualified property at a designated location in Illinois, which causes the creation of 500 full-time equivalent jobs at the designated location; or making a minimum eligible investment of $30 million placed in service in qualified property in a designated location in Illinois, which causes the retention of 1,500 full-time equivalent jobs at a designated location in Illinois.

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

**Section 520.1040 Revocation of the Exemption**

a) Failure to Comply with Certification. The Department shall revoke or terminate an exemption if the business fails to comply with the terms and conditions of the certification, including the minimum investment and job creation or retention requirements identified in the certification.

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b) Failure to Maintain Eligibility

1) A business in possession of an exemption certificate shall notify the Department of any of the following events not more than 30 days after the occurrence of the event:

A) the business is not in good standing with the Illinois Secretary of State or other applicable State authorities;

B) the business is operating under or subject to any cease and desist order or subject to any informal or formal regulatory action; or

C) the business is the subject of an investigation by any State or federal regulatory, law enforcement or legal authority.

2) The Department may revoke a certificate if the business experiences any of the events set forth in this subsection (b) or if the business fails to provide the Department with timely notice of the event.

c) Failure to Provide True Information on the Application. The Department shall revoke an exemption certificate if it is determined upon investigation that the business falsified application information.

d) Notification of Revocation. The Department shall notify a business in writing that its exemption certificate has been revoked, and shall concurrently inform the Director of the Illinois Department of Revenue of the revocation.

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

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1) Heading of the Part: Uniform Fiscal and Adminstrative Standards for the Job Training Partnership Act

2) Code Citation: 56 Ill. Adm. Code 2630

3)

| Section Numbers: | Proposed Actions: |
|---|---|
| 2630.2 | Repealed |
| 2630.5 | Repealed |
| 2630.80 | Repealed |
| 2630.82 | Repealed |
| 2630.85 | Repealed |
| 2630.100 | Repealed |
| 2630.105 | Repealed |
| 2630.110 | Repealed |
| 2630.111 | Repealed |
| 2630.112 | Repealed |
| 2630.113 | Repealed |
| 2630.114 | Repealed |
| 2630.120 | Repealed |
| 2630.121 | Repealed |
| 2630.122 | Repealed |
| 2630.123 | Repealed |

4) Statutory Authority: Implementing and authorized by 29 U.S.C. Sec. 1501.

5) A Complete Description of the Subjects and Issues Involved: This proposed repealer will remove obsolete rules from the Administrative Code as the authority for such rules has also been repealed. These rules went in to effect on April 24, 1985 in response to the Job Training Partnerhip Act of 1982 (Public Law 97-300, 29 U.S.C. 1501). The Job Training Partnership Act was repealed by the Workforce Investment Act of 1998, which was then repealed by the Workforce Innovation and Opportunity Act of 2014. The rules being repealed are not needed to implement and run programs under the Workforce Innovation and Oppoturnity Act of 2014.

6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill. Adm. Code 100.355: None

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

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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 containing incorporations by reference? No

11) Statement of Statewide Policy Objective: The rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandate Act [30 ILCS 805].

12) Comments regarding these rules shall be presented in writing within 45 days after the date of this issue of the *Illinois Register* in writing to:

Jolene Clarke
Rules Administrator
Department of Commerce and Economic Opportunity
500 E. Monroe
Springfield IL 62701

217/557-1820
fax: 217/524-3701
jolene.clarke@illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and non-for-profit corporations affected: None

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on any Regulatory Agenda because the enabling legislation was signed into law after the Department's most recent submission.

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

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER III: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 2630
UNIFORM FISCAL AND ADMINISTRATIVE STANDARDS FOR
THE JOB TRAINING PARTNERSHIP ACT (REPEALED)

SUBPART A: INTRODUCTION

Section
2630.2 Definitions
2630.5 Incorporation by Reference

SUBPART B: ADMINISTRATIVE STANDARDS AND PROCEDURES

Section
2630.80 Program Income
2630.81 Insurance (Repealed)
2630.82 Procurement
2630.83 Property Management
2630.84 Management Systems, Reporting, and Recordkeeping (Repealed)
2630.85 Cash Management

SUBPART C: FISCAL STANDARDS AND PROCEDURES

Section
2630.100 Allowable Costs
2630.101 Classification of Costs (Repealed)
2630.102 Limitations on Certain Costs (Repealed)
2630.103 Matching Funds (Repealed)
2630.105 Fixed Unit Price Contracting

SUBPART D: COST DETERMINATION

Section
2630.110 Principles for Determining Costs
2630.111 Guidelines for Cost Allocation Plans
2630.112 Standards for Selected Items of Cost
2630.113 Indirect Cost Proposals

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2630.114 Suggested Bases for Cost Distribution

SUBPART E: AUDIT

Section
2630.120 Audit Requirements
2630.121 Oversight
2630.122 Sanctions
2630.123 Federal Cognizance

AUTHORITY: Implementing Section 46.41 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 46.41) [20 ILCS 605/46.41] and the Job Training Partnership Act (29 U.S.C.A. 1501 et seq., revised 1990) and authorized by Section 46.40(b) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 46.40(b)) [20 ILCS 605/46.40].

SOURCE: Adopted at 8 Ill. Reg. 3616, effective March 12, 1984; amended at 8 Ill. Reg. 14307, effective August 2, 1984; amended at 8 Ill. Reg. 16422, effective August 31, 1984; amended at 8 Ill. Reg. 22515, effective November 5, 1984; amended at 9 Ill. Reg. 6159, effective April 24, 1985; amended at 9 Ill. Reg. 6692, effective April 25, 1985; amended at 9 Ill. Reg. 18475, effective November 18, 1985; amended at 9 Ill. Reg. 20669, effective December 16, 1985; amended at 10 Ill. Reg. 8083, effective May 6, 1986; amended at 10 Ill. Reg. 21069, effective December 5, 1986; amended at 11 Ill. Reg. 11682, effective June 29, 1987; amended at 12 Ill. Reg. 15961, effective September 26, 1988; amended at 14 Ill. Reg. 13984, effective August 20, 1990; amended at 14 Ill. Reg. 20349, effective December 7, 1990; amended at 15 Ill. Reg. 16032, effective October 24, 1991; amended at 16 Ill. Reg. 1524, effective January 13, 1992; amended at 16 Ill. Reg. 6796, effective April 14, 1992; amended at 18 Ill. Reg. 9935, effective June 17, 1994; repealed at 42 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

**Section 2630.2 Definitions**

For the purpose of this Part, the terms and definitions specified in Section 4 of the Act (29 U.S.C. 1501) and 56 Ill. Adm. Code 2600.20 are applicable.

**Section 2630.5 Incorporation by Reference**

Any incorporation by reference in this Part of the rules and regulations of any agency of the United States or of standards of a nationally recognized organization or association includes no

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new amendments or editions after the date specified.

SUBPART B: ADMINISTRATIVE STANDARDS AND PROCEDURES

**Section 2630.80 Program Income**

Program income earned on JTPA property after the funding period in which it was purchased shall be used for JTPA purposes and under the terms and conditions applicable to the use of grant funds.

**Section 2630.81 Insurance (Repealed)**

**Section 2630.82 Procurement**

a) Procurement Systems for State Agency Subrecipients – State agency subrecipients shall administer procurement systems in accordance with the Standard Procurement Rules of the Department of Central Management Services (44 Ill. Adm. Code 1) for selection of JTPA providers.

b) Procurement Systems for Non-State Agency Subrecipients – All subrecipients shall administer procurement systems. The procurement system shall take into consideration past performance (e.g., entered employment rates, cost per placement, and ability to meet contract objectives). The procurement system may consider other criteria as determined locally. The procurement system shall include the following requirements:

1) Subrecipient/Grantor Responsibility
These standards do not relieve the subrecipient of any contractual responsibilities under its contracts. The subrecipient is responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements entered in support of an award. These include but are not limited to source evaluation, protests, disputes, and claims. Violations of law are to be referred to the local, State, or Federal authority having proper jurisdiction.

2) Code of Conduct

A) Subrecipients shall maintain a written code or standards of conduct

which shall govern the performance of their officers, employees or agents engaged in the award and administration of contracts supported by Federal funds. Each subrecipient shall ensure that no individual in a decisionmaking capacity, including PIC members (whether compensated or not), shall engage in any activity, including participation in the selection, award, or administration of a contract supported by JTPA funds, if a conflict of interest, real or apparent, would be involved. A PIC member shall not cast a vote on, nor participate in, any decisionmaking capacity on the provision of services by such member (or any organization which that member directly represents), nor on any matter which would provide any direct financial benefit to that member. Additionally, no employee, officer or agent of the subrecipient, or governing body of the grantee shall participate in the selection, award, or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, is involved. Such a conflict shall arise when the employee, officer or agent; any member of his or her immediate family; his or her partner; or an organization which employs, or is about to employ any of the previously identified, has a financial or other interest in the entity selected for an award. This provision does not prohibit a community based organization, education agency, employer, or other contractor represented by a PIC member from receiving an award for the provision of training and/or services to participants. However, when such a conflict of interest arises, PIC members must abstain from voting on the award. The subrecipient is prohibited from awarding a contract:

i) to any PIC member for performing administrative services (i.e., consultant services, accounting services, etc.); or

ii) to any PIC member or entity with which he/she is affiliated which results in direct personal gain to the PIC member.

B) The recipient's officers, employees or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors (i.e., persons who perform services of type contracted for), or parties to grants.

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3) Selection Procedures

A) All procurement transactions, regardless of whether by sealed bids or by negotiation and without regard to dollar value, shall be conducted in a manner that provides maximum open and free competition consistent with this Section. Procurement procedures shall not restrict or eliminate competition. Examples of what shall be considered to be restrictive of competition include, but are not limited to:

i) placing unreasonable or different requirements on various firms in order for them to qualify for the same procurement;

ii) noncompetitive practices between firms;

iii) organizational conflicts of interest;

iv) unnecessary experience and bonding requirements (i.e., requests for qualifications or experience that are not related to the services to be procured);

v) non-competitive awards to consultants that are on retainer contracts;

vi) specifying only a "brand name" product instead of allowing an "equal" product to be offered and describing the performance of other relevant requirements of the procurement;

vii) overly restrictive specifications; and

viii) any arbitrary action in the procurement process.

B) The recipient shall have written selection procedures which shall provide, at a minimum, the following procedural requirements:

i) Solicitations of offers, whether by competitive sealed bids or competitive proposals shall incorporate a clear and

accurate description of the technical requirements for the service to be procured. Such description shall not, in competitive procurements, contain features which restrict competition. The description shall include a statement of the qualitative nature of the service to be procured and set forth those standards to which the service shall conform in order to meet the program purpose. Solicitations of offers shall clearly set forth all requirements that contractors must fulfill and all other factors to be used in evaluating proposals pursuant to Section 2630.82(b)(3)(B)(ii) of this Part.

ii) Awards are to be made to organizations possessing the demonstrated ability to perform successfully under the terms and conditions of the proposed contract. Such determinations shall be in writing, completed prior to the award of the contract, and take into consideration such matters as whether the organization has:

Adequate financial resources or the ability to obtain them;

Technical qualifications, experience, organization, and facilities adequate to meet the program design specifications, as well as the ability to meet the performance goals;

A satisfactory record of integrity, business ethics, and fiscal accountability;

The necessary organization, experience, and operational controls;

Accounting and auditing procedures adequate to control property, funds, and assets, pursuant to Section 2630.83(a) and (b) and 2630.84(c) through (i) of this Part;

For Title II programs, the ability to provide services that can lead to the achievement of competency standards for participants with identified deficiencies; and

A satisfactory record of past performance (in job training, basic skills training, or related activities) which shall include, but is not limited to: demonstrated quality of training, retention in training, the ability to provide or arrange for appropriate supportive services as specified in this Individual Service Strategy (ISS), including child care, training completion, job placement, rates of licensure, retention in employment, and earning rates of participants.

iii) When a subrecipient determines that services will be provided by its own staff, a determination shall be made of the demonstrated performance of the staff to operate the program. This demonstration shall be in writing and take into consideration the matters listed in (b)(3)(B)(ii).

C) Subrecipients shall conduct a review of proposed procurements to avoid purchase of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis shall be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. To foster greater economy and efficiency, recipients are encouraged to enter into inter-agency agreements for procurement or use of common goods and services. Subrecipients are encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

D) The subrecipients shall take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps shall include:

i) placing qualified small and minority businesses and women's business enterprises on solicitation lists;

ii) assuring that small and minority businesses and women's business enterprises are solicited whenever they are

potential sources;

iii) dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business and women's business enterprises;

iv) establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business and women's business enterprises;

v) using the services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

vi) requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in subsections(b)(3)(D)(i) through (v).

E) Contract Cost and Price

i) Subrecipients must perform a cost or price analysis in connection with every procurement action, including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, subrecipients must make independent estimates before receiving bids or proposals. A cost analysis must be performed when the offeror is required to submit the elements of his/her estimated cost, e.g., under professional, consulting, and architectural engineering services contracts. A cost analysis shall be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation. A price analysis shall be used in all other instances to determine the reasonableness

of the proposed contract price.

ii) JTPA procurements shall not permit excess program income (for nonprofit and governmental entities) or excess profit (for private for-profit entities). Subrecipients shall negotiate profit or program income as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit or program income, consideration shall be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, industry profit rates in the surrounding geographical area for similar work, and market conditions in the surrounding geographic area.

iii) Costs or prices based on estimated costs for contracts shall be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with the cost principles as shown in Section 2630.110.

iv) The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

v) Additionally, in the case of fixed unit price/performance based contracting, all contracts must conform to the provisions of Section 2630.105.

vi) Procurement transactions between units of state or local governments, and any other entities organized principally as the administrative entity for service delivery areas or substate areas, shall be conducted on a cost reimbursable basis.

F) Subrecipient contracts must contain the following provisions:

i) Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and

shall provide for such sanctions and penalties as may be appropriate.

ii) Termination for cause and for convenience by the subrecipient, including the manner by which termination will be effected and the basis for settlement.

iii) Compliance with federal Executive Order 11246 of September 24, 1965 entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967 and as supplemented in U.S. Department of Labor regulations (41 CFR 60, revised as of July 1, 1989).

iv) Compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR 3, revised as of July 1, 1989).

v) Compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) as supplemented by Department of Labor regulations (29 CFR 5, revised as of July 1, 1989).

vi) Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR 5, revised as of July 1, 1989).

vii) Notice of Departmental requirements and regulations pertaining to reporting, if any.

viii) Notice of Departmental requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.

ix) Departmental requirements and regulations pertaining to copyrights and rights in data as contained in the grant agreement.

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x) Access by the grantor, the subrecipient, the U.S. Department of Labor, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records (including computer records) of the contractor which are directly pertinent to that specific contract for the purpose of making audits, examinations, excerpts, transcriptions, and photocopies. This right also includes timely and reasonable access to contractors' and subcontractors' personnel for the purpose of interviews and discussions related to such documents.

xi) Retention of all required records for three years after subrecipients make final payments and all other pending matters are closed.

xii) Compliance with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 1857(h)), Section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and U.S. Environmental Protection Agency regulations (40 CFR 15, revised as of July 1, 1989).

xiii) Mandatory standards and policies relating to energy efficiency that are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (P.L. 94-163, effective December 22, 1975).

xiv) Subrecipients acknowledge that receipt of funds under a contract may require compliance with Section 319 of Public Law 101-121 (31 U.S.C.A. 1352) regarding the certification and disclosure of lobbying activities with the Federal Government and agree to comply with those provisions, and all Federal rules promulgated by the Federal Grantor, which is the funding source for implementation of the Federal program; and shall require that this assurance of compliance with Federal lobbying restrictions is part of any agreement with all subrecipients.

xv) Subrecipients receiving Federal funds of $25,000 or more must provide assurance of nondebarment, nonsuspension and other responsibility matters pursuant to Executive Order 12549 and 29 CFR 98 (as published in the May 26, 1988 Federal Register at 53 FR 19188).

xvi) Compliance with the JTPA.

xvii) Audit rights and requirements.

xviii) Payment conditions and delivery terms.

xix) Process and authority for contract changes.

xx) Provisions against assignment.

G) Subrecipients shall conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference.

H) Subrecipients shall make available, upon request of the Department, technical or any other specifications on proposed procurements where the Department believes such review is needed to ensure that the item and/or service specified is the one being proposed for purchase. This review may take place prior to or after the time the specification is incorporated into a solicitation document. Subrecipients must on request make available for Departmental pre-award review, procurement documents such as Requests for Proposals or invitations for bids, and cost estimates.

I) Each procurement shall clearly specify deliverables and the basis for payment.

4) Methods of Procurement – Procurement under grants shall be made by one of the following methods: procurement by small purchase procedures, procurement by sealed bids, procurement by competitive proposals, or

procurement by noncompetitive proposals.

A) Small purchase procedures are those relatively simple (e.g., price or rate quotations documented to the file which describe what is being procured, date provided, provider, amount and delivery date) and informal procurement methods for securing services, supplies, or other property that do not cost more than $25,000 in the aggregate with a single vendor during a fiscal year. If small purchase procurements are used, price or rate quotations will be obtained from an adequate number of qualified sources. For the small purchase procurement of vendor services, proposals to provide the services must additionally be solicited in writing. The written solicitation must minimally include:

i) a description of services to be provided and any deliverables to be prepared, and associated timeframes;

ii) an identification of the required content of written proposals, which minimally includes an explanation of the vendor's qualifications to provide requested services, a workplan for providing services, and a delineation of all costs associated with providing services; and

iii) a due date for the receipt of proposals.

A written explanation regarding the selection of a vendor to provide services must be maintained in the procurement file.

B) Sealed bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is lowest in price. The sealed bid is the preferred method for procuring construction, if the conditions which follow apply. In order for sealed bids to be feasible, the following conditions should be present: a complete, adequate and realistic specification or purchase description is available; two or more responsible bidders are willing and able to compete effectively for the business; and the procurement lends itself to a firm-fixed-price contract and the selection of the successful bidder

can be made principally on the basis of price. If sealed bids are to be used, the following requirements apply:

i) the invitation for bids will be publicly advertised and bids shall be solicited from an adequate number of known suppliers as evidenced by documentation of an attempt to identify and obtain three bids, providing them sufficient time (a minimum of ten working days) prior to the date set for opening the bids;

ii) the invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond;

iii) all bids shall be publicly opened at the time and place prescribed in the invitation for bids;

iv) a firm-fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

v) any or all bids may be rejected if there is a sound, documented reason.

C) Procurement by competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

i) Requests for proposals will be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be

honored to the maximum extent practical;

ii) Proposals will be solicited from an adequate number of qualified sources;

iii) Subrecipients will have a method for conducting technical evaluations of the proposals received and for selecting awardees;

iv) Award will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and

v) Subrecipients may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

D) Procurement by noncompetitive proposal is procurement through solicitation of a proposal from only one source, the funding of an unsolicited proposal, or, after solicitation of a number of sources, when competition is determined inadequate. Subrecipients shall minimize the use of sole source procurements to the extent practicable, but in every case, the use of sole source procurements shall be justified and documented.

i) Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids, or competitive proposals and one of the following circumstances applies: the item is available only from a single source; the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; the Department

authorizes noncompetitive proposals; or after solicitation of a number of sources, competition is determined inadequate.

ii) Cost analysis, i.e., verifying the proposed cost data, and the evaluation of the specific elements of costs and profit, is required.

5) Subrecipient Procurement Records
Subrecipients shall maintain records which detail the history of a procurement. These records shall include, but are not necessarily limited to, the following: the method of procurement, the selection of contracts type, the basis for the selection or rejection of a contractor, and the basis for the contract price.

6) All subrecipients must have protest procedures to handle and resolve disputes relating to procurements, including requirements for a protestor to exhaust all administrative remedies with the subrecipient before pursuing a protest at a higher level.

c) Sole source awards for on-the-job training of program participants may be made, provided that an employer-employee relationship exists and that the employer will provide job training to enable the participant to perform as a regular employee of the employer's (or another employer's) establishment. When such awards are made, records of the awards shall be maintained.

d) All recipients shall maintain a list of potential contractors who have expressed an interest, in writing, in being considered for awards. The list shall include names, addresses, and services. All potential contractors who have expressed interest in being considered for awards shall be sent Requests for Proposals for the area or areas of service for which they wish to be considered. The list shall be considered to be public information.

e) Classroom training, either vocational or academic, may be procured through sole source award without a cost analysis provided that:

1) the training is provided by an accredited or certified institution;

2) tuition is charged, on a per hour, per course, or per curriculum rate;

3) the training is the same provided to non-JTPA individuals; and

4) the tuition rate is listed in a course catalog and is the same as for non-JTPA individuals.

**Section 2630.83 Property Management**

a) Non-expendable personal property is defined as equipment or other personal property of a tangible nature having a useful life of more than one year and having an acquisition cost of $300 or more. This definition is not meant to include equipment given to participants for use in training or use in employment upon termination from JTPA.

b) The State shall retain title to real and non-expendable personal property.

c) The grantee may not purchase equipment with a unit acquisition cost greater than $1,500 without prior written approval from the State.

d) Standards used in determining whether to grant approval include the necessity of such purchases to achieve program goals and the planned expenditure for such purposes as compared to other available prices.

e) All real property and non-expendable personal property shall be maintained on the State's inventory system. Equipment with an acquisition cost of less than $300 shall be maintained on the grantee's inventory system.

f) Disposition of real and non-expendable personal property will be per written instructions and communications received by the grantee from the Department. Equipment with an acquisition cost of less than $300 will be disposed of at the discretion of the grantee.

**Section 2630.84 Management Systems, Reporting, and Recordkeeping (Repealed)**

**Section 2630.85 Cash Management**

a) Grantees shall make all cash depositories in accounts covered under Federal Depositors Insurance Corporation or Federal Savings and Loan Insurance Corporation agreements.

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b) Grantees shall provide bonding for every officer, director, agent or employee who handles funds (cash, checks or other instruments of payment for program cost) under this agreement. The amount of coverage shall be the higher of $100,000 or the highest cash drawdown planned during the term of this agreement.

c) Grantees and subgrantees other than a State entity shall account for interest earned on advances of federal funds as program income, as provided for at 20 CFR, Part 627, subpart D, paragraph 627.450.

SUBPART C: FISCAL STANDARDS AND PROCEDURES

**Section 2630.100 Allowable Costs**

a) General. To be allowable, a cost must be necessary and reasonable for proper and efficient administration of the program, be allocable thereto under cost principles contained in this Part, and, except as provided herein, not be a general expense required to carry out the overall responsibilities of the grantee. Costs charged to the program shall be consistent with those normally allowed in like circumstances in non-State funded activities of the grantee and with 56 Ill. Adm. Code 2610, 2620, and 2630.

b) Direct and indirect costs shall be charged in accordance with Subparts C and D of this Part. Standards for selected items of cost are contained in Section 2630.112. Grantees shall prepare cost allocation and indirect cost rates in accordance with Subpart C and D.

c) The following provisions shall apply to all grantees:

1) Costs resulting from violation of, or failure to comply with, applicable Federal, State, or local laws and regulations are not allowable.

2) Entertainment costs are not allowable.

3) Insurance policies offering protection against debts established by the Federal Government are not allowable.

4) Personal liability insurance for Private Industry Council members is allowable.

5) Reasonableness of cost. A cost is reasonable if it does not exceed that which would have been incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.

6) Grantees shall seek clarification and assistance from the Department in the event that the grantee is uncertain of cost allowability for selected items.

**Section 2630.101 Classification of Costs (Repealed)**

**Section 2630.102 Limitations on Certain Costs (Repealed)**

**Section 2630.103 Matching Funds (Repealed)**

**Section 2630.105 Fixed Unit Price Contracting**

a) Fixed Unit Price/Performance Based Contracts

1) Fixed unit price/performance based contracts are allowable provided the costs are charged to the cost category benefiting from such costs. The requirements specified in (a)(2), as a minimum, must be met for each contract.

2) Fixed unit price contracts are required to outline all elements of the contract. Each fixed unit price contract must list and separately price each program activity included. Comprehensive service contracts are acceptable as long as each program activity is outlined and has a separate unit price. Minimally acceptable requirements for each activity must be developed at the local level and identified in contracting procedures. Any program activity under the Act is allowable as a deliverable under such contracts.

b) Payments to Subrecipients Under Fixed Unit Price Contracts

1) When seeking reimbursements from the grantee, a subgrantee must submit the following reports:

A) A performance report which identifies the participant's name, the social security number of participants, the program activities, the

benchmarks achieved and the total reimbursement claim for the performance.

B) An expenditure report which identifies the various costs and the categories to which that total claim is to be charged.

2) Full payment of the fixed unit price contract is made only upon completion of a program activity.

3) Benchmark payments may be under fixed unit price contracts only after the participant has received some level of properly documented service. The criteria required to document the attainment of such benchmarks must be specified in the contractual agreement. Payment of benchmarks may not be more than the estimated cost of all activity increments and the subtotal of all benchmark payments prior to completion of the activity must be not more than the total costs associated with the operation of the contract.

4) In order to qualify as a fixed unit price contract, a minimum level of contract performance to be attained must be specified in the contractual agreement. A level of performance below this threshold would constitute a failed contract and the profits (excess revenues) attributed to the agreement must be paid back to the grantee.

c) Revenue in Excess of Costs or Profits for Public or Private Non-Profit Contractors

1) Revenues earned by public or private non-profit subgrantees which are in excess of costs must be treated as program income. These funds must be used in accordance with the provisions of 627.450 of the JTPA regulations. Subrecipients must comply with accounting and recordkeeping requirements specified in the Act and the JTPA federal regulations so that the amount of the program income can be determined.

2) Fixed unit price contracts must identify the costs of program activity, the amount of program income allowable, and the method of disposition of the program income. Program income recaptured by the grantee must follow the guidelines of 627.450 of the federal JTPA regulations. Program income must be treated the same as other funds in a contractual agreement and are subject to the same audit requirements. Program income may be

used to pay for required audits.

3) Purchases of non-expendable personal property are allowable only if agreed upon in the contract negotiations and contract budget and are specific as to amount and type of cost. The State retains title to all personal property purchased with program income.

4) For-profit subsidiaries of not-for-profit organizations which enter agreement pursuant to the requirements of this Section shall be considered wholly owned subsidiaries of and maintain the same not-for-profit status as the parent organization.

5) When program income (or revenues in excess of costs) is earned by a subgrantee, the grantee may allow the subgrantee to retain the profits and utilize profits to further JTPA objectives in accordance with an established contract, or require that all program income earned by the subgrantee be returned to the grantee. Following are recordkeeping and accounting requirements for each of these options.

A) The grantee may allow the program income to be retained by the subgrantee. The subgrantee may use these profits to conduct additional fixed unit price contract activities or non-fixed unit price type of contracting activity in accordance with provisions of this Section, the Act and U.S. DOL regulations.

i) All program income must be accounted for separately, by contract, program year, and title, at the subrecipient level. At the end of the contract, the program income must be reported to the grantee.

ii) At the end of the program year, contract period, or the grantee's established close-out date, whichever is appropriate, a "contract close-out" showing the amount of program income earned must be submitted to the grantee for each contract. Subsequently, audited financial statements must be obtained by the grantee to confirm the final expenditures as reported on the close-out. The audits must be performed in accordance with "Government Auditing Standards, Standards for Audit of Governmental

Organizations, Programs, Activities, and Functions" (1988 revision, issued by the Comptroller General of the United States, United States General Accounting Office and for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, stock number 020-000-00243-3) and the "Compliance Supplement for Single Audits of State and Local Governments" (April 1985, issued by the Executive Office of the President, OMB and for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402).

iii) Before proceeding to expend program income, the subgrantee must receive written permission from the grantee under the provisions of a contract.

iv) The program income may be expended by the subgrantee on an ongoing basis throughout the term of the original contract or in accordance with grantee policy. However, in any case, the provisions of 20 CFR 627.450 must be met. If the subgrantee is allowed to expend the program income on an ongoing basis, the original contract must specify the scope of work to be achieved by the expenditure of the program income.

v) At the subgrantee level, GAAP fund accounting practices must be followed. Costs that benefit more than one contract (cost objective) must be allocated between the benefitting contracts according to the provisions of this Part. All costs charged against the original contract or the expenditure of the program income must be in accordance with the provisions of the Act, this Part, and applicable policies.

vi) The grantee must implement a tracking mechanism that will identify and track the amount of program income earned and the amounts expended by each subgrantee, by contract and by title.

vii) If a subgrantee that generated the program income is not selected to provide services in a subsequent program year, the unexpended program income must be returned to the grantee.

viii) The program income earned by subgrantee on a fixed unit price contract is to be reported to the Department by the grantee in the grant close-out report.

ix) All program income must be expended in accordance with 20 CFR 627.450 and Section 165(d)(2) of the Act.

x) All non-expendable property procured with the program income will be JTPA property, to be tagged with Department tags. Property records must be maintained by the grantee.

xi) All participants served with the expenditure of program income must be tracked according to the management information system reporting requirements established by the Department.

B) With regard to program income or losses at a particular non-profit subgrantee:

i) Losses incurred on one contract may not be offset by program income from another contract, regardless of title.

ii) Program income or losses incurred on any contract in a particular program year may not be offset by losses or program income in a different program year.

iii) Program income or losses incurred by a non-profit service provider may not be offset by losses or program income incurred by another service provider.

iv) Costs that are not entirely known at contract close-out, such as audit costs and legal costs, can be paid, as governed by existing State policies.

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v) Program income earned on all failed contracts must be returned to the grantee.

SUBPART D: COST DETERMINATION

**Section 2630.110 Principles for Determining Costs**

a) Purpose and scope.

1) Objectives. This section sets forth principles for determining the allowable costs of programs administered by the State and by grantees under the JTPA. These principles are for the purpose of cost determination and are not intended to identify the circumstances or dictate the extent of Federal, State, or local participation in the financing of a particular grant. They are designed specifically to enable the Governor of the State of Illinois to meet requirements contained in 20 CFR 629.40 and 629.37(c) published on March 15, 1983, wherein the Governor is required to issue guidelines on allowable costs for SDA's and statewide programs under the Act. Furthermore, these principles are designed to provide that assisted programs bear their fair share of costs recognized under these principles, except where restricted in this Part, in Federal regulations, or in Federal law. Additionally, these principles remove the detailed administrative requirements of similar Federal circulars to permit the flexibility of State authorities intended by the Act.

2) Policy Guides. The application of these principles is based on the fundamental premises that:

A) State and grantee organizations are responsible for the efficient and effective administration of grant programs through the application of sound management practices.

B) Each grantee or subgrantee assumes the responsibility for seeing that program funds have been expended and accounted for consistent with underlying agreements and program objectives.

C) Each grantee or subgrantee organization, in recognition of its own unique combination of staff facilities and experience, will have the

primary responsibility for employing whatever form of organization and management techniques may be necessary to secure proper and efficient administration.

3) Application. These principles will be applied by the Illinois Department of Commerce and Community Affairs in determining costs incurred by the State and by grantees under the JTPA. Publicly financed educational institutions will, until further notice, exercise cost determination in a manner consistent with principles set forth in Office of Management and Budget (OMB) Circular A-21: Cost Principles for Educational Institutions (44 FR 12368, March 6, 1979, revised at 47 FR 33659, August 3, 1982 and 51 FR 20908, June 9, 1986). However, State rules will prevail, where provisions of this Part conflict with those found in OMB Circular A-21. Copies of OMB Circular A-21 are available from the Illinois Department of Commerce and Community Affairs.

b) Basic guidelines.

1) Factors affecting allowability of costs. To be allowable under the JTPA program, costs must meet the following general criteria:

A) Be necessary and reasonable for proper and efficient administration of the grant program, be allocable thereto under these principles, and, except as specifically provided in this Section, not be a general expense required to carry out the overall responsibilities of the State or of grantees.

B) Be authorized or not prohibited under the Act.

C) Conform to any limitations or exclusions set forth in the Act or other governing limitations as to types or amounts of cost items.

D) Be awarded consistent treatment through application of generally accepted accounting principles appropriate to the circumstances as contained in Section 164 (a)(3) of the Act.

E) Not be allocable to or be included as a cost of any other assisted program in either the current or a prior period.

2) Allocable costs.

A) A cost is allocable to a particular cost objective to the extent of benefits received by such objective.

B) Any cost allocable to a particular grant or cost objective under the principles provided for in this Part may not be shifted to other Federal or State grant programs to overcome fund deficiencies, avoid restrictions imposed by the Act or grants, or for any other reasons.

C) Where an allocation or joint cost will ultimately result in charges to a grant program, an allocation plan will be required as prescribed in Section 2630.111 of this Part.

3) Applicable credits. Applicable credits refer to those receipts or reduction of expenditure-type transactions which offset or reduce expense items allocable to grants as direct or indirect costs. Examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; sale of publications, equipments, and scrap; income from personal or incidental services; adjustments of overpayments or erroneous charges; and tax refunds.

c) Composition of cost.

1) Total cost. The total cost of a grant program is comprised of the allowable direct costs, plus its allocable portion of allowable indirect costs, less applicable credits.

2) Classification of costs.

A) A cost may be direct with respect to some specific service or function, but indirect with respect to the grant or other ultimate cost objective. It is essential, therefore, that each item of cost be treated consistently either as a direct or an indirect cost. The State shall impose no universal rule for classifying certain costs as either direct or indirect.

B) Specific guidelines to assist grantees in determining direct and

indirect costs allocable under grant programs are provided in the subsections which follow.

d) Direct costs.

1) General. Direct costs are those that can be identified with a particular project, activity, or cost objective. These costs may be charged directly to grants and programs against which costs are finally lodged or they may be directly assigned to cost objectives (pools) used for the accumulation of actual joint costs pending the ultimate distribution to grants and other cost objectives.

2) Application. Identification with the grant work rather than the nature of goods and services involved is the determining factor in distinguishing direct from indirect costs. The cost of goods, services, or facilities supplied by other departments to the grantee department (normally thought of as indirect or joint costs) may be included as direct costs provided such items are consistently treated, in like circumstances, by the grantee department as direct rather than indirect costs, are charged under a recognized method of computing actual costs, and conform to generally accepted accounting practices consistently followed by the grantee. The direct allocation method for certain joint costs is prescribed in Section 2630.111 of this Part. Typical direct costs chargeable to JTPA grant programs are:

A) Compensation and fringe benefits of employees for the time and effort devoted to the execution of grant programs.

B) Cost of materials acquired, consumed, or expended for the purpose of the grant.

C) Equipment and other capital expenditures.

D) Cost of tuition, educational, and training supplies.

E) State and local credit hour support for JTPA-related courses.

F) Unemployment insurance benefits for JTPA participants.

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G) OJT expenses incurred by the grantee and employer.

H) Services furnished for the grant program by other agencies, provided such charges are consistent with criteria outlined in Section 2630.110(e) of this Part.

e) Indirect costs.

1) General. Indirect costs are those incurred for a common or joint purpose benefiting more than one cost objective, and not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. The term "indirect costs" as used herein, applies to costs of this type originating in the grantee department, as well as those incurred by other departments in supplying goods, services, and facilities, to the grantee department. To facilitate equitable distribution of indirect expenses to the cost objectives served, it may be necessary to establish a number of pools of indirect costs within a grantee department or in other agencies providing services to a grantee department. Indirect cost pools should be distributed to benefiting cost objectives on bases which will produce an equitable result in consideration of relative benefits derived.

2) Criteria for distribution.

A) Base period. A base period for distribution of indirect costs is the period during which such costs are incurred and accumulated for distribution to work performed within that period. The base period normally should coincide with the fiscal year established by the institution or agency, but in any event the base period should be so selected as to avoid inequities in the distribution of costs.

B) Cost groupings. The overall objective of the allocation and apportionment process is to distribute the indirect costs described in Section 2630.110(e)(1) of this Part to activities in reasonable proportions consistent with the nature and extent of the use of the institution's or agency's resources by such activity personnel. In order to achieve this objective, it may be necessary to provide for selective distribution by establishing separate groupings of cost within one or more of the functional categories of indirect costs referred to in Section 2630.111(a) and (b) of this Part. In general,

the cost groupings established within a functional category should constitute, in each case, a pool of those items of expense that are considered to be of like character in terms of their relative contribution to (or degree of remoteness from) the particular cost objectives to which distribution is appropriate. Each such pool or cost grouping should then be distributed individually to the appertaining cost objectives, using the distribution base or method most appropriate in the light of the guides set out in Section 2630.110(e)(2)(C).

C) Selection of distribution method.

i) Actual conditions must be taken into account in selecting the method or base to be used in distributing to applicable cost objectives the expenses assembled under each of the individual cost groupings. Where a distribution can be made by assignment of a cost grouping directly to the area benefited, the distribution should be made in that manner. Where the expenses under a cost grouping are more general in nature, the distribution to "appertaining" cost objectives should be made through use of a selected base which will produce results that are equitable to both the State and the grantee. In general, any cost element or cost-related factor associated with the institution's or agency's work is potentially adaptable for use as a distribution base provided that it can be readily expressed in terms of dollars or other quantifiable measure (total direct expenditure, direct salaries, man-hours applied, square feet utilized, hour of usage, number of documents processed, population served, and the like); and that it is common to the appertaining cost objectives during the base period.

ii) Results of cost analysis studies may be used when they result in more accurate and equitable distribution of costs. Such cost analysis studies may take into consideration weighing factors, population, or space occupied if they produce equitable results. Cost analysis studies, however, should be appropriately documented in sufficient detail for subsequent review by the Department of Commerce and

Community Affairs as described in Section 2630.113; distribute the indirect costs to the appertaining cost objectives in accord with the relative benefits derived; be conducted to fairly reflect the true condition of the activity and to cover representative transactions for a reasonable period of time; be performed specifically at the institution or agency at which the results are to be used; and be updated periodically and used consistently. Any assumptions made in the study will be sufficiently supported. The use of cost analysis studies and periodic changes in the method of cost distribution must be fully explained.

iii) The essential considerations in the selection of the distribution in each instance are that it be the one best suited for assigning the pool of costs to appertaining cost objectives in accord with the relative benefits derived; and that there be a traceable cause and effect relationship, or logic and reason where neither a benefit nor a cause and effect relationship is determinable.

**Section 2630.111 Guidelines for Cost Allocation Plans**

a) Publicly financed educational institutions. Indirect costs in publicly financed educational institutions are those that have been incurred for common or joint objectives and therefore cannot be identified specifically with a particular research project, instructional activity, training activity, or any other institutional activity. At educational institutions, such costs are normally classified under the following functional categories: general administration and general expenses; research administration expenses; operation and maintenance expenses; library expenses; and departmental administration expenses.

1) Identification and assignment of indirect costs.

A) General administration and general expenses.

i) The expenses under this heading are those that have been incurred for the general executive and other expenses of a general character which do not relate solely to any major

division of the institution; i.e., solely to instruction, organized research, or other institutional activities. The general administration and general expense category should also include the staff benefit and pension plan costs applicable to the salaries and wages included therein, an appropriate share of the costs of the operation and maintenance of the physical plant, and charges representing use allowances and/or depreciation applicable to the buildings and equipment utilized by the grantee.

ii) The expenses included in this category may be apportioned and allocated on the basis of total expenditures exclusive of capital expenditures in situations where the results of the distribution made on this basis are deemed to be equitable both to the State and the institution; otherwise the distribution of general administration and general expenses should be made through use of selected bases applied to separate cost groupings established within this category of expenses in accordance with the guides set out in Section 2630.110(e)(2)(C) of this Part.

B) Research administration expenses.

i) The expenses under this heading are those that have been incurred by a separate organization or identifiable administrative unit established solely to administer the research activity, including such functions as contract administration, security, purchasing, personnel administration, and editing and publishing of research reports. They include the salaries and expenses of the head of such research organization, his assistants, and their immediate secretarial staff together with the salaries and expenses of personnel engaged in supporting activities maintained by the research organization, such as stock rooms, stenographic pools, and the like. The salaries of members of the professional staff whose appointments of assignments involve the performance of such administrative work may also be included to the extent that the portion so charged to research administration is

supported as required by Section 2630.112 of this Part. The research administration expense category should also include the staff benefit and pension plan costs applicable to the salaries and wages included therein, an appropriate share of the costs of the operation and maintenance of the physical plant, and charges representing use allowance and/or depreciation applicable to the building and equipment utilized in performing such functions.

ii) The expenses included in this category should be allocated to organized research and, where necessary, to departmental research or to any other benefitting activities on any basis reflecting the proportion fairly applicable to each. (See Section 2630.110(e)(2)(C) of this Part.)

C) Operation and maintenance expenses.

i) The expenses under this heading are those that have been incurred by a central service organization or at the departmental level for the administration, supervision, operation, maintenance, preservation, and protection of the institution's physical plant. They include expenses normally incurred for such items as janitorial and utility services; repairs and ordinary or normal alterations of buildings, furniture and equipment, and care of grounds and maintenance expense category should also include the staff benefit and pension plan costs applicable to the salaries and wages included therein, and charges representing use allowance and/or depreciation applicable to the buildings and equipment utilized in performing the functions represented thereunder.

ii) The expenses included in this category shall be apportioned and allocated to applicable cost objectives in a manner consistent with the guides provided in Section 2630.110(e)(2) of this Part on a basis that gives primary emphasis to space utilization. In developing the allocations and apportionments, where actual space and related costs records are without significant change in the accounting

practices, the amount distributed shall be based on such records; where the space and related cost records maintained are not sufficient for purposes of the foregoing, a reasonable estimate of the proportion of total space assigned to the various cost objectives will suffice as a means for effecting distribution of the amounts of operation and maintenance expenses involved; or where it can be demonstrated that an area or volume of space basis of allocation is impractical or inequitable, other bases may be used provided consideration is given to the use of facilities by research personnel and others, including students.

D) Library expenses.

i) The expenses under this heading are those that have been incurred for the operation of the library, including the costs of books and library materials purchased for the library, less any items of library income that qualify as applicable credits under Section 2630.110(b)(3) of this Part. The library expense category should also include the staff benefit and pension plan costs applicable to the salaries and wages of the library personnel an appropriate share of the costs of the operation and maintenance of the physical plant, and charges representing use allowances and/or depreciation applicable to the buildings and equipment utilized in the performance of the functions represented thereunder. Costs incurred in the purchase of rare books (museum-type books) with no research value should not be allocated to Government-sponsored research.

ii) The expenses included in this category should be allocated on the basis of population including students and other users. Where the results of the distribution made on this basis are deemed to be inequitable to the Government or the institution, the distribution should then be made on a selective basis in accordance with the guides set out in Section 2630.110(e)(2) of this Part. Such selective distribution should be made through use of reasonable methods which give adequate recognition to the utilization

of the library attributable to faculty, research personnel, students, and others. The method used will be based on data developed periodically on the respective institution's experience for representative periods.

E) Departmental administration expenses.

i) The expenses under this heading are those that have been incurred in academic dean's offices, academic departments, and organized research units such as institutes, study centers, and research centers for administrative and supporting services which benefit common or joint departmental activities or objectives. They include the salaries and expenses of deans or heads, or associate deans or heads, of colleges, schools, departments, divisions, or organized research units; and their administrative staffs together with the salaries and expenses of personnel engaged in supporting activities maintained by the department, such as stockrooms, stenographic pools, and the like provided such supporting services cannot be directly identified with a specific research project, with an instructional activity or with any other institutional activity.

ii) The salaries of other members of the professional staff whose appointments or assignments involve the performance to such administrative work may also be included to the extent that the portion so charged to departmental administration expenses is supported as required by Section 2630.112 of this Part. The departmental administration expenses category should also include the staff benefit and pension plan costs applicable to the salaries and wages included therein, an appropriate share of the costs of the operation and maintenance of the physical plant, and charges representing use allowances and/or depreciation applicable to the buildings and equipment utilized in performing the functions represented thereunder.

iii) The distribution of departmental administration expenses

should be made through use of selected bases applied to cost groupings established within this category of expenses in accordance with the guides set out in Section 2630.110(e)(2)(C) of this Part.

F) Offset for indirect expenses otherwise provided for.

i) The items to be accumulated under this heading are the reimbursements and other receipts from the Federal Government which are used by the institution to support directly, in whole or in part, any of the administrative or service (indirect) activities described in Section 2630.111(a)(1) of this Part.

ii) The sum of the items in this group shall be treated as a credit to the total indirect cost pool before it is apportioned to organized research and to other activities. Such offset shall be made prior to the determination of the indirect cost rate or rates as provided in Section 2630.111(a)(2) of this Part.

2) Suggested procedure for cost allocation plans. All institutional indirect or joint costs, including the various levels of supervision, are eligible for allocation to grant programs, provided they meet the conditions set forth in this Part. In lieu of determining the actual amount of institutional indirect costs allocable to a grant program, as determined by the direct allocation method prescribed in Section 2630.111 of this Part, the following procedures may be used:

A) General.

i) Where the total direct cost of all State supported work under JTPA grants at an institution does not exceed $1,000,000 in a fiscal year, the use of the abbreviated procedure described in subsection (B) below, may be used in determining allowable indirect costs. Under this abbreviated procedure, the institution's most recent annual financial report and immediately available supporting information, with salaries and wages segregated from other

costs, will be utilized as a basis for determining the indirect cost rate applicable to JTPA grants.

ii) The rigid formula approach provided under this abbreviated procedure should not be used where it produces results which appear inequitable to the State or the institution. In any such case, indirect costs should be determined through use of the regular procedure.

B) Abbreviated procedure.

i) Establish the total amount of salaries and wages paid to all employees of the institution.

ii) Establish an indirect cost pool consisting of the expenditures (exclusive of capital items and other costs specifically identified as unallowable) which customarily are classified as general administration and general expenses (exclusive of costs of students administration and services, student aid, student activities, and scholarships); operation and maintenance of physical plant; library; and department administration expenses, which will be computed as 20% of the salaries and expenses of deans, and heads of departments. In those cases where expenditures classified as general administration and general expenses or operation and maintenance expenses have previously been allocated to other institutional activities, they may be included in the indirect cost pool. The total amount of salaries and wages included in the indirect cost pool must be separately identified.

iii) Establish a salary and wage distribution base, determined by deducting from the total of salaries and wages as established under subsection (B)(i) above the amount of salaries and wages included under subsection (B)(ii) above.

iv) Establish the indirect cost rate, determined by dividing the amount in the indirect cost pool in subsection (B)(ii) above by the amount of the distribution base in subsection (B)(iii)

above.

v) Apply the indirect cost rate established to direct salaries and wages for individual agreements to determine the amount of indirect costs allowable to such agreements.

b) Local government agencies and other grantees.

1) Identification and assignment of indirect costs.

A) General. Because of the wide variety of situations to which regulations in this Part apply, these assignment methods are described in somewhat general terms. There are many methods for grouping and allocating costs to federally-sponsored activities. There are, however, four basic techniques in general use for distributing (prorating) the various types of joint or indirect costs. These are known as the direct allocation method, the single rate method, the multiple rate method, and the restricted method. However, regardless of the methods used in putting a proposal together it must account for all expenditures of the department/unit including nonappropriated funds, and miscellaneous fund expenditures. The use of a single composite rate applicable to all grants and contracts awarded to a particular department or unit is desirable from the standpoint of administrative simplicity. When, however, the use of such a rate would cause a significantly inequitable distribution of indirect costs to Federal programs (e.g., a distortion exceeding five percent of what a multiple rate would have yielded), more than one rate should be developed. The appropriateness of the use of more than one rate for a given department or unit depends on the extent to which the various activities performed by the organization benefit from the services whose costs comprise the indirect cost pool. For example, if all activities benefit substantially equally, a single rate would suffice; but if one or more activities benefit more or less from the services than do other activities and the cost difference is substantial, a single rate would not be acceptable. Also, it may occasionally be necessary to develop a special rate because legislation affecting a particular program limits the amount or type of indirect costs that may be charged to it. Such a rate is referred to as a restricted rate.

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In the event new legislation requires the use of a special rate (i.e., "restricted rate"), the Department's rules will be amended. A discussion of various methods that may be used for indirect cost allocation follows.

B) Direct allocation method. This method may be used when a grantee elects to direct charge its programs for all costs. Under this method, the actual joint costs of a department or unit are initially grouped into various functions, categories, or pools, such as accounting and payroll, data processing, and building occupancy costs. Each pool of costs is then distributed (or allocated) to the benefitting cost objectives or titles according to the relative degree of benefit which these cost objectives derive from that pool. The direct allocation method involves the following six basic steps:

i) Identifying all activities/functions carried on by the grantee or division and their attendant cost. All activities must be included regardless of the source of funds used to pay for them.

ii) Classifying those costs at the grantee level and at the division level as direct or indirect (joint) costs.

iii) Eliminating from joint costs all those costs that are unallowable in accordance with this Part, the Act, or 20 CFR 626-638 (1983).

iv) Classifying the grantee and divisional joint costs into functional cost groupings (pools) (i.e., clerical, space, telephone, printing).

v) Selecting an appropriate base for distribution of each classified pool of joint costs.

vi) Distributing each classified pool to the benefitting cost objectives or JTPA programs.

C) Single rate methods. When JTPA supported activities conducted by a State or local government department or unit benefit to the

same relative degree from its indirect costs, or where the JTPA activity is not substantial in amount (e.g., when the indirect costs for JTPA activities are less than five percent greater than the indirect costs for other activities), it is not necessary to make a series of indirect cost distributions. Instead, a single rate shall be developed. This involves five basic steps:

i) Identifying all the activities carried on by the department or unit and their attendant costs. All activities must be included regardless of the source of funds used to pay for them.

ii) Incorporating those costs allocated to the departments or units through the cost allocation plan.

iii) Classifying the activities and their costs as direct or indirect.

iv) Eliminating from the indirect costs, capital expenditures, and those costs stipulated as unallowable in Sections 2630.110 and 2630.112 of this Part.

v) Computing the rate by dividing the total remaining indirect costs by the direct cost base selected for distribution of the indirect costs. In most instances the types of costs allocated at the departmental level are most equitably allocated on a base of total direct salaries and wages or total direct salaries and wages plus applicable fringe benefits and, hence, these bases are preferred. However other bases, such as total direct costs less capital expenditures, may be used when they can be demonstrated to be more equitable.

D) Multiple rate methods. The need for the computation of more than one rate would exist where JTPA activities performed or administered by a department or unit uses significantly more or less of the departmental services reflected in the indirect cost pool (e.g., a distortion exceeding five percent.) than the department's or unit's other activities. Likewise, separate rates may be required for

divisions within a department or unit whose indirect costs are disproportionate to other divisions within the department or unit. The multiple rate method involves the following eight basic steps:

i) Identifying all the activities carried on by the Department or unit and its division/bureaus and their attendant costs. All activities must be included regardless of the source of funds used to pay for them.

ii) Incorporating those costs allocated to the department or unit through the approved cost allocation plan. Approval is discussed in Section 2630.113 of this Part.

iii) Classifying the activities performed at the department level and at each division/bureau and their cost as direct or indirect.

iv) Eliminating from indirect costs, capital expenditures, and those costs stipulated as unallowable in Sections 2630.110 and 2630.112 of this Part.

v) Classifying the departmental indirect costs which benefit the divisions and bureaus of the department or unit in functionally different proportions into functional groupings (pools).

vi) Selecting an appropriate base for distribution of each classified pool of indirect costs. See Section 2630.114 of this Part for examples of distribution bases.

vii) Distributing each classified pool to the benefitting divisions or bureaus.

viii) Calculating an indirect cost rate for each division or bureau of a department or unit by relating the total indirect costs of each division/bureau to that division's/bureau's direct cost base. The indirect costs of a division/bureau are the sum of its own indirect costs plus costs assignable to it from the department level and the central service allocation plan.

ix) In most instances the types of costs allocated at the departmental level are most equitably allocated on a base of direct salaries and wages or direct salaries and wages plus fringe benefits and, hence, these bases are preferred. However, other bases, such as total direct costs less capital expenditures, may be used when they can be demonstrated to be more equitable, as defined in Section 2630.110(e)(2)(C)(iii) of this Part.

E) Restricted rate method. Although there are not now statutory or regulatory prohibitions from the full recovery of indirect costs by JTPA grantees, should such restrictions be implemented, it may be necessary to develop a special rate for the affected program. Such rates are referred to as "restricted" rates. The procedure for developing a restricted rate is the same as that used for developing non-restricted rates except that it includes an additional step, the elimination from the indirect cost pool(s) of those costs for which the law or regulations prohibit reimbursement. A local government conducting JTPA programs with specific indirect cost restrictions are advised to contact the Department of Commerce and Community Affairs for guidance in developing their cost allocation plans.

2) Suggested procedure for cost allocation plans. The plan involves three basic, logical, sequential steps: identification of the services and the costs of each service to be claimed; determination of the method for allocating the costs of each service to user departments or units; and mathematical allocation of those costs to the user departments or units in the form of a single, formal, comprehensive proposal or plan. The plan must contain (but need not be limited to) the following schedules and narratives:

A) For services furnished but not billed to other government departments or units:

i) a description of the types of services provided and their relevance to Federal projects;

ii) the items of expense included in the cost of the service;

iii) the methods used in distributing the costs to benefitting departments or units;

iv) identification of the departments rendering the service and receiving the service; and

v) a summary schedule of the allocations of central service costs to benefitting operating departments.

B) For other services furnished and billed to other government departments or units:

i) Subsection (A) (i), (ii), and (iv) above.

ii) a concise but complete description of the method used to determine the billing rate or amount for each billed service.

iii) a concise but complete description of the accounting treatment of any under/over billed costs for the fiscal period.

C) In addition to the above data, the plan must also contain:

i) an organizational chart showing all departments and other units of the government even though they may not be shown as benefitting from the central service functions.

ii) a copy of financial statements prepared by either certified public accountants, licensed public accountants, or State or local government auditors, or a copy of the official budget of that department/unit if the budget reports the actual expenditures for the year on which the proposal should be supported by other financial documents generated either by the department or unit or higher tier government agency which can be used to substantiate the authenticity of the amounts proposed. Any differences between line items shown on the indirect cost proposal and line items shown on the supporting documentation must be reconciled. The

initial proposal should include information which provides a clear understanding of the accounting classification system employed, including a narrative description of the functions treated as indirect costs. Information on the accounting classification system and on the indirect cost narratives need only be updated in years other than the initial year.

iii) a certification by an authorized government official that the cost allocation plan has been prepared in accordance with applicable policies and procedures.

D) Application of rates. The indirect cost rate is the means by which the amount of indirect costs applicable to a given grant or contract is computed. The computation is a simple multiplication of the base costs chargeable to the grant or contract by the rate. For example, assume rates of 14% and 12% applied to total direct costs have been established for an organization's fiscal years ending June 30, 1976, and June 30, 1977, respectively. Also assume a grant for $50,000 was awarded effective March 1, 1976. The rate of 14% would be applied to the $18,000 spent in FY 1976, and the 12% rate would be applied to the $32,000 spent during FY 1977, the last eight months of the grant year. The total amount chargeable to the grant would be $6,360.

**Section 2630.112 Standards for Selected Items of Cost**

a) Purpose and applicability.

1) Objective. This Section provides standards for determining the allowability of selected items of cost.

2) Application. These standards will apply irrespective of whether a particular item of cost is treated as a direct or indirect cost. Failure to mention a particular item of cost in these standards is not intended to imply that it is either allowable or unallowable, rather determination of allowability in each case should be based on the treatment of standards provided in this Section for similar or related items of cost. These standards shall be applied in accordance with generally accepted

accounting principles as promulgated by the Fair Accounting Standards Board, compiled and published in the Miller Comprehensive GAAP Guide, 1988, published by Miller Accounting Publications, Inc., a subsidiary of Harcourt Brace Jovanovich, Publishers, with no later amendments or editions. Any costs which were eligible for payment during the grant period but not identified until after the grant period close-out has been finalized, shall be eligible for payment by a grantee against the subsequent or current grant period budget of the same JTPA program upon written approval by the Department. In no event shall belated costs be approved unless there was an unexpended budget balance, equal to or exceeding the belated cost amount, remaining with the grant period budget under which the costs were incurred. Costs shall be recorded against the appropriate cost category and line item established under the current year budget.

3) Prior approval. In instances where prior approval of costs is required, approval will be granted if the cost is necessary, reasonable, allowable, affordable and in accordance with generally accepted accounting principles.

b) Standards for selected items of cost.

1) Accounting. The cost of establishing and maintaining accounting and other information systems required for the management of grant programs is allowable. This includes cost incurred by service agencies which establish and maintain these systems. The cost of maintaining central accounting records required for overall State or local government purposes, such as appropriate and fund accounts by the Treasurer, Comptroller, or similar officials, is allowable to the extent that the program receives coverage under such services.

2) Advertising. Advertising media includes newspapers, magazines, radio and television programs, direct mail, trade paper, and the like. All such advertising costs disseminating program information are allowable.

3) Advisory Councils. Costs incurred by State and local advisory councils, boards, or committees expending effort on behalf of grant programs are allowable. Costs of like organizations are allowable when provided for in the State grants.

4) Audit services. The cost of audits necessary for the administration and management of functions related to grant programs is allowable. Costs of legislative branch audit and review activity of functions related to grant programs are allowable.

5) Automatic data processing. The cost of data processing services to grant programs is allowable. This cost includes lease of equipment or depreciation or use allowances on grantee-owned equipment. Prior approval for the lease, lease with option-to-purchase, or purchase of equipment is required and will be granted by the Department provided the cost is allowable in accordance with Section 2630.100(a).

6) Bad debts. Bad debts, including losses (whether actual or estimated) arising from accounts deemed uncollectible by the grantee and other claims (e.g., internal collection costs), related collection costs (e.g., collection agency costs), and related legal costs are unallowable.

7) Bid and proposal costs. These costs, also called preaward costs (as defined in subsection (b)(45)), are allowable only with prior approval of the Department.

8) Bonding costs.

A) Bonding costs arise when the Department requires assurance against financial loss to itself or others by reason of an act or default of the organization. Bonding costs arise also in instances where the organization requires similar assurance. Allowable bonding costs include such bonds as bid, performance, payment, advance payment, infringement, and fidelity bonds.

B) Costs of bonding required pursuant to the terms of a grant agreement are allowable.

C) Costs of bonding required by the organization in the general conduct of its operations are allowable if such bonding is in accordance with sound business practice and the rates and premiums are reasonable under the circumstances.

9) Building lease management. Costs for lease management, review of lease proposals, and related activities are allowable.

10) Building space and related facilities. The cost of space in privately or publicly owned buildings used for the direct or indirect benefit of the grant program is allowable. The total cost of space, whether in a privately or publicly owned building, may not exceed the rental cost or comparable space and facilities in a privately owned building. The cost of space procured for grant program usage may not be charged to the program for periods of nonoccupancy without authorization of the Department. Instances when costs for nonoccupied space will be authorized by the Department include, but are not limited to, renovation of a facility or flood damage to building space used for purposes under the grant.

A) Rental cost. The rental cost of space in a privately-owned building is allowable.

B) Maintenance and operation. The costs of utilities, insurance, security, janitorial services, elevator service, upkeep of grounds, normal repairs and alterations and the like, not included in rental or other charges for space are allowable.

C) Rearrangements and alterations. Cost incurred for rearrangement and alteration of facilities or those that increase the value or useful life of the facilities are allowable when approved by the Department.

D) Subject to the limitations described in subsections (b)(10)(E) through (G), rental costs are allowable if the rates are reasonable in light of such factors as: rental costs of comparable property, if any; market conditions in the area; alternatives available; and the type, life expectancy, condition, and value of the property leased.

E) Rental costs under sale and leaseback arrangements are allowable only up to the amount that would have been allowed had the organization continued to own the property.

F) Rental costs under less-than-arms-length leases are allowable only up to the amount that would have been allowed had title to the

property vested in the organization. For this purpose, a less-than-arms-length lease is one under which one party to the lease agreement is able to control or substantially influence the actions of the other. Such leases include, but are not limited to, those between divisions of an organization; between organizations under common control through common officers, directors, or members; and between an organization and a director, trustee, officer, or key employee of the organization or his immediate family either directly or through corporations, trusts, or similar arrangements in which they hold a controlling interest.

G) Rental costs under leases which create a material equity in the leased property are allowable only up to the amount that would be allowed had the organization purchased the property on the date the lease agreement was executed (e.g., depreciation or use allowances, maintenance, taxes, insurance but excluding interest expense and other unallowable costs). For this purpose, a material equity in the property exists if the lease is noncancelable or is cancelable only upon the occurrence of some remote contingency and has one or more of the following characteristics:

i) The organization has the right to purchase the property for a price which, at the beginning of the lease, appears to be substantially less than the projected fair market value at the time it is permitted to purchase the property (commonly called a lease with a bargain purchase option);

ii) Title to the property passes to the organization at some time during or after the lease period;

iii) The term of the lease (initial term plus periods covered by bargain renewal options, if any) is equal to 75 per cent or more of the economic life of the leased property; i.e., the period of time the property is expected to be economically usable by one or more users.

11) Central Stores. The cost of maintaining and operating a central stores organization for supplies, equipment, and materials used either directly or indirectly for grant programs is allowable.

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12) Chief executive expenses. The salaries and expenses of the Office of the Governor of the State of Illinois or the chief executive of a political subdivision are not allowable. In the case of a political subdivision, expenses that are incurred solely for (and are directly and clearly identifiable as benefitting) JTPA purposes are allowable.

13) Commencement and convocation costs. Costs incurred for commencements and convocations are allocable to training agreements and are allowable.

14) Communications. Communication costs incurred for telephone calls or service, telegraph, teletype service, WATTS, centrex, telpak (tie lines), postage, messenger service and similar expenses are allowable.

15) Compensation for personal services.

A) Definition. Compensation for personal services includes all compensation paid currently or accrued by the organization for services of employees rendered during the period of the grant (except as otherwise provided in subsection (b)(15)(G)). It includes, but is not limited to, salaries, wages, director's and executive committee member's fees, incentive awards, fringe benefits, pension plan costs, allowances for off-site pay differentials.

B) Allowability. Except as otherwise specifically provided in this subsection the costs of such compensation are allowable if:

i) Total compensation to individual employees is reasonable (as defined in Section 2630.100 (c)(5)) for the services rendered and conforms to the established policy of the organization consistently applied to both departmental and non-departmental activities; and

ii) Charges to grants, whether treated as direct or indirect costs, are determined and supported as required in this subsection.

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C) Reasonableness.

i) When the organization's non-departmental activities constitute 50% or more of its total activities, compensation for employees on Department-sponsored work will be considered reasonable if it is consistent with that paid for similar work in the organization's other activities.

ii) When the organization's departmental activities constitute 50% or more of its total activities and in cases where the kind of employees required for the Government activities are not found in the organization's other activities, compensation for employees on Department-sponsored work will be considered reasonable if it is comparable to that paid for similar work in the labor markets in which the organization competes for the kind of employees involved.

D) Special considerations in determining allowability. Certain conditions require special consideration and possible limitations in determining costs under grants where amounts or types of compensation appear unreasonable. Among such conditions are the following:

i) Compensation to members of nonprofit organizations, trustees, directors, associates, officers, or the immediate families thereof. Determination shall be made by the Department when a questioned cost arises whether such compensation is reasonable for the actual personal services rendered rather than a distribution of earnings in excess of costs.

ii) Any change in an organization's compensation policy resulting in a substantial increase in the organization's level of compensation, particularly when it is concurrent with an increase in the ratio of Department grants to other activities of the organization or any change in the treatment of allowability of specific types of compensation due to changes in Department policy.

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E) Unallowable costs. Costs which are unallowable under other subsections shall not be allowable under subsection (b)(15) solely on the basis that they constitute personal compensation.

F) Fringe benefits.

i) Fringe benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as vacation leave, sick leave, military leave, and the like, are allowable provided such costs are absorbed by all organization activities in proportion to the relative amount of time or effort actually devoted to each activity, and are provided pursuant to a leave system.

ii) Payment of fringe benefits, in the form of employer contributions or expenses for social security, employee insurance, workers' compensation insurance, pension plan costs (see subsection (b)(15)(G)), and the like, are allowable, provided such benefits are granted in accordance with established, written organization policies. Such benefits, whether treated as indirect costs or as direct costs, shall be distributed to particular grants and other activities in a manner consistent with the pattern of benefits accruing to the individuals or group of employees whose salaries and wages are chargeable to such grants and other activities.

iii) A self-insurance fund for unemployment compensation or workers' compensation is allowable to the extent that the fund represents reasonable estimates of the organization's liability for compensation that would have been allowable had insurance been purchased to cover the risks. However, provisions for self-insured liabilities which do not become payable for more than one year after the provision is made shall not exceed the present value of the liability. Where an organization follows a consistent policy of expensing actual payments to or on behalf of, employees or former employees for unemployment compensation or workmen's compensation, such payments are allowable in the year of payment with the prior approval of the Department

provided they are allocated to all activities of the organization.

iv) Cost of insurance on the lives of trustees, officers, or other employees holding positions of similar responsibility is allowable only to the extent that the insurance represents additional compensation. The cost of such insurance when the organization is named as beneficiary is unallowable.

G) Pension plan costs.

i) Costs of the organization's pension plan which are incurred in accordance with the established policies of the organization are allowable, provided: such policies meet the test of reasonableness; the methods of cost allocation are not discriminatory; the cost assigned to each fiscal year is determined in accordance with generally accepted accounting principles; the costs assigned to a given fiscal year are funded for all plan participants within six months after the end of that year. However, increases to normal and past service pension costs caused by a delay in funding the actuarial liability beyond 30 days after each quarter of the year to which such costs are assignable are unallowable.

ii) Pension plan termination insurance premiums paid pursuant to the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001b et seq. (1990) with no later amendments or editions) are allowable. Late payment charges on such premiums are unallowable.

iii) Excise taxes on accumulated funding deficiencies and other penalties imposed under the Employee Retirement Income Security Act are unallowable.

H) Incentive compensation. Incentive compensation to employees based on cost reduction, or efficient performance, suggestion awards, safety awards, etc., are allowable to the extent that the overall compensation is determined to be reasonable and such costs are paid or accrued pursuant to an agreement entered into in

good faith between the organization and the employees before the services are rendered, or pursuant to an established plan followed by the organization so consistently as to imply an agreement to make such payment.

I) Overtime, extra pay shift, and multishift premiums are allowable pursuant to the grantee's personnel policies.

J) Severance pay. See subsection (b)(57).

K) Training and education costs. See subsection (b)(61).

L) Support of salaries and wages.

i) Charges to grants for salaries and wages, whether treated as direct costs or indirect costs, shall be based on documented payrolls approved by a responsible official(s) of the organization. The allocation of expenses for salaries and wages to grants must be supported by time sheets, time and attendance records or personnel activity reports as prescribed in subsection (b)(15)(L)(ii), except when a substitute system has been approved in writing by the Department.

ii) Reports reflecting the distribution of activity of each employee must be maintained for all staff members (professionals and nonprofessionals) whose compensation is charged, in whole or in part, directly to grants. In addition, in order to support the allocation of indirect costs, such reports must also be maintained for other employees whose work involves two or more functions or activities if a distribution of their compensation between such functions or activities is needed in the determination of the organization's indirect cost rate(s) (e.g., an employee engaged part-time in indirect cost activities and part-time in a direct function). Reports maintained by nonprofit organizations to satisfy these requirements must meet the following standards: The reports must reflect an after-the-fact determination of the actual activity of each employee.

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Budget estimates (i.e., estimates determined before the services are performed) do not qualify as support for charges to grants. Each report must account for the total activity for which employees are compensated and which is required in fulfillment of their obligations to the organization. The reports must be signed by the individual employee and by a responsible supervisory official having first-hand knowledge of the activities performed by the employee stating that the distribution of activity represents a reasonable estimate of the actual work performed by the employee during the periods covered by the reports. The reports must be prepared at least monthly and must coincide with one or more pay periods.

iii) Salaries and wages of employees used in meeting cost sharing or matching requirements on grants must be supported in the same manner as salaries and wages claimed for reimbursement from the Department.

16) Contingency provisions. Contributions to a contingency reserve or any similar provision made for events which cannot be foretold with certainty as to time, intensity, or with any assurance of their happening, are unallowable. The term "contingency reserve" excludes self-insurance reserves; pension funds; and reserves for normal severance pay.

17) Contributions. Contributions and donations by the organization to others are unallowable.

18) Depreciation and use allowances.

A) Grantees may be compensated for the use of buildings, capital improvements, and equipment through use allowances or depreciation. A combination of the two methods may not be used in connection with a single class of fixed assets.

B) The computation of depreciation or use allowance will be based on acquisition cost. Where actual cost records have not been maintained, or where a recoverable disparity between the actual cost and the current fair market value exists, the current fair market

value may be used in this computation. Fair market value can be determined by the grantee if supported by solicited bids for existing similar items. The computation will exclude the costs or any portion of the cost of buildings and equipment donated or borne directly or indirectly by the Federal Government or State of Illinois through charges to grant programs or otherwise irrespective of where title was originally vested or where it presently resides. Additionally, the computation will also exclude the cost of land. Depreciation or a use allowance on facilities in a sustained idle or excess state is not allowable, except when specifically authorized by the Department.

C) Where the depreciation method is followed, authentic property records must be maintained, and any method of calculating depreciation accepted under the Generally Accepted Accounting Principles of the American Institute of Certified Public Accountants (1983) shall be used in compiling depreciation. The method of computing depreciation must be consistently applied for any specific asset or class of assets for all affected programs and must result in equitable charges considering the extent of the use of the assets for the benefit of such programs.

D) In lieu of depreciation, a use allowance for buildings and capital improvements shall be computed at an annual rate not exceeding two percent of acquisition cost. The use allowance for equipment (excluding items properly capitalized or building cost) will be computed at an annual rate not exceeding six and two-thirds percent of acquisition cost of usable equipment. (Note: Rates specified are effective as of start of the grantee's next fiscal year.)

E) No depreciation or use charge may be allowed on any assets that would be considered as fully depreciated, provided, however, that reasonable use charges (i.e., not exceeding six and two-thirds percent of acquisition cost for equipment and not exceeding two percent of cost for buildings) may be negotiated for any such assets if warranted after taking into consideration the cost of the facility or item involved, the estimated useful life remaining at time of negotiation, the effect of any increased maintenance charges or decreased efficiency due to age, and any other factors pertinent to

the utilization of the facility or item for its original purpose. (Note: Rates specified are effective as of the start of the grantee's next fiscal year.)

19) Disbursing services. The cost of disbursing grant program funds by the Treasurer or other designated officer is allowable. Disbursing services cover the processing of checks or warrants, from preparation to redemption, including the necessary records or accountability and reconciliation of such records with related cash accounts.

20) Donations

A) Services received.

i) Donated or volunteer services may be furnished to an organization by professional and technical personnel, consultants, and other skilled and unskilled labor. The value of these services is not reimbursable either as a direct or indirect cost.

ii) The value of donated services utilized in the performance of a direct cost activity shall be considered in the determination of the organization's indirect cost rate(s) and, accordingly, shall be allocated a proportionate share of applicable indirect costs when the following circumstances exist: the aggregate value of the services is material; the services are supported by 15% or more of the indirect costs incurred by the organization; and the direct cost activity is not pursued primarily for the benefit of the grant.

iii) In those instances where there is no basis for determining the fair market value of the services rendered, the recipient and the Department shall negotiate an appropriate allocation of indirect cost to the services.

iv) Where donated services directly benefit a project supported by a grant agreement, the indirect costs allocated to manage the services will be considered as a part of the total costs of the project. Such indirect costs may be reimbursed under

the grant agreement or used to meet cost sharing or matching requirements.

v) The value of the donated services may be used to meet cost sharing or matching requirements. Where donated services are treated as indirect costs, indirect cost rates will separate the value of the donations so that reimbursement will not be made.

vi) Fair market value of donated services shall be computed as follows: Rates for volunteers shall be consistent with those regular rates paid for similar work in other activities for the organization. In cases where the kinds of skills involved are not found in the other activities of the organization, the rates used shall be consistent with those paid for similar work in the labor market in which the organization competes for such skills. When an employer donates the services of an employee, those services shall be valued at the employee's regular rate of pay (exclusive of fringe benefits and indirect costs) provided the services are in the same skill for which the employee is normally paid. If the services are not in the same skill for which the employee is normally paid, fair market value shall be computed in accordance with this subsection.

B) Goods and space.

i) Expendable donated goods, that is, expendable personal property and/or supplies, and donated use of space may be furnished to an organization. The value of the goods and space is not reimbursable either as a direct or indirect cost. Personal property is property belonging to the organization.

ii) The value of the donations may be used to meet cost sharing or matching share requirements. The value of the donations shall be determined in accordance with subsection (b)(20)(A)(iii). Where donations are treated as indirect costs, indirect cost pools shall provide for separation of the value of the donations so reimbursement

shall not be made.

21) Employee morale, health, and welfare costs. The costs of health or first-aid clinics and/or infirmaries, recreational facilities, employees' counseling services, employee information publications, and any related expenses incurred in accordance with local policy, are allowable. Income generated from any of these activities will be offset against expenses.

22) Entertainment costs. Costs of amusement, diversion, social activities, ceremonials, and costs relating thereto, such as meals, lodging, rentals, transportation, and gratuities are unallowable.

23) Equipment and other capital expenditures.

A) As used in this subsection, the following terms have the meanings set forth below:

i) "Equipment" means an article of nonexpendable tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit. An organization may use its own definition provided that it includes all nonexpendable tangible personal property as defined herein.

ii) "Acquisition cost" means the net invoice unit price of an item of equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Ancillary charges, such as taxes, duty, protective intransit insurance, freight, and installation, shall be included in or excluded from acquisition cost in accordance with the organization's regular written accounting practices.

iii) "Special purpose equipment" means equipment which is usable only for research, medical, scientific, or technical activities. Examples of special purpose equipment include microscopes, x-ray machines, surgical instruments, and spectrometers.

iv) "General purpose equipment" means equipment which is usable for other than research, medical, scientific, or technical activities, whether special modifications are needed to make them suitable for a particular purpose. Examples of general purpose equipment include office equipment and furnishings, air conditioning equipment, reproduction and printing equipment, motor vehicles, and automatic data processing equipment.

B) Allowability

i) Capital expenditures for general purpose equipment are unallowable as a direct cost except with the prior approval of the Department.

ii) Capital expenditures for special purpose equipment are unallowable as direct costs except with the prior approval of the Department.

C) Capital expenditures for land or buildings are unallowable as a direct cost except with the prior approval of the Department.

D) Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable as a direct cost except with the prior approval of the Department.

E) Equipment and other capital expenditures are unallowable as indirect costs. However, see subsection (b)(18) for allowability of use allowances or depreciation on buildings, capital improvements, and equipment. Also, see subsections (b)(10)(A) and (D) through (G) for allowability of rental costs for land, buildings, and equipment.

24) Exhibits. Cost of exhibits relating to grantee services are allowable to the extent that grant program information is incorporated.

25) Fines and penalties. Costs of fines and penalties resulting from violations of, or failure of the organization to comply with, Federal, State, and local

laws and regulations are unallowable except when incurred as a result of compliance with specific provisions of a grant agreement or instructions in writing from the Department.

26) Idle facilities and idle capacity.

A) As used in this subsection the following terms have the meanings set forth below:

i) "Facilities" means land and buildings or any portion thereof, equipment individually or collectively or any other tangible capital asset, wherever located, and whether owned or leased by the organization.

ii) "Idle facilities" means completely unused facilities that are excess to the organization's current needs.

iii) "Idle capacity" means the unused capacity of partially used facilities. It is the difference between that capacity that could be utilized under 100 per cent operating time on a one-shift basis less operating interruptions resulting from time lost for repairs, setups, unsatisfactory materials, and other normal delays, and the extent to which the facility was actually used to meet demands during the accounting period. A multishift basis may be used if it can be shown that this amount of usage could normally be expected for the type of facility involved.

iv) "Costs of idle facilities or idle capacity" means costs such as maintenance repair, housing rent, and other related costs: e.g., property taxes, insurance, and depreciation or use allowances.

B) The costs of idle facilities are unallowable except to the extent that:

i) The facilities are necessary to meet fluctuations in workload; or

ii) Although not necessary to meet fluctuations in workload, the facilities were necessary when acquired and are now idle because of changes in program requirements, efforts to achieve more economical operations, reorganization, termination, or other causes which could not have been reasonably foreseen. Under the exception stated in this subsection, costs of idle facilities are allowable for a period of time, not to exceed two months, depending upon the documented initiative taken to use, lease or dispose of such facilities.

C) The costs of idle capacity are normal costs of doing business and are a factor in the normal fluctuation of usage rates or indirect cost rates from period to period. Such costs are allowable, provided the capacity is reasonably anticipated to be necessary or was originally reasonable and is subject to reduction or elimination by subletting, renting, or sale, in accordance with sound business, economics, or security practices. Widespread idle capacity throughout an entire facility or among a group of assets having substantially the same function may be idle facilities.

27) Independent research and development. Costs for independent research and development are allowable only with prior written approval of the Department.

28) Insurance and indemnification.

A) Insurance includes insurance which the organization is required by law to carry, or which is approved by the Department, under the terms of a grant and any other insurance which the organization maintains in connection with the general conduct of its operations. This subsection does not apply to insurance which represents fringe benefits for employees.

i) Costs of insurance required by law or approved by the Department, and maintained, pursuant to a grant are allowable.

ii) Costs of other insurance maintained by the organization in

connection with the general conduct of its operations are allowable subject to the following limitations: Types and extent of coverage shall be in accordance with sound business practice, and the rates and premiums shall be reasonable under the circumstances. Costs allowed for business interruption or other similar insurance shall be limited to exclude coverage of management fees. Costs of insurance or of any provisions for a reserve covering the risk of loss or damage to Department property are allowable to the extent that the organization is liable for such loss or damage. Provisions for a reserve under a self-insurance program are allowable to the extent that types of coverage, extent of coverage, rates and premiums would have been allowed had insurance been purchased to cover the risks. However, provision for known or reasonable estimated self-insured liabilities, which do not become payable for more than one year after the provision is made, shall not exceed the present value of the liability. Cost of insurance on the lives of trustees, officers, or other employees holding positions of similar responsibilities are allowable only to the extent that the insurance represents additional compensation (see subsection (b)(15)). The cost of such insurance when the organization is identified as the beneficiary is unallowable.

iii) Actual losses which could have been covered by insurance (through the purchase of insurance or a self-insurance program) are unallowable unless expressly provided for in a grant, except: costs incurred because of losses not covered under nominal deductible insurance coverage provided in keeping with sound business practice are allowable, and minor losses not covered by insurance, such as spoilage and breakage, which occur in the ordinary course of operations, are allowable.

B) Indemnification includes securing the organization against liabilities to third persons and any loss or damage not compensated by insurance or otherwise. The Department is obligated to indemnify the organization only to the extent expressly provided in

a grant.

29) Interest incurred on capital leases is allowable. A capital lease must meet at least one of the following criteria:

1) The lease transfers ownership of the equipment at the end of the lease period.

2) The lease contains a bargain purchase option.

3) The lease term is equal to 75% or more of the estimated economic life of the leased equipment.

4) The present value of the payments at the beginning of the lease equals or exceeds 90% of the fair value of the leased property.

All other interest or financial costs are unallowable unless prior written approval is given by the Department.

30) Labor relations costs. Costs incurred in maintaining satisfactory relations between the institution and its employer, including costs of labor management committees, employees' publications, and other related activities, are allowable.

31) Legal expenses. The cost of legal expenses required in the administration of grant programs is allowable. Legal services furnished by the chief legal officer or staff of a State or local government, grantee, or subgrantee solely for the purpose of discharging general responsibilities as a legal officer are unallowable. Legal expenses for the prosecution of claims against the Federal Government are unallowable.

32) Legislative expenses. Salaries and other expenses of the State legislature or similar local governmental bodies such as county supervisor, city councils, school boards, etc., whether incurred for purpose of legislation or executive direction, are not allowable.

33) Losses on other awards. Any excess of costs over income on any award is unallowable as a cost of any other award. This includes, but is not limited to, the organization's contributed portion by reason of cost sharing

agreements or any underrecoveries through negotiation of lump sums for, or ceiling on, indirect costs.

34) Maintenance and Repair. Costs incurred for necessary maintenance, repair, or upkeep of property which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are allowable.

35) Management studies. The cost of management studies intended to improve the effectiveness and efficiency of grant management for ongoing programs is allowable. Cost of studies performed by agencies, committees, and other organizations other than the grantee department or outside consultations are allowable.

36) Materials and supplies. The cost of materials and supplies necessary to carry out the grant programs is allowable. Purchases made specifically for the grant program should be charged thereto at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the grantee. Withdrawals from general stores of stockrooms should be charged at cost using any method of pricing accepted under the Generally Accepted Accounting Principles of the American Institute of Certified Public Accountants (1983). Incoming transportation charges are a part of material cost.

37) Meetings, conferences.

A) Costs associated with the conduct of meetings, and conferences, such as the cost of renting facilities, meals, speakers' fees, and related costs are allowable.

B) To the extent these costs are identifiable with a particular cost objective, they should be charged to that objective. These costs are allowable provided they meet the general tests of allowability as provided in Section 2630.110.

C) Costs of meetings and conferences held to conduct the general administration of the organization are allowable.

38) Memberships, subscriptions and professional activities. The cost of

membership in civic, business, technical, professional, and similar organizations is allowable. The cost of books, and subscriptions to civic, business, technical, professional, and like organization periodicals is allowable. Costs of attendance at meetings and conferences are allowable.

39) Motor pools. The costs of a service organization which provides vehicles to user grantee agencies and/or provides vehicle maintenance, inspection and repair services are allowable.

40) On-the-job training. On-the-job training (OJT) costs include salaries, wages, fringe benefits, and related costs of individuals placed in OJT programs. JTPA reimbursement limitations for costs are specified in Section 141(g) of the Act. Both grantee and employer support of such individuals are allowable during the period of OJT status only. Once an individual leaves OJT status, related costs are unallowable, except where grantee follow-up costs are incurred.

41) Organization costs. Expenditures, such as incorporation fees, brokers' fees, fees to promoters, organizers or management consultants, attorneys, accountants, or investment counselors, whether or not employees of the organization, in connection with establishment or reorganization of an organization, are unallowable except with prior approval of the Department.

42) Payroll preparation. The cost of preparing payrolls and maintaining necessary related wage records is allowable.

43) Personnel administration. Costs for the recruitment examination, certification, classification, training, establishment of pay standards, and related activities for grant programs are allowable.

44) Plant security costs. Necessary expenses incurred to comply with Government security requirements or for facilities protection, including wages, uniforms and equipment or personnel are allowable.

45) Preaward costs. Preaward costs are those incurred prior to the effective date of a grant directly pursuant to the negotiation and in anticipation of the grant where such costs are necessary to comply with the proposed delivery schedule or period of performance. Such costs are allowable only

to the extent that they would have been allowable if incurred after the effective date of a grant and only with the written approval of the Department.

46) Printing and reproduction. Costs for printing and reproduction services including, but not limited to forms, reports, manuals, and informational literature, are allowable. Publication costs of reports or other media relating wholly or in part to grant program accomplishments or results are allowable.

47) Procurement services. The cost of procurement services, including solicitation of bids, preparation and award of contracts, and all phases of contract administration in providing, or displaying of goods, facilities and services for grant programs, is allowable.

48) Professional service costs.

A) Costs of professional and consultant services rendered by persons who are members of a particular profession or possess a special skill and who are not officers or employees of the organization, are allowable, subject to subsections (b)(48)(B), (C) and (D) when reasonable in relation to the services rendered and when not contingent upon recovery of the costs from the Department.

B) In determining the allowability of costs in a particular case, no single factor or any special combination of factors is necessarily determinative. However, the following factors are relevant:

i) The nature and scope of the service rendered in relation to the service required.

ii) The necessity of contracting for the service, considering the organization's capability in the particular area.

iii) The past pattern of such costs, particularly in the years prior to Department grants.

iv) The impact of Department grants on the organization's business (i.e., what new problems have arisen).

v) Whether the proportion of Department work to the organization's total business is such as to influence the organization in favor of incurring the cost, particularly where the services rendered are not of a continuing nature and have little relationship to work under Department grants and contracts.

vi) Whether the service can be performed more economically by direct employment rather than contracting.

vii) The qualifications of the individual or concern rendering the service and the customary fees charged, especially on non-Department grants.

viii) Adequacy of the contractual agreement for the service (e.g., description of the service, estimate of time required, rate of compensation, and termination provisions).

C) In addition to the factors in subsection (b)(48)(B), retainer fees to be allowable must be supported by documented evidence of benefit to the grant to which the cost is charged. In the absence of such documentation, the payment of retainer fees shall be considered equivalent to payment to a contingency fund, which is unallowable. Additionally, the retainer fee paid must yield an equivalent benefit to the grant to which payment is charged.

D) Cost of legal, accounting, and consulting services, and related costs incurred in connection with defense of antitrust suits, and the prosecution of claims against the Department, are unallowable. Costs of legal, accounting and consulting services, and related costs, incurred in connection with patent infringement litigation, organization and reorganization, are unallowable unless provided for in the grant agreement.

49) Profits and losses on disposition of depreciable property or other capital assets.

A) Gains and losses on sale, retirement, or other disposition of

depreciable property shall be included in the year in which they occur as credits or charges to cost grouping(s) in which the depreciation applicable to such property was included. The amount of the gain or loss to be included as a credit or charge to the appropriate cost grouping(s) shall be the difference between the amount realized on the property and the undepreciated basis of the property.

B) Gains and losses on the disposition of depreciable property shall not be recognized as a separate credit or charge under the following conditions:

i) The gain or loss is processed through a depreciation reserve account and is reflected in the depreciation allowable under subsection (b)(18).

ii) The property is given in exchange as part of purchase price of a similar item and the gain or loss is taken into account in determining the depreciation cost basis of the new item.

iii) A loss results from the failure to maintain permissible insurance, except as otherwise provided in subsection (b)(28)(A)(iii).

iv) Compensation for the use of the property was provided through use allowances in lieu of depreciation in accordance with subsection (b)(18).

C) Gains and losses arising from mass or extraordinary sales, retirements, or other dispositions shall be considered on a case-by-case basis.

D) Gains or losses of any nature arising from the sale or exchange of property other than the property covered in subsection (b)(49)(A) shall be excluded in computing grant costs.

50) Program income. Program income constitutes revenue generated by the grantee agency as a direct result of grant program activities. Such income shall be either returned to the State or retained by the grantee to enable

further program expenditures. The Department will instruct each grantee on which method shall apply either in the grant agreement or in subsequent amendments.

51) Proposal costs. Costs of preparing proposals on potential Federal and/or State grants are allowable.

52) Public information service costs. Public information service costs are allowable and include the cost associated with pamphlets, news releases, and other forms of information services. Such costs are normally incurred to:

A) inform or instruct individuals, groups, or the general public;

B) interest individuals or groups in participating in a service program of the organization;

C) disseminate the results of sponsored and nonsponsored activities.

53) Rearrangement and alteration costs. Costs incurred for ordinary or normal rearrangement and alteration of facilities are allowable. Special arrangement and alteration costs incurred specifically for the project are allowable with the prior approval of the Department.

54) Reconversion costs. Costs incurred in the restoration or rehabilitation of the organization's facilities to approximately the same condition existing immediately prior to commencement of Department grants, fair wear and tear excepted, are allowable, with the prior approval of the Department.

55) Recruiting costs. The following recruiting costs are allowable: cost of "help wanted" advertising, operating costs of an employment office, costs of operating an educational testing program, and travel expenses including food and lodging of employees while engaged in recruiting personnel.

56) Royalties and other costs for use of patents and copyrights.

A) Royalties on a patent or copyright or amortization of the cost of acquiring by purchase a copyright, patent, or rights thereto, necessary for the proper performance of the grant are allowable

with prior approval of the Department unless:

i) The Department has a license or the right to free use of the patent or copyright.

ii) The patent or copyright has been adjudicated or administratively determined to be invalid.

iii) The patent or copyright is unenforceable.

iv) The patent or copyright is expired.

B) Special care shall be exercised in determining reasonableness where the royalties may have been arrived at as a result of less than arm's length bargaining; e.g.:

i) Royalties paid to persons, including corporations, affiliated with the organization.

ii) Royalties paid to unaffiliated parties, including corporations, under an agreement entered into in contemplation that a Government grant would be made.

iii) Royalties paid under an agreement entered into after a grant is made to an organization.

C) In any case involving a patent or copyright formerly owned by the organization, the amount of royalty allowed should not exceed the cost which would have been allowed had the organization retained title thereto.

57) Severance pay. Severance pay, also commonly referred to as dismissal wages, is a payment in addition to regular salaries and wages, by organizations to workers whose employment is being terminated. Costs of severance pay are allowable only to the extent that in each case, it is required by law, or by the organization's written internal policy as approved by its board of directors.

58) Specialized service facilities.

A) The costs of services provided by highly complex or specialized facilities operated by the organization, such as electronic computers, are allowable provided the charges for the services meet the conditions of either subsections (b)(58)(B) or (C) and, in addition, take into account any items of income or grant financing that qualify as credits.

B) The costs of such services, when material, must be charged directly to applicable grants based on actual usage of the services on the basis of a schedule of rates or established methodology that

i) does not discriminate against grant supported activities of the organization, including usage by the organization for internal purpose, and

ii) is designed to recover only the aggregate costs of the services. The costs of each service shall consist normally of both its direct costs and its allocable share of all indirect costs. However, advance agreements made by the organization with other funding sources are considered important in evaluating special situations.

C) Where the costs incurred for a service are not material, they may be allocated as indirect costs.

59) Taxes.

A) In general, taxes which the organization is required to pay and which are paid or accrued in accordance with generally accepted accounting principles, and payments made to local governments in lieu of taxes which are commensurate with the local government services received are allowable, except for

i) taxes from which exemptions are available to the organization directly or which are available to the organization based on an exemption afforded the Government, and in the latter case, when the Department makes available the necessary exemption certificates,

ii) special assessments on land which represent capital improvements, or

iii) federal income taxes.

B) Any refund of taxes, and any payment to the organization of interest there on, which were allowed as grant costs, will be credited either as a cost reduction or cash refund, as appropriate, to the Department.

60) Termination costs. Termination of grants generally give rise to the incurrence of costs, or the need for special treatment of costs, which would not have arisen had the grant not been terminated. All such costs, including any costs after termination, shall be negotiated with the Department on a case by case basis, using standards found in Section 2630.110.

61) Training and education costs.

A) Costs of preparation and maintenance of a program of instruction, including but not limited to on-the-job, classroom, and apprenticeship training designed to increase the vocational effectiveness of employees, including training materials, textbooks, salaries or wages of trainees (excluding any additional compensation, or any overtime compensation to trainees which arise therefrom), and

i) salaries of the director of training and staff when the training program is conducted by the organization; or

ii) tuition and fees, when the training is in an institution not operated by the organization, are allowable.

B) Costs of part-time education, at an undergraduate or postgraduate college level, including that provided at the organization's own facilities, are allowable only when the course or degree pursued is relative to the field in which the employee is now working and are limited to:

i) Training materials,

ii) Textbooks,

iii) Fees charged by the educational institution,

iv) Tuition charged by the educational institutional, or in lieu of tuition, instructor's salaries and the related share of indirect costs of the educational institution to the extent that the sum thereof is not in excess of the tuition which would have been paid to the participating educational institution,

v) Salaries and related costs of instructors who are employees of the organization, and

vi) Straight-time compensation of each employee for time spent attending classes during working hours not in excess of 158 hours per year and only to the extent that circumstances do not permit the operation of classroom or attendance at classes after regular working hours.

C) Costs of attendance of up to 4 weeks per employee per year at a specialized program specifically designed to enhance the effectiveness of executives or managers or to prepare employees for such positions are allowable. Such costs include enrollment fees, training materials, textbooks and related charges, employees' salaries, and travel. Costs allowable under this subsection do not include those for courses that are part of a degree-oriented curriculum, which are allowable only to the extent set forth in subsection (b)(61)(B).

D) Maintenance expense, and normal depreciation or rental, on facilities owned or leased by the organization for training purposes are allowable to the extent set forth in subsections (b)(10) and (18).

E) Contributions or donations to educational or training institutions, including the donation of facilities or other properties, and scholarships or fellowships, are unallowable.

F) Training and education costs in excess of those otherwise allowable under subsections (b)(61)(B) and (C) shall be allowed if granted prior approval of the Department. To be considered for approval, the organization must demonstrate that such costs are consistently incurred pursuant to an established training and education program, and that the course or degree pursued is relative to the field in which the employee is now working.

62) Transportation. Costs incurred for freight, cartage, express, postage and other transportation costs relating either to goods purchased, delivered, or moved from one location to another are allowable.

63) Travel costs.

A) Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the organization. Travel costs are allowable subject to subsections (b)(63)(B) through (E), when they are directly attributable to specific work under an award or are incurred in the normal course of administration of the organization. Travel status is defined by the organization's own internal personnel policies.

B) Such costs may be charged on an actual basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used results in charges consistent with those normally allowed by the organization in its regular operations.

C) The difference in cost between first-class air accommodations and less than first-class air accommodations is unallowable except when less than first-class air accommodations are not reasonably available to meet necessary mission requirements, such as where less than first-class accommodations would

i) require circuitous routing,

ii) require travel between 7 PM and 6 AM or on weekends or

holidays,

iii) greatly increase the duration of the flight (i.e., travel which exceeds normal travel time by three hours or longer),

iv) result in additional costs which would offset the transportation savings, or

v) offer accommodations which are contrary to those prescribed by the traveler's physician.

D) Necessary and reasonable costs of personnel movements of a special or mass nature are allowable, subject to allocation on the basis of work or time period benefited whichever is appropriate. Advance agreements made by the organization with other funding sources are considered important in evaluating special situations.

E) Direct or indirect foreign travel costs are not allowable.

64) Participant Supportive Services. Participant supportive services costs are considered allowable only if the costs are necessary to enable an individual (enrolled for training under the Act, but who cannot afford to pay for such services) to participate in a training program funded under the Act. Payments for participant medical examinations and inoculations, when required of all students entering a training program, are appropriately charged as a direct training service or retraining cost. These payments may be charged as a supportive service cost when provided to participants on an as needed basis. Supportive services payments shall be in accordance with Section 4(24) of the Act. Payments for supportive services to Title III participants under the Act are also subject to the provisions of Section 314(c)(15) of the Act. Participant supportive service costs, in the form of payments to participants, must be supported by documentation which verifies receipt of payments to the participant. For the participant to receive supportive services, documentation must confirm that the participant was engaged in an activity approved by the grantee, or was in an activity in compliance with a grantee policy defining excused absences, on the dates for which supportive services were made. The need for supportive service payments shall be documented in the participant's Individual Service Strategy (ISS).

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65) Needs-Based Payments. Needs-based payments are limited to payments necessary for an individual to participate in a JTPA program under sections 204(c)(3), 264(d)(4) and 314(e). All payments must be in accordance with a locally developed formula and procedures which are described in the SDA's approved two year plan. Needs-based payments must be supported by documentation which indicates the need for such payment, the amount, verification that the payment was received by the participant's, as well as documentation which indicates that the conditions for receiving the payments were met, as described in the participant's Individual Service Strategy (ISS). The basis for needs-based payments shall be documented in the participant's ISS, detailing the amount to be paid and the conditions under which payment is earned.

66) Incentive and Bonus Payments. Incentive and bonus payments to program participants are allowable only under Title II-C of the Act. Such payments must be paid in accordance with a locally developed policy, as described in the SDA's approved two year plan. Incentive and bonus payments must be supported by evidence that the participant met the established criteria to earn the payment, as well as verification that the payment was received by the participant.

67) Fund Raising. Fund raising is not an allowable JTPA cost without prior written approval of the Department. The written request must identify the purpose, anticipated cost, the party or parties involved in the fund raising and the type of fund raising being conducted. There must be a direct benefit to the JTPA program and the fund raising activities must be charged a fair share of indirect cost and other administrative cost.

68) Stand In Costs. Stand in costs are costs paid from non-Federal sources which a recipient proposes to substitute for Federal costs which have been disallowed as a result of an audit or other review. In order to be considered as valid substitutions, the cost must have been reported by the grantee as uncharged program costs under the same Title and in the same year in which the disallowed costs were incurred, and must have been incurred in compliance with laws, regulations, and contractual provisions governing JTPA.

69) Profits. Commercial organizations may be allowed an amount of profit

equal to no more than 12% of the total contract amount under a non-commercially available training program. The justification of the actual amount of profit allowed in a particular contract must be determined and documented in accordance with provisions of paragraph 627.420(e)(3) of the JTPA federal regulations. The profit must be shown as a distinct reimbursement item on the contract budget. The total profit may be awarded only after the contractor has met required program performance criteria designated in the contract in support of profit earnings. All costs charged to a contract must be allowable in accordance with the Job Training Partnership Act, the Federal and State regulations and any other contractual requirements of the awarding agency.

70) Employment Generating Activities. Employment generating activities, economic development activities, investment in revolving loan funds, capitalization of businesses, investment in contract bidding resource centers, and similar activities are all unallowable activities.

**Section 2630.113 Indirect Cost Proposals**

a) General. The costs of publicly financed educational institutions, local governments, and other grantees performing JTPA activities consist of two basic categories - direct and indirect. Direct costs are those which can be specifically or readily identified with a particular grant or contract or other cost objective. Indirect costs (or overhead) are those incurred for a common or joint purpose benefitting more than one cost objective, and not directly assignable to cost objectives benefited without effort disproportionate to the results achieved. Indirect costs include both:

1) the overhead costs originating in a grantee performing a grant or contract; and

2) the costs of central government services distributed through the central service cost allocation plan and not otherwise treated as direct costs.

b) Indirect cost proposals.

1) Description and content of proposals. Indirect costs shall be charged to State awards via an indirect cost rate. The rate is the percentage relationship of indirect costs to direct costs, (e.g., generally salaries and

wages or total direct cost). The computation of the indirect cost rate, supported by workpapers and other documentation (as described in Section 2630.113(b)(2)) is called an indirect cost proposal.

2) Submission. All indirect cost proposals must be supported by the following documentation:

A) A certification by an authorized grantee official that the proposal has been prepared in accordance with policies and procedures contained in this Part.

B) A copy of financial statements prepared by either certified public accountants, licensed public accountants or State or local government auditors, or a copy of the official budget of that department/unit if the budget reports the actual expenditures for the year on which the proposal is based. If these are not available, proposals should be supported by such other official financial documents generated either by the department or unit or higher tier government agency (i.e., general ledgers, ancillary financial statements, statements of changes in fund balance, etc.) which can be used to substantiate the authenticity of the amounts proposed. Any difference between line items shown on the indirect cost proposals and line items shown on the supporting documentation must be reconciled. The initial proposal should include information which provides an understanding of the accounting classification system employed, including a narrative description of the functions treated as indirect costs. Information on the accounting classification system and on the indirect cost narratives need only be updated in years other than the initial year.

C) A schedule of State funds expenditures made during the fiscal year showing for each State department and agency:

i) direct salaries and wages,

ii) other direct expenditures, and

iii) total expenditures.

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D) A schedule of items of costs that are treated inconsistently, that is, items which are charged as direct costs to some State grants and contracts but not to all, the costs not charged direct being treated as an indirect cost and, items which are treated as direct costs for State grants and contracts but not for non-State activities and projects, and the costs not charged directly being treated as an indirect cost. The schedule must show the items treated inconsistently, the reasons for the inconsistency, the amounts treated as indirect costs, the amounts charged as direct costs to State grants and contracts, the grants and contracts charged, and the State department and agency which made the awards.

E) A chart showing the organizational structure of the agency during the period for which the proposal applies, along with a functional statement(s) noting the duties and/or responsibilities of all units that comprise the agency. Once submitted, only revisions need be submitted with subsequent proposals.

c) Negotiation agreements. There are three types of agreements under which the Illinois Department of Commerce and Community Affairs shall approve central service cost allocation plans and indirect cost proposals: Provisional-final, predetermined, and fixed with carry-forward. Approval will be based on compliance with this Part.

1) Provisional-final.

A) Central service cost allocation plans and indirect cost proposals are submitted prior to the fiscal year to which they apply. Thus, they reflect either a past period's cost experience or a projection of a future year's expected costs. Since a grantee's actual costs do not become known until the end of its fiscal year and there needs to be some arrangement by which costs can be recovered as incurred, the State shall enter into an agreement under which the grantee proposal is provisionally accepted using either:

i) a prior year's actual costs,

ii) projected costs for the fiscal year under consideration, or

iii) a combination of historical costs and projected costs. Subsequently, at the end of the fiscal year when the actual costs are known, the grantee will need to submit a revised proposal reflecting its actual costs. Another agreement, called final agreement, will then be negotiated and the grantee may retroactively revise the claims it made against JTPA grants and contracts.

B) This procedure, however, has two drawbacks, which are:

i) it entails additional administrative effort for both the State and the grantee in negotiating two agreements for the same period and in processing retroactive claims, and

ii) it could result in a loss in recovery to the grantee if the amount or rate finally agreed to is greater than that provisionally agreed to and there are no JTPA funds available to cover the excess or, conversely, if the final settlement is less than that provisionally agreed to and a repayment is due the State, it may create a hardship to the grantee. To avoid these situations, predetermined or fixed with carry-forward agreements may be considered.

2) Predetermined. A predetermined agreement is a firm agreement, not subject to revision except in the most unusual circumstances (e.g., subsequent audit findings records, subpoena, etc.) and when there is substantial inequity (determined through audit) to either the State or grantee. Like the provisional-final agreement, it is negotiated in advance of the fiscal period to which it applies. The State will enter into a predetermined agreement only when the amounts or rate agreed on will not result in a claim to the State in excess of the proposer's actual costs. Comparable caution is generally exercised by the grantee to assure that it does not inadvertently incur more indirect costs than planned. Because of the potential danger of over or under recovered costs inherent in the predetermined agreement, it is used sparingly.

3) Fixed with carry-forward. The FCF agreement is based on an estimate of a future period's costs and is not subject to revision. However, differences between the estimated costs and actual costs, when they become known,

are includable (carried-forward) as an adjustment in a subsequently proposed cost plan of the preparer State or local government. The fixed rate with carry-forward agreement cannot be used where there is only short term or widely fluctuating State funding, or where there is likelihood of organizational change, or a fluctuating level of operation which would make the projection of costs unrealistic.

**Section 2630.114 Suggested Bases for Cost Distribution**

Following are suggested bases for distributing joint costs of central-type services to local government departments or agencies and to projects and programs utilizing these services. The suggested bases are not mandatory for use if they are not suitable for the particular services involved. Any method of distribution can be used which will produce an equitable distribution of cost. In selecting one method over another, consideration should be given to the additional effort required to achieve a greater degree of accuracy.

| Type of Service | Suggested Bases for Allocation |
|---|---|
| Accounting | Number of transactions processed. |
| Auditing | Direct audit hours. |
| Budgeting | Direct hours of identifiable services of employees of central budget. |
| Buildings lease management | Number of leases. |
| Data processing | System usage. |
| Disbursing service | Number of checks or warrants issued. |
| Employees retirement system administration | Number of employees contributing. |
| Insurance management service | Dollar value of insurance premiums. |
| Legal services | Direct hours. |
| Mail and messenger service | Number of documents handled or employees served. |

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| | |
|---|---|
| Motor pool costs including automotive management | Miles driven and/or days used. |
| Office machines and equipment maintenance repairs | Direct hours. |
| Office space use and related costs (heat, light, janitor services, etc.) | Square feet of space occupied. |
| Organization and management services | Direct hours. |
| Payroll services | Number of employees. |
| Personnel administration | Number of employees. |
| Printing and reproduction | Direct hours, job basis, pages printed, etc. |
| Procurement service | Number of transactions processed. |
| Local telephone | Number of telephone instruments. |
| Health services | Number of employees. |
| Fidelity bonding program | Employees subject to bond or penalty amounts. |

SUBPART E: AUDIT

**Section 2630.120 Audit Requirements**

At least once every two years, or more frequently if required by the State's grant agreement, an independent financial and compliance audit of the grant funds received by the grantee shall be performed. All such audits shall be conducted in accordance with the auditing standards specified in Section 164 (a)(3) of the Act, OMB Circular A-128 entitled "Audits of State and Local Governments", published in the Federal Register on May 6, 1985 at 50 FR 19114-19119 or OMB Circular A-133 entitled "Audits of Institutions of Higher Education and Other Nonprofit Organizations", published in the Federal Register on March 16, 1990 at 55 FR 10019-10025, whichever is applicable, and in accordance with "Government Auditing Standards, Standards for Audit of Governmental Organizations, Programs, Activities, and Functions" (1988 revision) and the "Compliance Supplement for Single Audits of State and Local Governments" (April 1985).

**Section 2630.121 Oversight**

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The Illinois Department of Commerce and Community Affairs is responsible for oversight of all grant recipient activities and State supported programs. Nothing in these regulations shall be interpreted to preclude such oversight, however conducted, by the Department. The Department shall have access to all such grant records, papers, and other materials retained by the grantee and subgrantee.

**Section 2630.122 Sanctions**

Under the JTPA, the Governor of the State of Illinois is held responsible for all funds under the Act. The Governor is further mandated to hold grantees and subgrantees, including grant recipients, responsible for JTPA funds received from the State of Illinois. To equip the Governor with authority to discharge this duty, the following sanctions must be reserved:

a) The Department of Commerce and Community Affairs shall be able to take prompt and appropriate corrective actions for misexpenditures by any grantee and subgrantee. This may include, but need not be limited to prompt, appropriate, and aggressive debt collection action to recover any funds misspent by grantees or subgrantees, as required in Section 164 (a)(3) of the Act.

b) The Department shall be able to require written descriptions and assessments of all actions taken by grantees and subgrantees to collect misspent funds.

c) The Department shall have the authority to reduce allocations to a service delivery area if:

1) the Secretary of the U.S. Department of Labor offsets a debt against funds allotted to the State; and

2) the debt resulted from a misexpenditure by the grant recipient, or its subgrantees.

**Section 2630.123 Federal Cognizance**

In the event that the U.S. Department of Labor or any other Federal department chooses to retain a cognizant relationship with local governments who are grantees of the State, this Part will become null and void for affected grantees. The Department of Commerce and Community Affairs must be informed immediately should any Federal department enter into a cognizant relationship with a grantee which receives Job Training Partnership Act program funds. In this

event, affected local government grantees should immediately contact their Federal cognizant agency for advice and direction on the development of cost allocation plans.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standards Applicable to Generators of Hazardous Waste

2) Code Citation: 35 Ill. Adm. Code 722

3)

| Section Numbers: | Proposed Actions: |
|---|---|
| 722.101 | New Section |
| 722.105 | Renumber, Amendment |
| 722.110 | Amendment |
| 722.111 | Amendment |
| 722.112 | Repealed |
| 722.113 | New Section |
| 722.114 | New Section |
| 722.115 | New Section |
| 722.116 | New Section |
| 722.117 | New Section |
| 722.118 | New Section |
| 722.120 | Amendment |
| 722.121 | Amendment |
| 722.123 | Amendment |
| 722.124 | Amendment |
| 722.132 | Amendment |
| 722.134 | Repealed |
| 722.135 | New Section |
| 722.140 | Amendment |
| 722.141 | Amendment |
| 722.142 | Amendment |
| 722.143 | Amendment |
| 722.144 | Amendment |
| 722.150 | Repealed |
| 722.151 | Repealed |
| 722.152 | Repealed |
| 722.153 | Repealed |
| 722.154 | Repealed |
| 722.155 | Repealed |
| 722.156 | Repealed |
| 722.157 | Repealed |
| 722.158 | Repealed |
| 722.160 | Repealed |
| 722.180 | Amendment |

| | |
|---|---|
| 722.181 | Amendment |
| 722.182 | Amendment |
| 722.183 | Amendment |
| 722.184 | Amendment |
| 722.185 | Repealed |
| 722.186 | Repealed |
| 722.187 | Repealed |
| 722.189 | Repealed |
| 722.300 | Amendment |
| 722.301 | Amendment |
| 722.302 | Amendment |
| 722.303 | Amendment |
| 722.304 | Amendment |
| 722.306 | Amendment |
| 722.307 | Amendment |
| 722.308 | Amendment |
| 722.309 | Amendment |
| 722.310 | Amendment |
| 722.311 | Amendment |
| 722.312 | Amendment |
| 722.313 | Amendment |
| 722.314 | Amendment |
| 722.316 | Amendment |
| 722.330 | New Section |
| 722.331 | New Section |
| 722.332 | New Section |
| 722.333 | New Section |
| 722.350 | New Section |
| 722.351 | New Section |
| 722.352 | New Section |
| 722.353 | New Section |
| 722.354 | New Section |
| 722.355 | New Section |
| 722.356 | New Section |
| 722.360 | New Section |
| 722.361 | New Section |
| 722.362 | New Section |
| 722.363 | New Section |
| 722.364 | New Section |

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722.365 New Section

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

5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 722 are a single segment of the consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking that also affects 35 Ill. Adm. Code 702 through 705, 720, 721, 723 through 728, 730, 733, 738, 739, and 810 through 812. Due to the extreme volume of the consolidated docket, each Part is covered by a notice in four separate issues of the *Illinois Register*. Included in this issue are 35 Ill. Adm. Code 722, 723, and 726 through 728. The consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking updates the Illinois hazardous waste, underground injection control (UIC), and Municipal Solid Waste Landfill (MSWLF) rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during calendar years 2016 and 2017, embracing two update periods: July 1, 2016 through December 31, 2016 and July 1, 2017 through December 31, 2017. The consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking further makes numerous corrections and non-substantive stylistic revisions that the Board finds necessary. A comprehensive description is contained in the Board's opinion and order of March 3, 2016, proposing amendments in docket R16-7, which opinion and order is available from the address below.

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

November 28, 2016 (81 Fed. Reg. 85696): USEPA revised requirements for importing and exporting hazardous waste. USEPA amended 40 C.F.R. 260 through 267, 271, and 273. USEPA intended greater protection of human health and the environment, greater consistency with current requirements for shipments between members of the Organization for Economic Cooperation and Development (OECD), and implementation of electronic submittal of import- and export-related documents into an Automated Export System.

November 28, 2016 (81 Fed. Reg. 85732): USEPA adopted the GIR, which extensively revised requirements for generators hazardous waste. USEPA revised rules in all parts of the hazardous waste rules: 40 C.F.R. 260 through 268, 270, 271, 273, and 279. The GIR also included revisions to RCRA Subtitle D rules in 40 C.F.R. 257 and 258. The federal MSWLF rules are codified in 40 C.F.R. 258. USEPA intended that reorganization of the hazardous waste generator requirements would make them more user-friendly and address gaps in the rules

to make them more effective and protective of human health and the environment. USEPA also corrected inadvertent errors and remove obsolete provisions.

August 29, 2017 (82 Fed. Reg. 41015): USEPA established the Automated Export System (AES) filing compliance date, a critical implementation date for electronic reporting hazardous waste exports. As of December 31, 2017, exporters of manifested hazardous waste, exporters of universal waste, exporters of spent lead-acid batteries for recycling or disposal, and exporters of cathode ray tubes (CRTs) for recycling were to report using the AES for export shipments. After the AES filing compliance date, the use of paper reporting was no longer permissible for these exports.

December 26, 2017 (82 Fed. Reg. 60894): USEPA further revised the rules for imports and exports of hazardous waste. No person can assert a confidential business information (CBI) claim for documents relating to import, export, and transit of hazardous waste and those specific to export of excluded CRTs.

Specifically, the amendments to Part 722 incorporate elements of the Generator Improvements Rule, the Hazardous Waste Import-Export Revisions, and the bar on claims of confidentiality for documents relating to hazardous waste exports. The Board makes several needed corrections in the text of the rules.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R17-14/R17-15/R18-11/R18-31. The tables list the deviations from the literal text of the federal amendments and the several necessary corrections and stylistic revisions not directly derived from USEPA actions. Persons interested in the details of those deviations from the literal text should refer to the Identical-in-Substance Rulemaking Addendum (Proposed) in consolidated docket R17-14/R17-15/R18-11/R18-31.

Section 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

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

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

9) Does this rulemaking contain incorporations by reference? No

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

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

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated docket R17-14/R17-15/R18-11/R18-31 and be addressed to:

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

Please direct inquiries to the following person and reference consolidated docket R17-14/R17-15/R18-11/R18-31:

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

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

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

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13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

14) Regulatory Agenda on which this rulemaking was summarized: January 2017 and January 2018`

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

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

PART 722
STANDARDS APPLICABLE TO
GENERATORS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section

722.101 Definitions
722.105~~722.113~~ 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 GENREATORS

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

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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 RecordkeepingSpecial Requirements for Small Quantity Generators of between 100 and 1,000 kilograms per month
722.150 Applicability (Repealed)
722.151 Definitions (Repealed)
722.152 General Requirements (Repealed)
722.153 Notification of Intent to Export (Repealed)
722.154 Special Manifest Requirements (Repealed)
722.155 Exception Report (Repealed)
722.156 Annual Reports (Repealed)
722.157 Recordkeeping (Repealed)
722.158 International Agreements (Repealed)
722.160 Imports of Hazardous Waste (Repealed)

SUBPART G: FARMERS

Section
722.170 Farmers

SUBPART H: TRANS-BOUNDARY SHIPMENTS OF

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HAZARDOUS WASTE FOR RECOVERY OR DISPOSAL

Section
722.180 Applicability
722.181 Definitions
722.182 General Conditions
722.183 Exports of Hazardous Waste~~Notification and Consent~~
722.184 Imports of Hazardous Waste~~Movement Document~~
722.185 Contracts (Repealed)
722.186 Provisions Relating to Recognized Traders (Repealed)
722.187 Reporting and Recordkeeping (Repealed)
722.189 OECD Waste Lists (Repealed)

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

Section
722.300 Definitions
722.301 Applicability
722.302 Opting into the Subpart K Requirements
722.303 Notice of Election into the Subpart K Requirements
722.304 Notice of Withdrawal from the Subpart K Requirements
722.305 Summary of the Requirements of this Subpart K
722.306 Container Standards in the Laboratory
722.307 Personnel Training
722.308 Removing Unwanted Material from the Laboratory
722.309 Hazardous Waste Determination and Removal of Unwanted Material from the Laboratory
722.310 Hazardous Waste Determination in the Laboratory
722.311 Hazardous Waste Determination at an On-Site Central Accumulation Area
722.312 Hazardous Waste Determination at an On-Site Treatment, Storage, or Disposal Facility
722.313 Laboratory Clean-Outs
722.314 Laboratory Management Plan
722.315 Unwanted Material That Is Not Solid Waste or Hazardous Waste
722.316 Non-Laboratory Hazardous Waste Generated at an Eligible Academic Entity

SUBPART L: ALTERNATIVE STANDARDS FOR EPISODIC GENERATION

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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

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

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989;

amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg. 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 603, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17950, effective September 28, 1998; amended in R00-5 at 24 Ill. Reg. 1136, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9822, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5105, effective June 20, 2000; amended in R05-2 at 29 Ill. Reg. 6312, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3138, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 871, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11927, effective July 14, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18817, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17888, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8773, effective June 4, 2012; amended in R13-15 at 37 Ill. Reg. 17763, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1700, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11717, effective August 9, 2016; recodified at 42 Ill. Reg. _____; amended in R17-14/R17-15/R18-12 at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

**Section 722.101 Definitions**

As used in this Part, the following terms have the following meanings:

"Condition for exemption" means any requirement in Sections 722.114 through 722.117, 722.170, or Subpart K or Subpart L that states an event, action, or standard that must occur or be met in order to obtain an exemption from any applicable requirement in 35 Ill. Adm. Code 702, 703, and 724 through 728, or from any requirement for notification under section 3010 of RCRA (42 USC 6930).

"Independent requirement" means a requirement of this Part that states an event, action, or standard that must occur or be met; and that applies without relation to, or irrespective of, the purpose of obtaining a conditional exemption from storage facility permit, interim status, and operating requirements under Sections 722.114 through 722.117, 722.170, or Subpart K or Subpart L.

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

**Section 722.105~~722.113~~ Electronic Reporting**

The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Derived from 40 CFR 3, ~~as added, and 40 CFR~~ 271.10(b), 271.11(b), and 271.12(h) (2017)~~(2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005)~~.

(Source: Renumbered from Section 722.113 and amended at 42 Ill. Reg. _____, effective _____)

**Section 722.110 Purpose, Scope, and Applicability**

a) This Part establishes standards for generators of hazardous waste, as defined by 35 Ill. Adm. Code 720.110.

1) A person who generates a hazardous waste, as defined by 35 Ill. Adm. Code 721, is subject to all the applicable independent requirements in the following provisions:

A) Independent Requirements of a VSQG.

i) Section 722.111(a) through (d) (hazardous waste determination and recordkeeping); and

ii) Section 722.113 (generator category determination).

B) Independent Requirements of a SQG.

i) Section 722.111 (hazardous waste determination and recordkeeping);

ii) Section 722.113 (generator category determination);

iii) Section 722.118 (USEPA identification numbers and re-notification for SQGs and LQGs);

iv) Subpart B (manifest requirements applicable to SQGs and LQGs);

v) Subpart C (pre-transport requirements applicable to SQGs and LQGs);

vi) Section 722.140 (recordkeeping);

vii) Section 722.144 (recordkeeping for SQGs); and

viii) Subpart H (transboundary movements of hazardous waste for recovery or disposal).

C) Independent Requirements of a LQG.

i) Section 722.111 (hazardous waste determination and recordkeeping);

ii) Section 722.113 (generator category determination);

iii) Section 722.118 (USEPA identification numbers and re-notification for SQGs and LQGs);

iv) Subpart B (manifest requirements applicable to SQGs and LQGs);

v) Subpart C (pre-transport requirements applicable to SQGs and LQGs;

vi) Subpart D (recordkeeping and reporting applicable to SQGs and LQGs, except Section 722.144); and

vii) Subpart H (transboundary movements of hazardous waste for recovery or disposal).

2) A generator that accumulates hazardous waste on site is a person that stores hazardous waste; this generator is subject to the applicable requirements of 35 Ill. Adm. Code 702, 703, and 724 through 727 and

section 3010 of RCRA (42 USC 6930), unless the generator is one of the following:

A) A VSQG that meets the conditions for exemption in Section 722.114;

B) A SQG that meets the conditions for exemption in Sections 722.115 and 722.116; or

C) A LQG that meets the conditions for exemption in Sections 722.115 and 722.117.

3) A generator must not transport, offer its hazardous waste for transport, or otherwise cause its hazardous waste to be sent to a facility that is not a designated facility, as defined in 35 Ill. Adm. Code 720.110, or which is not otherwise authorized to receive the generator's hazardous waste.

b) Determining Generator Category. A generator must use Section 722.113~~35 Ill. Adm. Code 721.105(c) and (d)~~ to determine which~~the applicability of~~ provisions of this Part ~~that~~ are applicable to the generator based on~~dependent on calculations of~~ the quantity of hazardous waste generated per calendar month.

c) This subsection (c) corresponds with 40 CFR 262.10(c), which USEPA removed and marked "reserved". This statement maintains structural consistency with the federal provision.~~A generator that treats, stores, or disposes of a hazardous waste on-site must comply only with the following Sections of this Part with respect to that waste: Section 722.111, for determining whether or not the generator has a hazardous waste; Section 722.112, for obtaining an USEPA identification number; Section 722.140(c) and (d), for recordkeeping; Section 722.143, for additional reporting; and Section 722.170, for farmers, if applicable.~~

d) Any person that exports or imports hazardous~~a~~ waste~~ hazardous under U.S. national procedures to or from countries listed in Section 722.158(a)(1) for recovery,~~ must comply with Section 722.118 and Subpart H~~ of this Part~~.

~~BOARD NOTE: USEPA used identical language in corresponding 40 CFR 262.10(d), 262.58(a), and 262.80(a) to define when a waste is considered hazardous under U.S. national procedures. The Board has chosen to create the term "waste hazardous under U.S. national procedures"; add a definition in~~

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~~Section 722.181, the centralized listing of definitions for Subpart H of this Part; and replace USEPA's defining language in this subsection (a) with a cross-reference to the definition in Section 722.181.~~

e) Any person that imports hazardous waste into the United States must comply with the generator standards of this Part.

f) A farmer that generates waste pesticides that are hazardous waste and which complies with Section 722.170 is not required to comply with other standards in this Part or 35 Ill. Adm. Code 702, 703, 724, 725, 727, or 728 with respect to such pesticides.

g) Generator Violation and Noncompliance.~~A person that generates a hazardous waste, as defined by 35 Ill. Adm. Code 721, is subject to the compliance requirements and penalties prescribed in Title VIII and XII of the Environmental Protection Act if that person does not comply with this Part.~~

1) A generator's violation of an independent requirement is subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act.

2) A generator's noncompliance with a condition for exemption in this Part is not subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act as a violation of a condition for exemption provided in this Part.

Noncompliance by any generator with an applicable condition for exemption from storage permit and operations requirements means that the facility is a storage facility operating without an exemption from the permit, interim status, and operations requirements in 35 Ill. Adm. Code 702, 703, and 724 through 727, and the notification requirements of section 3010 of RCRA (42 USC 6930). Without an exemption, any violations of such storage requirements are subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act.

h) An owner or operator that initiates a shipment of hazardous waste from a treatment, storage, or disposal facility must comply with the generator standards established in this Part.

i) A person responding to an explosives or munitions emergency in accordance with 35 Ill. Adm. Code 724.101(g)(8)(A)(iv) or (g)(8)(D) or 35 Ill. Adm. Code 725.101(c)(11)(A)(iv) or (c)(11)(D) and 35 Ill. Adm. Code 703.121(a)(4) or (c) is not required to comply with the standards of this Part.

j) This subsection (j) corresponds with 40 CFR 262.10(j), which USEPA removed and marked "reserved".~~This subsection corresponds with 40 CFR 262.10(j), a provision that relates only to facilities in the Commonwealth of Massachusetts.~~ This statement maintains structural consistency with USEPA rules.

k) This subsection (k) corresponds with 40 CFR 262.10(k), a provision that relates only to facilities in the Commonwealth of Massachusetts. This statement maintains structural consistency with USEPA rules.

l) The laboratories owned by an eligible academic entity that chooses to be subject to the requirements of Subpart K~~ of this Part~~ are not subject to the requirements set forth in subsections (l)(1) and (l)(2)~~ of this Section~~, except as specifically otherwise provided in Subpart K~~ of this Part~~. For purposes of this subsection (l), the terms "laboratory" and "eligible academic entity" must~~shall~~ have the meanings given them in Section 722.300.

1) The independent requirements of Section 722.111 or the regulations in Section 722.115, for an LQG~~a large quantity generator,~~ or an SQG, except as provided in Subpart K~~Section 722.134(c), for a small quantity generator~~; and

2) The conditions of Section 262.14~~35 Ill. Adm. Code 721.105(b)~~, for a VSQG, except as provided in Subpart K~~conditionally exempt small quantity generator~~.

BOARD NOTE: ~~The provisions of Section 722.134 are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of Section 722.134 only apply to an owner or operator that is shipping hazardous waste which it generated at that facility.~~ A generator that treats, stores, or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in 35 Ill. Adm. Code 702, 703, 724 through 728, 733, and 739.

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

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**Section 722.111 Hazardous Waste Determination**

A person that generates a solid waste, as defined in 35 Ill. Adm. Code 721.102, must make an accurate determination as to whether~~determine if~~ that waste is a hazardous waste in order to ensure that the waste is properly managed according to applicable RCRA regulations. A hazardous waste determination is made using the following steps~~method~~:

a) The hazardous waste determination for each solid waste must be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste such that the RCRA classification of the waste may change.

b~~a~~) The person must~~should first~~ determine whether~~if~~ the solid waste is excluded from regulation under 35 Ill. Adm. Code 721.104.

c~~b~~) If the waste is not excluded under 35 Ill. Adm. Code 721.104, the~~The~~ person must~~should~~ then use knowledge of~~determine if~~ the waste to determine whether the~~is listed as a hazardous~~ waste meets any of the listing descriptions under~~in~~ Subpart D of 35 Ill. Adm. Code 721. Acceptable knowledge that may be used in making an accurate determination as to whether the waste is listed may include waste origin, composition, the process producing the waste, feedstock, and other reliable and relevant information. If a waste is listed, the person may file a delisting petition under 35 Ill. Adm. Code 720.120 and 260.22 to demonstrate to the Administrator that the waste from this particular site or operation is not a hazardous waste.

~~BOARD NOTE: Even if a waste is listed as a hazardous waste, the generator still has an opportunity under 35 Ill. Adm. Code 720.122 to demonstrate that the waste from the generator's particular facility or operation is not a hazardous waste.~~

~~c) For purposes of compliance with 35 Ill. Adm. Code 728, or if the waste is not listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721, the generator must then determine whether the waste is identified in Subpart C of 35 Ill. Adm. Code 721 by either of the following methods:~~

~~1) Testing the waste according to the methods set forth in Subpart C of 35 Ill.~~

~~Adm. Code 721, or according to an equivalent method approved by the Board under 35 Ill. Adm. Code 720.121; or~~

~~2)~~ ~~Applying knowledge of the hazard characteristic of the waste in light of the materials or processes used.~~

d) The person then must also determine whether the waste exhibits one or more hazardous characteristics, as identified in Subpart C of 35 Ill. Adm. Code 721, by following the procedures in subsection (d)(1) or (d)(2), or a combination of both.

1) The person must apply knowledge of the hazard characteristic of the waste in light of the materials or the processes used to generate the waste. Acceptable knowledge may include process knowledge (e.g., information about chemical feedstocks and other inputs to the production process); knowledge of products, by-products, and intermediates produced by the manufacturing process; chemical or physical characterization of wastes; information on the chemical and physical properties of the chemicals used or produced by the process or otherwise contained in the waste; testing that illustrates the properties of the waste; or other reliable and relevant information about the properties of the waste or its constituents. A test other than a test method set forth in Subpart C of 35 Ill. Adm. Code 721, or an equivalent test method approved by the Agency or the Board under 35 Ill. Adm. Code 720.121, may be used as part of a person's knowledge to determine whether a solid waste exhibits a characteristic of hazardous waste. However, such tests do not, by themselves, provide definitive results. Persons testing their waste must obtain a representative sample of the waste for the testing, as defined at 35 Ill. Adm. Code 720.110.

2) When available knowledge is inadequate to make an accurate determination, the person must test the waste according to the applicable methods set forth in Subpart C of 35 Ill. Adm. Code 721 or according to an equivalent method approved by the Administrator under 35 Ill. Adm. Code 720.121 and in accordance with the following:

A) A persons testing its waste must obtain a representative sample of the waste for the testing, as defined at 35 Ill. Adm. Code 720.110.

B) Where a test method is specified in Subpart C of 35 Ill. Adm. Code 721, the results of the regulatory test, when properly performed, are definitive for determining the regulatory status of the waste.

e~~d~~) If the generator determines that the waste is hazardous, the generator must refer to 35 Ill. Adm. Code 721, 724 through 728, and 733 for possible exclusions or restrictions pertaining to the management of the specific waste.

f) Recordkeeping for SQGs and LQGs. A SQG or LQG must maintain records supporting its hazardous waste determinations, including records that identify whether a solid waste is a hazardous waste, as defined by 35 Ill. Adm. Code 721.103. Records must be maintained for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal. These records must comprise the generator's knowledge of the waste and support the generator's determination, as described at subsections (c) and (d). The records must include, but are not limited to, the following types of information: the results of any tests, sampling, waste analyses, or other determinations made in accordance with this Section; records documenting the tests, sampling, and analytical methods used to demonstrate the validity and relevance of such tests; records consulted in order to determine the process by which the waste was generated, the composition of the waste, and the properties of the waste; and records which explain the knowledge basis for the generator's determination, as described at subsection (d)(1). The periods of record retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by the Agency.

BOARD NOTE: Any Agency request for extended records retention under this subsection (f) is subject to Board review pursuant to Section 40 of the Act.

g) Identifying USEPA hazardous Waste Numbers for SQGs and LQGs. If the waste is determined to be hazardous, SQGs and LQGs must identify all applicable USEPA hazardous waste numbers (USEPA hazardous waste numbers) in Subparts C and D of 35 Ill. Adm. Code 721. Prior to shipping the waste off site, the generator also must mark its containers with all applicable USEPA hazardous waste numbers (USEPA hazardous waste numbers) according to 35 Ill. Adm. Code 722.132.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

**Section 722.112 USEPA Identification Numbers (Repealed)**

~~a)~~ ~~A generator must not treat, store, dispose of, transport, or offer for transportation hazardous waste without having received a USEPA identification number from USEPA.~~

~~b)~~ ~~A generator that has not received a USEPA identification number may obtain one by applying to USEPA Region 5 using USEPA Form 8700-12. The generator 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 any notification directly to USEPA. Upon receiving the request USEPA will assign a USEPA identification number to the generator.~~

~~c)~~ ~~A generator must not offer its hazardous waste to transporters or to treatment, storage or disposal facilities that have not received a USEPA identification number.~~

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

**Section 722.113 Generator Category Determination**

A generator must determine its generator category. A generator's category is based on the amount of hazardous waste generated each calendar month and may change from calendar month to calendar month. This Section sets forth procedures to determine whether a generator is a VSQG, an SQG, or an LQG for a particular calendar month, as defined in 35 Ill. Adm. Code 720.110.

a) Generators of Either Acute Hazardous Waste or Non-acute Hazardous Waste. A generator that either generates acute hazardous waste or non-acute hazardous waste in a calendar month must determine its generator category for that month by doing the following:

1) Counting the total amount of hazardous waste generated in the calendar month;

2) Subtracting from the total any amounts of waste exempt from counting, as described in subsections (c) and (d); and

3) Determining the resulting generator category for the hazardous waste generated using the table in subsection (g).

b) Generators of Both Acute and Nonacute Hazardous Waste. A generator that generates both acute hazardous waste and non-acute hazardous waste in the same calendar month must determine its generator category for that month by doing the following:

1) Counting separately the total amount of acute hazardous waste and the total amount of non-acute hazardous waste generated in the calendar month;

2) Subtracting from each total any amounts of waste exempt from counting, as described in subsections (c) and (d);

3) Determining separately the resulting generator categories for the quantities of acute and non-acute hazardous waste generated using the table in subsection (g); and

4) Comparing the resulting generator categories from subsection (b)(3) and applying the more stringent generator category to the accumulation and management of both non-acute hazardous waste and acute hazardous waste generated for that calendar month.

c) When making the monthly quantity-based determinations required by this Part, the generator must include all hazardous waste that it generates, except the following hazardous wastes:

1) Hazardous waste that is exempt from regulation under 35 Ill. Adm. Code 721.104(c) through (f), 721.106(a)(3), 721.107(a)(1), or 721.108;

2) Hazardous waste that is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities, as defined in 35 Ill. Adm. Code 720.110;

3) Hazardous waste that is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under 35 Ill. Adm. Code 721.106(c)(2);

4) Hazardous waste that is used oil managed under the requirements of 35 Ill. Adm. Code 721.106(a)(4) and 739;

5) Hazardous waste that is spent lead-acid batteries managed under the requirements of Subpart G of 35 Ill. Adm. Code 726;

6) Hazardous waste that is universal waste managed under 35 Ill. Adm. Code 721.109 and 733;

7) Hazardous waste that is a hazardous waste that is an unused commercial chemical product (listed in Subpart D of 35 Ill. Adm. Code 721 or exhibiting one or more characteristics in Subpart C of 35 Ill. Adm. Code 721) that is generated solely as a result of a laboratory clean-out conducted at an eligible academic entity pursuant to Section 722.313. For purposes of this provision, the term eligible academic entity must have the meaning as defined in Section 722.300; or

8) Hazardous waste that is managed as part of an episodic event in compliance with the conditions of Subpart L.

d) In determining the quantity of hazardous waste generated in a calendar month, a generator need not include any of the following:

1) Hazardous waste when it is removed from on-site accumulation, so long as the hazardous waste was previously counted once for the purposes of this Section;

2) Hazardous waste generated by onsite treatment (including reclamation) of the generator's hazardous waste, so long as the hazardous waste that is treated was previously counted once for the purposes of this Section; and

3) Hazardous waste spent materials that are generated, reclaimed, and subsequently reused on site, so long as such spent materials have been previously counted once for the purposes of this Section.

e) Based on the generator category, as determined under this Section, the generator must meet the applicable independent requirements listed in Section 722.110. A generator's category also determines which of the provisions of Sections 722.114, 722.115, 722.116, or 722.117 must be met to obtain an exemption from the

storage facility permit, interim status, and operating requirements when accumulating hazardous waste.

f) Mixing Hazardous Waste with Solid Waste.

1) VSQG Waste.

A) Hazardous waste generated by a VSQG may be mixed with solid wastes. A VSQG may mix a portion or all of its hazardous waste with solid waste and remain subject to Section 722.114, even though the resultant mixture exceeds the quantity limits identified in the definition of VSQG at 35 Ill. Adm. Code 720.110, unless the mixture exhibits one or more of the characteristics of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.

B) If the resulting mixture described in subsection (f)(1)(A) exhibits a characteristic of hazardous waste, this resultant mixture is a newly-generated hazardous waste. The VSQG must count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the VSQG calendar month quantity limits identified in the definition of generator categories found in 35 Ill. Adm. Code 720.110. If the total quantity exceeds the very small generator calendar quantity limits, to remain exempt from the permitting, interim status, and operating standards, the VSQG must meet the conditions for exemption applicable to either an SQG or an LQG. The VSQG must also comply with the applicable independent requirements for either an SQG or an LQG.

C) If a VSQG's waste is mixed with used oil, the mixture is subject to 35 Ill. Adm. Code 739. Any material produced from such a mixture by processing, blending, or other treatment is also regulated under 35 Ill. Adm. Code 739.

2) SQG and LQG Waste.

A) Hazardous wastes generated by an SQG or LQG may be mixed with solid waste. These mixtures are subject to the following requirements: the mixture rule in 35 Ill. Adm. Code

721.103(a)(2)(iv), (b)(2) and (b)(3), and (g)(2)(A); the prohibition against dilution rule at 35 Ill. Adm. Code 728.103(a); the land disposal restriction requirements of 35 Ill. Adm. Code 728.140 if a characteristic hazardous waste is mixed with a solid waste so that it no longer exhibits the hazardous characteristic; and the hazardous waste determination requirement at Section 722.111.

B) If the resulting mixture described in subsection (f)(2)(A) is found to be a hazardous waste, this resultant mixture is a newly-generated hazardous waste. An SQG must count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the SQG calendar monthly quantity limits identified in the definition of generator categories found in 35 Ill. Adm. Code 720.110. If the total quantity exceeds the small generator calendar quantity limits, to remain exempt from the permitting, interim status, and operating standards, the SQG must meet the conditions for exemption applicable to an LQG. The SQG must also comply with the applicable independent requirements for an LQG.

g) Generator Categories Based on Quantity of Waste Generated in a Calendar Month.

| Quantity of acute hazardous waste generated in a calendar month | Quantity of non-acute hazardous waste generated in a calendar month | Quantity of residues from a cleanup of acute hazardous waste generated in a calendar month | Generator category |
|---|---|---|---|
| > 1 kg (> 2.2 lb) | Any amount | Any amount | LQG |
| Any amount | ≥ 1,000 kg (≥ 2,200 lbs) | Any amount | LQG |
| Any amount | Any amount | > 100 kg (> 220 lbs) | LQG |

| | | | |
|---|---|---|---|
| ≤ 1 kg (≤ 2.2 lbs) | > 100 kg and < 1,000 kg (> 220 lbs and < 2,200 lbs) | ≤ 100 kg (≤ 220 lbs) | SQG |
| ≤ 1 kg (≤ 2.2 lbs) | ≤ 100 kg | ≤ 100 kg (≤ 220 lbs) | VSQG |

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

**Section 722.114 Conditions for Exemption for a Very Small Quantity Generator**

a) Provided that a VSQG meets all the conditions for exemption listed in this Section, hazardous waste generated by the VSQG is not subject to the requirements of 35 Ill. Adm. Code 702, 703, 705, and 722 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), and the VSQG may accumulate hazardous waste on site without complying with these requirements, except that the VSQG must comply with this Section and Sections 722.110 through 722.113. The conditions for exemption are as follows:

1) In a calendar month, the VSQG generates less than or equal to the amounts specified in the definition of "VSQG" in 35 Ill. Adm. Code 720.110;

2) The VSQG complies with Section 722.111(a) through (d);

3) If the VSQG accumulates at any time greater than one kg (2.2 lbs) of acute hazardous waste or 100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e), all quantities of that acute hazardous waste are subject to the following additional conditions for exemption:

A) 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) 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 its hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility. The facility, if located in the U.S., must be one of the following:

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

B) An interim status facility under Subpart C of 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code 725;

C) A facility authorized to manage hazardous waste by a state whose hazardous waste management program is approved by USEPA under 40 CFR 271;

D) A municipal solid waste landfill that is subject to the standards of 40 CFR 258 and which is permitted, licensed, or registered by a USEPA-authorized state to manage municipal solid waste;

E) A solid waste management facility that is permitted, licensed, or registered by a state to manage non-municipal non-hazardous

waste and, if the facility is a non-municipal non-hazardous waste disposal unit, the facility must comply with the requirements in subpart B of 40 CFR 257, incorporated by reference in 35 Ill. Adm. Code 720.111;

F) A facility engaging in either of the following activities:

i) Beneficial use or reuse, or legitimate recycling or reclamation of its waste; or

ii) Treating its waste prior to beneficial use or reuse, or legitimate recycling or reclamation;

G) For universal waste managed under 35 Ill. Adm. Code 733, a universal waste handler or destination facility subject to the requirements of 35 Ill. Adm. Code 733;

H) An LQG under the control of the same person as the VSQG, provided the following conditions are met:

i) The VSQG and the LQG are under the control of the same person, as defined in 35 Ill. Adm. Code 720.110. "Control," for the purposes of this Section, means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that a contractor that operates a generator facility on behalf of a different person, as defined in 35 Ill. Adm. Code 720.110, cannot be deemed to "control" the VSQG and LQG.

ii) The VSQG marks its containers of hazardous waste with the words "Hazardous Waste" and an indication of the hazards of the contents. Examples of indication of the hazards include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labelling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200, incorporated by reference in 35 Ill.

Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111.

b) The placement of bulk or noncontainerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.

c) A VSQG experiencing an episodic event may generate and accumulate hazardous waste in accordance with Subpart L in lieu of Sections 722.115, 722.116, and 722.117.

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

**Section 722.115 Satellite Accumulation Area Regulations for a Small Quantity Generator or Large Quantity Generator**

a) A generator may accumulate as much as 55 gallons (208 ℓ) of non-acute hazardous waste or either one quart (0.94 ℓ) of liquid acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) or 1 kg (2.2 lbs) of solid acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with the requirements of 35 Ill. Adm. Code 702, 703, 705, and 724 through 727, provided that the generator complies with all of the conditions for exemption in this Section. A generator may comply with the conditions for exemption in this Section instead of complying with the conditions for exemption in Section 722.116(b) or 722.117(a), except as required in Section 722.115(a)(7) and (a)(8). The conditions for exemption for satellite accumulation are the following:

1) If a container holding hazardous waste is not in good condition, or if the container begins to leak, the generator must immediately transfer the hazardous waste from the leaking container to a container that is in good condition and not leaking, or immediately transfer and manage the waste in a central accumulation area operated in compliance with Section 722.116(b) or 722.117(a).

2) The generator must use a container made of or lined with materials that

will not react with and which are otherwise compatible with the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.

3) Special Standards for Incompatible Wastes.

A) The generator must not place incompatible wastes or incompatible wastes and materials (see appendix V of 40 C.F.R. 265, incorporated by reference in 35 Ill. Adm. Code 720.111, for examples) in the same container, unless the generator complies with Section 725.117(b).

B) The generator must not place hazardous waste in an unwashed container that previously held an incompatible waste or material (see appendix V of 40 C.F.R. 265, incorporated by reference in 35 Ill. Adm. Code 720.111, for examples), unless the generator complies with Section 725.117(b).

C) The generator must separate a container holding hazardous waste or otherwise protect it by any practical means from any other incompatible waste or other materials accumulated nearby in other containers.

4) A container holding hazardous waste must be closed at all times during accumulation, except at the following times:

A) When the generator is adding, removing, or consolidating waste; or

B) When the generator is engaged in necessary temporary venting of a container for either of the following reasons:

i) For the proper operation of equipment; or

ii) To prevent dangerous situations, such as build-up of extreme pressure.

5) A generator must mark or label its container with the following:

A) The words "Hazardous Waste"; and

B) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic) listed in Subpart C or D of 35 Ill. Adm. Code 721; hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111.

6) A generator who accumulates either acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) or non-acute hazardous waste in excess of the amounts listed in subsection (a) at or near any point of generation must do the following:

A) Comply within three consecutive calendar days with the applicable central accumulation area regulations in Section 722.116(b) or 262.722.117(a), or

B) Remove the excess from the satellite accumulation area within three consecutive calendar days to any of the following:

i) A central accumulation area operated in accordance with the applicable regulations in Section 722.116(b) or 722.117(a);

ii) An on-site interim status or permitted treatment, storage, or disposal facility, or

iii) An off-site designated facility; and

C) During the three-consecutive-calendar-day period the generator must continue to comply with subsections (a)(1) through (a)(5). The generator must mark or label the containers holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

7) All satellite accumulation areas operated by an SQG must meet the preparedness and prevention regulations of Section 722.116(b)(8) and emergency procedures at Section 722.116(b)(9).

8) All satellite accumulation areas operated by an LQG must meet the Preparedness, Prevention and Emergency Procedures in Subpart M.

b) This subsection (b) corresponds with 40 CFR 262.115(b), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulation.

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

**Section 722.116 Conditions for Exemption for a Small Quantity Generator That Accumulates Hazardous Waste**

An SQG may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of 35 Ill. Adm. Code 702, 703, 705, and 724 through 727, or the notification requirements of section 3010 of RCRA (42 USC 6930), provided that all of the following conditions for exemption listed in this Section are met:

a) Generation. The generator must generate in a calendar month no more than the amounts specified in the definition of "SQG" in 35 Ill. Adm. Code 720.110.

b) Accumulation. The generator must accumulate hazardous waste on site for no more than 180 days, unless in compliance with the conditions for exemption allowing longer accumulation in subsections (d) and (e). The following accumulation conditions also apply:

1) Accumulation Limit. The quantity of hazardous waste accumulated on site must never exceed 6,000 kg (13,200 lbs);

2) Accumulation of Hazardous Waste in Containers.

A) Condition of Containers. If a container holding hazardous waste is not in good condition or the container begins to leak, the SQG must immediately transfer the hazardous waste from this container to a container that is in good condition or immediately manage the

waste in some other way that complies with the conditions for exemption of this Section.

B) Compatibility of Waste with Container. The SQG must use a container made of or lined with materials that will not react with and which are otherwise compatible with the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.

C) Management of Containers.

i) A container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.

ii) A container holding hazardous waste must not be opened, handled, or accumulated in a manner that may rupture the container or cause it to leak.

D) Inspections. At least weekly, the SQG must inspect central accumulation areas. The SQG must look for leaking containers and for deterioration of containers caused by corrosion or other factors. See subsection (b)(2)(i) for remedial action required if deterioration or leaks are detected.

E) Special Conditions for Accumulation of Incompatible Wastes.

i) The SQG must not place incompatible wastes or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) must not be placed in the same container, unless the generator complies with 35 Ill. Adm. Code 725.117(b).

ii) The SQG must not place hazardous waste in an unwashed container that previously held an incompatible waste or material (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111), unless the generator complies with 35 Ill. Adm. Code

725.117(b).

iii) The SQG must separate or protect a container accumulating hazardous waste, by means of a dike, berm, wall, or other device, from any waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments.

3) Accumulation of Hazardous Waste in Tanks.

A) This subsection (b)(3)(A) corresponds with 40 CFR 262.116(b)(3)(i), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulation.

B) An SQG of hazardous waste must comply with the following general operating conditions:

i) Treatment or accumulation of hazardous waste in tanks must comply with 35 Ill. Adm. Code 725.117(b).

ii) The SQG must not place hazardous wastes or treatment reagents in a tank if the hazardous wastes or treatment reagents could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life.

iii) The SQG must operate uncovered tanks must be operated to ensure at least 60 centimeters (2 feet) of freeboard, unless the tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.

iv) Where hazardous waste is continuously fed into a tank, the SQG must equip the tank with a means to stop this inflow (*e.g.*, waste feed cutoff system or by-pass system to a stand-by tank).

C) Except as noted in subsection (b)(3)(iv), an SQG that accumulates hazardous waste in tanks must inspect each of the following, where present:

i) Discharge control equipment (e.g., waste feed cutoff systems, by-pass systems, and drainage systems) at least once each operating day, to ensure that it is in good working order;

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

iii) The level of waste in the tank at least once each operating day, to ensure compliance with subsection (b)(3)(ii)(C);

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

v) The construction materials of discharge confinement structures and the immediately surrounding area (e.g., dikes) at least weekly, to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation). The SQG must remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, the SQG must immediately take remedial action.

D) A SQG accumulating hazardous waste in tanks or tank systems that have full secondary containment and that either use leak detection equipment to alert personnel to leaks, or implement established workplace practices to ensure leaks are promptly identified, must inspect at least weekly, where applicable, the areas identified in subsections (b)(3)(C)(i) through (b)(3)(C)(v). Use of the alternate inspection schedule must be documented in the

generator's operating record. This documentation must include a description of the established workplace practices at the SQG.

E) This subsection (b)(3)(E) corresponds with 40 CFR 262.116(b)(3)(v), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulation.

F) An SQG accumulating hazardous waste in tanks must remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures upon closure of the facility. At closure, as throughout the operating period, unless the SQG can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(c) or (d), that any solid waste removed from its tank is not a hazardous waste, then it must manage such waste in accordance with all applicable provisions of this Part and 35 Ill. Adm. Code 722, 723, 725 and 728.

G) An SQG must comply with the following special conditions for accumulation of ignitable or reactive waste:

i) Ignitable or reactive waste must not be placed in a tank, unless the waste is treated, rendered, or mixed before or immediately after placement in a tank so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123, and the SQG complies with 35 Ill. Adm. Code 725.117(b); the generator accumulates or treats the waste is in such a way that the waste is protected from any material or conditions that may cause it to ignite or react; or the SQG uses the tank solely for emergencies.

ii) An SQG that treats or accumulates ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks contained in NFPA 30 (1977 or 1981), incorporated by reference in 35 Ill. Adm. Code 720.111.

iii) An SQG must not place incompatible wastes, or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) in the same tank or place hazardous waste in an unwashed tank that previously held an incompatible waste or material, unless the generator complies with 35 Ill. Adm. Code 725.117(b).

4) Accumulation of Hazardous Waste on Drip Pads. If the waste is placed on drip pads, the SQG must comply with the following:

A) Subpart W of 35 Ill. Adm. Code 725 (except 35 Ill. Adm. Code 725.545(c));

B) The SQG must remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that the generator removes from the drip pad are then subject to the 180-day accumulation limit in subsection (b) and Section 722.115 if hazardous wastes are being managed in satellite accumulation areas prior to being moved to the central accumulation area; and

C) The SQG must maintain on site at the facility the following records readily available for inspection:

i) A written description of procedures that are followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and

ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.

5) Accumulation of Hazardous Waste in Containment Buildings. If the SQG places waste in containment buildings, the SQG must comply with Subpart DD of 35 Ill. Adm. Code 725. The SQG must label its containment buildings with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site. The SQG must also

provide in a conspicuous place an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111. The SQG must also maintain both of the following:

A) The professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. This certification must be in the generator's files prior to operation of the unit; and

B) The following records, by use of inventory logs, monitoring equipment, or any other effective means:

i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with maintaining the 90 day limit, and documentation that the SQG complies with the procedures; or

ii) Documentation that the SQG empties the unit at least once every 90 days.

iii) The SQG must maintain inventory logs or records with the above information on site and readily available for inspection.

6) Labeling and Marking of Containers and Tanks.

A) Containers. An SQG must mark or label its containers with the following:

i) The words "Hazardous Waste";

ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111; and

iii) The date upon which each period of accumulation begins clearly visible for inspection on each container.

B) Tanks. An SQG accumulating hazardous waste in tanks must do the following:

i) Mark or label its tanks with the words "Hazardous Waste";

ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;

iii) Use inventory logs, monitoring equipment, or other records to demonstrate that hazardous waste has been emptied within 180 days of first entering the tank if using a batch process or, in the case of a tank with a continuous flow

process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 180 days of first entering; and

iv) Keep inventory logs or records with the above information on site and readily available for inspection.

7) Land Disposal Restrictions. An SQG must comply with all the applicable requirements under 35 Ill. Adm. Code 728.

8) Preparedness and Prevention.

A) Maintenance and Operation of Facility. An SQG must maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment.

B) Required Equipment. An SQG must equip all areas where hazardous waste is either generated or accumulated with the items in subsections (b)(8)(B)(i) through (b)(8)(B)(iv) (unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below or the actual waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below). An SQG may determine the most appropriate places to locate equipment necessary to prepare for and respond to emergencies.

i) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

ii) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;

iii) Portable fire extinguishers, fire control equipment

(including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

iv) Water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems.

C) Testing and Maintenance of Equipment. The SQG must test and maintain all communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, as necessary to assure its proper operation in time of emergency.

D) Access to Communications or Alarm System.

i) Whenever the SQG pours, mixes, spreads, or otherwise handles hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access (i.e., either directly or through direct, unimpeded visual or voice contact with another employee) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under subsection (a)(8)(B).

ii) When there is just one employee on the premises while the facility is operating, the employee must have immediate access (i.e., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, that is capable of summoning external emergency assistance, unless such a device is not required under subsection (a)(8)(B).

E) Required Aisle Space. The SQG must maintain aisle space that allows the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

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F) Arrangements with Local Authorities.

i) The SQG must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the Local Emergency Planning Committee, if this is the appropriate organization with which to make arrangements. An SQG attempting to make arrangements with its local fire department must determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals. As part of this coordination, the SQG must attempt to make arrangements, as necessary, to familiarize the above organizations with the layout of the facility, the properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes, as well as the types of injuries or illnesses that could result from fires, explosions, or releases at the facility. Where more than one police or fire department might respond to an emergency, the SQG must attempt to make arrangements designating primary emergency authority to a specific fire or police department and with any others to provide support to the primary emergency authority. BOARD NOTE: The State Emergency Response Commission (SERC) maintains an on-line listing of Local Emergency Planning Committees in Illinois by jurisdiction: www.illinois.gov/iema/Preparedness/SERC/Documents/LEPC_ReleaseReportingContactList.pdf.

ii) An SQG must maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the

operating record that either confirms these arrangements actively exist or, in cases where no arrangements exist, confirming that the SQG attempted to make these arrangements.

iii) A facility possessing 24-hour response capabilities may seek a waiver from the authority having jurisdiction over the fire code within Illinois or the facility's locality, as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided that the SQG documents the waiver in the operating record.

9) Emergency Procedures. The SQG must comply with the following conditions for those areas of the generator facility where hazardous waste is generated and accumulated:

A) At all times, at least one employee must be either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (b)(9)(D). This employee is the emergency coordinator.

B) The SQG must post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste:

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

ii) The location of fire extinguishers and spill control material, and, if present, fire alarm; and

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

C) The SQG must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures that are relevant to their responsibilities during normal facility operations

and emergencies;

D) The emergency coordinator or his or her designee must respond to any emergencies that arise. The required responses are the following:

i) In the event of a fire, the emergency coordinator must call the fire department or attempt to extinguish the fire using a fire extinguisher;

ii) When a spill occurs, the SQG must contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil. The SQG can either itself conduct this containment and cleanup or have a contractor perform the work on its behalf;

iii) When a fire, explosion, or other release occurs that could threaten human health outside the facility, or when the SQG has knowledge that a spill has reached surface water, the SQG must immediately notify the National Response Center (using the 24-hour toll free number, 800-424–8802). The report must include the name, address, and USEPA identification number of the SQG; the date, time, and type of incident (*e.g.*, spill or fire); the quantity and type of hazardous waste involved in the incident; the extent of any injuries; and the estimated quantity and disposition of any recovered materials.

c) Transporting Waste More Than 200 Miles. An SQG that must transport its waste or offer its waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on site for 270 days or less without having a permit or interim status, provided that the SQG complies with the conditions of subsection (b).

d) Accumulation Time Limit Extension. An SQG that accumulates hazardous waste for more than 180 days (or for more than 270 days if the SQG must transport its waste or offer its waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal) is subject to the requirements of 35 Ill.

Adm. Code 702, 703, 724, 725, 727, and 728, unless the Agency has granted the SQG an extension to the 180-day (or 270-day if applicable) period. The Agency may grant an extension if hazardous wastes must remain on site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days on a case-by-case basis.

BOARD NOTE: The Agency may grant a provisional variance that extends the permissible accumulation period pursuant to sections 35(b) and 36(c) of the Act. This subsection provides the basis for granting and maximum duration of an extension.

e) Rejected Load. An SQG may accumulate the returned waste on site in accordance with subsections (a) and (b) if the SQG sent the shipment of hazardous waste to a designated facility believing that the designated facility 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 may accumulate the returned waste on site in accordance with subsections (a) through (d). Upon receipt of the returned shipment, the SQG must do either of the following:

1) 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.

f) An SQG experiencing an episodic event may accumulate hazardous waste in accordance with Subpart L in lieu of Section 722.117.

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

**Section 722.117 Conditions for Exemption for a Large Quantity Generator That Accumulates Hazardous Waste**

An LQG may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of 35 Ill. Adm. Code 702, 703 and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), provided that the LQG meets all of the following conditions for exemption:

a) Accumulation. The LQG may accumulate hazardous waste on site for no more than 90 days, unless in compliance with the accumulation time limit extension or F006 accumulation conditions for exemption in subsections (b) through (e). The following accumulation conditions also apply:

1) Accumulation of Hazardous Waste in Containers. If the hazardous waste is placed in containers, the LQG must comply with the following requirements:

A) Air Emission Standards. The LQG must comply with the applicable requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 725;

B) Condition of Containers. If a container holding hazardous waste is not in good condition, or if the container begins to leak, the LQG must immediately transfer the hazardous waste from the leaking container to a container that is in good condition or otherwise immediately manage the waste in some other way that complies with the conditions for exemption of this Section;

C) Compatibility of Waste with Container. The LQG must use a container made of or lined with materials that will not react with and are otherwise compatible with the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired;

D) Management of Containers.

i) The LQG must always keep a container holding hazardous waste closed during accumulation, except when it is necessary to add or remove waste.

ii) The LQG must not open, handle, or store a container holding hazardous waste in a manner that may rupture the container or cause the container to leak.

E) Inspections. At least weekly, the LQG must inspect central accumulation areas. The LQG must look for leaking containers

and for deterioration of containers caused by corrosion or other factors. See subsection (a)(1)(B) for remedial action required if the LQG detects deterioration or leaks.

F) Special Conditions for Accumulation of Ignitable and Reactive Wastes.

i) The LQG must be locate containers holding ignitable or reactive waste at least 15 meters (50 feet) from the facility's property line, unless the LQG obtains a written approval from the authority having jurisdiction over the local fire code that allows hazardous waste accumulation to occur within this restricted area. The LQG must maintain a record of the written approval as long as the LQG accumulates ignitable or reactive hazardous waste in this area.

ii) The LQG must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. The LQG must separate and protect this waste from sources of ignition or reaction, including, but not limited to, the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), or radiant heat. While handling ignitable or reactive waste, the LQG must confine smoking and open flame to specially designated locations. The LQG must conspicuously place "No Smoking" signs wherever there is a hazard from ignitable or reactive waste.

G) Special Conditions for Accumulation of Incompatible Wastes.

i) The LQG must not place incompatible wastes or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) in the same container, unless the LQG complies with 35 Ill. Adm. Code 725.117(b).

ii) The LQG must not place hazardous waste in an unwashed

container that previously held an incompatible waste or material (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111), unless the LQG complies with 35 Ill. Adm. Code 725.117(b).

iii) The LQG must separate a container holding hazardous waste or otherwise protect it by means of a dike, berm, wall, or other device from any other incompatible waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments.

2) Accumulation of Hazardous Waste in Tanks. If the LQG places the waste in tanks, the LQG must comply with the applicable requirements of Subpart J, except 35 Ill. Adm. Code 725.297(c) (Closure and Post-Closure Care) and 35 Ill. Adm. Code 725.300 (Waste Analysis and Trial Tests) and the applicable requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 725.

3) Accumulation of Hazardous Waste on Drip Pads. If the LQG places hazardous waste on drip pads, the LQG must comply with the following:

A) Subpart W of 35 Ill. Adm. Code 725;

B) The LQG must remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that the LQG removes from the drip pad are subject to the 90-day accumulation limit in subsection (a) and Section 722.115 if the LQG manages the hazardous wastes are being managed in satellite accumulation areas prior to moving them to a central accumulation area; and

C) The LQG must maintain on site at the facility the following records readily available for inspection:

i) A written description of procedures that the LQG follows to ensure that it removes all wastes from the drip pad and associated collection system at least once every 90 days; and

ii) Documentation of each waste removal, including the quantity of waste that the LQG removed from the drip pad and the sump or collection system and the date and time of removal.

4) Accumulation of Hazardous Waste in Containment Buildings. If the LQG places the waste in containment buildings, the LQG must comply with Subpart DD of 35 Ill. Adm. Code 725. The LQG must label its containment building with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site. The LQG must also provide in a conspicuous place an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111. The LQG must also maintain both of the following:

A) The professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. This certification must be in the LQG's files prior to operation of the unit; and

B) The following records, by use of inventory logs, monitoring equipment, or any other effective means:

i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with respecting the 90-day limit, and documentation that the LQG complies with the procedures

ii) Documentation that the unit is emptied the LQG empties the unit at least once every 90 days.

iii) The LQG must maintain inventory logs or records with the above information on site and readily available for inspection.

5) Labeling and Marking of Containers and Tanks.

A) Containers. An LQG must mark or label its containers with the following:

i) The words "Hazardous Waste";

ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (labeling) and subpart F (placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111; and

iii) The date upon which each period of accumulation begins clearly visible for inspection on each container.

B) Tanks. An LQG accumulating hazardous waste in tanks must do the following:

i) Mark or label its tanks with the words "Hazardous Waste";

ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or

pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;

iii) Use inventory logs, monitoring equipment or other records to demonstrate that hazardous waste has been emptied within 90 days of first entering the tank if using a batch process or, in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 90 days of first entering; and

iv) Keep inventory logs or records with the above information on site and readily available for inspection.

6) Emergency Procedures. The LQG must comply with the standards in Subpart M (Preparedness, Prevention and Emergency Procedures for Large Quantity Generators).

7) Personnel Training.

A) Personnel Training Program.

i) Facility personnel must successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic) or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this Part. The LQG must ensure that this program includes all the elements described in the document required under subsection (a)(7)(D).

ii) A person trained in hazardous waste management procedures must direct the program, and the program must include instruction that teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which the LQG employs them.

iii) At a minimum, the design of the training program must ensure that facility personnel can respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, where applicable, procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment; key parameters for automatic waste feed cut-off systems; communications or alarm systems; response to fires or explosions; response to ground-water contamination incidents; and shutdown of operations.

iv) For facility employees that receive emergency response training pursuant to 29 CFR 1910.120(p)(8) (Emergency response program) and 1910.120(q) (Emergency response to hazardous substance releases), incorporated by reference in 35 Ill. Adm. Code 720.111, the LQG is not required to provide separate emergency response training pursuant to this Section, provided that the overall facility training meets all the conditions of exemption in this Section.

B) Facility personnel must successfully complete the program required in subsection (a)(7)(A) within six months after the date of their employment, assignment to the facility, or assignment to a new position at the facility, whichever is later. Employees must not work in unsupervised positions until he or she has completed the training standards of subsection (a)(7)(A).

C) Facility personnel must take part in an annual review of the initial training required in subsection (a)(7)(A).

D) The LQG must maintain the following documents and records at the facility:

i) The job title for each position at the facility related to hazardous waste management and the name of the employee filling each job;

ii) A written job description for each position listed under

subsection (a)(7)(D)(i). This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but the description must include the requisite skill, education, other qualifications, and duties of facility personnel assigned to each position;

iii) A written description of the type and amount of both introductory and continuing training that the LQG will give to each person filling a position listed under subsection (a)(7)(D)(i);

iv) Records documenting that the LQG has given and facility personnel has completed the training or job experience required by subsections (a)(7)(A), (B), and (C).

E) The LQG must keep training records on current personnel until closure of the facility. The LQG must keep training records on former employees for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

8) Closure. An LQG accumulating hazardous wastes in containers, tanks, drip pads, and containment buildings, prior to closing the facility or a unit at the facility, must meet the following conditions:

A) Notification for Closure of a Waste Accumulation Unit. An LQG must perform one of the following when closing a waste accumulation unit:

i) Place a notice in the operating record within 30 days after closure identifying the location of the unit within the facility; or

ii) Meet the closure performance standards of subsection (a)(8)(C) for container, tank, and containment building waste accumulation units or subsection (a)(8)(D) for drip pads and notify USEPA and the Agency following the procedures in subsection (a)(8)(B)(ii) for the waste

accumulation unit. If the waste accumulation unit is subsequently reopened, the LQG may remove the notice from the operating record.

B) Notification for Closure of the Facility.

i) Notify USEPA and the Agency using 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, or for a facility with drip pads, notify using USEPA Form 8700–12 that it will close under the standards of 35 Ill. Adm. Code 725.545(b).

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.

C) Closure Performance Standards for Container, Tank Systems, and Containment Building Waste Accumulation Units.

i) At closure, the LQG must close the waste accumulation unit or facility in a manner that minimizes the need for further maintenance by controlling, minimizing, or eliminating the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere to the extent necessary to protect human health and the environment.

ii) The LQG must remove or decontaminate all contaminated equipment, structures, soil, and any remaining hazardous waste residues from waste accumulation units, including containment system components (pads, liners, etc.), contaminated soils and subsoils, bases, and structures and equipment contaminated with waste, unless 35 Ill. Adm. Code 721.103(d) applies.

iii) The LQG must manage any hazardous waste generated in the process of closing the LQG's facility or units accumulating hazardous waste in accordance with all applicable standards of 35 Ill. Adm. Code 722, 723, 725, and 728, including removing any hazardous waste contained in these units within 90 days of generating the waste and managing these wastes in a permitted or interim status hazardous waste treatment, storage, and disposal facility.

iv) If the LQG demonstrates that it cannot practicably remove or decontaminate any contaminated soils and wastes, as required in subsection (a)(8)(B)(ii), then the waste accumulation unit is a landfill, and the LQG must close the waste accumulation unit and perform 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 40 CFR 268.

b) Accumulation Time Limit Extension. An LQG that accumulates hazardous waste for more than 90 days is subject to the requirements of 35 Ill. Adm. Code 702, 703, and 724 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), unless the Agency has granted the LQG an extension to the 90-day period. The Agency may grant an extension if hazardous wastes must remain on site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days on a case-by-case basis.

BOARD NOTE: The Agency may grant a provisional variance that extends the permissible accumulation period pursuant to sections 35(b) and 36(c) of the Act. This subsection provides the basis for granting and maximum duration of an extension.

c) Accumulation of F006 Waste. An LQG also generating wastewater treatment sludges from electroplating operations that meet the listing description for USEPA hazardous waste number F006 may accumulate F006 waste on site for more than 90 days but not more than 180 days without being subject to 35 Ill. Adm. Code 702, 703, and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), provided that the LQG complies with all of the following additional conditions for exemption:

1) The LQG has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants entering F006 waste or otherwise being released to the environment prior to recycling of the waste;

2) The F006 waste is legitimately recycled through metals recovery;

3) The LQG accumulates no more than 20,000 kg of F006 waste on site at any one time; and

4) The LQG manages the F006 waste in accordance with the following requirements:

A) Requirements for Managing F006 Waste.

i) If the LQG places the F006 waste in containers, the LQG must comply with the applicable conditions for exemption in subsection (a)(1).

ii) If the LQG places the F006 waste in tanks, the LQG must comply with the applicable conditions for exemption in subsection (a)(2).

iii) If the LQG places the F006 waste in containment buildings, the LQG must comply with subpart DD of 35 Ill. Adm. Code 725. Prior to operation of the unit, the LQG must place in the operating record of the facility the certification of a professional engineer that the containment building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. The LQG must also place in the operating record either documentation that the LQG empties the unit is at least once every 180 days or all three of the following items: a written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the facility waste generation and management practices showing that the practices are consistent with the 180-day limit, and documentation that the LQG is complying with the procedures.

B) The LQG is exempt from all requirements of subparts G and H of 35 Ill. Adm. Code 725, except for those referenced in subsection (a)(8).

C) The LQG must clearly mark the date upon which each period of accumulation begins, and the date must be clearly visible for inspection on each container.

D) While accumulating waste on site, the LQG must clearly labeled or mark each container and tank is with the following:

i) The words "Hazardous Waste"; and

ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172; a hazard statement or pictogram consistent with 29 CFR 1910.1200; or a chemical hazard label consistent with NFPA 704, each incorporated by reference in 35 Ill. Adm. Code 720.111.

E) The LQG must comply with the requirements in subsections (a)(6) and (a)(7).

d) F006 Waste Transported over 200 Miles. An LQG also generating wastewater treatment sludges from electroplating operations that meet the listing description for the USEPA hazardous waste number F006 may accumulate F006 waste on site for more than 90 days but not more than 270 days without being subject to 35 Ill. Adm. Code 702, 703, and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), if the LQG must transport this waste or offer this waste for transportation over a distance of 200 miles or more for off-site metals recovery and the LQG complies with all of the conditions for exemption of subsections (c)(1) through (c)(4).

e) F006 Waste Accumulation Time Extension. An LQG accumulating F006 waste in accordance with subsections (c) and (d) that either accumulates F006 waste on site for more than 180 days (or for more than 270 days if the LQG must transport this waste or offer this waste for transportation over a distance of 200 miles or more) or accumulates more than 20,000 kg (44,000 lbs) of F006 waste on site is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 702, 703, 724, 725, 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), unless the Agency has granted the LQG an extension to the 180-day period (or 270-day period, if applicable) or an exception to the 20,000-kg (44,000-lb) accumulation limit. The Agency may grant an extension of the accumulation period or an exception to the accumulation limit if F006 waste must remain on site for longer than 180 days (or 270 days, if applicable) or if more than 20,000 kg (44,000 lbs) of F006 waste must remain on site due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days or an exception to the accumulation limit on a case-by-case basis.

BOARD NOTE: The Agency may grant a provisional variance that extends the permissible accumulation period or accumulation amount limit pursuant to sections 35(b) and 36(c) of the Act. This subsection provides the basis for granting and maximum duration of an extension.

f) Consolidation of Hazardous Waste Received from VSQGs. An LQG may accumulate on site hazardous waste received from a VSQG under control of the same person (as defined in 35 Ill. Adm. Code 720.110), without a storage facility permit or interim status and without complying with the requirements of 35 Ill. Adm. Code 702, 703, and 724 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), provided that the LQG complies with the following conditions. "Control," for the purposes of this Section, means the power to direct the policies of the LQG and VSQG, whether by the ownership of stock, voting rights, or otherwise, except that a contractor that operates a LQG or VSQG facility on behalf of a different person is not be deemed to "control" the LQG or VSQG.

1) The LQG must notify USEPA and the Agency at least 30 days prior to receiving the first shipment from a VSQG using 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.

2) The LQG maintains records of shipments for three years from the date the LQG receives the hazardous waste from the VSQG. These records must identify the name, site address, and contact information for the VSQG and include a description of the hazardous waste received, including the quantity and the date the LQG received the waste.

3) The LQG must comply with the independent requirements identified in Section 722.110(a)(1)(C) and the conditions for exemption in this Section for all hazardous waste received from a VSQG. For purposes of the labeling and marking regulations in subsection (a)(5), the LQG must label

the container or unit with the date accumulation started (i.e., the date the LQG received the hazardous waste from the VSQG). If the LQG is consolidating incoming hazardous waste from a VSQG with either its own hazardous waste or with hazardous waste from other VSQGs, the LQG must label each container or unit with the earliest date when the VSQG first accumulated on site any hazardous waste in the container.

g) Rejected Load. An LQG may accumulate the returned waste on site in accordance with subsections (a) and (b) if the LQG sent the shipment of hazardous waste to a designated facility believing that the designated facility can accept and manage the waste and later received that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172. Upon receipt of the returned shipment, the LQG must do either of the following:

1) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

2) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

(Source: Added at 42 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 USEPA using 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 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 1st of each year in which re-notification is required.

2) An LQG must renotify 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.

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

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

**Section 722.120 General Requirements**

a) Manifest form required.

1) An SQG or LQG~~A generator~~ that transports hazardous waste or offers a hazardous waste for transportation for off-site treatment, storage, or disposal or a treatment, storage, or disposal facility that offers for transport a rejected load of hazardous waste must prepare a manifest on USEPA Form 8700-22 (and, if necessary, on USEPA Form 8700-22A) according to the instructions included in the appendix to 40 CFR 262 (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

2) This subsection (a)(2) corresponds with 40 CFR 262.20(a)(2), an applicability statement that became obsolete for the purposes of the Illinois rules on September 6, 2006. This statement maintains structural parity with the corresponding federal regulations.

3) E-Manifest. In lieu of using the manifest form specified in subsection (a)(1)~~ of this Section~~, a person required to prepare a manifest under

subsection (a)(1) ~~of this Section~~ may prepare and use an e-Manifest, provided that the person complies with the following requirements:

A) Section 722.124 for use of e-Manifests; and

B) 40 CFR 3.10, incorporated by reference in 35 Ill. Adm. Code 720.111, for the reporting of electronic documents to USEPA.

b) An SQG or LQG~~A generator~~ must designate on the manifest one receiving facility that is permitted to handle the waste described on the manifest.

c) An SQG or LQG~~A generator~~ may also designate on the manifest one alternate receiving facility that is permitted to handle his waste in the event an emergency prevents delivery of the waste to the primary designated facility.

d) If the transporter is unable to deliver the hazardous waste to the designated receiving facility or the alternate facility, the SQG or LQG generator must either designate another receiving facility or instruct the transporter to return the waste.

e) The requirements of this Subpart B do not apply to hazardous waste produced by generators of greater than 100 kg but less than 1,000 kg in a calendar month where the following conditions are fulfilled:

1) The waste is reclaimed under a contractual agreement that specifies the type of waste and frequency of shipments;

2) The vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste; and

3) The SQG or LQG~~generator~~ maintains a copy of the reclamation agreement in his files for a period of at least three years after termination or expiration of the agreement.

f) The requirements of this Subpart B and Section 722.132(b) do not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Notwithstanding 35 Ill. Adm. Code 723.110(a), the generator or transporter must

comply with the requirements for transporters set forth in 35 Ill. Adm. Code 723.130 and 723.131 in the event of a discharge of hazardous waste on a public or private right-of-way.

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

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

a) USEPA approval of manifest.

1) A registrant may not print the manifest or have the manifest printed for use or distribution, unless it has received approval from the USEPA Director of the Office of Resource Conservation and Recovery to do so pursuant to 40 CFR 262.21(c) and (e), as described in subsections (c) and (e) ~~of this Section~~.

2) The approved registrant is responsible for ensuring that the organizations identified in its application are in compliance with the procedures of its approved application and the requirements of 40 CFR 262.21, as described in this Section. The registrant is responsible for assigning manifest tracking numbers to its manifests.

b) A registrant must submit an initial application to the USEPA Director of the Office of Resource Conservation and Recovery that contains the following information:

1) The name and mailing address of registrant;

2) The name, telephone number, and email address of contact person;

3) A brief description of registrant's government or business activity;

4) The USEPA identification number of the registrant, if applicable;

5) A description of the scope of the operations that the registrant plans to undertake in printing, distributing, and using its manifests, including the following:

A) A description of the printing operation. The description should include an explanation of whether the registrant intends to print its manifests in-house (i.e., using its own printing establishments) or through a separate (i.e., unaffiliated) printing company. If the registrant intends to use a separate printing company to print the manifest on its behalf, the application must identify this printing company and discuss how the registrant will oversee the company. If this includes the use of intermediaries (e.g., prime and subcontractor relationships), the role of each must be discussed. The application must provide the name and mailing address of each company. It also must provide the name and telephone number of the contact person at each company;

B) A description of how the registrant will ensure that its organization and unaffiliated companies, if any, comply with the requirements of 40 CFR 262.21, as described in this Section. The application must discuss how the registrant will ensure that a unique manifest tracking number will be preprinted on each manifest. The application must describe the internal control procedures to be followed by the registrant and unaffiliated companies to ensure that numbers are tightly controlled and remain unique. In particular, the application must describe how the registrant will assign manifest tracking numbers to its manifests. If computer systems or other infrastructure will be used to maintain, track, or assign numbers, these should be indicated. The application must also indicate how the printer will pre-print a unique number on each form (e.g., crash or press numbering). The application also must explain the other quality procedures to be followed by each establishment and printing company to ensure that all required print specifications are consistently achieved and that printing violations are identified and corrected at the earliest practicable time; and

C) An indication of whether the registrant intends to use the manifests for its own business operations or to distribute the manifests to a separate company or to the general public (e.g., for purchase);

6) A brief description of the qualifications of the company that will print the manifest. The registrant may use readily available information to do so

(e.g., corporate brochures, product samples, customer references, documentation of ISO certification), so long as such information pertains to the establishments or company being proposed to print the manifest;

7) Proposed unique three-letter manifest tracking number suffix. If the registrant is approved to print the manifest, the registrant must use this suffix to pre-print a unique manifest tracking number on each manifest; and

8) A signed certification by a duly authorized employee of the registrant that the organizations and companies in its application will comply with the procedures of its approved application and the requirements of 40 CFR 262.21, as described in this Section and that it will notify the Agency and the USEPA Director of the Office of Resource Conservation and Recovery of any duplicated manifest tracking numbers on manifests that have been used or distributed to other parties as soon as this becomes known.

c) USEPA will review the application submitted under subsection (b) ~~of this Section~~ and either approve it or request additional information or modification before approving it.

d) Submission of document samples.

1) Upon USEPA approval of the application pursuant to 40 CFR 262.21(c), as described in subsection (c) ~~of this Section~~, USEPA will provide the registrant an electronic file of the manifest, continuation sheet, and manifest instructions and ask the registrant to submit three fully assembled manifests and continuation sheet samples, except as noted in 40 CFR 262.21(d)(3), as described in subsection (d)(3) ~~of this Section~~. The registrant's samples must meet all of the specifications in 40 CFR 262.21(f), as described in subsection (f) ~~of this Section~~, and be printed by the company that will print the manifest as identified in the application approved by USEPA pursuant to 40 CFR 262.21(c), as described in subsection (c) ~~of this Section~~.

2) The registrant must submit a description of the manifest samples as follows:

A) The paper type (i.e., manufacturer and grade of the manifest paper);

B) The paper weight of each copy;

C) The ink color of the manifest's instructions. If screening of the ink was used, the registrant must indicate the extent of the screening; and

D) The method of binding the copies.

3) The registrant need not submit samples of the continuation sheet if it will print its continuation sheet using the same paper type, paper weight of each copy, ink color of the instructions, and binding method as its manifest form samples.

e) USEPA will evaluate the forms and either approve the registrant to print them as proposed or request additional information or modification to them before approval. USEPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its forms until USEPA approves them. An approved registrant must print the manifest and continuation sheet according to its application approved by USEPA pursuant to 40 CFR 262.21(c), as described in subsection (e) ~~of this Section~~ and the manifest specifications in 40 CFR 262.21(f), as described in subsection (f) ~~of this Section~~. It also must print the forms according to the paper type, paper weight, ink color of the manifest instructions and binding method of its approved forms.

f) Paper manifests and continuation sheets must be printed according to the following specifications:

1) The manifest and continuation sheet must be printed with the exact format and appearance as USEPA Forms 8700-22 and 8700-22A, respectively. However, information required to complete the manifest may be preprinted on the manifest form.

2) A unique manifest tracking number assigned in accordance with a numbering system approved by USEPA must be pre-printed in Item 4 of the manifest. The tracking number must consist of a unique three-letter suffix following nine digits.

3) The manifest and continuation sheet must be printed on 8½ x 11-inch white paper, excluding common stubs (e.g., top- or side-bound stubs). The paper must be durable enough to withstand normal use.

4) The manifest and continuation sheet must be printed in black ink that can be legibly photocopied, scanned, or faxed, except that the marginal words indicating copy distribution must be printed with a distinct ink color or with another method (e.g., white text against black background in text box or black text against grey background in text box) that clearly distinguishes the copy distribution notations from the other text and data entries on the form.

5) The manifest and continuation sheet must be printed as six-copy forms. Copy-to-copy registration must be exact within 1/32 inch. Handwritten and typed impressions on the form must be legible on all six copies. Copies must be bound together by one or more common stubs that reasonably ensure that they will not become detached inadvertently during normal use.

6) Each copy of the manifest and continuation sheet must indicate how the copy must be distributed, as follows:

A) Page 1 (top copy): "Designated facility to destination State (if required)~~.~~".

B) Page 2: "Designated facility to generator State (if required)~~.~~".

C) Page 3: "Designated facility to generator~~.~~".

D) Page 4: "Designated facility's copy~~.~~".

E) Page 5: "Transporter's copy~~.~~".

F) Page 6 (bottom copy): "Generator's initial copy~~.~~".

7) The instructions in the appendix to 40 CFR 262 (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), incorporated by reference in 35 Ill. Adm. Code

720.111(b), must appear legibly on the back of the copies of the manifest and continuation sheet as provided in 40 CFR 262.21(f), as described in this subsection (f). The instructions must not be visible through the front of the copies when photocopied or faxed.

A) Manifest Form 8700-22.

i) The "Instructions for Generators" on Copy 6;

ii) The "Instructions for International Shipment Block" and "Instructions for Transporters" on Copy 5; and

iii) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.

B) Manifest Form 8700-22A.

i) The "Instructions for Generators" on Copy 6;

ii) The "Instructions for Transporters" on Copy 5; and

iii) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.

g) 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), as described in subsections (c) and (e) ~~of this Section~~. A registered source may be any of the following:

A) A state agency;

B) A commercial printer;

C) A hazardous waste generator, transporter, or treatment, storage, or disposal facility; or

D) A hazardous waste broker or other preparer who prepares or arranges shipments of hazardous waste for transportation.

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 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.

h) Manifest revisions.

1) If an approved registrant would like to update any of the information provided in its application approved by USEPA pursuant to 40 CFR 262.21(c), as described in subsection (c) ~~of this Section~~ (e.g., to update a company phone number or name of contact person), the registrant must revise the application and submit it to the USEPA Director of the Office of Resource Conservation and Recovery, along with an indication or explanation of the update, as soon as practicable after the change occurs. The USEPA will either approve or deny the revision. If USEPA denies the revision, it will explain the reasons for the denial, and it will contact the registrant and request further modification before approval.

2) If the registrant would like a new tracking number suffix, the registrant must submit a proposed suffix to the USEPA Director of the Office of Resource Conservation and Recovery, along with the reason for requesting it. USEPA will either approve the suffix or deny the suffix and provide an explanation why it is not acceptable.

3) If a registrant would like to change the paper type, paper weight, ink color of the manifest instructions, or binding method of its manifest or continuation sheet subsequent to approval by USEPA pursuant to 40 CFR

262.21(e), as described in this subsection (e) ~~of this Section~~, then the registrant must submit three samples of the revised form for USEPA review and approval. If the approved registrant would like to use a new printer, the registrant must submit three manifest samples printed by the new printer, along with a brief description of the printer's qualifications to print the manifest. USEPA will evaluate the manifests and either approve the registrant to print the forms as proposed or request additional information or modification to them before approval. USEPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its revised forms until USEPA approves them.

i) If, subsequent to its approval by USEPA pursuant to 40 CFR 262.21(e), as described in subsection (e) ~~of this Section~~, a registrant typesets its manifest or continuation sheet instead of using the electronic file of the forms provided by USEPA, it must submit three samples of the manifest or continuation sheet to the registry for approval. USEPA will evaluate the manifests or continuation sheets and either approve the registrant to print them as proposed or request additional information or modification to them before approval. USEPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its typeset forms until USEPA approves them.

j) USEPA may exempt a registrant from the requirement to submit form samples pursuant to 40 CFR 262.21(d) or (h)(3), as described in subsection (d) or (h)(3) ~~of this Section~~, if USEPA is persuaded that a separate review of the registrant's forms would serve little purpose in informing an approval decision (e.g., a registrant certifies that it will print the manifest using the same paper type, paper weight, ink color of the instructions, and binding method of the form samples approved for some other registrant). A registrant may request an exemption from USEPA by indicating why an exemption is warranted.

k) An approved registrant must notify USEPA by phone or email as soon as it becomes aware that it has duplicated tracking numbers on any manifests that have been used or distributed to other parties.

l) If, subsequent to approval of a registrant by USEPA pursuant to 40 CFR 262.21(e), as described in subsection (e) ~~of this Section~~, USEPA becomes aware that the approved paper type, paper weight, ink color of the instructions, or binding method of the registrant's form is unsatisfactory, USEPA will contact the registrant and require modifications to the form.

m) Effects of non-compliance.

1) USEPA may suspend and, if necessary, revoke printing privileges if we find that the registrant has done either of the following:

A) The registrant has used or distributed forms that deviate from its approved form samples in regard to paper weight, paper type, ink color of the instructions, or binding method; or

B) The registrant exhibits a continuing pattern of behavior in using or distributing manifests that contain duplicate manifest tracking numbers.

2) USEPA will send a warning letter to the registrant that specifies the date by which it must come into compliance with the requirements. If the registrant does not come in compliance by the specified date, USEPA will send a second letter notifying the registrant that USEPA has suspended or revoked its printing privileges. An approved registrant must provide information on its printing activities to the Agency and USEPA if requested.

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

**Section 722.123 Use of the Manifest**

a) The generator mustsshall do the following:

1) Sign the manifest certification by hand;

2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest;

3) Retain one copy, in accordance with Section 722.140(a); and

4) Send one copy of the manifest to the Agency within two working days.

b) The generator must give the transporter the remaining copies of the manifest.

c) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed in accordance with this Section to the owner or operator of the designated receiving facility, if that facility is in the United States, or to the last water (bulk shipment) transporter to handle the waste in the United States, if the waste is exported by water. Copies of the manifest are not required for each transporter.

d) For rail shipments of hazardous waste within the United States that originate at the site of generation, the generator must send at least three copies of the manifest dated and signed in accordance with this Section to the following persons:

1) The next non-rail transporter, if any;

2) The designated receiving facility, if the waste is transported solely by rail; or

3) The last rail transporter to handle the waste in the United States, if the waste is exported by rail.

BOARD NOTE: See Section 723.120(e) and (f) for special provisions for rail or water (bulk shipment) transporters.

e) For shipments of hazardous waste to a designated receiving facility in an authorized state that has not yet obtained authorization to regulate that particular waste as hazardous, the generator must assure that the designated receiving facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated receiving facility.

f) For rejected shipments of hazardous waste or container residues contained in non-empty containers that the designated facility has returned to the generator (following the procedures of 35 Ill. Adm. Code 724.172(f) or 725.172(f)), the generator must do each of the following:

1) The generator must sign the hazardous waste manifest (USEPA Form 8700-22) as follows:

A) Item 20 of the new manifest if a new manifest is used for the returned shipment; or

B) Item 18c of the original manifest if the original manifest is used for the returned shipment;

2) The generator must provide a copy of the manifest to the transporter;

3) Within 30 days after delivery of the rejected shipment or container residues contained in non-empty containers, the generator must send a copy of the manifest to the designated facility that returned the shipment to the generator; and

4) The generator must retain a copy of each manifest at the generator's site for at least three years from the date of delivery.

BOARD NOTE: The use of the term "non-empty containers" in this subsection (f) derives from the language of corresponding 40 CFR 262.23(f). "Non-empty containers," for the purposes of this subsection (f), are containers that are not deemed "empty" by the empty container rule of 35 Ill. Adm. Code 721.107. That rule allows a container that still contains waste residues to be considered "empty" under specified conditions. Thus, "container residues contained in non-empty containers" are subject to regulation as hazardous waste, and the requirements of this subsection (f) apply to those residues.

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

**Section 722.124 Use of the Electronic Manifest**

a) Legal equivalence to paper manifests. E-Manifests that are obtained, completed, and transmitted in accordance with Section 722.120(a)(3), and used in accordance with this Section in lieu of USEPA Forms 8700-22 and 8700-22A are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in 35 Ill. Adm. Code 720 through 728 to obtain, complete, sign, provide, use, or retain a manifest.

1) Any requirement in 35 Ill. Adm. Code 721 through 728 to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of Section 722.125.

2) Any requirement in 35 Ill. Adm. Code 721 through 728 to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when an e-Manifest is transmitted to the other person by submission to the e-Manifest System.

3) Any requirement in any provision of 35 Ill. Adm. Code 721 through 728 for a generator to keep or retain a copy of each manifest is satisfied by retention of a signed e-Manifest in the generator's account on the national e-Manifest System, provided that such copies are readily available for viewing and production if requested by any USEPA or authorized Agency inspector.

4) No generator may be held liable for the inability to produce an e-Manifest for inspection under this Section if the generator can demonstrate that the inability to produce the e-Manifest is due exclusively to a technical difficulty with the e-Manifest System for which the generator bears no responsibility.

BOARD NOTE: The Board has rendered the language "and requirement in these regulations" in corresponding 40 CFR 722.124(a) and (a)(1) through (a)(3) as "any requirement in any provision of 35 Ill. Adm. Code 720 through 728" in the appropriate segments of this subsection (a). The Board intends that use of the e-Manifest System have the same effect in Illinois as it would where the federal requirements directly apply.

b) A generator may participate in the e-Manifest System either by accessing the e-Manifest System from its own electronic equipment, or by accessing the e-Manifest System from portable equipment brought to the generator's site by the transporter who accepts the hazardous waste shipment from the generator for off-site transportation.

c) Restriction on use of e-Manifests. A generator may prepare an e-Manifest for the tracking of hazardous waste shipments involving any RCRA hazardous waste only if it is known at the time the manifest is originated that all waste handlers named on the manifest participate in the e-Manifest System.

d) Requirement for one printed copy. To the extent the hazardous materials regulation on shipping papers for carriage by public highway requires shippers of hazardous materials to supply a paper document for compliance with 49 CFR

177.817, incorporated by reference in 35 Ill. Adm. Code 720.111, a generator originating an e-Manifest must also provide the initial transporter with one printed copy of the e-Manifest.

e) Special procedures when e-Manifest is unavailable. If a generator has prepared an e-Manifest for a hazardous waste shipment, but the e-Manifest System becomes unavailable for any reason prior to the time that the initial transporter has signed electronically to acknowledge the receipt of the hazardous waste from the generator, the generator must obtain and complete a paper manifest and if necessary, a continuation sheet (USEPA Forms 8700-22 and 8700-22A) in accordance with the manifest instructions referenced in Appendix A ~~to this Part~~, and use these paper forms from this point forward in accordance with the requirements of Section 722.123.

f) Special procedures for electronic signature methods undergoing tests. If a generator has prepared an e-Manifest for a hazardous waste shipment, and signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, the generator must also sign with an ink signature the generator or offeror certification on the printed copy of the manifest provided under subsection (d) ~~of this Section~~.

g) Imposition of user fee. A generator that is a user of the e-Manifest System may be assessed a user fee by USEPA for the origination of each e-Manifest. USEPA shall maintain and update from time-to-time the current schedule of e-Manifest user fees, which shall be determined based on current and projected e-Manifest System costs and level of use of the e-Manifest System.

BOARD NOTE: USEPA stated in corresponding 40 CFR 262.24(g) that it would publish the current schedule of e-Manifest user fees as an appendix to 40 CFR 262.

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

SUBPART C: PRE-TRANSPORT REQUIREMENTS APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS

**Section 722.132 Marking**

a) Before transporting or offering hazardous waste for transportation off-site, a generator must mark each package of hazardous waste in accordance with the applicable USDOT regulations on hazardous materials under 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b);

b) Marking Small Containers. Before transporting hazardous waste or offering hazardous waste for transportation off site~~off-site~~, a generator must mark each container of 119 gallons (450 ~~liters~~) or less that is used in such transportation with the following words and information displayed in accordance with the requirements of 49 CFR 172.304 (Marking Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b):

1) HAZARDOUS WASTE – Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.

2) Generator's Name and Address _____.

3) Generator's USEPA Identification Number _____.

4) Manifest Tracking Number _____.

5) USEPA hazardous waste numbers _____.

c) A generator may use a nationally recognized electronic system, such as bar coding, to identify the USEPA hazardous waste numbers, as required by subsection (b)(5) or (d).

d) The generator need not mark lab packs that will be incinerated in compliance with 35 Ill. Adm. Code 728.142(c) with USEPA hazardous waste numbers, except D004, D005, D006, D007, D008, D010, and D011, where applicable.

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

**Section 722.134 Accumulation Time (Repealed)**

~~a) Except as provided in subsection (d), (e), (f), (g), (h), or (i) of this Section, a~~

~~generator is exempt from all the requirements in Subparts C and H of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.211 and 725.214, and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that the following conditions are fulfilled:~~

~~1)~~ ~~The waste is placed in or on one of the following types of units, and the generator complies with the applicable requirements:~~

~~A)~~ ~~In containers, and the generator complies with Subparts I, AA, BB, and CC of 35 Ill. Adm. Code 725;~~

~~B)~~ ~~In tanks, and the generator complies with Subparts J, AA, BB, and CC of 35 Ill. Adm. Code 725, except 35 Ill. Adm. Code 725.297(c) and 725.300;~~

~~C)~~ ~~On drip pads, and the generator complies with Subpart W of 35 Ill. Adm. Code 725 and maintains the following records at the facility:~~

~~i)~~ ~~A description of the procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and~~

~~ii)~~ ~~Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; or~~

~~D)~~ ~~In containment buildings, and the generator complies with Subpart DD of 35 Ill. Adm. Code 725 (has placed its Professional Engineer (PE) certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101 in the facility's operating record prior to the date of initial operation of the unit). The owner or operator must maintain the following records at the facility:~~

~~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 they are~~

consistent with respect to the 90-day limit, and documentation that the procedures are complied with; or

ii) Documentation that the unit is emptied at least once every 90 days;

BOARD NOTE: The Board placed the "in addition" hanging subsection that appears in the federal rules after 40 CFR 262.34(a)(1)(iv)(B) in the introduction to subsection (a) of this Section.

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

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

4) The generator complies with the requirements for owners or operators in Subparts C and D of 35 Ill. Adm. Code 725, with 35 Ill. Adm. Code 725.116, and with all applicable requirements in 35 Ill. Adm. Code 728.107(a)(5).

b) A generator of 1,000 kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in a calendar month, that accumulates hazardous waste or acute hazardous waste for more than 90 days is an operator of a storage facility. Such a generator is subject to the requirements of 35 Ill. Adm. Code 724, 725, and 727 and the permit requirements of 35 Ill. Adm. Code 702, 703, and 705, unless the generator has been granted an extension of the 90-day period. If hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of a variance or provisional variance, pursuant to Sections 35(b), 36(c), and 37(b) of the Environmental Protection Act [415 ILCS 5/35(b), 36(c), and 37(b)] and 35 Ill. Adm. Code 180 (Agency procedural regulations).

c) Accumulation near the point of generation.

1) A generator may accumulate as much as 55 gallons (208 ℓ) of hazardous waste or one quart of acutely hazardous waste listed in 35 Ill. Adm. Code

721.131 or 721.133(e) in containers at or near any point of generation where wastes initially accumulate that is under the control of the operator of the process generating the waste without a permit or interim status and without complying with subsection (a) or (d) of this Section, provided the generator does the following:

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

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

2) A generator that accumulates either hazardous waste or acutely hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in excess of the amounts listed in subsection (e)(1) of this Section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with subsection (a) of this Section or other applicable provisions of this Chapter. During the three day period the generator must continue to comply with subsection (e)(1) of this Section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

d) A generator that generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that the following conditions are fulfilled:

1) The quantity of waste accumulated on-site never exceeds 6,000 kilograms;

2) The generator complies with the requirements of Subpart I of 35 Ill. Adm. Code 725 (except 35 Ill. Adm. Code 725.276 and 725.278);

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

4) The generator complies with the requirements of subsections (a)(2) and (a)(3) of this Section, with Subpart C of 35 Ill. Adm. Code 725, and with all applicable requirements in 35 Ill. Adm. Code 268; and

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

~~A)~~ ~~At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (d)(5)(D) of this Section. The employee is the emergency coordinator.~~

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

~~i)~~ ~~The name and telephone number of the emergency coordinator;~~

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

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

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

~~D)~~ ~~The emergency coordinator or designee must respond to any emergencies that arise. The following are applicable responses:~~

~~i)~~ ~~In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;~~

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

~~iii)~~ ~~In the event of a fire, explosion, or other release that could~~

threaten human health outside the facility, or when the generator has knowledge that a spill has reached surface water, the generator must immediately notify the National Response Center (using its 24-hour toll free number 800-424-8802).

E) A report to the National Response Center pursuant to subsection (d)(5)(D)(iii) of this Section must include the following information:

i) The name, address, and USEPA identification number (Section 722.112 of this Part) of the generator;

ii) The date, time, and type of incident (e.g., spill or fire);

iii) The quantity and type of hazardous waste involved in the incident; the extent of injuries, if any; and

iv) The estimated quantity and disposition of recoverable materials, if any.

BOARD NOTE: The Board has codified 40 CFR 262.34(d)(5)(iv)(C)(1) through (d)(5)(iv)(C)(5) as subsections (d)(5)(E)(i) through (d)(5)(E)(iv) because Illinois Administrative Code codification requirements do not allow the use of a fifth level of subsection indents.

e) A generator that generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month and that must transport the waste or offer the waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status, provided that the generator complies with the requirements of subsection (d) of this Section.

f) A generator that generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month and that accumulates hazardous waste in quantities exceeding 6,000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days if the generator must transport

~~the waste or offer the waste for transportation over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724, 725, and 727 and the permit requirements of 35 Ill. Adm. Code 703, unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period. If hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of variance or provisional variance pursuant to Sections 35(b), 36(c), and 37(b) of the Environmental Protection Act [415 ILCS 5/35(b), 36(c), and 37(b)].~~

~~g)~~ ~~A generator that generates 1,000 kilograms or greater of hazardous waste per calendar month which also generates wastewater treatment sludges from electroplating operations that meet the listing description for the RCRA hazardous waste code F006, may accumulate F006 waste on-site for more than 90 days, but not more than 180 days, without a permit or without having interim status provided that the generator fulfills the following conditions:~~

~~1)~~ ~~The generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants entering F006 or otherwise released to the environment prior to its recycling;~~

~~2)~~ ~~The F006 waste is legitimately recycled through metals recovery;~~

~~3)~~ ~~No more than 20,000 kilograms of F006 waste is accumulated on-site at any one time; and~~

~~4)~~ ~~The F006 waste is managed in accordance with the following conditions:~~

~~A)~~ ~~The F006 waste is placed in one of the following containing devices:~~

~~i)~~ ~~In containers and the generator complies with the applicable requirements of Subparts I, AA, BB, and CC of 35 Ill. Adm. Code 725;~~

~~ii)~~ ~~In tanks and the generator complies with the applicable requirements of Subparts J, AA, BB, and CC of 35 Ill.~~

~~Adm. Code 725, except 35 Ill. Adm. Code 725.297(c) and 725.300; or~~

~~iii) In containment buildings, and the generator complies with Subpart DD of 35 Ill. Adm. Code 725 and has placed its professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101 in the facility's operating record prior to operation of the unit. The owner or operator must maintain the records listed in subsection (g)(4)(F) of this Section at the facility;~~

~~B) In addition, such a generator is exempt from all the requirements in Subparts G and H of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.211 and 725.214;~~

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

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

~~E) The generator complies with the requirements for owners or operators in Subparts C and D of 35 Ill. Adm. Code 725, with 35 Ill. Adm. Code 725.116, and with 35 Ill. Adm. Code 728.107(a)(5).~~

~~F) Required records for a containment building:~~

~~i) 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 waste generation and management practices for the facility showing that they are consistent with the 180-day limit, and documentation that the generator is complying with the procedures; or~~

~~ii) Documentation that the unit is emptied at least once every 180 days.~~

~~BOARD NOTE: The Board has codified 40 CFR~~

~~262.34(g)(4)(i)(C)(*1*) and (g)(4)(i)(C)(*2*) as subsections (g)(4)(F)(i) and (g)(4)(F)(ii) because Illinois Administrative Code codification requirements do not allow the use of a fifth level of subsection indents.~~

~~h)~~ ~~A generator that generates 1,000 kilograms or greater of hazardous waste per calendar month, which also generates wastewater treatment sludges from electroplating operations that meet the listing description for the RCRA hazardous waste code F006, and which must transport this waste or offer this waste for transportation over a distance of 200 miles or more for off-site metals recovery may accumulate F006 waste on-site for more than 90 days, but not more than 270 days, without a permit or without having interim status if the generator complies with the requirements of subsections (g)(1) through (g)(4) of this Section.~~

~~i)~~ ~~A generator accumulating F006 in accordance with subsections (g) and (h) of this Section that accumulates F006 waste on-site for more than 180 days (or for more than 270 days if the generator must transport this waste or offer this waste for transportation over a distance of 200 miles or more) or which accumulates more than 20,000 kilograms of F006 waste on-site is an operator of a storage facility, and such a generator is subject to the requirements of 35 Ill. Adm. Code 724, 725, and 727 and the permit requirements of 35 Ill. Adm. Code 702 and 703, unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period or an exception to the 20,000 kilogram accumulation limit.~~

~~1)~~ ~~On a case-by-case basis, the Agency must grant a provisional variance that allows an extension of the accumulation time up to an additional 30 days pursuant to Sections 35(b), 36(c), and 37(b) of the Act [415 ILCS 5/35(b), 36(c), and 37(b)] if it finds that the F006 waste must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances.~~

~~2)~~ ~~On a case-by-case basis, the Agency must grant a provisional variance pursuant to Sections 35(b), 36(c), and 37(b) of the Act [415 ILCS 5/35(b), 36(c), and 37(b)] that allows an exception to the 20,000 kilogram accumulation limit if the Agency finds that more than 20,000 kilograms of F006 waste must remain on-site due to unforeseen, temporary, and uncontrollable circumstances.~~

~~3)~~ ~~A generator must follow the procedure of 35 Ill. Adm. Code 180 (Agency~~

procedural rules) when seeking a provisional variance under subsection (i)(1) or (i)(2) of this Section.

j) This subsection (j) corresponds with 40 CFR 262.34(j), which became obsolete when USEPA terminated the Performance Track Program at 74 Fed. Reg. 22741 (May 14, 2009). USEPA has recognized that program-related rules are no longer effective at 75 Fed. Reg. 12989, 12992, note 1 (Mar. 18, 2010). This statement maintains structural consistency with the corresponding federal requirements.

k) This subsection (k) corresponds with 40 CFR 262.34(k), which became obsolete when USEPA terminated the Performance Track Program at 74 Fed. Reg. 22741 (May 14, 2009). USEPA has recognized that program-related rules are no longer effective at 75 Fed. Reg. 12989, 12992, and note 1 (Mar. 18, 2010). This statement maintains structural consistency with the corresponding federal requirements.

l) This subsection (l) corresponds with 40 CFR 262.34(l), which became obsolete when USEPA terminated the Performance Track Program at 74 Fed. Reg. 22741 (May 14, 2009). USEPA has recognized that program-related rules are no longer effective at 75 Fed. Reg. 12989, 12992, note 1 (Mar. 18, 2010). This statement maintain structural consistency with the corresponding federal requirements.

m) A generator that sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and which later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172 may accumulate the returned waste on-site in accordance with subsections (a) and (b) or (d), (e), and (f) of this Section, depending on the amount of hazardous waste on-site in that calendar month. Upon receipt of the returned shipment, the generator must sign the appropriate of the following:

1) Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

2) Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

**Section 722.135 Liquids in Landfills Prohibition**

The placement of bulk or noncontainerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited. Prior to disposal in a hazardous waste landfill, liquids must meet the additional requirements as specified in 35 Ill. Adm. Code 724.414 and 725.414.

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

SUBPART D: RECORDKEEPING AND REPORTING REQUIREMENTS APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS

**Section 722.140 Recordkeeping**

a) A generator must keep a copy of each manifest signed in accordance with Section 722.123(a) for three years or until it receives a signed copy from the designated facility that received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

b) A generator must keep a copy of each Annual Report and Exception Report for a period of at least three years from the due date of the report (March 1).

c) Section 722.111(f) requires documenting hazardous waste determinations. ~~A generator must keep records of any test results, waste analyses, or other determinations made in accordance with Section 722.111 for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal.~~

d) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by the Agency.

BOARD NOTE: Any Agency request for extended records retention under this subsection (d) is subject to Board review pursuant to Section 40 of the Act.

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

**Section 722.141 Annual Reporting for Large Quantity Generators**

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) A generator that is an LQG for at least one month of any calendar year (reporting year) shippingthat ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must completeprepare and submit a single copy of an annual report to the Agency by March 1 of the followingfor the preceding calendar year. The annual report must be submitted on a form supplied by the Agency, and it must cover generator activities during the previous calendar year., and must include the following information:

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

2) The calendar year covered by the report;

3) The USEPA identification number, name, and address for each off-site treatment, storage, or disposal facility in the United States to which waste was shipped during the year;

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

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

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

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

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

b) Any generator that is an LQG for at least one month of any calendar year (reporting year) treating, storing, or disposingtreats, stores, or disposes of

hazardous waste on siteon-site must complete and submit to the Agency by March 1 of the following even-numbered year an annual report on a form provided by the Agency covering those wastes in accordance with the provisions of 35 Ill. Adm. Code 702, 703, and 724 through 727. This requirement also applies to an LQG that receives hazardous waste from a VSQG pursuant to Section 722.117(f).Reporting for exports of hazardous waste is not required on the annual report form. A separate annual report requirement is set forth at Section 722.156.

c) Exports of hazardous waste to foreign countries are not required to be reported on the annual report form. Section 722.183(g) establishes a separate annual report requirement for hazardous waste exporters.

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

**Section 722.142 Exception Reporting**

a) Generators of greater than 1,000 kg (2,200 lbs)kilograms of hazardous waste in a calendar month.

1) A generator of 1,000 kg (2,200 lbs)kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in a calendar month, that does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days after date the waste was accepted by the initial transporter must contact the transporter or the owner or operator of the designated facility to determine the status of the hazardous waste.

2) A generator of 1,000 kg (2,200 lbs)kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in a calendar month, must submit an Exception Report to the Agency if the generator has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days after the date the waste was accepted by the initial transporter. The Exception Report must include the following documents:

A) A legible copy of the manifest for which the generator does not have a confirmation of delivery; and

B) A cover letter signed by the generator or the generator's authorized representative explaining the efforts taken to locate the hazardous waste and the result of those efforts.

b) A generator of greater than 100 kg (220 lbs)~~kilograms~~ but less than 1,000 kg (2,200 lbs)~~kilograms~~ of hazardous waste in a calendar month that does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days after the date the waste was accepted by the initial transporter must submit a legible copy of the manifest to the Agency, with some indication that the generator has not received confirmation of delivery.

BOARD NOTE: The submission need be only a handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the returned copy was not received.

c) A generator must comply with the requirements of subsection (a) or (b)~~ of this Section~~, as applicable, when a designated facility has forwarded a rejected shipment of hazardous waste or container residues contained in non-empty containers to an alternate facility using a new manifest (following the procedures of 35 Ill. Adm. Code 724.172(e)(1) through (e)(6) or 725.172(e)(1) through (e)(6)). For purposes of generator compliance with subsection (a) or (b)~~ of this Section~~, when a designated facility forwards a shipment of rejected waste to an alternate facility, the following requirements apply:

1) The copy of the manifest received by the generator must have the handwritten signature of the owner or operator of the alternate facility in place of the signature of the owner or operator of the designated facility; and

2) The 35-, 45-, or 60-day timeframes begin on the date that the initial transporter accepts the waste from the designated facility for shipment to the alternate facility.

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

**Section 722.143 Additional Reporting**

The Agency, as it deems necessary under Section 4 of the Illinois Environmental Protection Act

~~[415 ILCS 5/4]~~, may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or listed in 35 Ill. Adm. Code~~Part~~ 721.

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

**Section 722.144 Recordkeeping~~Special Requirements~~ for Small Quantity Generators ~~of between 100 and 1,000 kilograms per month~~**

Of the requirements in this Subpart D, an SQG~~a generator of greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month~~ is subject to only the following independent requirements:

a) Section 722.140(a), (c), and (d), recordkeeping;

b) Section 722.142(b), exception reporting; and

c) Section 722.143, additional reporting.

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

**Section 722.150 Applicability (Repealed)**

~~This Subpart E establishes requirements applicable to exports of hazardous waste. Except to the extent Section 722.158 provides otherwise, a primary exporter of hazardous waste must comply with the special requirements of this Subpart E and a transporter transporting hazardous waste for export must comply with applicable requirements of 35 Ill. Adm. Code 723. Section 722.158 sets forth the requirements of international agreements between the United States and receiving countries that establish different notice, export, and enforcement procedures for the transportation, treatment, storage, and disposal of hazardous waste for shipments between the United States and those countries.~~

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

**Section 722.151 Definitions (Repealed)**

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

~~"Consignee" means the ultimate treatment, storage, or disposal facility in a~~

~~receiving country to which the hazardous waste will be sent.~~

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

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

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

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

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

**Section 722.152 General Requirements (Repealed)**

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

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

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

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

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

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

**Section 722.153 Notification of Intent to Export (Repealed)**

~~a) A primary exporter of hazardous waste must notify USEPA in accordance with federal 40 CFR 262.53 (Notification of Intent to Export), incorporated by reference in 35 Ill. Adm. Code 720.111(b) .~~

~~b) The primary exporter must send the Agency a copy of each notice sent to USEPA pursuant to subsection (a) of this Section.~~

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

**Section 722.154 Special Manifest Requirements (Repealed)**

~~a) A primary exporter must comply with the manifest requirements as specified in federal 40 CFR 262.54 (Special Manifest Requirements), incorporated by reference in 35 Ill.Adm. Code 720.111(b).~~

~~b) The primary exporter must send a copy of the manifest to the Agency.~~

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

**Section 722.155 Exception Report (Repealed)**

~~a) In lieu of the requirements of Section 722.142, a primary exporter must file an exception report with USEPA as provided by federal 40 CFR 262.55 (Exception Reports), incorporated by reference in 35 Ill. Adm. Code 720.111(b).~~

~~b) The primary exporter must send a copy of the exception report to the Agency.~~

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

**Section 722.156 Annual Reports (Repealed)**

~~a) Primary exporters of hazardous waste must file with USEPA, no later than March 1 of each year, a report as specified in federal 40 CFR 262.56 (Annual Reports), incorporated by reference in 35 Ill. Adm. Code 720.111(b).~~

~~b) The primary exporter must send the Agency a copy of each report sent to USEPA.~~

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

**Section 722.157 Recordkeeping (Repealed)**

~~For all exports a primary exporter must comply with the recordkeeping requirements of federal 40 CFR 262.57 (Recordkeeping), incorporated by reference in 35 Ill. Adm. Code 720.111(b).~~

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

**Section 722.158 International Agreements (Repealed)**

~~a) Any person that exports or imports waste hazardous under U.S. national procedures, as defined in Section 722.181, to or from any of the designated member countries of the Organisation for Economic Co-operation and Development (OECD), as listed in subsection (a)(1), for purposes of recovery is subject to the requirements of Subpart H of this Part. The requirements of Subparts E and F of this Part do not apply where Subpart H of this Part applies.~~

~~1) For the purposes of this Subpart E, the designated OECD countries are Australia, Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States.~~

~~2) Only for the purposes of Subpart E of this Part, Canada and Mexico are considered OECD member countries.~~

~~BOARD NOTE: USEPA used identical language in 40 CFR 262.10(d), corresponding 262.58(a), and 262.80(a) to define when a waste is considered hazardous under U.S. national procedures. The Board has chosen to create the term "waste hazardous under U.S. national procedures"; add a definition in Section 722.181, the centralized listing of definitions for Subpart H of this Part; and replace USEPA's defining language in this subsection (a) with a cross-reference to the definition in Section 722.181.~~

~~b) Any person that exports hazardous waste to or imports hazardous waste from any designated OECD member country for purposes other than recovery (e.g.,~~

~~incineration, disposal, etc.), Mexico (for any purpose), or Canada (for any purpose) remains subject to the requirements of Subparts E and F of this Part, and that person is not subject to the requirements of Subpart H of this Part.~~

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

**Section 722.160 Imports of Hazardous Waste (Repealed)**

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

~~b)~~ ~~When importing hazardous waste, a person must meet all the requirements of Section 722.120 for the manifest, except that the following information items are substituted:~~

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

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

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

~~d)~~ ~~In the International Shipments block of the manifest, the importer must check the import box and enter the point of entry (city and State) into the United States.~~

~~e)~~ ~~The importer must provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to USEPA in accordance with 35 Ill. Adm. Code 724.171(a)(3) or 725.171(a)(3), as appropriate.~~

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

SUBPART H: TRANS-BOUNDARY SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY OR DISPOSAL

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**Section 722.180 Applicability**

a) The requirements of this Subpart H apply to transboundary movements~~imports and exports of~~ hazardous waste~~hazardous under U.S. national procedures, as defined in Section 722.181~~.

~~BOARD NOTE: USEPA used identical language in 40 CFR 262.10(d), 262.58(a), and corresponding 262.80(a) to define when a waste is considered hazardous under U.S. national procedures. The Board has chosen to create the term "waste hazardous under U.S. national procedures"; add a definition in Section 722.181, the centralized listing of definitions for Subpart H of this Part; and replace USEPA's defining language in this subsection (a) with a cross-reference to the definition in Section 722.181.~~

b) Any person (including importer, exporter, disposal facility operator, or recovery facility operator) that mixes two or more wastes (including hazardous and non-hazardous wastes) or which otherwise subjects two or more wastes (including hazardous and non-hazardous wastes) to physical or chemical transformation operations, and thereby creates a new hazardous waste, becomes a generator and assumes all subsequent generator duties under this Subchapter c and any exporter duties under this Subpart H, as applicable.

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

**Section 722.181 Definitions**

In addition to the definitions in 35 Ill. Adm. Code 720.110, the~~The~~ following definitions apply to this Subpart H and to other provisions within this Part 722 as specifically indicated:

"Amber control procedures" means the controls listed in Section D of Annex A ("Amber Control Procedure") to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).
BOARD NOTE: The Board added this definition.

"Amber waste" means a waste listed in Appendix 4 ("List of Wastes Subject to the Amber Control Procedure") to Annex A and in Annex C ("OECD Consolidated List of Wastes Subject to the Amber Control Procedure") to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).
BOARD NOTE: The Board added this definition.

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"Competent authority" means the regulatory authority or authorities of countries concerned having jurisdiction over trans-boundary movements of wastes ~~destined for recovery operations~~.
BOARD NOTE: Under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention), party countries are required to establish or designate competent authorities to facilitate implementation of the Convention. Basel Convention, art. 5 (as amended through May 27, 2014). The Basel Convention, United Nations Environment Programme maintains an on-line list of competent authorities by country: http://www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx.

"Countries concerned" means the ~~OECD member~~ countries of export or import and any ~~OECD member~~ countries of transit. Use of singular "concerned country" is contemplated within this definition where the text refers only a single country.

~~"Consent" means the specific or general consent or approval obtained pursuant to Section 722.183 from the competent authority of the country of export (for export from that country), the country of transit (for transit through that country), or the country of import (for import into that country), as required under the applicable of the Amber control procedures or red control procedures.~~
~~BOARD NOTE: The Board added this definition.~~

"Country of export" means any ~~designated OECD member~~ country ~~listed in Section 722.158(a)(1)~~ from which a trans-boundary movement of hazardous waste is planned to be initiated or is initiated.

"Country of import" means any ~~designated OECD member~~ country ~~listed in Section 722.158(a)(1)~~ to which a trans-boundary movement of hazardous waste is planned or takes place for the purpose of submitting the waste to recovery or disposal operations in that country.

"Country of transit" means any ~~designated OECD member~~ country ~~listed in Section 722.158(a)(1) or (a)(2)~~ other than the country of export or country of import across which a trans-boundary movement of waste is planned to be initiated or takes place.

"Disposal operations" means activities that do not lead to the possibility of resource recovery, recycling, reclamation, direct re-use, or alternate uses, which

include the following:

D1 Release or Deposit into or onto land, other than by any of operations D2 through D5 or D12.

D2 Land treatment, such as biodegradation of liquids or sludges in soils.

D3 Deep injection, such as injection into wells, salt domes, or naturally occurring repositories.

D4 Surface impoundment, such as placing of liquids or sludges into pits, ponds, or lagoons.

D5 Specially engineered landfill, such as placement into lined discrete cells which are capped and isolated from one another and the environment.

D6 Release into a water body other than a sea or ocean, and other than by operation D4.

D7 Release into a sea or ocean, including sea-bed insertion, other than by operation D4.

D8 Biological treatment not specified elsewhere in operations D1 through D12 that results in final compounds or mixtures which are discarded by means of any of operations D1 through D12.

D9 Physical or chemical treatment not specified elsewhere in operations D1 through D12, such as evaporation, drying, calcination, neutralization, or precipitation, that results in final compounds or mixtures which are discarded by means of any of operations D1 through D12.

D10 Incineration on land.

D11 Incineration at sea.

D12 Permanent storage.

D13 Blending or mixing, prior to any of operations D1 through D12.

D14 Repackaging, prior to any of operations D1 through D13.

D15 Interim storage, prior to any of operations D1 through D12 (for transboundary movements other than with Canada).

DC15 Release, including the venting of compressed or liquified gases, or treatment, other than by any of operations D1 to D12 (for transboundary movements with Canada only).

DC16 Testing of a new technology to dispose of a hazardous waste (for transboundary movements with Canada only).

DC17 Interim storage, prior to any of operations D1 through D12 (for transboundary movements with Canada only).

"Export" means the transportation of hazardous waste from a location under the jurisdiction of the United States to a location under the jurisdiction of another country, or a location not under the jurisdiction of any country, for the purposes of recovery or disposal operations at the destination.

"Exporter" (designated as “primary exporter” in the certification statement on the RCRA hazardous waste manifest (USEPA Form 8700-22)) means either the person domiciled in the United States that originates the movement document in accordance with Section 722.183(d) or the manifest in accordance with Subpart B specifing a foreign receiving facility as the destination of the hazardous waste or any recognized trader that proposes export of the hazardous wastes for recovery or disposal operations in the country of import.

"Foreign exporter""~~"Exporter"~~ means the person under the jurisdiction of the country of export that has, or will have at the time the planned trans-boundary movement commences, possession or other forms of legal control of the hazardous waste and that proposes shipment~~trans-boundary movement~~ of hazardous waste to the United States for ~~the ultimate purpose of submitting it to~~ recovery or disposal operations. ~~When the United States is the country of export, exporter is interpreted to mean a person domiciled in the United States.~~

"Foreign importer" means the person assigned possession or other form of legal control of the hazardous waste upon receipt of the exported hazardous waste in the country of import.

"Foreign receiving facility" means a facility that operates or is authorized to operate under the importing country's applicable domestic law to receive the hazardous wastes and to perform recovery or disposal operations on them.

"Green control procedures" means the controls listed in Section C of Annex A ("Green Control Procedure") to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).
BOARD NOTE: The Board added this definition.

"Green waste" means a waste listed in Appendix 3 ("List of Wastes Subject to the Green Control Procedures") to Annex A and in Annex B ("OECD Consolidated List of Wastes Subject to the Green Control Procedure") to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).
BOARD NOTE: The Board added this definition.

"Import" means the transportation of hazardous waste from a location under the jurisdiction of another country to a location under the jurisdiction of the United States for the purposes of recovery or disposal operations at the destination.

"Importer" means the person that is assigned possession or other form of legal control of the hazardous waste at the time the imported hazardous waste is received in the United States~~country of import~~.

"OECD" means the Organisation for Economic Co-operation~~Cooperation~~ and Development.

~~"OECD-listed waste" means, for the purposes of this Subpart H, Green waste or Amber waste, as defined in this Section.~~
~~BOARD NOTE: USEPA used the term "listed wastes" in 40 CFR 262.82(a)(1) and (a)(2) (2010) (corresponding with 35 Ill. Adm. Code 722.182(a)(1) and (a)(2)), referring to Green waste and Amber waste. The Board changed the term to "OECD-listed waste" and added this definition, based on the discussions at 75 Fed. Reg. 1236, 1241, 1247 (Jan. 8, 2010), to distinguish this use in the context of waste export from the common use of the same term to describe waste defined as hazardous under Subpart D of 40 CFR 261 (2010) (corresponding with Subpart D~~

~~of 35 Ill. Adm. Code 721).~~

"OECD area" means all land or marine areas under the national jurisdiction of any OECD member country ~~listed in Section 722.158~~. When the regulations refer to shipments to or from an OECD member country, this means OECD area.

"OECD Guidance Manual" means "Guidance Manual for the Implementation of Council Decision C(2001)107/FINAL, as amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations~~,~~", 2009 (also called "Guidance Manual for the Control of Transboundary Movements of Recoverable Materials" in OECD documents), but only the segments incorporated by reference in 35 Ill. Adm. Code 722.111(a), which set forth the substantive requirements of OECD decision C(2001)107/FINAL, as amended by C(2004)20; C(2005)141 and C(2008)156.
BOARD NOTE: The Board added this definition. Although USEPA conventionally refers to the OECD requirements by the designation "C(2001)107/FINAL~~,~~", USEPA incorporated the OECD Guidance Manual by reference for the substance of the OECD requirements. The substance of the OECD requirements requires reference to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention) for full meaning, and the OECD Guidance Manual includes Annexes A through C, which present the full text of OECD decision C(2001)107/FINAL and the Basel Convention. For these reasons, the Board refers directly to the OECD Guidance Manual and incorporates Annexes A through C of the Guidance Manual by reference.

"OECD member country" means any of the countries that are members of the OECD and participate in the OECD Guidance Manual.
BOARD NOTE: Corresponding 40 CFR 262.81 states that USEPA provides a list of OECD Member countries on the Internet. (https://www.epa.gov/hwgenerators/international-agreements-transboundary-shipments-hazardous-waste#oecd).

~~"OECD waste designation" means, for the purposes of this Subpart H, the designation by OECD of waste as Green waste or Amber waste, as defined in this Section.~~

~~BOARD NOTE: USEPA used the term "designation of waste type(s) from the appropriate OECD list" in 40 CFR 262.83(d)(12) (2010) (corresponding with 35~~

~~Ill. Adm. Code 722.183(d)(12)). The Board changed USEPA's term to "OECD waste designation" to replace USEPA's language and added this definition of the created term, interpreting the plain language of 40 CFR 262.83(d)(12) and 262.89(d) (2010) (corresponding with 35 Ill. Adm. Code 722.183(a)(12) and 722.189(d)) to mean Green waste and Amber waste.~~

"Receiving facility" means a facility within the jurisdiction of the United States that operates or is authorized to operate to receive hazardous wastes and to perform recovery or disposal operations on them under RCRA and other applicable domestic laws.

"Recognized trader" means a person that, with appropriate authorization of countries concerned, acts in the role of principal to purchase and subsequently sell wastes; this person has legal control of such wastes from time of purchase to time of sale; such a person may act to arrange and facilitate trans-boundary movements of wastes destined for recovery operations.

"Recovery facility" means a facility that, under applicable domestic law, is operating or is authorized to operate in the country of import to receive wastes and to perform recovery operations on them.

"Recovery operations" means activities leading to resource recovery, recycling, reclamation, direct re-use, or alternative uses, which include the following types of operations:

R1 Use as a fuel (other than in direct incineration) or other means to generate energy,

R2 Solvent reclamation or regeneration,

R3 Recycling or reclamation of organic substances that are not used as solvents,

R4 Recycling or reclamation of metals and metal compounds,

R5 Recycling or reclamation of other inorganic materials,

R6 Regeneration of acids or bases,

R7 Recovery of components used for pollution abatement,

R8 Recovery of components from used catalysts,

R9 Used oil re-refining or other reuses of previously used oil,

R10 Land treatment resulting in benefit to agriculture or ecological improvement,

R11 Uses of residual materials obtained from any of the operations numbered R1 through R10 (for transboundary shipments other than with Canada),

R12 Exchange of wastes for submission to any of the operations numbered R1 through R11 (for transboundary shipments other than with Canada), and

R13 Accumulation of material intended for any operation numbered R1 through R12 (for transboundary shipments other than with Canada) ~~in this listing~~.

RC14 Recovery or regeneration of a substance or use or re-use of a recyclable material, other than by any of operations R1 through R10 (for transboundary shipments with Canada only).

RC15 Testing of a new technology to recycle a hazardous recyclable material (for transboundary shipments with Canada only).

RC16 Interim storage prior to any of operations R1 through R11 or RC14 (for transboundary shipments with Canada only).

"Trans-boundary movement" means any movement of hazardous wastes from an area under the national jurisdiction of one ~~OECD member~~ country to an area under the national jurisdiction of another ~~OECD member~~ country.

~~"Waste hazardous under U.S. national procedures" means, for the purposes of Sections 722.110(d) and 722.159(a) and Subpart H of this Part, a waste that meets the definition of hazardous waste, as set forth in 35 Ill. Adm. Code 721.103, and which is subject to any of the following regulations:~~

~~The hazardous waste manifesting requirements of Subpart B of this Part;~~

~~The universal waste management standards of 35 Ill. Adm. Code 733, 40 CFR 273, or analogous requirements of a sister state; or~~

~~The export requirements in the spent lead-acid battery management standards of Subpart G of 35 Ill. Adm. Code 726, subpart G of 40 CFR 266, or analogous requirements of a sister state.~~

~~BOARD NOTE: USEPA used identical language in 40 CFR 262.10(d), 262.58(a), and 262.80(a) to define when a waste is considered hazardous under U.S. national procedures. The Board has chosen to create the term "waste hazardous under U.S. national procedures" for uniform use wherever this type of waste is intended; add a definition in this Section, the centralized listing of definitions for Subpart H of this Part; and replace USEPA's defining language in 40 CFR 262.10(d), 262.58(a), and 262.80(a) with cross-references to this definition.~~

"USEPA Acknowledgment of Consent" or "AOC" means the letter USEPA sends to the exporter documenting the specific terms of the country of import's consent and any countries of transit's consents.
BOARD NOTE: Corresponding 40 CFR 262.81 provides that the AOC meets the definition of "export license" in 15 CFR 30.1.

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

**Section 722.182 General Conditions**

a) Scope. The level of control for exports and imports of waste ~~hazardous under U.S. national procedures, as defined in Section 722.181,~~ is indicated by designation of the waste as either Green waste or Amber waste, as such are defined in Section 722.181, and whether the waste is or is not hazardous waste.

1) Green list~~OECD-listed~~ wastes ~~subject to the Green control procedures~~.

A) Green waste that is not ~~waste~~ hazardous waste~~under U.S. national procedures, as defined in Section 722.181,~~ is subject to existing controls normally applied to commercial transactions and is not

subject to the requirements of this Subpart H.

B) Green waste that is ~~waste~~ hazardous waste~~under U.S. national procedures, as defined in Section 722.181,~~ is subject to the requirements of~~Amber control procedures set forth in~~ Subpart H.

2) Amber~~OECD-listed wastes subject to the Amber control procedures~~.

A) Amber waste that is ~~waste~~ hazardous waste~~under U.S. national procedures, as defined in Section 722.181,~~ is subject to the Amber control procedures set forth in this Subpart H, even if it is imported to or exported from a country that does not consider the waste to be hazardous or control the transboundary shipment as a hazardous waste import or export.

~~B) Amber waste that is waste hazardous under U.S. national procedures, as defined in Section 722.181, is subject to the Amber control procedures within the United States, even if they are imported to or exported from a designated OECD member country listed in Section 722.158(a)(1) that does not consider the waste to be hazardous. In such an event, the responsibilities of the Amber control procedures shift as follows:~~

i) For exports~~ of Amber waste from the United States~~, exporter must comply with Section 722.183~~USEPA has stated that the United States will issue an acknowledgement of receipt and assume other responsibilities of the competent authority of the country of import~~.

ii) For imports~~ of Amber waste into the United States~~, ~~USEPA has stated that~~ the ~~U.S.~~ recovery or disposal facility and the~~or~~ importer must comply with Section 722.184~~assume the obligations associated with the Amber control procedures that normally apply to the exporter, and the United States will assume the obligations associated with the Amber control procedures that normally apply to the country of export~~.

BC) Amber waste that is not ~~waste~~ hazardous waste~~under U.S. national procedures, as defined in Section 722.181~~, but which is considered hazardous by the other~~an OECD member~~ country, is subject to the Amber control procedures in the ~~OECD member~~ country that considers the waste hazardous, and are not subject to the requirements of this Subpart H. All responsibilities of the U.S. importer or exporter shift to the foreign importer or foreign exporter in the other~~importer or exporter of the OECD member~~ country that considers the waste hazardous unless the parties make other arrangements through contracts.

BOARD NOTE: Some Amber wastes ~~that are subject to Amber control procedures~~ are not listed or otherwise identified as hazardous under RCRA~~,~~ and therefore are not subject to the requirements~~Amber control procedures~~ of this Subpart H. Regardless of the status of the waste under RCRA, however, other federal environmental statutes (e.g., the Toxic Substances Control Act (42 USC 2601 et seq.)) restrict certain waste imports or exports. These restrictions continue to apply without regard to this Subpart H.

3) Mixtures~~Procedures for mixtures of wastes~~.

A) A Green waste that is mixed with one or more other Green wastes such that the resulting mixture is not ~~waste~~ hazardous waste is not~~under U.S. national procedures, as defined in Section 722.181, is~~ subject to the requirements of this Subpart H~~Green control procedures, provided the composition of this mixture does not impair its environmentally sound recovery~~.

BOARD NOTE: USEPA has noted that the law of some ~~OECD member~~ countries may require that mixtures of different Green wastes be subject to the Amber control procedures.

B) A Green waste that is mixed with one or more Amber wastes, in any amount, de minimis or otherwise, or a mixture of two or more Amber wastes~~, such~~ that ~~the resulting waste mixture~~ is ~~waste~~ hazardous waste~~under U.S. national procedures, as defined in Section 722.181,~~ is subject to the requirements of this Subpart H~~Amber control procedures, provided the composition of this~~

~~mixture does not impair its environmentally sound recovery~~.

BOARD NOTE: USEPA has noted that the law of some ~~OECD member~~ countries may require that a mixture of a Green waste and more than a de minimis amount of an Amber waste or a mixture of two or more Amber wastes be subject to the Amber control procedures.

4) Waste that is not yet OECD-listed waste is eligible for trans-boundary movements, as follows:

A) If such waste is ~~waste~~ hazardous waste~~under U.S. national procedures, as defined in Section 722.181~~, the waste is subject to the requirements of this Subpart H~~Amber control procedures~~.

B) If such waste is not ~~waste~~ hazardous waste~~under U.S. national procedures, as defined in Section 722.181~~, the waste is not subject to the requirements of this Subpart H~~Green control procedures~~.

b) General conditions applicable to trans-boundary movements of hazardous waste.

1) The hazardous waste must be destined for recovery or disposal operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the ~~importing~~ country of import;

2) The trans-boundary movement must comply~~be in compliance~~ with applicable international transport agreements; and

BOARD NOTE: These international agreements include, but are not limited to, the Chicago Convention (1944), ADR (1957), ADNR (1970), MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG Code (1985), COTIF (1985), and RID (1985).

3) Any transit of hazardous waste through one or more countries~~a non-OECD member country~~ must comply~~be conducted in compliance~~ with all applicable international and national laws and regulations.

~~c) Provisions relating to re-export for recovery to a third country.~~

1) Re-export of waste that is subject to the Amber control procedures from the United States, as the country of import, to a third country listed in Section 722.158(a)(1) may occur only after an exporter in the United States provides notification to and obtains consent from the competent authorities in the third country, the original country of export, and any transit countries. The notification must comply with the notice and consent procedures in Section 722.183 for all countries concerned and the original exporting country. The competent authorities of the original exporting country, as well as the competent authorities of all other concerned countries, have 30 days to object to the proposed movement.

A) The 30-day period begins once the competent authorities of both the initial country of export and new country of import issue Acknowledgments of Receipt of the notification.

B) The trans-boundary movement may commence if no objection has been lodged after the 30-day period has passed or immediately after written consent is received from all relevant OECD countries of import and countries of transit.

2) In the case of re-export of Amber waste to a country other than those listed in Section 722.158(a)(1), notification to and consent of the competent authorities of the original OECD member country of export and any OECD member countries of transit is required as specified in subsection (c)(1) of this Section in addition to compliance with all international agreements and arrangements to which the first importing OECD member country is a party and all applicable regulatory requirements for exports from the first country of import.

d) Duty to return or re-export wastes subject to the Amber control procedures. When a trans-boundary movement of wastes subject to the Amber control procedures cannot be completed in accordance with the terms of the contract or the consents and alternative arrangements cannot be made to recover the waste in an environmentally sound manner in the country of import, the waste must be returned to the country of export or re-exported to a third country. The provisions of subsection (c) of this Section apply to any shipments to be re-exported to a third country. The following provisions apply to shipments to be returned to the country of export, as appropriate:

~~1)~~ ~~Return from the United States to the country of export. The U.S. importer must inform USEPA at the address specified in Section 722.183(b)(1)(A) of the need to return the shipment. USEPA stated that it will then inform the competent authorities of the countries of export and transit, citing the reasons for returning the waste. The U.S. importer must complete the return within 90 days from the time USEPA informs the country of export of the need to return the waste, unless informed in writing by USEPA of another timeframe agreed to by the concerned OECD member countries. If the return shipment will cross any transit country, the return shipment may only occur after USEPA provides notification to and obtains consent from the competent authority of the country of transit, and provides a copy of that consent to the U.S. importer.~~

~~2)~~ ~~Return from the country of import to the United States. The U.S. exporter must provide for the return of the hazardous waste shipment within 90 days from the time the country of import informs USEPA of the need to return the waste or such other period of time as the concerned OECD member countries agree. The U.S. exporter must submit an exception report to USEPA in accordance with Section 722.187(b).~~

c~~e~~) Duty to return wastes subject to the Amber control procedures during transit through the United States~~from a country of transit~~. When a trans-boundary movement of hazardous waste~~wastes~~ subject to the Amber control procedures does not comply with the requirements of the notification and movement documents or otherwise constitutes illegal shipment, and if alternative arrangements cannot be made to recover or dispose of these wastes in an environmentally sound manner, the waste must be returned to the country of export. The U.S. transporter must inform EPA at the specified mailing address in subsection (e) of the need to return the shipment. USEPA will then inform the competent authority of the country of export, citing the reasons for returning the waste. The U.S. transporter must complete the return within 90 days from the time USEPA informs the country of export of the need to return the waste, unless informed in writing by USEPA of another timeframe agreed to by the concerned countries. ~~The following provisions apply, as appropriate~~:

~~1)~~ ~~Return from the United States (as country of transit) to the country of export. The U.S. transporter must inform USEPA at the specified address in Section 722.183(b)(1)(A) of the need to return the shipment. USEPA will then inform the competent authority of the country of export, citing~~

~~the reasons for returning the waste. The U.S. transporter must complete the return within 90 days from the time USEPA informs the country of export of the need to return the waste, unless informed in writing by USEPA of another timeframe agreed to by the concerned member countries.~~

~~2)~~ ~~Return from the country of transit to the United States (as country of export). The U.S. exporter must provide for the return of the hazardous waste shipment within 90 days from the time the competent authority of the country of transit informs USEPA of the need to return the waste or such other period of time as the concerned OECD member countries agree. The U.S. exporter must submit an exception report to USEPA in accordance with Section 722.187(b).~~

d) Laboratory analysis exemption. Export or import of a hazardous waste sample is exempt from the requirements of this Subpart H if the sample is destined for laboratory analysis to assess its physical or chemical characteristics or to determine its suitability for recovery or disposal operations, the sample does not exceed 25 kg (55 pounds) in quantity, the sample is appropriately packaged and labeled, and the sample complies with the conditions of 35 Ill. Adm. Code 721.104(d) or (e).

e) USEPA Address for Submittals by Postal Mail or Hand Delivery. Submittals required in this Subpart H to be made by postal mail or hand delivery should be sent to the following addresses:

1) For Postal Mail Delivery:

Office of Enforcement and Compliance Assurance
Office of Federal Activities
International Compliance Assurance Division (2254A)
Environmental Protection Agency
1200 Pennsylvania Avenue NW.
Washington, DC 20460.

2) For Hand-Delivery:

Office of Enforcement and Compliance Assurance
Office of Federal Activities

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International Compliance Assurance Division
Environmental Protection Agency
William Jefferson Clinton South Bldg., Room 6144
12th St. and Pennsylvania Ave NW.
Washington, DC 20004.

~~f)~~ ~~Requirements for wastes destined for and received by facilities engaged in R12 and R13 recovery operations. The trans-boundary movement of wastes destined for an R12 or R13 recovery operation must comply with all Amber control procedures for notification and consent, as set forth in Section 722.183, and for the movement document, as set forth in Section 722.184. Additional responsibilities of a facility engaged in an R12 or R13 recovery operation include the following:~~

~~1)~~ ~~Indicating in the notification document the foreseen recovery facility or facilities where the subsequent R1 through R11 recovery operation will take place or may take place.~~

~~2)~~ ~~Within three days after the receipt of the wastes by a facility engaged in an R12 or R13 recovery operation, the facility owner or operator must return a signed copy of the movement document to the exporter and to the competent authorities of the country of export and the country of import. The facility owner or operator must retain the original of the movement document for three years.~~

~~3)~~ ~~As soon as possible, but no later than 30 days after the completion of the R12 or R13 recovery operation and no later than one calendar year following the receipt of the waste, an R12 or R13 recovery operation facility owner or operator must send a certificate of recovery to the foreign exporter and to the competent authority of the country of export and to USEPA, by mail, email without digital signature followed by mail, or fax followed by mail, at the following address:~~

~~Office of Enforcement and Compliance Assurance~~
~~Office of Federal Activities, International Compliance Assurance Division (2254A)~~
~~Environmental Protection Agency~~
~~1200 Pennsylvania Avenue, NW~~
~~Washington, DC 20460.~~

~~4)~~ ~~When an a facility engaged in an R12 or R13 recovery operation delivers wastes for recovery to a facility engaged in an R1 through R11 recovery operation located in the country of import, the owner or operator of the R12 or R13 recovery operation facility must obtain, as soon as possible, but no later than one calendar year following delivery of the waste, a certification from the R1 through R11 recovery operation that recovery of the wastes at that facility has been completed. The owner or operator of the R12 or R13 recovery operation facility must promptly transmit the applicable certification to the competent authorities of the country of import and the country of export, identifying the trans-boundary movements to which the certification pertains.~~

~~5)~~ ~~When an R12 or R13 recovery operation facility delivers wastes for recovery to an R1 through R11 recovery operation facility located as follows, the indicated requirements apply:~~

~~A)~~ ~~In the initial country of export, Amber control procedures apply, including a new notification;~~

~~B)~~ ~~In a third country other than the initial country of export, Amber control procedures apply, with the additional requirement that the competent authority of the initial country of export must also be notified of the trans-boundary movement.~~

~~g)~~ ~~Laboratory analysis exemption. The trans-boundary movement of an Amber waste is exempt from the Amber control procedures if the Amber waste is in certain quantities and destined for laboratory analysis to assess its physical or chemical characteristics or determine its suitability for recovery operations. The quantity of such Amber waste must be determined by the minimum quantity reasonably needed to adequately perform the analysis in each particular case, but in no case may the amount of Amber waste exceed 25 kilograms (kg). Amber waste destined for laboratory analysis must still be appropriately packaged and labeled.~~

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

**Section 722.183 Exports of Hazardous Waste~~Notification and Consent~~**

a) General export requirements. Except as provided in subsections (a)(5) and (a)(6), an exporter that receives an AOC from USEPA before December 31, 2016 is subject to that approval and the requirements listed in the AOC as they existed at the time of that approval until the approval period expires. All other exports of hazardous waste are prohibited unless the following conditions are fulfilled:

1) The exporter complies with the contract requirements in subsection (f);

2) The exporter complies with the notification requirements in subsection (b);

3) The exporter receives an AOC from USEPA documenting consent from the countries of import and transit (and original country of export if exporting previously imported hazardous waste);

4) The exporter ensures compliance with the movement documents requirements in subsection (d);

5) The exporter ensures compliance with the manifest instructions for export shipments in subsection (c); and

6) The exporter or a U.S. authorized agent must submit electronic export information (EEI) for each shipment to the Automated Export System (AES) or its successor system, under the International Trade Data System (ITDS) platform, in accordance with 15 CFR 30.4(b), incorporated by reference in 35 Ill. Adm. Code 720.111, and includes the following items in the EEI, along with the other information required under 15 CFR 30.6, incorporated by reference in 35 Ill. Adm. Code 720.111:

A) The USEPA license code;

B) The commodity classification code for each hazardous waste per 15 CFR 30.6(a)(12), incorporated by reference in 35 Ill. Adm. Code 720.111;

C) The USEPA consent number for each hazardous waste;

D) The country of ultimate destination code per 15 CFR 30.6(a)(5), incorporated by reference in 35 Ill. Adm. Code 720.111;

E) The date of export per 15 CFR 30.6(a)(2), incorporated by reference in 35 Ill. Adm. Code 720.111;

F) The RCRA hazardous waste manifest tracking number, if required;

G) The quantity of each hazardous waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume per 15 CFR 30.6(a)(15), incorporated by reference in 35 Ill. Adm. Code 720.111; or

H) The USEPA net quantity for each hazardous waste reported in units of kilograms if solid or in units of liters if liquid, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

b) Notifications.

1) General notifications. At least 60 days before the first shipment of hazardous waste is expected to leave the United States, the exporter must provide notification in English to USEPA of the proposed transboundary movement. Notifications must be submitted electronically using USEPA's Waste Import Export Tracking System (WIETS), or its successor system. The notification may cover up to one year of shipments of one or more hazardous wastes being sent to the same recovery or disposal facility, and the notification must include all of the following information:

A) The exporter name and USEPA identification number, address, telephone, fax numbers, and email address;

B) The foreign receiving facility name, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;

C) The foreign importer name (if not the owner or operator of the foreign receiving facility), address, telephone, fax numbers, and email address;

D) The intended transporters or their agents; address, telephone, fax, and email address;

E) "U.S." as the country of export name, "USA01" as the relevant competent authority code, and the intended U.S. ports of exit;

F) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 code, any code for the OECD/Basel competent authority, and the ports of entry and exit for each country of transit;

G) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 code, any code for the OECD/Basel competent authority, and port of entry for the country of import;

H) A statement of whether the notification covers a single shipment or multiple shipments;

I) The start and end dates requested for transboundary movements;

J) The planned means of transport;

K) A description of each hazardous waste, including whether each hazardous waste is regulated universal waste under 35 Ill. Adm. Code 733, spent lead-acid batteries being exported for recovery of lead under Subpart G of 35 Ill. Adm. Code 726, or industrial ethyl alcohol being exported for reclamation under 35 Ill. Adm. Code 721.106(a)(3)(A); the estimated total quantity of each waste in either metric tons or cubic meters; the applicable USEPA hazardous waste numbers for each hazardous waste; the applicable waste code from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and the United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111, for each waste;

L) Specification of the recovery or disposal operations, as defined in Section 722.181.

M) A declaration and certification signed by the exporter that states as follows:

I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement.

Name:
Signature:
Date:

BOARD NOTE: The United Nations Environment Programme, Basel Convention maintains an on-line list of competent authorities by country (www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx). The European Commission maintains a list of competent authorities for European Union members (ec.europa.eu/environment/waste/shipments/pdf/list_competent_authorities.pdf).

2) Exports to Pre-Consented Recovery Facilities in OECD Member Countries. If the recovery facility is located in an OECD member country and has been pre-consented by the competent authority of the OECD member country to recover the waste sent by exporters located in other OECD member countries, the notification may cover up to three years of shipments. A notification proposing export to a preconsented facility in an OECD member country must include all information listed in subsections (b)(1)(A) through (b)(1)(M) and additionally state that the facility is preconsented. The exporter must submit the notification to USEPA using the allowable methods listed in subsection (b)(1) at least ten days before the first shipment is expected to leave the United States.

3) Notifications Listing Interim Recycling Operations or Interim Disposal Operations. If the foreign receiving facility listed in subsection (b)(1)(B) will engage in any of the interim recovery operations R12 or R13 or interim disposal operations D13 through D15, the notification submitted according to subsection (b)(1) must also include the final foreign recovery

or disposal facility name, address, telephone, fax numbers, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11 and D1 through D12 the final foreign recovery or disposal facility will employ. For transboundary movements to Canada, in addition to the foregoing foreign receiving facilities listed in subsection (b)(1)(B), if the foreign receiving facility will engage in interim recovery operations RC16 or interim disposal operations DC17, the notification submitted according to subsection (b)(1) must also include the final foreign recovery or disposal facility name, address, telephone, fax numbers, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11, RC14 to RC15, D1 through D12, and DC15 to DC16 the final foreign recovery or disposal facility will employ. The recovery and disposal operations in this subsection are defined in Section 722.181.

4) Renotifications. When the exporter wishes to change any of the information specified on the original notification (including increasing the estimate of the total quantity of hazardous waste specified in the original notification or adding transporters), the exporter must submit a renotification of the changes to USEPA using the allowable methods in subsection (b)(1). Any shipment using the requested changes cannot take place until the countries of import and transit consent to the changes and the exporter receives an USEPA AOC letter documenting the countries' consents to the changes.

5) Where the proposed country of import and recovery or disposal operations are not covered under an international agreement to which both the United States and the country of import are parties, USEPA will coordinate with the Department of State to provide the complete notification to the country of import and any countries of transit. In all other cases, USEPA will provide the notification directly 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 subsections (b)(1)(A) through (b)(1)(M).

6) Where the countries of import and transit consent to the proposed transboundary movements of the hazardous wastes, USEPA will forward an USEPA AOC letter to the exporter documenting the countries' consents. Where any of the countries of import and transit objects to the

proposed transboundary movements of the hazardous waste or withdraws a prior consent, USEPA stated that it will notify the exporter.

7) Export of hazardous wastes for recycling or disposal operations that were originally imported into the United States for recycling or disposal operations in a third country is prohibited unless an exporter in the United States complies with the export requirements in Section 722.183, including providing notification to USEPA in accordance with subsection (b)(1). In addition to listing all required information in subsections (b)(1)(A) through (b)(1)(M), the exporter must provide the original consent number issued for the initial import of the wastes in the notification, and receive an AOC from USEPA documenting the consent of the competent authorities in new country of import, the original country of export, and any transit countries prior to reexport.

8) Upon request by USEPA, the exporter must furnish to USEPA any additional information which the country of import requests in order to respond to a notification.

c) RCRA Manifest Instructions for Export Shipments. The exporter must comply with the manifest requirements of Sections 722.120 through 722.123, with the following exceptions:

1) (Block 8): In lieu of the name, site address and USEPA ID number of the designated facility, the exporter must enter the name and site address of the foreign receiving facility;

2) (Block 16): In the International Shipments block, the exporter must check the export box and enter the port of exit (city and state) from the United States.

3) The exporter must list the consent number from the AOC for each hazardous waste listed on the manifest, matched to the relevant list number for the hazardous waste from block 9b. If additional space is needed, the exporter should use Continuation Sheets (USEPA Form 8700–22A).

4) The exporter may obtain the manifest from any source that is registered with the USEPA as a supplier of manifests (e.g., a state, a waste handler,

or a commercial forms printer).

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

d) Movement Document Requirements for Export Shipments.

1) An exporter must ensure that a movement document meeting the conditions of subsection (d)(2) accompanies each transboundary movement of hazardous wastes from the initiation of the shipment until the wastes reach the foreign receiving facility, including cases where the hazardous waste is stored or sorted by the foreign importer prior to shipment to the foreign receiving facility, except as follows:

A) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the exporter must forward the movement document to the last water (bulk shipment) transporter to handle the hazardous waste in the United States if exported by water.

B) For rail shipments of hazardous waste within the United States which start from the company originating the export shipment, the exporter must forward the movement document to the next non-rail transporter, if any, or the last rail transporter to handle the hazardous waste in the United States if exported by rail.

2) The movement document must include the following:

A) The corresponding consent numbers and USEPA hazardous waste numbers for the listed hazardous waste from the relevant USEPA AOCs;

B) The shipment number and the total number of shipments from the USEPA AOC;

C) The exporter name and USEPA identification number, address, telephone, fax numbers, and email address;

D) The foreign receiving facility name, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;

E) The foreign importer name (if not the owner or operator of the foreign receiving facility), address, telephone, fax numbers, and email address;

F) A description of each hazardous waste; the quantity of each hazardous waste in the shipment; the applicable hazardous waste numbers for each hazardous waste; the applicable OECD waste code for each hazardous waste from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and the United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111, for each hazardous waste;

G) The date movement commenced;

H) The name (if not exporter), address, telephone, fax numbers, and email of company originating the shipment;

I) The company name, USEPA identification number, address, telephone, fax, and email address of each transporter;

J) Identification (license, registered name, or registration number) of means of transport, including types of packaging;

K) Any special precautions to be taken by transporters;

L) A declaration and certification signed and dated by the exporter that the information in the movement document is complete and correct;

M) The appropriate signatures for each custody transfer (e.g., transporter, importer, and owner or operator of the foreign receiving facility);

N) Each U.S. person that has physical custody of the hazardous waste from the time the movement commences until it arrives at the foreign receiving facility must sign the movement document (e.g., transporter, foreign importer, and owner or operator of the foreign receiving facility); and

O) As part of the contract requirements per subsection (f), the exporter must require that the foreign receiving facility send a copy of the signed movement document to the competent authorities of the countries of import and transit to confirm receipt within three working days of shipment delivery to the exporter. The exporter must additionally require that the foreign receiving facility send a copy to USEPA at the same time using the WIETS described in subsection (b)(1).

e) Duty to Return or Re-Export Hazardous Wastes. When a transboundary movement of hazardous wastes cannot be completed in accordance with the terms of the contract or the consents and alternative arrangements cannot be made to recover or dispose of the waste in an environmentally sound manner in the country of import, the exporter must ensure that the hazardous waste is returned to the United States or reexported to a third country. If the waste must be returned, the exporter must provide for the return of the hazardous waste shipment within ninety days from the time the country of import informs USEPA of the need to return the waste or such other period of time as the concerned countries agree. In all cases, the exporter must submit an exception report to USEPA in accordance with subsection (h).

f) Export Contract Requirements.

1) Exports of hazardous waste are prohibited unless they occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). A contract or equivalent arrangements for export of hazardous waste must be executed by the exporter, foreign importer (if different from the foreign receiving facility), and the owner or operator of the foreign receiving facility. The contract or equivalent arrangements must specify responsibilities for each of the exporter, the foreign importer, and the owner or operator of the foreign receiving facility. A contract or equivalent arrangements is valid for the purposes

only if each person assuming obligations under the contracts or equivalent arrangements has appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.

2) A contract or equivalent arrangements must specify the name and USEPA identification number of the following:

A) The company from where each export shipment of hazardous waste is initiated;

B) Each person who will have physical custody of the hazardous wastes;

C) Each person who will have legal control of the hazardous wastes; and

D) The foreign receiving facility.

3) A contract or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the hazardous waste if its disposition cannot be carried out as described in the notification of intent to export. For this contingency, contracts must specify the following:

A) That the transporter or foreign receiving facility having actual possession or physical control over the hazardous wastes will immediately inform the exporter, USEPA, and either the competent authority of the country of transit or the competent authority of the country of import of the need to make alternate management arrangements; and

B) That the person specified in the contract will assume responsibility for the adequate management of the hazardous wastes in compliance with applicable laws and regulations, including arranging the return of hazardous wastes, providing the notification for re-export to the competent authority in the country of import, including the equivalent of the information required in subsection (b)(1) and the original consent number issued for the initial export of the hazardous wastes in the notification, and obtaining consent

from USEPA and the competent authorities in the new country of import and any transit countries, as necessary, prior to re-export.

4) A contract must require that the foreign receiving facility send a copy of the signed movement document to confirm receipt within three working days of shipment delivery to the exporter and to the competent authorities of the countries of import and transit. The contract must additionally require that the foreign receiving facility send a copy to USEPA at the same time using the WIETS described in subsection (b)(1).

5) A contract must require that the foreign receiving facility send a copy of the signed and dated confirmation of recovery or disposal to the exporter and to the competent authority of the country of import, as soon as possible, but no later than thirty days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste. The contract must additionally require that the foreign receiving facility send a copy to USEPA at the same time using the WIETS described in subsection (b)(1).

6) A contract must require that the foreign importer or the foreign receiving facility that performed interim recycling operations R12, R13, or RC16, or interim disposal operations D13 through D15 or DC17, (recovery and disposal operations defined in 35 Ill. Adm. Code 722.181) do the appropriate of the following:

A) Provide the notification required in subsection (f)(3)(B) prior to any re-export of the hazardous wastes to a final foreign recovery or disposal facility in a third country; and

B) Promptly send copies of the confirmation of recovery or disposal that it receives from the final foreign recovery or disposal facility to the competent authority of the country of import within one year of shipment delivery to the final foreign recovery or disposal facility that performed one of recovery operations R1 through R11, or RC16 or one of disposal operations D1 through D12, DC15, or DC16. The contracts must additionally require that the foreign facility send copies to USEPA at the same time using the WIETS described in subsection (b)(1).

7) A contract or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of the country of import and any countries of transit, in accordance with applicable national or international law requirements.

BOARD NOTE: Financial guarantees required by competent authoritiess are intended to provide for alternate recycling, disposal, or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The United States does not require such financial guarantees at this time; however, some OECD member countries and other foreign countries do. It is the responsibility of the exporter to ascertain and comply with any foreign requirements; in some cases, persons or facilities located in those OECD member countries or other foreign countries may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

8) A contract or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of this Subpart H.

9) Upon request by USEPA or the Agency, U.S. exporters, importers, or recovery facilities must submit to the requestor copies of contracts, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity).

g) Annual reports. The exporter must file an annual report with USEPA no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. Prior to December 31, 2018, the exporter must mail or hand-deliver annual reports to USEPA for all shipments made the previous calendar year using one of the appropriate of the addresses specified in Section 722.182(e), or submit to USEPA using the WIETS described in subsection (b)(1) if the exporter has electronically filed USEPA information in AES per subsection (a)(6)(A)(i). Subsequently, the exporter must submit annual reports to USEPA using the WIETS described in subsection (b)(1). The annual report must include all of the following information:

1) The USEPA identification number, name, and mailing and site address of

the exporter filing the report;

2) The calendar year covered by the report;

3) The name and site address of each foreign receiving facility;

4) By foreign receiving facility, for each hazardous waste exported:

A) A description of the hazardous waste;

B) The applicable USEPA hazardous waste numbers (from Subpart C or D of 35 Ill. Adm. Code 721) for each waste;

C) The applicable waste code from the appropriate OECD waste list in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111;

D) The applicable USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111;

E) The name and USEPA identification number (where applicable) for each transporter used over the calendar year covered by the report; and

F) The consent numbers under which the hazardous waste was shipped, and for each consent number, the total amount of the hazardous waste and the number of shipments exported during the calendar year covered by the report;

5) In even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100 kg but less than 1,000 kg in a calendar month, and except for hazardous waste for which information was already provided pursuant to Section 722.141:

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

B) A description of the changes in volume and toxicity of the waste

actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984; and

6) A certification signed by the exporter that states:

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.

h) Exception Reports.

1) The exporter must file an exception report in lieu of the requirements of Section 722.142 (if applicable) with USEPA if any of the following occurs:

A) The exporter has not received a copy of the RCRA hazardous waste manifest (if applicable) signed by the transporter identifying the point of departure of the hazardous waste from the United States within 45 days from the date hazardous waste was accepted by the initial transporter, in which case the exporter must file the exception report within the next 30 days;

B) The exporter has not received a written confirmation of receipt from the foreign receiving facility in accordance with subsection (d) within 90 days from the date the waste was accepted by the initial transporter in which case the exporter must file the exception report within the next 30 days; or

C) The foreign receiving facility notifies the exporter, or the country of import notifies USEPA, of the need to return the shipment to the U.S. or arrange alternate management, in which case the exporter must file the exception report within 30 days of notification, or one day prior to the date the return shipment commences, whichever is sooner.

2) Prior to December 31, 2018, exception reports must be mailed or hand delivered to USEPA using the addresses listed in Section 722.182(e). Subsequently, exception reports must be submitted to USEPA using the WIETS described in subsection (b)(1).

i) Recordkeeping.

1) The exporter must keep the following records in subsections (i)(1)(A) through (i)(1)(E) and provide them to USEPA or Agency personnel upon request:

A) A copy of each notification of intent to export and each USEPA AOC for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;

B) A copy of each annual report for a period of at least three years from the due date of the report;

C) A copy of any exception reports and a copy of each confirmation of receipt (i.e., movement document) sent by the foreign receiving facility to the exporter for at least three years from the date the hazardous waste was accepted by the initial transporter;

D) A copy of each confirmation of recovery or disposal sent by the foreign receiving facility to the exporter for at least three years from the date that the foreign receiving facility completed interim or final processing of the hazardous waste shipment; and

E) A copy of each contract or equivalent arrangement established per Section 722.185 for at least three years from the expiration date of the contract or equivalent arrangement.

2) The exporters may satisfy these recordkeeping requirements by retaining electronically submitted documents in the exporter's account on USEPA's WIETS, provided that copies are readily available for viewing and production if requested by any USEPA or Agency inspector. No exporter may be held liable for the inability to produce such documents for inspection under this section if the exporter can demonstrate that the

inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS for which the exporter bears no responsibility.

3) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by USEPA or the Agency.

BOARD NOTE: Any Agency request for extended records retention under this subsection (i)(3) is subject to Board review pursuant to Section 40 of the Act.

~~a) Applicability. Consent must be obtained from the competent authorities of the relevant OECD country of import and country of transit prior to exporting hazardous waste destined for recovery operations subject to this Subpart H. Hazardous wastes subject to Amber control procedures are subject to the requirements of subsection (b) of this Section, and wastes that are not OECD-listed waste are subject to the requirements of subsection (c) of this Section.~~

~~b) Amber wastes. Export of hazardous waste from the United States, as described in Section 722.180(a), that is subject to the Amber control procedures is prohibited unless the notification and consent requirements of subsection (b)(1) or subsection (b)(2) of this Section are met.~~

~~1) Transactions requiring specific consent.~~

~~A) Notification. At least 45 days prior to commencement of each trans-boundary movement, the exporter must provide written notification in English of the proposed trans-boundary movement to the Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington DC 20460, and the Illinois Environmental Protection Agency, Bureau of Land, Division of Land Pollution Control, P.O. Box 19276, Springfield IL 62794-9276, with the words "Attention: OECD Export Notification" prominently displayed on the envelope. This notification must include all of the information identified in subsection (d) of this Section. In cases where wastes having similar physical and chemical characteristics, the same United~~

~~Nations classification, the same USEPA hazardous waste codes, and the Amber wastes are to be sent periodically to the same recovery facility by the same exporter, the exporter may submit one notification of intent to export these wastes in multiple shipments during a period of up to one year. Even when a general notification is used for multiple shipments, each shipment still must be accompanied by its own movement document pursuant to Section 722.184.~~

~~B)~~ ~~Tacit consent. If no objection has been lodged by any country concerned (i.e., country of export, country of import, or country of transit) to a notification provided pursuant to subsection (b)(1)(A) of this Section 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 trans-boundary movement may commence. 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.~~

~~C)~~ ~~Written consent. If the competent authorities of all the relevant OECD importing and transit countries provide written consent in a period less than 30 days, the trans-boundary movement may commence immediately after all necessary consents are received. Written consent expires for each relevant OECD importing and transit country one calendar year after the date of that country's consent unless otherwise specified; renotification and renewal of each expired consent is required for exports after that date.~~

~~2)~~ ~~Trans-boundary movements to facilities pre-approved by the competent authorities of the importing countries to accept specific wastes for recovery.~~

~~A)~~ ~~Notification. The exporter must provide USEPA and the Agency a notification that contains all of the information identified in subsection (d) of this Section in English, at least 10 days in advance of commencing shipment to a preapproved facility. The notification must indicate that the recovery facility is preapproved, and may apply to a single specific shipment or to multiple shipments as described in subsection (b)(1)(A) of this Section.~~

~~This information must be sent to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington DC 20460, and the Illinois Environmental Protection Agency, Bureau of Land, Division of Land Pollution Control, P.O. Box 19276, Springfield IL 62794-9276, with the words "OECD Export Notification – Pre-approved Facility" prominently displayed on the envelope. General notifications that cover multiple shipments as described in subsection (b)(1)(A) of this Section may cover a period of up to three years. Even when a general notification is used for multiple shipments, each shipment still must be accompanied by its own movement document pursuant to Section 722.184.~~

~~B)~~ ~~Exports to pre-approved facilities may take place after the elapse of seven working days from the issuance of an Acknowledgement of Receipt of the notification by the competent authority of the country of import, unless the exporter has received information indicating that the competent authority of any country concerned has objected to the shipment.~~

~~c)~~ ~~Waste that is not Green waste or Amber waste. Waste destined for recovery operations that is not Green waste or Amber waste, as defined in Section 722.181, but that is waste hazardous under U.S. national procedures, as defined in Section 722.181, is subject to the notification and consent requirements established the Amber control procedures in accordance with subsection (b) of this Section. Waste destined for recovery operations that has not been assigned to the OECD Green and Amber lists incorporated by reference in 40 CFR 262.89(d), and that is not hazardous under U.S. national procedures, as defined in Section 722.181, are subject to the Green control procedures.~~

~~d)~~ ~~Notification information. Notifications submitted under this Section must include the following information:~~

~~1)~~ ~~The serial number or other accepted identifier of the notification document;~~

~~2)~~ ~~The exporter's name and USEPA identification number (if applicable),~~

address, telephone, fax, and email address;

3) The importing recovery facility's name, address, telephone, fax, e-mail address, and technologies employed;

4) The importer's name (if not the owner or operator of the recovery facility), address, and telephone, fax, and e-mail address; whether the importer will engage in waste exchange recovery operation R12 or waste accumulation recovery operation R13 prior to delivering the waste to the final recovery facility; and identification of recovery operations to be employed at the final recovery facility;

5) The intended transporters' or their agents' address, telephone, fax, and e-mail address;

6) The country of export and relevant competent authority and point of departure;

7) The countries of transit and relevant competent authorities and points of entry and departure;

8) The country of import and relevant competent authority and point of entry;

9) A statement of whether the notification is a single notification or a general notification. If general, include the period of validity requested;

10) The dates foreseen for commencement of trans-boundary movements;

11) The means of transport envisaged;

12) The OECD waste designation (e.g., Green waste or Amber waste) for each waste type, a description of each waste type, the estimated total quantity of each waste type, the USEPA hazardous waste code for each waste type, and the United Nations number for each waste type;

13) The specification of the recovery operation, as defined in Section 722.181; and

14) A Certification/Declaration signed by the exporter that states as follows:

~~"I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into, and that any applicable insurance or other financial guarantees are or must be in force covering the trans-boundary movement.~~

~~Name:~~ _____

~~Signature:~~ _____

~~Date:~~ _____ ~~"~~

~~BOARD NOTE: The USEPA does not currently require financial assurance for these waste shipments. However, U.S. exporters may be asked by other governments to provide and certify to such assurance as a condition of obtaining consent to a proposed movement.~~

~~e)~~ ~~Certificate of recovery. As soon as possible, but no later than 30 days after the completion of recovery or one calendar year following receipt of the waste, whichever comes first, the U.S. recovery facility must send a certificate of recovery to the exporter and to the competent authorities of the countries of export and import. The recovery facility owner or operator must send the certificate of recovery by mail. Alternatively, the recovery facility owner or operator may send the certificate by e-mail without a digital signature or by fax, so long as the sending is immediately followed by mail. The certificate of recovery must include a signed, written, and dated statement which affirms that the waste materials were recovered in the manner agreed to by the parties to the contract required under Section 722.185.~~

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

**Section 722.184 Imports of Hazardous Waste~~Movement Document~~**

a) General Import Requirements.

1) With the exception of subsection (a)(5), the importer of a shipment covered under a consent from USEPA to the country of export issued before December 31, 2016 is subject to that approval and the requirements that existed at the time of that approval until such time the approval period

expires. Otherwise, any person that imports hazardous waste from a foreign country into the United States must comply with the requirements of this Part and the special requirements of this Subpart H.

2) Where the country of export does not require the foreign exporter to submit a notification and obtain consent to the export prior to shipment, the importer must submit a notification to USEPA in accordance with subsection (b).

3) The importer must comply with the contract requirements in subsection (f).

4) The importer must ensure compliance with the movement documents requirements in subsection (d); and

5) The importer must ensure compliance with the manifest instructions for import shipments in subsection (c).

b) Notifications. Where the competent authority of the country of export does not regulate the waste as hazardous waste and, thus, does not require the foreign exporter to submit to it a notification proposing export and obtain consent from USEPA and the competent authorities for the countries of transit, but USEPA does regulate the waste as hazardous waste, the following requirements apply:

1) The importer is required to provide notification in English to USEPA of the proposed transboundary movement of hazardous waste at least sixty days before the first shipment is expected to depart the country of export. A notification submitted prior to the electronic import-export reporting compliance date must be mailed or hand delivered to USEPA at the addresses specified in Section 722.182(e). Notifications submitted on or after the electronic import-export reporting compliance date must be submitted electronically using USEPA's WIETS. The notification may cover up to one year of shipments of one or more hazardous wastes being sent from the same foreign exporter, and must include all of the following information:

A) The foreign exporter name, address, telephone, fax numbers, and email address;

B) The receiving facility name, USEPA identification number, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;

C) The importer name (if not the owner or operator of the receiving facility), USEPA identification number, address, telephone, fax numbers, and email address;

D) The intended transporters or their agents; address, telephone, fax, and email address;

E) "U.S." as the country of import, "USA01" as the relevant competent authority code, and the intended U.S. ports of entry;

F) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 codee, any code for the OECD/Basel competent authority, and the ports of entry and exit for each country of transit;

G) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 code, any code for the OECD/Basel competent authority, and port of exit for the country of export;

H) A statement of whether the notification covers a single shipment or multiple shipments;

I) The start and end dates requested for transboundary movements;

J) The planned means of transport;

K) A description of each hazardous waste, including whether each hazardous waste is regulated universal waste under 35 Ill. Adm. Code 733, spent lead-acid batteries being exported for recovery of lead under Subpart G of 35 Ill. Adm. Code 726, or industrial ethyl alcohol being exported for reclamation under 35 Ill. Adm. Code 721.106(a)(3)(A); the estimated total quantity of each hazardous waste; the applicable USEPA hazardous waste numbers for each

hazardous waste; the applicable waste code from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and the United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111, for each hazardous waste;

L) Specification of the recovery or disposal operations, as defined in Section 722.181; and

M) A declaration and certification signed by the exporter that states as follows:

I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement.

Name:
Signature:
Date:

BOARD NOTE: The United States does not currently require financial assurance for these waste shipments.

BOARD NOTE: The United Nations Environment Programme, Basel Convention maintains an on-line list of competent authorities by country (www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx). The European Commission maintains a list of competent authorities for European Union members (ec.europa.eu/environment/waste/shipments/pdf/list_competent_authorities.pdf).

2) Notifications Listing Interim Recycling Operations or Interim Disposal Operations. If the receiving facility listed in subsection (b)(1)(B) will engage in any of the interim recovery operations R12 or R13 or interim disposal operations D13 through D15, the notification submitted according to subsection (b)(1) must also include the final recovery or disposal

facility name, address, telephone, fax numbers, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11 and D1 through D12, will be employed at the final recovery or disposal facility. The recovery and disposal operations in this subsection are defined in Section 722.181.

3) Renotifications. When the foreign exporter wishes to change any of the conditions specified on the original notification (including increasing the estimate of the total quantity of hazardous waste specified in the original notification or adding transporters), the importer must submit a renotification of the changes to USEPA using the allowable methods in subsection (b)(1). Any shipment using the requested changes cannot take place until USEPA and the countries of transit consent to the changes and the importer receives an USEPA AOC letter documenting the consents to the changes.

4) A notification is complete when USEPA determines the notification satisfies the requirements of subsections (b)(1)(A) through (b)(1)(M).

5) Where USEPA and the countries of transit consent to the proposed transboundary movements of the hazardous wastes, USEPA will forward an USEPA AOC letter to the importer documenting the countries' consents and USEPA's consent. Where any of the countries of transit or USEPA objects to the proposed transboundary movements of the hazardous waste or withdraws a prior consent, USEPA will notify the importer.

6) Export of Hazardous Wastes Originally Imported into the United States. Export of hazardous wastes that were originally imported into the United States for recycling or disposal operations is prohibited unless an exporter in the United States complies with the export requirements in Section 722.183(b)(7).

c) RCRA Manifest Instructions for Import Shipments.

1) When importing hazardous waste, the importer must meet all the requirements of Section 722.120 for the manifest, with the following exceptions:

A) (Block 5): In place of the generator's name, address and USEPA

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

B) (Block 15): In place of the generator's signature on the certification statement, the importer or its agent must sign and date the certification and obtain the signature of the initial transporter.

2) The importer may obtain the manifest form from any source that is registered with the USEPA as a supplier of manifests (e.g., a state, a waste handler, or a commercial forms printer).

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

3) In the International Shipments block (block 16), the importer must check the import box and enter the point of entry (city and state) into the United States.

4) The importer must provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to USEPA in accordance with 35 Ill. Adm. Code 724.171(a)(3) and 725.171(a)(3).

5) In lieu of the requirements of Section 722.120(d), where a shipment cannot be delivered for any reason to the receiving facility, the importer must instruct the transporter in writing via fax, email, or mail to do the following:

A) Return the hazardous waste to the foreign exporter or designate another facility within the United States; and

B) Revise the manifest in accordance with the importer's instructions.

d) Movement Document Requirements for Import Shipments.

1) The importer must ensure that a movement document meeting the conditions of subsection (d)(2) accompanies each transboundary movement of hazardous wastes from the initiation of the shipment in the

country of export until it reaches the receiving facility, including cases in which the hazardous waste is stored or sorted by the importer prior to shipment to the receiving facility, except as provided in subsections (d)(1)(A) and (d)(1)(B).

A) For shipments of hazardous waste within the United States by water (bulk shipments only), the importer must forward the movement document to the last water (bulk shipment) transporter to handle the hazardous waste in the United States if imported by water.

B) For rail shipments of hazardous waste within the United States which start from the company originating the export shipment, the importer must forward the movement document to the next non-rail transporter, if any, or the last rail transporter to handle the hazardous waste in the United States if imported by rail.

2) The movement document must include the following:

A) The corresponding USEPA AOC numbers and USEPA hazardous waste numbers for the listed waste;

B) The shipment number and the total number of shipments under the USEPA AOC number;

C) The foreign exporter name, address, telephone, fax numbers, and email address;

D) The receiving facility name, USEPA identification number, address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;

E) The importer name (if not the owner or operator of the receiving facility), USEPA identification number, address, telephone, fax numbers, and email address;

F) A description of each hazardous waste, quantity of each hazardous waste in the shipment; the applicable hazardous waste numbers for

each hazardous waste; the applicable waste code for each hazardous waste from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and the United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111, for each hazardous waste;

G) The date movement commenced;

H) The name (if not the foreign exporter), address, telephone, fax numbers, and email of the foreign company originating the shipment;

I) The company name, USEPA identification number, address, telephone, fax, and email address of all transporters;

J) Identification (license, registered name or registration number) of the means of transport, including types of packaging;

K) Any special precautions to be taken by transporters;

L) A declaration and certification signed and dated by the foreign exporter that the information in the movement document is complete and correct;

M) The appropriate signatures for each custody transfer (e.g., transporter, importer, and owner or operator of the receiving facility);

N) Each person that has physical custody of the waste from the time the movement commences until it arrives at the receiving facility must sign the movement document (e.g., transporter, importer, and owner or operator of the receiving facility); and

O) The receiving facility must send a copy of the signed movement document to the competent authorities of the countries of export and transit to confirm receipt within three working days after shipment delivery to the foreign exporter. For shipments received on or after the electronic import-export reporting compliance date,

to USEPA electronically using USEPA's WIETS.

e) Duty to Return or Export Hazardous Wastes. When a transboundary movement of hazardous wastes cannot be completed in accordance with the terms of the contract or the consents, the provisions of subsection (f)(4) apply. If alternative arrangements cannot be made to recover the hazardous waste in an environmentally sound manner in the United States, the hazardous waste must be returned to the country of export or exported to a third country. The provisions of subsection (b)(6) apply to any hazardous waste shipments to be exported to a third country. If the return shipment will cross any transit country, the return shipment may only occur after USEPA provides notification to and obtains consent from the competent authority of the country of transit, and provides a copy of that consent to the importer.

f) Import Contract Requirements.

1) Imports of hazardous waste must occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). A contract or equivalent arrangements must specify responsibilities for each of the foreign exporter, the importer, and the owner or operator of the receiving facility, and each must execute the contract or equivalent arrangements. A contract or equivalent arrangements is valid for the purposes of hazardous waste import only if all persons assuming obligations under the contract or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.

2) Contracts or equivalent arrangements must specify the name and USEPA identification number, where available, of the following persons:

A) The foreign company from which each import shipment of hazardous waste is initiated;

B) Each person that will have physical custody of the hazardous wastes;

C) Each person that will have legal control of the hazardous wastes; and

D) The receiving facility.

3) A contract or equivalent arrangements must specify the use of a movement document in accordance with Section 722.184(d).

4) A contract or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the hazardous waste if the wastes' disposition cannot be carried out as described in the notification of intent to export submitted by either the foreign exporter or the importer. In such cases, the contract must specify each of the following:

A) That the transporter or receiving facility having actual possession or physical control over the hazardous wastes will immediately inform the foreign exporter, the importer, and the competent authority where the shipment is located of the need to arrange alternate management or return; and

B) That the person specified in the contract will assume responsibility for the adequate management of the hazardous wastes in compliance with applicable laws and regulations, including arranging the return of the hazardous wastes, if necessary, providing the notification for re-export as required by Section 722.183(b)(7).

5) A contract must specify that the importer or the receiving facility performing interim recycling operations R12, R13, or RC16 or interim disposal operations D13 through D15 or DC15 through DC17, as appropriate, will provide the notification required by Section 722.183(b)(7) prior to the re-export of hazardous waste. The recovery and disposal operations in this subsection are defined in Section 722.181.

6) A contract or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of any countries concerned, in accordance with applicable national or international law requirements.

BOARD NOTE: Financial guarantees required by competent authorities

are intended to provide for alternate recycling, disposal, or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The United States does not require such financial guarantees at this time; however, some OECD Member countries or other foreign countries do. It is the responsibility of the importer to ascertain and comply with any financial requirements; in some cases, persons or facilities located in those countries may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

7) A contract or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of this Subpart H.

8) Upon request by USEPA, an importer or disposal or recovery facility must submit to USEPA copies of the contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity).

g) Confirmation of Recovery or Disposal. The receiving facility must do the following:

1) Send copies of the signed and dated confirmation of recovery or disposal to the foreign exporter and to the competent authority of the country of export,, as soon as possible, but no later than thirty days after completing recovery or disposal of the waste in the shipment and no later than one calendar year following receipt of the waste. For shipments recycled or disposed of on or after the electronic import-export reporting compliance date, reporting to USEPA must occur electronically using USEPA's WIETS.

2) If the receiving facility performed any of recovery operations R12, R13, or RC16, or disposal operations D13 through D15, or DC17, the receiving facility must promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC14 to RC15, or one of disposal operations D1 through D12, or DC15 to DC16, to the competent authority of the country of export within one year of shipment delivery. For

confirmations received on or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's WIETS, or its successor system. The recovery and disposal operations in this subsection (g)(2) are defined in Section 722.181.

h) Recordkeeping.

1) The importer must keep the following records and provide them to USEPA or the Agency upon request:

A) A copy of each notification that the importer sends to USEPA under subsection (b)(1) and each USEPA AOC the importer receives in response for a period of at least three years from the date the hazardous waste was accepted by the initial foreign transporter; and

B) A copy of each contract or equivalent arrangement established per subsection (f) for at least three years from the expiration date of the contract or equivalent arrangement.

2) The receiving facility must keep the following records:

A) A copy of each confirmation of receipt (i.e., movement document) that the receiving facility sends to the foreign exporter for at least three years from the date it received the hazardous waste;

B) A copy of each confirmation of recovery or disposal that the receiving facility sends to the foreign exporter for at least three years from the date that it completed processing the waste shipment;

C) For the receiving facility that performed any of recovery operations R12, R13, or RC16, or disposal operations D13 through D15, or DC17 (recovery and disposal operations defined in Section 722.181), a copy of each confirmation of recovery or disposal that the final recovery or disposal facility sent to the receiving facility for at least three years from the date that the final recovery or disposal facility completed processing the waste shipment; and

D) A copy of each contract or equivalent arrangement established per subsection (f) for at least three years from the expiration date of the contract or equivalent arrangement.

3) An importers or receiving facility may satisfy these recordkeeping requirements by retaining electronically submitted documents in the importer's or receiving facility's account on USEPA's WIETS, provided that copies are readily available for viewing and production if requested by any USEPA or Agency inspector. No importer or receiving facility may be held liable for the inability to produce such documents for inspection under this Section if the importer or receiving facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS for which the importer or receiving facility bears no responsibility.

4) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by USEPA or the Agency.

BOARD NOTE: Any Agency request for extended records retention under this subsection (h)(4) is subject to Board review pursuant to Section 40 of the Act.

~~a) All U.S. parties subject to the contract provisions of Section 722.185 must ensure that a movement document meeting the conditions of subsection (b) of this Section accompanies each trans-boundary movement of wastes subject to Amber control procedures from the initiation of the shipment until it reaches the final recovery facility, including cases in which the waste is stored or sorted by the importer prior to shipment to the final recovery facility, except as provided in this subsection (a).~~

~~1) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator must forward the movement document with the manifest to the last water (bulk shipment) transporter to handle the waste in the United States if exported by water (in accordance with the manifest routing procedures at Section 722.123(c)).~~

~~2) For rail shipments of hazardous waste within the United States that~~

originate at the site of generation, the generator must forward the movement document with the manifest (in accordance with the routing procedures for the manifest in Section 722.123(d)) to the next non-rail transporter, if any, or the last rail transporter to handle the waste in the United States if exported by rail.

b) The movement document must include all information required under Section 722.183 (for notification) as well as the following information:

1) The date movement commenced;

2) The name (if not the exporter), address, telephone, fax, and e-mail of the primary exporter;

3) The company name and USEPA identification number of all transporters;

4) Identification (license, registered name, or registration number) of means of transport, including types of packaging envisaged;

5) Any special precautions to be taken by transporters;

6) A certification or declaration signed by the exporter that no objection to the shipment has been lodged as follows:

"I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantees are or must be in force covering the trans-boundary movement, and that (delete sentences that are not applicable):"

"1. All necessary consents have been received.";

"2. The shipment is directed at a recovery facility within the OECD area and no objection has been received from any of the concerned countries within the 30 day tacit consent period."; or

"3. The shipment is directed at a recovery facility pre-authorized for that type of waste within the OECD area, such an authorization has not been revoked, and no objection has been received from any of

~~the concerned countries."~~

~~"Name:~~ _____

~~Signature:~~ _____

~~Date:~~ _____ ~~"; and~~

~~7)~~ ~~The appropriate signatures for each custody transfer (e.g., transporter, importer, and owner or operator of the recovery facility).~~

~~c)~~ ~~Exporters also must comply with the special manifest requirements of Section 722.154(a), (b), (c), (e), and (i) and importers must comply with the import requirements of Subpart F of this Part.~~

~~d)~~ ~~Each U.S. person that has physical custody of the waste from the time the movement commences until it arrives at the recovery facility must sign the movement document (e.g., transporter, importer, and owner or operator of the recovery facility).~~

~~e)~~ ~~Within three working days after the receipt of imports subject to this Subpart H, the owner or operator of the U.S. recovery facility must send signed copies of the movement document to the exporter, to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, and to the competent authorities of the country of export and country of transit. If the concerned U.S. recovery facility is an R12 or R13 recovery operation facility, as defined in Section 722.181, the facility owner or operator must retain the original of the movement document for three years.~~

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

**Section 722.185 Contracts (Repealed)**

~~a)~~ ~~Trans-boundary movements of hazardous wastes subject to the Amber control procedures are prohibited unless they occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Such~~

~~contracts or equivalent arrangements must be executed by the exporter and the owner or operator of the recovery facility, and must specify responsibilities for each. Contracts or equivalent arrangements are valid for the purposes of this Section only if persons assuming obligations under the contracts or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.~~

~~b)~~ ~~Contracts or equivalent arrangements must specify the following names and USEPA identification numbers, where available:~~

~~1)~~ ~~The generator of each type of waste;~~

~~2)~~ ~~Each person that will have physical custody of the wastes;~~

~~3)~~ ~~Each person that will have legal control of the wastes; and~~

~~4)~~ ~~The recovery facility.~~

~~c)~~ ~~Contracts or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the wastes if its disposition cannot be carried out as described in the notification of intent to export. In such cases, contracts must specify the following:~~

~~1)~~ ~~That the person having actual possession or physical control over the wastes will immediately inform the exporter and the competent authorities of the country of export and country of import and, if the wastes are located in a country of transit, the competent authorities of that country; and~~

~~2)~~ ~~That the person specified in the contract will assume responsibility for the adequate management of the wastes in compliance with applicable laws and regulations including, if necessary, arranging the return of wastes and, as the case may be, shall provide the notification for re-export.~~

~~d)~~ ~~Contracts must specify that the importer will provide the notification required in Section 722.182(c) prior to re-export of controlled wastes to a third country.~~

~~e)~~ ~~Contracts or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of any country concerned, in~~

~~accordance with applicable national or international law requirements.~~

~~BOARD NOTE: Financial guarantees so required are intended to provide for alternative recycling, disposal, or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The U.S. does not require such financial guarantees at this time; however, some OECD member countries do. It is the responsibility of the exporter to ascertain and comply with such requirements; in some cases, a transporter or importer may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.~~

~~f)~~ ~~Contracts or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of this Subpart H.~~

~~g)~~ ~~Upon request by USEPA or the Agency, a U.S. exporter, importer, or recovery facility must submit to USEPA and the Agency copies of contracts, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Information contained in the contracts or equivalent arrangements for which a claim of confidentiality is asserted in accordance with 35 Ill. Adm. Code 130 will be treated as confidential and will be disclosed by the Agency only as provided in 35 Ill. Adm. Code 130.~~

~~BOARD NOTE: Although the United States does not require routine submission of contracts at this time, OECD Guidance Manual allows OECD member countries to impose such requirements. When other OECD member countries require submission of partial or complete copies of the contract as a condition to granting consent to proposed movements, USEPA or the Agency will request the required information; absent submission of such information, some OECD member countries may deny consent for the proposed movement. Information submitted to USEPA for which a claim of confidentiality is asserted in accordance with 40 CFR 2.203(b) and 260.2 will be treated as confidential and will be disclosed by USEPA only as provided in 40 CFR 260.2.~~

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

**Section 722.186 Provisions Relating to Recognized Traders (Repealed)**

~~a)~~ ~~A recognized trader that takes physical custody of a waste and conducts recovery operations (including storage prior to recovery) is acting as the owner or operator~~

~~of a recovery facility and must be so authorized in accordance with all applicable federal laws.~~

~~b)~~ ~~A recognized trader acting as an exporter or importer for trans-boundary shipments of waste must comply with all the exporter or importer requirements of this Subpart H.~~

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

**Section 722.187 Reporting and Recordkeeping (Repealed)**

~~a)~~ ~~Annual reports. For all waste movements subject to this Subpart H, persons (e.g., exporters, recognized traders, etc.) that meet the definition of primary exporter in Section 722.151 or which initiate the movement documentation pursuant to Section 722.184 must file an annual report with the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460 and the Illinois Environmental Protection Agency, Bureau of Land, Division of Land Pollution Control, P.O. Box 19276, Springfield, IL 62794, no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. (If the primary exporter or the person that initiates the movement document under Section 722.184 is required to file an annual report for waste exports that are not covered under this Subpart H, the person filing may include all export information in one report provided the following information on exports of waste destined for recovery within the designated OECD member countries is contained in a separate Section.) Such reports must include all of the following information:~~

~~1)~~ ~~The USEPA identification number, name, and mailing and site address of the exporter filing the report;~~

~~2)~~ ~~The calendar year covered by the report;~~

~~3)~~ ~~The name and site address of each final recovery facility;~~

~~4)~~ ~~By final recovery facility, for each hazardous waste exported, a description of the hazardous waste, the USEPA hazardous waste number (from Subpart C or D of 35 Ill. Adm. Code 721); the OECD waste~~

designation, as defined in Section 722.181, the USDOT hazard class; the name and USEPA identification number (where applicable) for each transporter used; the total amount of hazardous waste shipped pursuant to this Subpart H; and the number of shipments pursuant to each notification;

5) In even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100 kilograms (kg) but less than 1,000 kg in a calendar month, and except for hazardous waste for which information was already provided pursuant to Section 722.141:

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

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

6) A certification signed by the person acting as primary exporter or initiator of the movement document under Section 722.184 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."

b) Exception reports. Any person that meets the definition of primary exporter in Section 722.151 or which initiates the movement document under Section 722.184 must file with USEPA and the Agency an exception report in lieu of the requirements of Section 722.142 (if applicable) if any of the following occurs:

1) The person has not received a copy of the movement documentation signed by the transporter stating point of departure of the waste from the United States within 45 days from the date it was accepted by the initial transporter;

2) Within 90 days from the date the waste was accepted by the initial transporter, the exporter has not received written confirmation from the recovery facility that the hazardous waste was received; or

3) The waste is returned to the United States.

BOARD NOTE: The primary exporter must file the exception report required by this subsection (b) with USEPA at the following address: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

c) Recordkeeping.

1) A person that meets the definition of primary exporter in Section 722.151 or which initiates the movement document under Section 722.184 must keep the following records:

A) A copy of each notification of intent to export and all written consents obtained from the competent authorities of countries concerned, for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;

B) A copy of each annual report, for a period of at least three years from the due date of the report;

C) A copy of any exception reports and a copy of each confirmation of delivery (i.e., movement document) sent by the recovery facility to the exporter, for at least three years from the date the hazardous waste was accepted by the initial transporter or received by the recovery facility, whichever is applicable; and

D) A copy of each certificate of recovery sent by the recovery facility to the exporter, for at least three years from the date that the recovery facility completed processing the waste shipment.

2) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by USEPA or the Agency.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

**Section 722.189 OECD Waste Lists (Repealed)**

~~a) General. For the purposes of this Subpart H, a waste is considered hazardous under U.S. national procedures, and hence subject to this Subpart H, if the following is true of the waste:~~

~~1) The waste meets the federal definition of hazardous waste in 35 Ill. Adm. Code 721.103; and~~

~~2) The waste is subject to any of the following requirements:~~

~~A) The hazardous waste manifesting requirements of Subpart B of this Part, those of corresponding subpart B of 40 CFR 262, or those of a sister state that are analogous to subpart B of 40 CFR 262;~~

~~B) The universal waste management standards of 35 Ill. Adm. Code 733, those of corresponding 40 CFR 273, or those of a sister state that are analogous to 40 CFR 273;~~

~~C) The export requirements in the spent lead-acid battery management standards of Subpart G of 35 Ill. Adm. Code 726, those of corresponding subpart G of 40 CFR 266, or those of a sister state that are analogous to the export requirements in subpart G of 40 CFR 266.~~

~~b) If a waste is hazardous under subsection (a) of this Section, it is subject to the Amber control procedures, regardless of whether it is Amber waste, as defined in Section 722.181.~~

~~c) The appropriate control procedures for hazardous wastes and hazardous waste mixtures are addressed in Section 722.182.~~

~~d) This subsection (d) corresponds with 40 CFR 262.89(e), which incorporates the OECD Guidance Manual by reference. This statement maintains structural consistency with the corresponding federal regulations.~~

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

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

**Section 722.300 Definitions**

The following definitions apply for the purposes of this Subpart K:

~~"Central accumulation area" means an on-site hazardous waste accumulation area subject to Section 722.134(a) and (b), for a large quantity generator, or Section 722.134(d) through (f), for a small quantity generator. A central accumulation area at an eligible academic entity that chooses to be subject to this Subpart K must also comply with Section 722.311 when accumulating unwanted material or hazardous waste.~~

"College or University" means a private or public post-secondary degree-granting academic institution that is accredited by an accrediting agency listed annually by the U.S. Department of Education.
BOARD NOTE: The Department of Education maintains on-line lists of accrediting agencies on the Internet at the following address: www.ed.gov/admins/finaid/accred/accreditation_pg6.html#NationallyRecognized.

"Eligible academic entity" means a college or university, a non-profit research institute that is owned by or which has a formal written affiliation agreement with a college or university, or a teaching hospital that is owned by or which has a formal written affiliation agreement with a college or university.

"Formal written affiliation agreement" for a non-profit research institute means a written document that establishes a relationship between institutions for the purposes of research or education and which is signed by an authorized representative, as that term is defined in 35 Ill. Adm. Code 720.110, from each institution. A relationship that exists on a project-by-project or grant-by-grant basis is not considered a formal written affiliation agreement. "Formal written affiliation agreement" for a teaching hospital means a "master affiliation agreement" and "program letter of agreement~~,~~", as these terms are defined in the document entitled "Accreditation Council for Graduate Medical Education:

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Glossary of Terms~~,~~", incorporated by reference in 35 Ill. Adm. Code 720.111, with an accredited medical program or medical school.

"Laboratory" means an area owned by an eligible academic entity where relatively small quantities of chemicals and other substances are used on a non-production basis for teaching or research (or diagnostic purposes at a teaching hospital) and are stored and used in containers that are easily manipulated by one person. Photo laboratories, art studios, and field laboratories are laboratories within the meaning of this definition. Areas such as chemical stockrooms and preparatory laboratories that provide a support function to teaching or research laboratories (or diagnostic laboratories at teaching hospitals) are also laboratories within the meaning of this definition.

"Laboratory clean-out" means an evaluation of the inventory of chemicals and other materials in a laboratory that are no longer needed or which have expired and the subsequent removal of those chemicals or other unwanted materials from the laboratory. A clean-out may occur for several reasons. It may be on a routine basis (e.g., at the end of a semester or academic year) or as a result of a renovation, relocation, or change in laboratory supervisor or occupant. A regularly scheduled removal of unwanted material, as required by Section 722.308, does not qualify as a laboratory clean-out within the meaning of this definition.

"Laboratory worker" means a person who handles chemicals or unwanted material in a laboratory. This may include, but is not limited to, any member of faculty or staff, a post-doctoral fellow, an intern, a researcher, a technician, a supervisor or manager, or a principal investigator. A person does not need to be paid or otherwise compensated for his or her work in the laboratory to be considered a laboratory worker. An undergraduate or graduate student in a supervised classroom setting is not a laboratory worker.

"Non-profit research institute" means an organization that conducts research as its primary function and which files as a nonprofit organization under section 501(c)(3) of the federal tax code (26 USC 501(c)(3)).

"Reactive acutely hazardous unwanted material" means an unwanted material that is one of the acutely hazardous commercial chemical products listed in 35 Ill. Adm. Code 721.133(e) for reactivity.

"Teaching hospital" means a hospital that trains students to become physicians, nurses, or other health or laboratory personnel.

"Trained professional" means a person who has completed the applicable RCRA training requirements of 35 Ill. Adm. Code 722.117~~725.116~~, for an LQG~~a large quantity generator~~, or who is knowledgeable about normal operations and emergencies in accordance with Section 722.116~~722.134(d)(5)(C)~~, for an SQG~~a small quantity generator~~ or VSQG~~conditionally exempt small quantity generator~~. A trained professional may be an employee of the eligible academic entity or a contractor or vendor who meets the requisite training requirements.

"Unwanted material" means any chemical, mixtures of chemicals, products of experiments, or other material from a laboratory that is no longer needed, wanted, or usable in the laboratory and which is destined for hazardous waste determination by a trained professional. Unwanted material includes reactive acutely hazardous unwanted material, material that may eventually be determined not to be solid waste pursuant to 35 Ill. Adm. Code 721.102, or a hazardous waste pursuant to 35 Ill. Adm. Code 721.103. If an eligible academic entity elects to use another equally effective term in lieu of "unwanted material~~,~~", as allowed by Section 722.306(a)(1)(A), the equally effective term will have the same meaning, and the material designated by that term will be subject to the same requirements as "unwanted material" under this Subpart K.

"Working container" means a small container (i.e., two gallons (7.6 ℓ) or less) that is in use at a laboratory bench, hood, or other work station, to collect unwanted material from a laboratory experiment or procedure.

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

**Section 722.301 Applicability**

a) LQGs~~Large quantity generators~~ and SQGs~~small quantity generators~~. This Subpart K provides alternative requirements to the requirements set forth in Sections 722.111 and 722.115~~722.134(c)~~ for determination of hazardous waste and accumulation of hazardous waste in a laboratory owned by an eligible academic entity that chooses to be subject to this Subpart K, provided that the academic entity fulfills the notification requirements of Section 722.303.

b) VSQGs~~Conditionally exempt small quantity generators~~. This Subpart K provides alternative requirements to the conditional exemption set forth in 35 Ill. Adm. Code 722.114~~721.105(b)~~ for the accumulation of hazardous waste in a laboratory owned by an eligible academic entity that chooses to be subject to this Subpart K, provided that the academic entity fulfills the notification requirements of Section 722.303.

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

**Section 722.302 Opting into the Subpart K Requirements**

a) LQGs~~Large quantity generators~~ and SQGs~~small quantity generators~~. An eligible academic entity has the option of complying with this Subpart K with respect to its laboratories, as an alternative to complying with the requirements set forth in Sections 722.111 and 722.115~~722.134(c)~~.

b) VSQGs~~Conditionally exempt small quantity generators~~. An eligible academic entity has the option of complying with this Subpart K with respect to its laboratories, as an alternative to complying with the conditional exemption of 35 Ill. Adm. Code 722.114~~721.105(b)~~.

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

**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~~conditionally exempt small quantity generator (CESQG)~~ that does not have a USEPA identification number, the VSQG~~CESQG~~ 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~~CESQG~~ with multiple sites, it must submit a separate notification (using USEPA Form 8700-12) for each USEPA identification number (or site, for a VSQG ~~CESQG~~) 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)~~.~~". ~~This is the title that appears on the face of the form.~~ The title on ~~the pre-pended instructions for~~ 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~~www.epa.gov/osw/inforesources/data/form8700/8700-12.pdf. Only the November 2009 version of USEPA Form 8700-12 includes a segment relating to the alternative standards for eligible academic entities~~.

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~~ID Number~~" (except for a VSQG~~conditionally exempt small quantity generator~~)

"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"

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"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) ~~of this Section~~, on file at the eligible academic entity for as long as its laboratories are subject to this Subpart K.

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 42 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~~134(c)~~, which are the generally applicable standards for SQGs~~small quantity generators~~ and LQGs~~large quantity generators~~. An eligible academic entity must notify the Agency and USEPA Region 5 in writing of this election using the USEPA Form 8700-12. If the eligible academic entity is a VSQG~~CESQG~~ 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~~on-site~~. The eligible academic entity that is a VSQG~~CESQG~~ that makes this election must comply with the conditional exemption in 35 Ill. Adm. Code 722.114~~721.105(b)~~. If the eligible academic entity has multiple USEPA identification numbers, or if it is a VSQG~~CESQG~~ with multiple sites, it must submit a separate notification (using USEPA Form 8700-12) for each USEPA

identification number (or site, for a VSQG~~CESQG~~) 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~~requirements set forth~~ in Sections 722.111 and 722.115~~134(c)~~, which are the generally applicable standards for SQGs~~small quantity generators~~ and LQGs~~large quantity generators~~, or 35 Ill. Adm. Code 721.114~~105(b)~~, which are the generally applicable standards for VSQGs~~conditionally exempt small quantity generators~~.

BOARD NOTE: Corresponding 40 CFR 262.204(a) requires the use of the "RCRA Subtitle C Site Identification Form (EPA Form 8700-12)~~.~~". ~~This is the title that appears on the face of the form.~~ The title on ~~the pre-pended instructions for~~ 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~~www.epa.gov/osw/inforesources/data/form8700/8700-12.pdf~~. ~~Only the November 2009 version of USEPA Form 8700-12 includes a segment relating to the alternative standards for eligible academic entities.~~

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~~ID Number~~" (except for a VSQG~~conditionally exempt small quantity generator~~)

"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) ~~of this Section~~, on file at the eligible academic entity for three years after the date of the notification of withdrawal.

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

**Section 722.306 Container Standards in the Laboratory**

An eligible academic entity must manage containers of unwanted material while in the laboratory in accordance with the requirements in this Section.

a) Labeling: The eligible academic entity must label containers of unwanted material as follows:

1) The following information must be affixed or attached to the container:

A) The words "unwanted material~~,~~", or another equally effective term that is to be used consistently by the eligible academic entity and that is identified in Part I of the Laboratory Management Plan; and

B) Sufficient information to alert emergency responders to the contents of the container. Examples of information that would be sufficient to alert emergency responders to the contents of the container include, but are not limited to, the following:

i) The name of the chemicals; or

ii) The type or class of chemicals, such as organic solvents or halogenated organic solvents.

2) The following information may be affixed or attached to the container, but must be associated with the container if not attached to it:

A) The date on which the unwanted material first began accumulating in the container; and

B) Information sufficient to allow a trained professional to properly identify whether an unwanted material is a solid waste and a hazardous waste and to assign the proper USEPA hazardous waste numbers~~codes~~ to the material, pursuant to Section 722.111. Examples of information that would allow a trained professional to properly identify whether an unwanted material is a solid waste and hazardous waste include, but are not limited to, the following:

i) The name or description of the chemical contents or the composition of the unwanted material or, if known, the product of the chemical reaction;

ii) Whether the unwanted material has been used or is unused; and

iii) A description of the manner in which the chemical was produced or processed, if applicable.

b) Management of Containers in the Laboratory. An eligible academic entity must properly manage containers of unwanted material in the laboratory in a way that assures safe storage of the unwanted material and which prevents leaks, spills, emissions to the air, adverse chemical reactions, and dangerous situations that may result in harm to human health or the environment. Proper container management must include the following actions:

1) Containers must be maintained and kept in good condition, and damaged containers must be replaced, overpacked, or repaired;

2) Containers must be compatible with their contents, in order to avoid reactions between the contents and the container; and they must be made of, or lined with, material that is compatible with the unwanted material, so that the container's integrity is not impaired; and

3) Containers must be kept closed at all times, except under the following circumstances:

A) A container may be open when adding, removing, or bulking unwanted material;

B) A working container may be open until the end of the procedure, until the end of the work shift, or until it is full, whichever comes first, at which time either the working container must be closed or its contents emptied into a separate container that is then closed; or

C) A container may be open when venting of a container is necessary for either of the following reasons:

i) It is necessary for the proper operation of laboratory equipment, such as with inline collection of unwanted materials from high performance liquid chromatographs; or

ii) It is necessary to prevent dangerous situations, such as a build-up of extreme pressure.

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

**Section 722.307 Personnel Training**

An eligible academic entity must provide training to all individuals working in its laboratory, as follows:

a) It must provide training for laboratory workers and students that is commensurate with their duties, so that the workers and students understand the requirements of this Subpart K and can implement them.

b) An eligible academic entity may provide training for laboratory workers and students in a variety of ways, including, but not limited to, any of the following:

1) Instruction by the professor or laboratory manager before or during an experiment;

2) Formal classroom training;

3) Electronic or written training;

4) On-the-job training; or

5) Written or oral exams.

c) An eligible academic entity that is an LQG~~a large quantity generator~~ (see Section 722.127) must maintain for the durations specified in 35 Ill. Adm. Code 725.116(e) documentation which is sufficient to demonstrate that training for all laboratory workers has occurred. Examples of documentation which demonstrates that training has occurred can include, but are not limited to, the following:

1) Sign-in or attendance sheets for training sessions;

2) Syllabi for training sessions;

3) Certificates of training completion; or

4) Test results.

d) A trained professional is required for either of the following tasks:

1) A trained professional must accompany the transfer of unwanted material and hazardous waste when the unwanted material and hazardous waste is removed from the laboratory; and

2) A trained professional must make the hazardous waste determination for unwanted material, pursuant to Section 722.111(a) through (d).

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

**Section 722.308 Removing Unwanted Material from the Laboratory**

a) Removing containers of unwanted material on a regular schedule. An eligible academic entity must do either of the following:

1) It must remove all containers of unwanted material from each laboratory on a regular interval, not to exceed 12~~six~~ months; or

2) It must remove containers of unwanted material from each laboratory within 12~~six~~ months after each container's accumulation start date.

b) The eligible academic entity must specify in Part I of its Laboratory Management Plan whether it will comply with subsection (a)(1) or (a)(2)~~ of this Section~~ for the regular removal of unwanted material from its laboratories.

c) The eligible academic entity must specify in Part II of its Laboratory Management Plan how it will comply with subsection (a)(1) or (a)(2)~~ of this Section~~ and how the eligible academic entity will develop a schedule for regular removals of unwanted material from its laboratories.

d) Removing containers of unwanted material when volumes are exceeded.

1) If a laboratory accumulates a total volume of unwanted material (including reactive acutely hazardous unwanted material) in excess of 55 gallons (208 ℓ) before the regularly scheduled removal, the eligible academic entity must ensure that the following requirements are fulfilled for all containers of unwanted material in the laboratory (including reactive acutely hazardous unwanted material):

A) The containers are marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date on which 55 gallons (208 ℓ) was exceeded; and

B) The containers are removed from the laboratory within 10 calendar days after the date on which 55 gallons (208 ℓ) was exceeded, or on the date of the next regularly scheduled removal, whichever comes first.

2) If a laboratory accumulates more than one quart (0.946 ℓ) of liquid reactive acutely hazardous unwanted material or more than 1 kg (2.2 lbs) of solid reactive acutely hazardous unwanted material before the regularly scheduled removal, then the eligible academic entity must ensure that the following requirements are fulfilled for all containers of reactive acutely hazardous unwanted material:

A) The containers are marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date on which one quart (0.946 ℓ) or 1 kg was exceeded; and

B) The containers are removed from the laboratory within 10 calendar days after the date on which one quart (0.946 ℓ) or 1 kg was exceeded, or at the next regularly scheduled removal, whichever comes first.

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

**Section 722.309 Hazardous Waste Determination and Removal of Unwanted Material from the Laboratory**

a) LQGs~~Large quantity generators~~ and SQGs~~small quantity generators~~. An eligible academic entity that is an LQG~~a large quantity generator~~ or an SQG~~a small quantity generator~~ must ensure that a trained professional makes a hazardous waste determination, pursuant to Section 722.111, for unwanted material in any of the following areas within the time given for that area:

1) In the laboratory, before the unwanted material is removed from the laboratory, in accordance with Section 722.310;

2) At an on-site central accumulation area, within four calendar days after the waste arrives in the area, in accordance with Section 722.311; or

3) At an on-site interim status or permitted treatment, storage, or disposal facility, within four calendar days after the waste arrives in the facility, in accordance with Section 722.312.

b) VSQGs~~Conditionally exempt small quantity generators~~. An eligible academic entity that is a conditionally exempt small quantity generator must ensure that a trained professional makes a hazardous waste determination, pursuant to Section 722.111(a) through (d), for unwanted material in the laboratory before the unwanted material is removed from the laboratory, in accordance with Section 722.310.

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

**Section 722.310 Hazardous Waste Determination in the Laboratory**

When an eligible academic entity makes the hazardous waste determination, pursuant to Section 722.111, for unwanted material in the laboratory, it must fulfill the following requirements:

a) A trained professional must make the hazardous waste determination, pursuant to Section 722.111(a) through (d), before the unwanted material is removed from the laboratory.

b) If an unwanted material is a hazardous waste, the eligible academic entity must do the following:

1) It must write the words "hazardous waste" on the container label that is affixed or attached to the container, before the hazardous waste may be removed from the laboratory;

2) It must write the appropriate USEPA hazardous waste numbers~~codes~~ on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste is transported off-site; and

3) It must count the hazardous waste toward the amount used to determine the eligible academic entity's generator category~~status~~, pursuant to 35 Ill. Adm. Code 721.113~~105(c) and (d)~~, in the calendar month that the hazardous waste determination was made.

c) A trained professional must accompany all hazardous waste that is transferred from the laboratory to an on-site central accumulation area or on-site interim status or permitted treatment, storage, or disposal facility.

d) When hazardous waste is removed from the laboratory, the following requirements apply:

1) An eligible academic entity that is an LQG~~a large quantity generator~~ or an SQG~~a small quantity generator~~ must ensure that its hazardous waste is taken directly from the laboratory to an on-site central accumulation area or to an on-site interim status or permitted treatment, storage, or disposal facility, or the waste is transported off-site.

2) An eligible academic entity that is a VSQG~~conditionally exempt small quantity generator~~ must ensure that its hazardous waste is taken directly from the laboratory to any of the types of facilities listed in 35 Ill. Adm. Code 721.114~~105(f)(3), for acute hazardous waste, or 35 Ill. Adm. Code 721.105(g)(3), for hazardous waste~~.

e) An unwanted material that is a hazardous waste is subject to all applicable hazardous waste regulations after it has been removed from the laboratory.

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

**Section 722.311 Hazardous Waste Determination at an On-Site Central Accumulation Area**

When an eligible academic entity makes the hazardous waste determination, pursuant to Section 722.111, for unwanted material at an on-site central accumulation area, it must fulfill the following requirements:

a) A trained professional must accompany all unwanted material that is transferred from the laboratory to an on-site central accumulation area.

b) All unwanted material removed from the laboratory must be taken directly from the laboratory to the on-site central accumulation area.

c) The unwanted material becomes subject to the generator accumulation regulations of Section 722.116~~134(a) (or Section 722.134(j) and (k) for a Performance Track member),~~ for an SQG~~a large quantity generator~~, or Section 722.117~~134(d) through (f),~~ for an LQG~~a small quantity generator~~, as soon as the material arrives in the central accumulation area, except for the "hazardous waste" labeling

requirements of Sections 722.116(b)(6) and 722.117(a)(5)~~Section 722.134(a)(3) (or Section 722.134(j)(6) for a Performance Track member)~~.

d) A trained professional must determine, pursuant to Section 722.111(a) through (d), if the unwanted material is a hazardous waste within four calendar days after the unwanted material has arrived at the on-site central accumulation area.

e) If the unwanted material is a hazardous waste, the eligible academic entity must fulfill the following requirements:

1) It must write the words "hazardous waste" on the container label that is affixed or attached to the container, within four calendar days after the unwanted material has arrived at the on-site central accumulation area and before the hazardous waste may be removed from that area;

2) It must write the appropriate USEPA hazardous waste numbers~~codes~~ on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste may be treated or disposed of on-site or transported offsite;

3) It must count the hazardous waste toward the amount used to determine the eligible academic entity's generator category~~status~~, pursuant to 35 Ill. Adm. Code 722.113~~721.105(c) and (d)~~, in the calendar month that the hazardous waste determination was made; and

4) It must manage the hazardous waste according to all applicable hazardous waste regulations.

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

**Section 722.312 Hazardous Waste Determination at an On-Site Treatment, Storage, or Disposal Facility**

When an eligible academic entity makes the hazardous waste determination, pursuant to Section 722.111, for unwanted material at an on-site interim status or permitted treatment, storage, or disposal facility, it must fulfill the following requirements:

a) A trained professional must accompany all unwanted material that is transferred from the laboratory to an on-site interim status or permitted treatment, storage, or disposal facility;

b) All unwanted material removed from the laboratory must be taken directly from the laboratory to the on-site interim status or permitted treatment, storage, or disposal facility;

c) The unwanted material becomes subject to the terms of the eligible academic entity's hazardous waste permit or interim status as soon as it arrives at the on-site treatment, storage, or disposal facility;

d) A trained professional must determine, pursuant to Section 722.111(a) through (d), if the unwanted material is a hazardous waste within four calendar days after the unwanted material has arrived at an on-site interim status or permitted treatment, storage or disposal facility; and

e) If the unwanted material is a hazardous waste, the eligible academic entity must fulfill the following requirements:

1) It must write the words "hazardous waste" on the container label that is affixed or attached to the container within four calendar days after the unwanted material has arrived at the on-site interim status or permitted treatment, storage, or disposal facility and before the hazardous waste may be removed from that facility;

2) It must write the appropriate USEPA hazardous waste numbers~~codes~~ on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste may be treated or disposed of on-site or transported off-site;

3) It must count the hazardous waste toward the amount used to determine the eligible academic entity's generator category~~status~~, pursuant to 35 Ill. Adm. Code 722.113~~721.105(c) and (d)~~ in the calendar month that the hazardous waste determination was made; and

4) It must manage the hazardous waste according to all applicable hazardous waste regulations.

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

**Section 722.313 Laboratory Clean-Outs**

a) Once in any 12-month period for each laboratory, an eligible academic entity may opt to conduct a laboratory clean-out that is subject to all the applicable requirements of this Subpart K, except that the following limitations apply:

1) If the volume of unwanted material in the laboratory exceeds 55 gallons (208 ℓ) (or one quart (0.946 ℓ) of liquid reactive acutely hazardous unwanted material or 1 kg (0.45 lb) of solid reactive acutely hazardous unwanted material), the eligible academic entity is not required to remove all unwanted materials from the laboratory within 10 calendar days after exceeding 55 gallons (208 ℓ) (or one quart (0.946 ℓ) of liquid reactive acutely hazardous unwanted material or 1 kg (0.45 lb) of solid reactive acutely hazardous unwanted material), as required by Section 722.308. Instead, the eligible academic entity must remove all unwanted materials from the laboratory within 30 calendar days after the start of the laboratory clean-out;

2) For the purposes of on-site accumulation, an eligible academic entity is not required to count toward its hazardous waste generator categorystatus, pursuant to 35 Ill. Adm. Code 722.113721.105(c) and (d), a hazardous waste that is an unused commercial chemical product (one that is listed in Subpart D of 35 Ill. Adm. Code 721 or which exhibits one or more of the characteristics set forth in Subpart C of 35 Ill. Adm. Code 721) that is solely generated during the laboratory clean-out. An unwanted material that is generated prior to the beginning of the laboratory clean-out and which is still in the laboratory at the time the laboratory clean-out commences must be counted toward hazardous waste generator categorystatus, pursuant to 35 Ill. Adm. Code 722.113721.105(c) and (d), if it is determined to be hazardous waste;

3) For the purposes of off-site management, an eligible academic entity must count all of its hazardous waste, regardless of whether the hazardous waste was counted toward generator categorystatus under subsection (a)(2) of this Section, and if the eligible academic entity generates more than one kg per month of acute hazardous waste or more than 100 kg per month of

hazardous waste (i.e., the VSQG~~conditionally exempt small quantity generator~~ limits, defined in 40 CFR 260.10 ~~of 35 Ill. Adm. Code 721.105~~), the hazardous waste is subject to all applicable hazardous waste regulations when it is transported off site~~off-site~~; and

4) An eligible academic entity must document the activities of the laboratory clean-out. The documentation must, at a minimum, identify the laboratory being cleaned out, the date the laboratory clean-out began and ended, and the volume of hazardous waste generated during the laboratory clean-out. The eligible academic entity must maintain these records for a period of three years from the date on which the clean-out ended.

b) For all other laboratory clean-outs conducted during the same 12-month period, an eligible academic entity is subject to all the applicable requirements of this Subpart K, including, but not limited to the following:

1) The requirement to remove all unwanted materials from the laboratory within 10 calendar days of exceeding 55 gallons (208 ℓ) (or one quart (0.946 ℓ) of reactive acutely hazardous unwanted material), as required by Section 722.308; and

2) The requirement to count all hazardous waste, including unused hazardous waste, that is generated during the laboratory clean-out toward its hazardous waste generator category~~status~~, pursuant to 35 Ill. Adm. Code 722.113~~721.105(c) and (d)~~.

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

**Section 722.314 Laboratory Management Plan**

An eligible academic entity must develop and retain a written Laboratory Management Plan, or revise an existing written plan. The Laboratory Management Plan is a site-specific document that describes how the eligible academic entity will manage unwanted materials in compliance with this Subpart K. An eligible academic entity may write one Laboratory Management Plan for all of the laboratories that it owns which have opted into this Subpart K, even if the laboratories are located at sites with different USEPA identification numbers. The Laboratory Management Plan must contain two parts, with a total of the nine elements identified in subsections (a) and (b) ~~of this Section~~. In Part I of its Laboratory Management Plan, an eligible academic entity must describe its procedures for each of the elements listed in subsection (a) ~~of~~

~~this Section~~. An eligible academic entity must implement and comply with the specific provisions that it develops to address the elements in Part I of its Laboratory Management Plan. In Part II of its Laboratory Management Plan, an eligible academic entity must describe its best management practices for each of the elements listed in subsection (b) ~~of this Section~~. The specific actions taken by an eligible academic entity to implement each element in Part II of its Laboratory Management Plan may vary from the procedures described in the eligible academic entity's Laboratory Management Plan, without constituting a violation of this Subpart K. An eligible academic entity may include additional elements and best management practices in Part II of its Laboratory Management Plan if it so chooses.

a) The eligible academic entity must implement and comply with the specific provisions of Part I of its Laboratory Management Plan. In Part I of its Laboratory Management Plan, an eligible academic entity must include the following information:

1) Part I must describe procedures for container labeling in accordance with Section 722.306(a), as follows:

A) Identification whether the eligible academic entity will use the term "unwanted material" on the containers in the laboratory. If not, identification of an equally effective term that the eligible academic entity will consistently use in lieu of "unwanted material~~,~~". The equally effective term, if used, has the same meaning as the term "unwanted material~~,~~", and the material is subject to the same requirements as if it were called "unwanted material"; and

B) Identification of the manner in which information that is "associated with the container" will be imparted.

2) Identification whether the eligible academic entity will comply with Section 722.308(a)(1) or (a)(2) for regularly scheduled removals of unwanted material from the laboratory.

b) In Part II of its Laboratory Management Plan, an eligible academic entity must include the following information:

1) Description of its intended best practices for container labeling and management (see the required standards at Section 722.306);

2) Description of its intended best practices for providing training for laboratory workers and students commensurate with their duties (see the required standards at Section 722.307(a));

3) Description of its intended best practices for providing training to ensure safe on-site transfers of unwanted material and hazardous waste by trained professionals (see the required standards at Section 722.307(d)(1));

4) Description of its intended best practices for removing unwanted material from the laboratory, including the following:

A) For regularly scheduled removals, a regular schedule for identifying and removing unwanted materials from its laboratories (see the required standards at Section 722.308(a)(1) and (a)(2));

B) For removals when maximum volumes are exceeded, the following:

i) Description of the eligible academic entity's intended best practices for removing unwanted materials from the laboratory within 10 calendar days after the date on which unwanted materials have exceeded their maximum volumes (see the required standards at Section 722.308(d)); and

ii) Description of its intended best practices for communicating that unwanted materials have exceeded their maximum volumes;

5) Description of its intended best practices for making hazardous waste determinations, including specifying the duties of the individuals involved in the process (see the required standards at Sections 722.111(a) through (d) and 722.309 through 722.312);

6) Describe its intended best practices for laboratory clean-outs, if the eligible academic entity plans to use the incentives for laboratory clean-outs provided in Section 722.313, including the following:

A) Procedures for conducting laboratory clean-outs (see the required standards at Section 722.313(a)(1) through (a)(3)); and

B) Procedures for documenting laboratory clean-outs (see the required standards at Section 722.313(a)(4));

7) Description of the eligible academic entity's intended best practices for emergency prevention, including the following information:

A) Procedures for emergency prevention, notification, and response that are appropriate to the hazards in the laboratory;

B) A list of chemicals that the eligible academic entity has, or is likely to have, that become more dangerous when they exceed their expiration date or as they degrade;

C) Procedures to safely dispose of chemicals that become more dangerous when they exceed their expiration date or as they degrade; and

D) Procedures for the timely characterization of unknown chemicals.

c) An eligible academic entity must make its Laboratory Management Plan available to laboratory workers, students, or any others at the eligible academic entity who may request it.

d) An eligible academic entity must review and revise its Laboratory Management Plan as needed.

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

**Section 722.316 Non-Laboratory Hazardous Waste Generated at an Eligible Academic Entity**

An eligible academic entity that generates hazardous waste outside of a laboratory is not eligible to manage that hazardous waste under this Subpart K, and either of the following is true of the waste:

a) That hazardous waste remains subject to the generator requirements of Sections 722.111 and 722.115~~134(c)~~ for an LQG~~a large quantity generator~~ or an SQG~~a small quantity generator~~ (if the hazardous waste is managed in a satellite accumulation area), and all other applicable generator requirements of 40 CFR 722; or

b) That hazardous waste remains subject to the conditional exemption of 35 Ill. Adm. Code 722.114~~721.105(b)~~ for a VSQG~~a conditionally exempt small quantity generator~~.

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

SUBPART L: ALTERNATIVE STANDARDS FOR EPISODIC GENERATION

**Section 722.330 Applicability**

This subpart is applicable to VSQGs and SQGs, as defined in 35 Ill. Adm. Code 720.110.

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

**Section 722.331 Definitions for This Subpart L**

"Episodic event" means an activity or activities, either planned or unplanned, that does not normally occur during generator operations, resulting in an increase in the generation of hazardous wastes that exceeds the calendar month quantity limits for the generator's usual category.

"Planned episodic event" means an episodic event that the generator planned and prepared for, including regular maintenance, tank cleanouts, short-term projects, and removal of excess chemical inventory.

"Unplanned episodic event" means an episodic event that the generator did not plan or reasonably did not expect to occur, including production process upsets, product recalls, accidental spills, or "acts of nature", such as tornado, hurricane, or flood.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

**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 planned episodic event is necessary, as provided in Section 262.233;

2) Notification. The VSQG 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 From)). 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);

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 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 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.

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 planned episodic event is necessary, as provided in Section 262.233;

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 From)). 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 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;

3) USEPA Inedtification 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. The SQG must also maintain both of the following; and

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 262.16(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:

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

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

a) A generator may submit a written request to the Agency for a second episodic event 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 submit a written request to the Agency for an additional unplanned episodic event in that calendar year within 72 hours of the unplanned event.

2) If a VSQG or SQG has already held an unplanned episodic event in a calendar year, the generator may submit a written request to the Agency for an additional planned episodic event in that calendar year.

b) The written request must include the following:

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.

c) The generator must submit the writtin request to the Agency in writing, 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.

BOARD NOTE: Agency consideration of a request submitted under this Section is in the nature of a permit determination, even though USEPA appears to intend that the determination occur within 72 hours. Any Agency determination is reviewable by the Board pursuant to Section 40 of the Act. 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.

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

SUBPART M: PREPAREDNESS, PREVENTION, AND EMERGENCY PROCEDURES FOR LARGE QUANTITY GENERATORS

**Section 722.350 Applicability**

The regulations of this Subpart M apply to those areas of an LQG where hazardous waste is generated or accumulated on site.

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

**Section 722.351 Maintenance and Operation of Facility**

An LQG must maintain and operate its facility in a manner that minimizes the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

**Section 722.352 Required Equipment**

The LQG must equip all areas to which Section 262.250 deems this Subpart M applicable with the items in subsections (a) through (d) (unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified in this Section or the actual hazardous waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified in this Section). An LQG may determine the most appropriate locations within its facility to locate equipment necessary to prepare for and respond to emergencies. The LQG must have the appropriate of the following equipment:

a) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

b) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;

c) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

d) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

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

**Section 722.353 Testing and Maintenance of Equipment**

The LQG must test and maintain all required communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment as necessary to assure their proper operation in time of emergency.

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

**Section 722.354 Access to Communications or Alarm System**

a) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access (i.e., either

directly or through direct, unimpeded visual or voice contact with another employee) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under Section 262.252.

b) In the event there is just one employee on the premises while the facility is operating, the employee must have immediate access (i.e., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under Section 262.252.

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

**Section 722.355 Required Aisle Space**

The LQG must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

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

**Section 722.356 Arrangements with Local Authorities**

a) The LQG must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. The LQG may make arrangements with the Local Emergency Planning Committee, if it is the appropriate organization with which to make arrangements.

BOARD NOTE: The State Emergency Response Commission (SERC) maintains an on-line listing of Local Emergency Planning Committees in Illinois by jurisdiction: www.illinois.gov/iema/Preparedness/SERC/Documents/LEPC_ReleaseReportingContactList.pdf.

1) An LQG attempting to make arrangements with its local fire department must determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals.

2) As part of this coordination, the LQG must attempt to make arrangements, as necessary, to familiarize the above organizations with the layout of the facility, the properties of the hazardous waste handled at the facility and associated hazards, places where personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes, as well as the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

3) Where more than one police or fire department might respond to an emergency, the LQG must attempt to make arrangements designating primary emergency authority to a specific fire or police department, and arrangements with any others to provide support to the primary emergency authority.

b) The LQG must maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the operating record that either confirms such arrangements actively exist or, in cases where no arrangements exist, confirms that the LQG attempted to make these arrangements.

c) A facility possessing 24-hour response capabilities may seek a waiver from the authority having jurisdiction over the fire code within the State or facility's locality as far as needing to make arrangements with the local fire department, as well as any other organization necessary to respond to an emergency, provided that the waiver is documented in the operating record.

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

**Section 722.360 Purpose and Implementation of Contingency Plan**

a) An LQG must have a contingency plan for the facility. The LQG must design the contingency plan to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

b) The LQG must carry out the provisions of the plan immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

**Section 722.361 Content of Contingency Plan**

a) The contingency plan must describe the actions required of facility personnel to comply with Sections 722.360 and 722.365 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

b) If the generator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR 112 or some other emergency or contingency plan, the generator needs only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the standards of this Part. The generator may develop one contingency plan that meets all regulatory standards.

BOARD NOTE: USEPA recommends that the plan be based on the National Response Team's Integrated Contingency Plan Guidance ("One Plan"). The National Response Team published the Guidance at 61 Fed. Reg. 28642 (June 5, 1996).

c) The plan must describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals, or the Local Emergency Planning Committee, if applicable, pursuant to Section 262.256.

d) The plan must list names and emergency telephone numbers of all persons qualified to act as emergency coordinator (see Section 262.264), and the generator must keep this list up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. If the generator facility has an emergency coordinator continuously on duty because it operates 24 hours per day, every day of the year, the plan may list the staffed position (e.g., operations manager, shift coordinator, shift operations supervisor), as well as an emergency telephone number that will be answered at all times.

e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm

systems (internal and external), and decontamination equipment), where this equipment is required. The generator must keep this list up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

f) The plan must include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary. This plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

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

**Section 722.362 Copies of Contingency Plan**

A copy of the contingency plan and all revisions to the plan must be maintained at the LQG facility, and the LQG must to the following:

a) The LQG must submit a copy of the contingency plan and all revisions to all local emergency responders (i.e., police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services). The generator may also submit this document to the Local Emergency Planning Committee, as appropriate.

b) An LQG that first becomes subject to these provisions or an LQG that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified in subsection (a) or, as appropriate, the Local Emergency Planning Committee. The quick reference guide must include the following elements:

1) The types or names of hazardous wastes in layman's terms and the associated hazard associated with each hazardous waste present at any one time (e.g., toxic paint wastes, spent ignitable solvent, corrosive acid, etc.);

2) The estimated maximum amount of each hazardous waste that may be present at any one time;

3) The identification of any hazardous wastes where exposure would require unique or special treatment by medical or hospital staff;

4) A map of the facility showing where hazardous wastes are generated, accumulated, and treated and routes for accessing these wastes;

5) A street map of the facility in relation to surrounding businesses, schools and residential areas to understand how best to get to the facility and also evacuate citizens and workers;

6) The locations of water supply (e.g., fire hydrants and their flow rate);

7) The identification of on-site notification systems (e.g., a fire alarm that rings off site, smoke alarms, etc.); and

8) The name of the emergency coordinators and 24/7 emergency telephone numbers or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator.

c) A generator must update its quick reference guides, if necessary, whenever the contingency plan is amended and submit these documents to the local emergency responders identified in subsection (a) or, as appropriate, the Local Emergency Planning Committee.

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

**Section 722.363 Amendment of Contingency Plan**

The generator must review its contingency plan and immediately amend the plan, if necessary, whenever any of the following occurs:

a) Applicable regulations are revised;

b) The plan fails in an emergency;

c) The generator facility changes, in its design, construction, operation, maintenance, or other circumstances, in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents or which changes the response necessary in an emergency;

d) The list of emergency coordinators changes; or

e) The list of emergency equipment changes.

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

**Section 722.364 Emergency Coordinator**

At all times, at least one employee must be either on the generator's premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures and implementing the necessary emergency procedures outlined in Section 262.265. Although responsibilities may vary depending on factors such as type and variety of hazardous wastes handled by the facility, as well as type and complexity of the facility, this emergency coordinator must be thoroughly familiar with all aspects of the generator's contingency plan, all operations and activities at the facility, the location and characteristics of hazardous waste handled, the location of all records within the facility, and the facility's layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

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

**Section 722.365 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 undertake the following actions:

1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

2) 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. The emergency coordinator may do this by observation or review of the 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, the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions, etc.).

d) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment outside the facility, the emergency coordinator must report the findings as follows:

1) If the assessment indicates that evacuation of local areas may be advisable, the emergency coordinator must immediately notify appropriate local authorities. The emergency coordinator 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:

A) The name and telephone number of the reporter;

B) The name and address of the generator;

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 generator's facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released hazardous waste, and removing or isolating containers.

f) If the generator 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.

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. Unless the generator can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(c) or (d), that the recovered material is not a hazardous waste, then it is a newly generated hazardous waste that must be managed in accordance with all the applicable requirements and conditions for exemption in 35 Ill. Adm. Code 722, 723, and 725.

h) The emergency coordinator must ensure that the following is true in the affected areas of the facility:

1) No hazardous 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 generator 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, the generator 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 generator;

2) The date, time, and type of incident (e.g., fire, explosion, etc.);

3) The name and quantity of materials involved;

4) The extent of injuries, if any;

5) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

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6) The estimated quantity and disposition of recovered material that resulted from the incident.

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

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1) Heading of the Part: Standards Applicable to Transporters of Hazardous Waste

2) Code Citation: 35 Ill. Adm. Code 723

3)

| Section Numbers: | Proposed Actions: |
|---|---|
| 723.110 | Amendment |
| 723.112 | Amendment |
| 723.120 | Amendment |
| 723.121 | Amendment |
| 723.125 | 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 consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking that also affects 35 Ill. Adm. Code 702 through 705, 720 through 722, 724 through 728, 730, 733, 738, 739, and 810 through 812. Due to the extreme volume of the consolidated docket, each Part is covered by a notice in four separate issues of the *Illinois Register*. Included in this issue are 35 Ill. Adm. Code 722, 723, and 726 through 728. To save space, a more detailed description of the subjects and issues involved in the consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 722. A comprehensive description is contained in the Board's opinion and order of March 3, 2016, proposing amendments in docket R16-7, which opinion and order is available from the address below.

Specifically, the amendments to Part 723 incorporate elements of the Generator Improvements Rule and the Hazardous Waste Import-Export Revisions. The Board makes several needed corrections in the text of the rules.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R17-14/R17-15/R18-11/R18-31. The tables list the deviations from the literal text of the federal amendments and the several necessary corrections and stylistic revisions not directly derived from USEPA actions. Persons interested in the details of those deviations from the literal text should refer to the Identical-in–Substance Rulemaking Addendum (Proposed) in consolidated docket R17-14/R17-15/R18-11/R18-31.

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Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Illinois 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 IAPA, 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 805/3(b)].

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated docket R17-14/R17-15/R18-11/R18-31 and be addressed to:

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

Please direct inquiries to the following person and reference consolidated docket R17-14/R17-15/R18-11/R18-31:

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

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Chicago IL 60601

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

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

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

14) Regulatory Agenda on which this rulemaking was summarized: January 2017 and January 2018

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

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

PART 723
STANDARDS APPLICABLE TO
TRANSPORTERS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section
723.110 Scope
723.111 USEPA Identification Number
723.112 Transfer Facility Requirements
723.113 Electronic Reporting

SUBPART B: COMPLIANCE WITH THE MANIFEST SYSTEM AND RECORDKEEPING

Section
723.120 The Manifest System
723.121 Compliance with the Manifest
723.122 Recordkeeping
723.125 Electronic Manifest Signatures

SUBPART C: HAZARDOUS WASTE DISCHARGES

Section
723.130 Immediate Action
723.131 Discharge Cleanup

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

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R84-9 at 9 Ill. Reg. 11961, effective July 24, 1985; amended in R86-19 at 10 Ill. Reg. 20718, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13570, effective August 4, 1987; amended in R87-5 at

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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 at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

**Section 723.110 Scope**

a) These regulations establish standards which apply to persons transporting hazardous waste into, out of or through Illinois if the transportation requires a manifest under 35 Ill. Adm. Code 722.

b) These regulations do not apply to on-site transportation of hazardous waste by generators or by owners or operators of permitted hazardous waste management facilities.

c) A transporter of hazardous waste must also comply with 35 Ill. Adm. Code 722, "Standards Applicable to Generators of Hazardous Waste~~,~~", if either of the following occurs:

1) It transports hazardous waste into the United States from abroad; or

2) It mixes hazardous waste of different DOT shipping descriptions by placing them into a single container.

d) A transporter of hazardous waste ~~subject to the manifesting requirements of 35 Ill. Adm. Code 722 or the waste management standards of 35 Ill. Adm. Code 733~~ that is being imported from or exported to any other country~~of the countries listed in 35 Ill. Adm. Code 722.158(a)(1)~~ for purposes of recovery or disposal is subject to this Subpart and to all other relevant requirements of 35 Ill. Adm. Code 722.Subpart H, including, but not limited to, 35 Ill. Adm. Code 722.183(d) and 722.184 for movement documents.

e) The regulations in this Part do not apply to transportation during an explosives or munitions emergency response, conducted in accordance with 35 Ill. Adm. Code 724.101(g)(8)(A)(iv) or (g)(8)(D) or 35 Ill. Adm. Code 725.101(c)(11)(A)(iv) or (c)(11)(D), and 35 Ill. Adm. Code 703.121(a)(4) or (c).

f) 35 Ill. Adm. Code 726.303 identifies how the requirements of this Part apply to military munitions classified as solid waste under 35 Ill. Adm. Code 726.302.

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

**Section 723.112 Transfer Facility Requirements**

a) A transporter that ~~who~~ stores manifested shipments of hazardous waste in containers meeting the independent requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of 10 ~~ten~~ days or less is not subject to regulations under 35 Ill. Adm. Code 702, 703, 724, 725, 727, or 728 with respect to the storage of those wastes.

b) When consolidating the contents of two or more containers with the same hazardous waste into a new container, or when combining and consolidating two different hazardous wastes that are compatible with each other, the transporter must mark its containers of 119 gallons (450 ℓ) or less capacity with the following information:

1) The words "Hazardous Waste"; and

2) The applicable USEPA hazardous waste numbers in Subparts C and D of 35 Ill. Adm. Code 721, or in compliance with 35 Ill. Adm. Code 722.132(c).

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

SUBPART B: COMPLIANCE WITH THE MANIFEST SYSTEM AND RECORDKEEPING

**Section 723.120 The Manifest System**

a) No acceptance without a manifest.

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1) Manifest requirement. A transporter may not accept hazardous waste from a generator unless the transporter is also provided with a manifest form (USEPA Form 8700-22, and if necessary, USEPA Form 8700-22A) signed in accordance with the provisions of 35 Ill. Adm. Code 723.123, or is provided with an e-Manifest that is obtained, completed, and transmitted in accordance with 35 Ill. Adm. Code 722.120(a)(3) and signed with a valid and enforceable electronic signature as described in 35 Ill. Adm. Code 722.125.

2) Exports. For exports of hazardous waste subject to Subpart H of 35 Ill. Adm. Code 722, a transporter may not accept hazardous waste without a manifest signed by the generator in accordance with this Section, as appropriate, and for exports occurring under the terms of a consent issued by USEPA on or after December 31, 2016, a movement document that includes all information required by 35 Ill. Adm. Code 722.183(d).

~~A)~~ ~~In the case of exports other than those subject to Subpart H of 35 Ill. Adm. Code 722, a transporter may not accept such waste from a primary exporter or other person if the transporter knows that the shipment does not conform to the USEPA Acknowledgement of Consent; and unless, in addition to a manifest signed by the generator in accordance with this Section, the transporter must also be provided with a USEPA Acknowledgement of Consent that, except for shipment by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)).~~

~~B)~~ ~~For exports of hazardous waste subject to Subpart H of 35 Ill. Adm. Code 722, a transporter may not accept hazardous waste without a tracking document that includes all information required by 35 Ill. Adm. Code 722.184.~~

3) This subsection (a)(3) corresponds with 40 CFR 263.20(a)(3), an applicability statement that became obsolete for the purposes of the Illinois rules on September 6, 2006. This statement maintains structural parity with the corresponding federal regulations.

4) Use of e-Manifest − legal equivalence to paper forms for participating transporters. E-Manifests that are obtained, completed, and transmitted in accordance with 35 Ill. Adm. Code 722.120(a)(3), and used in accordance

with this Section in lieu of USEPA Forms 8700-22 and 8700-22A, are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in these regulations to obtain, complete, sign, carry, provide, give, use, or retain a manifest.

A) Any requirement in 35 Ill. Adm. Code 720 through 728 to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 35 Ill. Adm. Code 722.125.

B) Any requirement in 35 Ill. Adm. Code 720 through 728 to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when a copy of an e-Manifest is transmitted to the other person by submission to the e-Manifest System.

C) Any requirement in 35 Ill. Adm. Code 720 through 728 for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an e-Manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the waste shipment, except that, to the extent that the hazardous materials regulation on shipping papers for carriage by public highway requires transporters of hazardous materials to carry a paper document to comply with 49 CFR 177.817, incorporated by reference in 35 Ill. Adm. Code 720.111, a hazardous waste transporter must carry one printed copy of the e-Manifest on the transport vehicle.

D) Any requirement in 35 Ill. Adm. Code 720 through 728 for a transporter to keep or retain a copy of a manifest is satisfied by the retention of an e-Manifest in the transporter's account on the e-Manifest System, provided that such copies are readily available for viewing and production if requested by any USEPA or authorized state inspector.

E) No transporter may be held liable for the inability to produce an e-Manifest for inspection under this Section if that transporter can demonstrate that the inability to produce the e-Manifest is

exclusively due to a technical difficulty with the USEPA e-Manifest System for which the transporter bears no responsibility.

BOARD NOTE: The Board has rendered the language "any requirement in these regulations" in corresponding 40 CFR 723.20(a)(4)(A) through (a)(4)(D) as "any requirement in any provision of 35 Ill. Adm. Code 720 through 728" in the appropriate segments of this subsection (a)(4).

5) A transporter may participate in the e-Manifest System either by accessing the e-Manifest System from the transporter's own electronic equipment, or by accessing the e-Manifest System from the equipment provided by a participating generator, by another transporter, or by a designated facility.

6) Special procedures when e-Manifest is not available. If after a manifest has been originated electronically and signed electronically by the initial transporter, and the e-Manifest System should become unavailable for any reason, then the following requirements apply:

A) The transporter in possession of the hazardous waste when the e-Manifest becomes unavailable must reproduce sufficient copies of the printed manifest that is carried on the transport vehicle pursuant to subsection (a)(4)(C)(i) ~~of this Section~~, or obtain and complete another paper manifest for this purpose. The transporter must reproduce sufficient copies to provide the transporter and all subsequent waste handlers with a copy for their files, plus two additional copies that will be delivered to the designated facility with the hazardous waste.

B) On each printed copy, the transporter must include a notation in the Special Handling and Additional Description space (Item 14) that the paper manifest is a replacement manifest for a manifest originated in the e-Manifest System, must include (if not pre-printed on the replacement manifest) the manifest tracking number of the e-Manifest that is replaced by the paper manifest, and must also include a brief explanation why the e-Manifest was not available for completing the tracking of the shipment electronically.

C) A transporter signing a replacement manifest to acknowledge receipt of the hazardous waste must ensure that each paper copy is individually signed and that a legible handwritten signature appears on each copy.

D) From the point at which the e-Manifest is no longer available for tracking the waste shipment, the paper replacement manifest copies must be carried, signed, retained as records, and given to a subsequent transporter or to the designated facility, following the instructions, procedures, and requirements that apply to the use of all other paper manifests.

7) Special procedures for electronic signature methods undergoing tests. If a transporter using an e-Manifest signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the transporter must sign the e-Manifest electronically and also sign with an ink signature the transporter acknowledgement of receipt of materials on the printed copy of the manifest that is carried on the vehicle in accordance with subsection (a)(4)(C)(i) ~~of this Section~~. This printed copy bearing the generator's and transporter's ink signatures must also be presented by the transporter to the designated facility to sign in ink to indicate the receipt of the waste materials or to indicate discrepancies. After the owner or operator of the designated facility has signed this printed manifest copy with its ink signature, the printed manifest copy must be delivered to the designated facility with the waste materials.

8) Imposition of user fee for e-Manifest use. A transporter that is a user of the e-Manifest System may be assessed a user fee by USEPA for the origination or processing of each e-Manifest. USEPA has stated that it will maintain and update from time-to-time the current schedule of e-Manifest user fees, which must be determined based on current and projected e-Manifest System costs and level of use of the e-Manifest System. USEPA has stated that it will publish the current schedule of e-Manifest user fees as an appendix to 40 CFR 262.

b) Before transporting the hazardous waste, the transporter must sign and date the manifest acknowledging acceptance of the hazardous waste from the generator.

The transporter must return a signed copy to the generator before leaving the generator's property.

c) The transporter must ensure that the manifest accompanies the hazardous waste. In the case of exports occurring under the terms of a consent issued by USEPA to the exporter on or after December 31, 2016, the transporter must ensure that a movement document that includes all information required by 35 Ill. Adm. Code 722.183(d) also accompanies the hazardous waste. In the case of imports occurring under the terms of a consent issued by USEPA to the country of export or the importer on or after December 31, 2016, the transporter must ensure that a movement document that includes all information required by 35 Ill. Adm. Code 722.184(d) ~~In the case of exports, the transporter must ensure that a copy of the USEPA Acknowledgement of Consent~~ also accompanies the hazardous waste.

d) A transporter that delivers a hazardous waste to another transporter or to the designated facility must do the following:

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

2) It must retain one copy of the manifest in accordance with Section 723.122; and

3) It must give the remaining copies of the manifest to the accepting transporter or designated facility.

e) Subsections (c), (d), and (f) do not apply to water (bulk shipment) transporters if all of the following are true:

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

2) A shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator certification and signatures) accompanies the hazardous waste and, for exports or imports occurring under the terms of a consent issued by USEPA, a movement document that includes all information required by 35 Ill. Adm. Code

722.183(d) or 2722.184(d) ~~, a USEPA Acknowledgement of Consent~~ accompanies the hazardous waste;

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

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

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

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

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

A) It must sign and date the manifest acknowledging acceptance of the hazardous waste;

B) It must return a signed copy of the manifest to the non-rail transporter;

C) It must forward at least three copies of the manifest to the following entities:

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

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

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

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

2) Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator certification and signatures) and, for exports or imports occurring under the terms of a consent issued by USEPA, a movement document that includes all information required by 35 Ill. Adm. Code 722.183(d) or 722.184(d) ~~, a USEPA Acknowledgement of Consent~~ accompanies the hazardous waste at all times.

BOARD NOTE: Intermediate rail transporters are not required to sign ~~either~~ the manifest, movement document, or shipping paper.

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

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

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

4) When delivering hazardous waste to a non-rail transporter a rail transporter must do the following:

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

B) It must retain a copy of the manifest in accordance with Section 723.122.

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

g) Transporters that transport hazardous waste out of the United States must do the following:

1) Sign and date the manifest in the International Shipments block to indicate the date that the hazardous waste left the United States;

2) Retain one copy in accordance with Section 723.122(d);

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

4) For paper manifests only, the transporter must do the following: ~~Give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.~~

A) Send a copy of the manifest to the e-Manifest System in accordance with the allowable methods specified in 35 Ill. Adm. Code 724.171(a)(2)(E); and

B) For shipments initiated prior to December 31, 2017, when instructed by the exporter to do so, give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.

h) A transporter transporting hazardous waste from a generator that generates greater than 100 kg (220lbs) ~~kilograms~~ but less than 1,000 kg (2,200 lbs) ~~kilograms~~ of hazardous waste in a calendar month need not comply with this Section or Section 723.122 provided that:

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

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

A) The name, address and USEPA Identification Number (35 Ill. Adm. Code 722.118 ~~722.112~~) of the generator of the waste;

B) The quantity of waste accepted;

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

D) The date the waste is accepted; and

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

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

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

**Section 723.121 Compliance with the Manifest**

a) The transporter must deliver the entire quantity of hazardous waste which he has accepted from a generator or a transporter to:

1) The designated facility listed on the manifest; or

2) The alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or

3) The next designated transporter; or

4) The place outside the United States designated by the generator.

b) Non-delivery of the hazardous waste.

1) If the hazardous waste cannot be delivered in accordance with subsection (a) ~~of this Section~~ because of an emergency condition other than rejection of the waste by the designated facility, then the transporter must contact the generator for further directions and must revise the manifest according to the generator's instructions.

2) If hazardous waste is rejected by the designated facility while the transporter is on the premises of the designated facility, then the transporter must obtain the following, as appropriate:

A) For a partial load rejection or for regulated quantities of container residues: a copy of the original manifest that includes the facility's date and signature, the manifest tracking number of the new manifest that will accompany the shipment, and a description of the partial rejection or container residue in the discrepancy block of the original manifest. The transporter must retain a copy of this manifest in accordance with Section 723.122 and give the remaining copies of the original manifest to the rejecting designated facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate facility or returning it to the generator, the transporter must obtain a new manifest to accompany the shipment, and the new manifest must include all of the information required in 35 Ill. Adm. Code 724.172(e)(1) through (e)(6) or (f)(1) through (f)(6) or 725.172(e)(1) through (e)(6) or (f)(1) through (f)(6).

B) For a full load rejection that will be taken back by the transporter: a copy of the original manifest that includes the rejecting facility's signature and date attesting to the rejection, the description of the rejection in the discrepancy block of the manifest, and the name, address, phone number, and USEPA identification number for the alternate facility or generator to whom the shipment must be delivered. The transporter must retain a copy of the manifest in accordance with Section 723.122, and give a copy of the manifest containing this information to the rejecting designated facility. If the original manifest is not used, then the transporter must obtain a new manifest for the shipment and comply with 35 Ill. Adm. Code724.172(e)(1) through (e)(6) or (f)(1) through (f)(6) or 725.172(e)(1) through (e)(6) or (f)(1) through (f)(6).

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

**Section 723.125 Electronic Manifest Signatures**

a) e-Manifest signatures must meet the criteria described in 35 Ill. Adm. Code 722.125.

b) This subsection (b) corresponds with 40 CFR 263.25(b), a provision that USEPA has marked "reserved.". This statement maintains structural consistency with the corresponding federal rule.

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

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1) Heading of the Part: Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities

2) Code Citation: 35 Ill. Adm. Code 726

3)

| Section Numbers: | Proposed Actions: |
|---|---|
| 726.120 | Amendment |
| 726.170 | Amendment |
| 726.180 | Amendment |
| 726.200 | Amendment |
| 726.201 | Amendment |
| 726.202 | Amendment |
| 726.203 | Amendment |
| 726.204 | Amendment |
| 726.205 | Amendment |
| 726.206 | Amendment |
| 726.207 | Amendment |
| 726.208 | Amendment |
| 726.209 | Amendment |
| 726.211 | Amendment |
| 726.212 | Amendment |
| 726.219 | Amendment |
| 726.302 | Amendment |
| 726.303 | Amendment |
| 726.305 | Amendment |
| 726.310 | Amendment |
| 726.330 | Amendment |
| 726.345 | Amendment |
| 726.355 | Amendment |
| 726.360 | Amendment |
| 726.450 | Amendment |
| 726.460 | Amendment |
| 726.Appendix G | Amendment |
| 726.Appendix I | 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 726 are a single segment of the consolidated docket R17-14/R17-15/R18-11/R18-31

rulemaking that also affects 35 Ill. Adm. Code 702 through 705, 720 through 725, 727, 728, 730, 733, 738, 739, and 810 through 812. Due to the extreme volume of the consolidated docket, each Part is covered by a notice in four separate issues of the *Illinois Register*. Included in this issue are 35 Ill. Adm. Code 722, 723, and 726 through 728. To save space, a more detailed description of the subjects and issues involved in the consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 722. A comprehensive description is contained in the Board's opinion and order of March 3, 2016, proposing amendments in docket R16-7, which opinion and order is available from the address below.

Specifically, the amendments to Part 726 incorporate elements of the Generator Improvements Rule and the Hazardous Waste Import-Export Revisions. The Board makes several needed corrections in the text of the rules.

Tables appear in a document entitled "Identical-in–Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R17-14/R17-15/R18-11/R18-31. The tables list the deviations from the literal text of the federal amendments and the several necessary corrections and stylistic revisions not directly derived from USEPA actions. Persons interested in the details of those deviations from the literal text should refer to the Identical-in–Substance Rulemaking Addendum (Proposed) in consolidated docket R17-14/R17-15/R18-11/R18-31.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/13 and 22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the IAPA, 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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated docket R17-14/R17-15/R18-11/R18-31 and be addressed to:

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

Please direct inquiries to the following person and reference consolidated docket R17-14/R17-15/R18-11/R18-31:

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

312/814-6924
michael.mccambridge@illinois.gov

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

13) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

14) Regulatory Agenda on which this rulemaking was summarized: January 2017 and January 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 G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 726
STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

SUBPART A: GENERAL

Section
726.102 Electronic Reporting

SUBPART C: RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING DISPOSAL

Section
726.120 Applicability
726.121 Standards Applicable to Generators and Transporters of Materials Used in a Manner that Constitutes Disposal
726.122 Standards Applicable to Storers, Who Are Not the Ultimate Users, of Materials that Are To Be Used in a manner that Constitutes Disposal
726.123 Standards Applicable to Users of Materials that Are Used in a Manner that Constitutes Disposal

SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

Section
726.130 Applicability (Repealed)
726.131 Prohibitions (Repealed)
726.132 Standards applicable to generators of hazardous waste fuel (Repealed)
726.133 Standards applicable to transporters of hazardous waste fuel (Repealed)
726.134 Standards applicable to marketers of hazardous waste fuel (Repealed)
726.135 Standards applicable to burners of hazardous waste fuel (Repealed)
726.136 Conditional exemption for spent materials and by-products exhibiting a characteristic of hazardous waste (Repealed)

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY

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Section
726.140 Applicability (Repealed)
726.141 Prohibitions (Repealed)
726.142 Standards applicable to generators of used oil burned for energy recovery (Repealed)
726.143 Standards applicable to marketers of used oil burned for energy recovery (Repealed)
726.144 Standards applicable to burners of used oil burned for energy recovery (Repealed)

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL RECOVERY

Section
726.170 Applicability and Requirements

SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

Section
726.180 Applicability and Requirements

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

Section
726.200 Applicability
726.201 Management Prior to Burning
726.202 Permit Standards for Burners
726.203 Interim Status Standards for Burners
726.204 Standards to Control Organic Emissions
726.205 Standards to Control PM
726.206 Standards to Control Metals Emissions
726.207 Standards to Control HCl and Chlorine Gas Emissions
726.208 Small Quantity On-Site Burner Exemption
726.209 Low Risk Waste Exemption
726.210 Waiver of DRE Trial Burn for Boilers
726.211 Standards for Direct Transfer
726.212 Regulation of Residues
726.219 Extensions of Time

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SUBPART M: MILITARY MUNITIONS

Section
726.300 Applicability
726.301 Definitions
726.302 Definition of Solid Waste
726.303 Standards Applicable to the Transportation of Solid Waste Military Munitions
726.304 Standards Applicable to Emergency Responses
726.305 Standards Applicable to the Storage of Solid Waste Military Munitions
726.306 Standards Applicable to the Treatment and Disposal of Waste Military Munitions

SUBPART N: CONDITIONAL EXEMPTION FOR LOW-LEVEL MIXED WASTE STORAGE, TREATMENT, TRANSPORTATION AND DISPOSAL

Section
726.310 Definitions
726.320 Storage and Treatment Conditional Exemption
726.325 Wastes Eligible for a Storage and Treatment Conditional Exemption for Low-Level Mixed Waste
726.330 Conditions to Qualify for and Maintain a Storage and Treatment Conditional Exemption
726.335 Treatment Allowed by a Storage and Treatment Conditional Exemption
726.340 Loss of a Storage and Treatment Conditional Exemption and Required Action
726.345 Reclaiming a Lost Storage and Treatment Conditional Exemption
726.350 Recordkeeping for a Storage and Treatment Conditional Exemption
726.355 Waste No Longer Eligible for a Storage and Treatment Conditional Exemption
726.360 Applicability of Closure Requirements to Storage Units
726.405 Transportation and Disposal Conditional Exemption
726.410 Wastes Eligible for a Transportation and Disposal Conditional Exemption
726.415 Conditions to Qualify for and Maintain a Transportation and Disposal Conditional Exemption
726.420 Treatment Standards for Eligible Waste
726.425 Applicability of the Manifest and Transportation Condition
726.430 Effectiveness of a Transportation and Disposal Exemption
726.435 Disposal of Exempted Waste
726.440 Containers Used for Disposal of Exempted Waste
726.445 Notification
726.450 Recordkeeping for a Transportation and Disposal Conditional Exemption
726.455 Loss of a Transportation and Disposal Conditional Exemption and Required Action

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| | |
|---|---|
| 726.460 | Reclaiming a Lost Transportation and Disposal Conditional Exemption |
| 726.APPENDIX A | Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals |
| 726.APPENDIX B | Tier I Feed Rate Screening Limits for Total Chlorine |
| 726.APPENDIX C | Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride |
| 726.APPENDIX D | Reference Air Concentrations |
| 726.APPENDIX E | Risk-Specific Doses |
| 726.APPENDIX F | Stack Plume Rise |
| 726.APPENDIX G | Health-Based Limits for Exclusion of Waste-Derived Residues |
| 726.APPENDIX H | Potential PICs for Determination of Exclusion of Waste-Derived Residues |
| 726.APPENDIX I | Methods Manual for Compliance with BIF Regulations |
| 726.APPENDIX J | Guideline on Air Quality Models (Repealed) |
| 726.APPENDIX K | Lead-Bearing Materials that May be Processed in Exempt Lead Smelters |
| 726.APPENDIX L | Nickel or Chromium-Bearing Materials that May Be Processed in Exempt Nickel-Chromium Recovery Furnaces |
| 726.APPENDIX M | Mercury-Bearing Wastes that May Be Processed in Exempt Mercury Recovery Units |
| 726.TABLE A | Exempt Quantities for Small Quantity Burner Exemption |

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

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in R94-7 at 18 Ill. Reg. 12500, effective July 29, 1994; amended in R95-4/R95-6 at 19 Ill. Reg. 10006, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11263, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 754, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 18042, effective September 28, 1998; amended in R99-15 at 23 Ill. Reg. 9482, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9853, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6667, effective April 22, 2002; amended in

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R03-7 at 27 Ill. Reg. 4200, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12916, effective July 17, 2003; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3700, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1096, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12741, effective July 14, 2008; amended in R11-2/R11-16 at 35 Ill. Reg. 18117, effective October 14, 2011; amended in R13-5 at 37 Ill. Reg. 3249, effective March 4, 2013; amended in R13-15 at 37 Ill. Reg. 17888, effective October 24, 2013; amended in R16-7 at 40 Ill. Reg. 11955, effective August 9, 2016; amended in R17-14/R17-15/R18-12 at 42 Ill. Reg. _____, effective _____.

SUBPART C: RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING DISPOSAL

**Section 726.120 Applicability**

a) The regulations of this Subpart C apply to recyclable materials that are applied to or placed on the land in either of the following ways:

1) Without mixing with any other substances; or

2) After mixing or combination with any other substances. These materials will be referred to throughout this Subpart C as "materials used in a manner that constitutes disposal~~.~~".

b) A product produced for the general public's use that is used in a manner that constitutes disposal and which contains recyclable material is not presently subject to regulation under this Subpart C if the recyclable materials have undergone a chemical reaction in the course of producing the products so as to become inseparable by physical means and if such products meet the applicable treatment standards in Subpart D of 35 Ill. Adm. Code 728 (or applicable prohibition levels in 35 Ill. Adm. Code 728.132 or 728.139, where no treatment standards have been established) for each recyclable material (i.e., hazardous waste) that it contains, and the recycler complies with 35 Ill. Adm. Code 728.107(b)(6).

c) Anti-skid and deicing uses of slags that are generated from high temperature metals recovery (HTMR) processing of hazardous wastes K061, K062, and F006 in a manner constituting disposal are not covered by the exemption in subsection (b)~~ of this Section~~, and such uses of these materials remain subject to regulation.

d) Fertilizers that contain recyclable materials are not subject to regulation provided that the following conditions are fulfilled:

1) They are zinc fertilizers excluded from the definition of solid waste according to 35 Ill. Adm. Code 721.104(a)(21); or

2) They meet the applicable treatment standards in Subpart D of 35 Ill. Adm. Code 728 for each hazardous waste that they contain.

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

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL RECOVERY

**Section 726.170 Applicability and Requirements**

a) The regulations of this Subpart F apply to recyclable materials that are reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these metals.

b) A person that generates, transports, or stores recyclable materials that are regulated under this Subpart F is subject to the following requirements:

1) Notification requirements under Section 3010 of RCRA (42 USC 6930)~~the Resource Conservation and Recovery Act~~;

2) Subpart B of 35 Ill. Adm. Code 722 (for a generator), 35 Ill. Adm. Code 723.120 and 723.121 (for a transporter), and 35 Ill. Adm. Code 725.171 and 725.172 (for a person that stores); and

3) For precious metals exported to or imported from other~~designated OECD member~~ countries for recovery, Subpart H of 35 Ill. Adm. Code 722 and 725.112~~(a)(2). For precious metals exported to or imported from non-OECD countries for recovery, Subparts E and F of 35 Ill. Adm. Code 722~~.

c) A person that stores recycled materials that are regulated under this Subpart F must keep the following records to document that it is not accumulating these materials speculatively (as defined in 35 Ill. Adm. Code 721.101(c));

1) Records showing the volume of these materials stored at the beginning of the calendar year;

2) The amount of these materials generated or received during the calendar year; and

3) The amount of materials remaining at the end of the calendar year.

d) Recyclable materials that are regulated under this Subpart F that are accumulated speculatively (as defined in 35 Ill. Adm. Code 721.101(c)) are subject to all applicable provisions of 35 Ill. Adm. Code 702, 703, and 722 through 727.

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

SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

**Section 726.180 Applicability and Requirements**

a) Extent of exemption for spent lead-acid batteries from hazardous waste management requirements. If an owner or operator generates, collects, transports, stores, or regenerates lead-acid batteries for reclamation purposes, the owner or operator may be exempt from certain hazardous waste management requirements. Subsections (a)(1) though (a)(5) ~~of this Section~~ indicate which requirements apply to the owner or operator. Alternatively, the owner or operator may choose to manage its spent lead-acid batteries under the "Universal Waste" rule in 35 Ill. Adm. Code 733.

1) If the spent lead-acid batteries will be reclaimed through regeneration (such as by electrolyte replacement), the owner or operator is exempt from the requirements of 35 Ill. Adm. Code 702, 703, 722 through 726 (except for 35 Ill. Adm. Code 722.111), and 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), but the owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 722.111.

2) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the owner or operator generates, collects, or transports the batteries, the owner or operator is exempt from the requirements of 35 Ill. Adm. Code 702, 703, and 722 through 726 (except for 35 Ill. Adm. Code 722.111), and the notification requirements of section 3010 of

RCRA (42 USC 6930), but the owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill. Adm. Code 728.

3) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the owner or operator stores the batteries, but the owner or operator is not the reclaimer, the owner or operator is exempt from the requirements of 35 Ill. Adm. Code 702, 703, and 722 through 726 (except for 35 Ill. Adm. Code 722.111), and the notification requirements of section 3010 of RCRA (42 USC 6930), but the owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill. Adm. Code 728.

4) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the owner or operator stores the batteries before the owner or operator reclaims them, the owner or operator must comply with the requirements of Section 726.180(b) and other requirements described in that subsection, and the owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill. Adm. Code 728.

5) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the owner or operator does not store the batteries before the owner or operator reclaims them, the owner or operator is exempt from the requirements of 35 Ill. Adm. Code 702, 703, and 722 through 726 (except for 35 Ill. Adm. Code 722.111), and the notification requirements of section 3010 of RCRA (42 USC 6930), and the owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill. Adm. Code 728.

6) If the spent lead-acid batteries will be reclaimed through regeneration or any other means, and the batteries are exported ~~the batteries~~ for reclamation in a foreign country, the owner or operator is exempt from 35 Ill. Adm. Code 702, 703, 722 (except for 35 Ill. Adm. Code 722.111, 722.112 and Subpart H of 35 Ill. Adm. Code 722), 723 through 726, and 728, and the notification requirements at section 3010 of RCRA (42 USC 6930). The owner or operator is subject to the requirements of 35 Ill. Adm. Code 721, 722.111, and 722.112 and Subpart H of 35 Ill. Adm. Code 722.

~~A)~~ ~~The owner or operator is also exempt from the requirements of 35 Ill. Adm. Code 722, except for 35 Ill. Adm. Code 722.111, and except for the applicable requirements set forth in subsections (a)(6)(B) and (a)(6)(C) of this Section.~~

~~B)~~ ~~The owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 722.111.~~

~~C)~~ ~~Where the owner or operator ships spent lead-acid batteries to one of the OECD countries specified in 35 Ill. Adm. Code 722.158(a)(1), the owner or operator must comply with the applicable provisions of Subpart H of 35 Ill. Adm. Code 722.~~

~~D)~~ ~~Where the provisions of Subpart H of 35 Ill. Adm. Code 722 do not apply as described in subsection (a)(6)(C) of this Section, the owner or operator must comply with the following requirements:~~

~~i)~~ ~~The owner or operator must comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153, 722.156(a)(1) through (a)(4), (a)(6), and (b) and 722.157;~~

~~ii)~~ ~~The owner or operator must export the spent lead-acid batteries only upon consent of the receiving country and only in conformance with the USEPA Acknowledgement of Consent, as required by Subpart E of 35 Ill. Adm. Code 722; and~~

~~iii)~~ ~~The owner or operator must provide a copy of the USEPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export.~~

7) If the spent lead-acid batteries will be reclaimed through regeneration or any other means, the person that transports the batteries in the United States to export them for reclamation in a foreign country (the transporter) is exempt from 35 Ill. Adm. Code 702, 703, 723 through 726, and 728, and the notification requirements at section 3010 of RCRA (42 USC

6930). The transporter must comply with the applicable requirements in Subpart H of 35 Ill. Adm. Code 722.

~~A) Where the transporter ships spent lead-acid batteries to one of the OECD countries specified in 35 Ill. Adm. Code 722.158(a)(1), the transporter must comply with the applicable requirements in Subpart H of 35 Ill. Adm. Code 722.~~

~~B) Where the provisions of Subpart H of 35 Ill. Adm. Code 722 do not apply as described in subsection (a)(7)(A) of this Section, the transporter must comply with the following requirements:~~

~~i) The transporter must not accept a shipment if the transporter knows that the shipment does not conform to the USEPA Acknowledgment of Consent;~~

~~ii) The transporter must ensure that a copy of the USEPA Acknowledgment of Consent accompanies the shipment; and~~

~~iii) The transporter must ensure that the shipment is delivered to the facility designated by the person initiating the shipment.~~

8) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the person that imports the batteries from a foreign country and stores them but is not the reclaimer, the person is exempt from 35 Ill. Adm. Code 722 (except for 35 Ill. Adm. Code 722.111 and 722.112 and Subpart H of 35 Ill. Adm. Code 722), 702, 703, 723, 724, 725, and 726, and the notification requirements at section 3010 of RCRA (42 USC 6930). The person is subject to 35 Ill. Adm. Code 721, 722.111, 722.112, Subpart H of 35 Ill. Adm. Code 722, and applicable provisions of 35 Ill. Adm. Code 728.

9) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the person that imports the batteries from a foreign country and stores them before reclaiming them, the person must comply with 35 Ill. Adm. Code 726.180(b) and as appropriate other regulatory provisions described in 35 Ill. Adm. Code 726.180(b). The person is

subject to 35 Ill. Adm. Code 721, 722.111, 722.112, Subpart H of 35 Ill. Adm. Code 722, and applicable provisions of 35 Ill. Adm. Code 728.

10) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the person that imports the batteries from a foreign country does not store them before reclaiming them, the person is exempt from 35 Ill. Adm. Code 702, 703, 722 (except for 35 Ill. Adm. Code 722.111 and 722.112 and Subpart H of 35 Ill. Adm. Code 722), 723, 724, 725, and 726 and the notification requirements at section 3010 of RCRA (42 USC 6930). The person is subject to 35 Ill. Adm. Code 721, 722.111, 722.112, Subpart H of 35 Ill. Adm. Code 722, and applicable provisions of 35 Ill. Adm. Code 728.

b) Exemption for spent lead-acid batteries stored before reclamation other than through regeneration. The requirements of this subsection (b) apply to an owner or operator that stores spent lead-acid batteries before it reclaims them, where the owner or operator does not reclaim them through regeneration. The requirements are slightly different depending on the owner's or operator's RCRA permit status.

1) For an interim status facility, the owner or operator must comply with the following requirements:

A) The notification requirements under Section 3010 of ~~the Resource Conservation and Recovery Act (~~RCRA (42 USC 6930);

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

C) All applicable provisions in Subpart B of 35 Ill. Adm. Code 725, except 35 Ill. Adm. Code 725.113 (waste analysis);

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

E) All applicable provisions in Subpart E of 35 Ill. Adm. Code 725, except 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies);

F) All applicable provisions in Subparts F through L of 35 Ill. Adm. Code 725;

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

H) All applicable provisions in 35 Ill. Adm. Code 727.

2) For a permitted facility, the following requirements:

A) The notification requirements under section 3010 of RCRA (42 USC 6930);

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

C) All applicable provisions in Subpart B of 35 Ill. Adm. Code 724, except 35 Ill. Adm. Code 724.113 (waste analysis);

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

E) All applicable provisions in Subpart E of 35 Ill. Adm. Code 724, except 35 Ill. Adm. Code 724.171 or 724.172 (dealing with the use of the manifest and manifest discrepancies);

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

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

H) All applicable provisions in 35 Ill. Adm. Code 727.

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

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

**Section 726.200 Applicability**

a) The regulations of this Subpart H apply to hazardous waste burned or processed in a boiler or industrial furnace (BIF) (as defined in 35 Ill. Adm. Code 720.110) irrespective of the purpose of burning or processing, except as provided by

subsections (b), (c), (d), (g), and (h) ~~of this Section~~. In this Subpart H, the term "burn" means burning for energy recovery or destruction or processing for materials recovery or as an ingredient. The emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 apply to facilities operating under interim status or under a RCRA permit, as specified in Sections 726.202 and 726.203.

b) Integration of the MACT standards.

1) Except as provided by subsections(b)(2), (b)(3), and (b)(4) ~~of this Section~~, the standards of this Part do not apply to a new hazardous waste boiler or industrial furnace unit that becomes subject to RCRA permit requirements after October 12, 2005; or no longer apply when an owner or operator of an existing hazardous waste boiler or industrial furnace unit demonstrates compliance with the maximum achievable control technology (MACT) requirements of 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), by conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance, pursuant to 40 CFR 63.1207(j) (What are the performance testing requirements?) and 63.1210(d) (What are the notification requirements?), documenting compliance with the requirements of federal subpart EEE of 40 CFR 63. Nevertheless, even after this demonstration of compliance with the MACT standards, RCRA permit conditions that were based on the standards of this Part will continue to be in effect until they are removed from the permit or the permit is terminated or revoked, unless the permit expressly provides otherwise.

2) The following standards continue to apply:

A) If an owner or operator elects to comply with 35 Ill. Adm. Code 703.320(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events, Section 726.202(e)(1), requiring operations in accordance with the operating requirements specified in the permit at all times that hazardous waste is in the unit, and Section 726.202(e)(2)(C), requiring compliance with the emission standards and operating requirements, during startup and shutdown if hazardous waste is in the combustion chamber, except

for particular hazardous wastes. These provisions apply only during startup, shutdown, and malfunction events;

B) The closure requirements of Sections 726.202(e)(11) and 726.203(l);

C) The standards for direct transfer of Section 726.211;

D) The standards for regulation of residues of Section 726.212; and

E) The applicable requirements of Subparts A through H, BB, and CC of 35 Ill. Adm. Code 724 and 725.

3) The owner or operator of a boiler or hydrochloric acid production furnace that is an area source under 40 CFR 63.2, incorporated by reference in 35 Ill. Adm. Code 720.111(b) (as 40 CFR 63), that has not elected to comply with the emission standards of 40 CFR 63.1216, 63.1217, and 63.1218, incorporated by reference in 35 Ill. Adm. Code 720.111(b) (as subpart EEE of 40 CFR 63), for particulate matter, semivolatile and low volatile metals, and total chlorine, also remains subject to the following requirements of this Part:

A) Section 726.205 (Standards to Control PM);

B) Section 726.206 (Standards to Control Metals Emissions); and

C) Section 726.207 (Standards to Control HCl and Chlorine Gas Emissions).

4) The particulate matter standard of Section 726.205 remains in effect for a boiler that elects to comply with the alternative to the particulate matter standard under 40 CFR 63.1216(e) and 63.1217(e), each incorporated by reference in 35 Ill. Adm. Code 720.111(b) (as subpart EEE of 40 CFR 63).

BOARD NOTE: Sections 9.1 and 39.5 of the Environmental Protection Act ~~[415 ILCS 5/9.1 and 39.5]~~ make the federal MACT standards directly applicable to entities in Illinois and authorize the Agency to issue permits based on the federal standards. In adopting this subsection (b), USEPA stated as follows (at 64 Fed Reg. 52828, 52975 (November 30, 1999)):

Under [the approach adopted by USEPA as a] final rule, MACT air emissions and related operating requirements are to be included in title V permits; RCRA permits will continue to be required for all other aspects of the combustion unit and the facility that are governed by RCRA (e.g., corrective action, general facility standards, other combustor-specific concerns such as materials handling, risk-based emissions limits and operating requirements, as appropriate, and other hazardous waste management units).

c) The following hazardous wastes and facilities are not subject to regulation pursuant to this Subpart H:

1) Used oil burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721. Such used oil is subject to regulation pursuant to 35 Ill. Adm. Code 739, rather than this Subpart H;

2) Gas recovered from hazardous or solid waste landfills, when such gas is burned for energy recovery;

3) Hazardous wastes that are exempt from regulation pursuant to 35 Ill. Adm. Code 721.104 and 721.106(a)(3)(C) and (a)(3)(D) and hazardous wastes that are subject to the special requirements for VSQGs~~conditionally exempt small quantity generators~~ pursuant to 35 Ill. Adm. Code 722.114~~721.105~~; and

4) Coke ovens, if the only hazardous waste burned is USEPA hazardous waste no. K087 decanter tank tar sludge from coking operations.

d) Owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices, such as cupolas, sintering machines, roasters, and foundry furnaces, but not including cement kilns, aggregate kilns, or halogen acid furnaces burning hazardous waste) that process hazardous waste solely for metal recovery are conditionally exempt from regulation pursuant to this Subpart H, except for Sections 726.201 and 726.212.

1) To be exempt from Sections 726.202 through 726.211, an owner or operator of a metal recovery furnace or mercury recovery furnace must

comply with the following requirements, except that an owner or operator of a lead or a nickel-chromium recovery furnace or a metal recovery furnace that burns baghouse bags used to capture metallic dust emitted by steel manufacturing must comply with the requirements of subsection (d)(3) ~~of this Section~~, and an owner or operator of a lead recovery furnace that is subject to regulation under the Secondary Lead Smelting NESHAP of federal subpart X of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting) must comply with the requirements of subsection (h) ~~of this Section~~:

A) Provide a one-time written notice to the Agency indicating the following:

i) The owner or operator claims exemption pursuant to this subsection (d);

ii) The hazardous waste is burned solely for metal recovery consistent with the provisions of subsection (d)(2) ~~of this Section~~;

iii) The hazardous waste contains recoverable levels of metals; and

iv) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this subsection (d);

B) Sample and analyze the hazardous waste and other feedstocks as necessary to comply with the requirements of this subsection (d) by using appropriate methods; and

C) Maintain at the facility for at least three years records to document compliance with the provisions of this subsection (d), including limits on levels of toxic organic constituents and Btu value of the waste and levels of recoverable metals in the hazardous waste compared to normal non-hazardous waste feedstocks.

2) A hazardous waste meeting either of the following criteria is not processed solely for metal recovery:

A) The hazardous waste has a total concentration of organic compounds listed in Appendix H to 35 Ill. Adm. Code 721 exceeding 500 ppm by weight, as fired, and so is considered to be burned for destruction. The concentration of organic compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 500 ppm limit is prohibited, and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (d)(1)(C) ~~of this Section~~; or

B) The hazardous waste has a heating value of 5,000 Btu/lb or more, as-fired, and is so considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (d)(1)(C) ~~of this Section~~.

3) To be exempt from Sections 726.202 through 726.211, an owner or operator of a lead, nickel-chromium, or mercury recovery furnace, except for an owner or operator of a lead recovery furnace that is subject to regulation pursuant to the Secondary Lead Smelting NESHAP of subpart X of 40 CFR 63, or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing must provide a one-time written notice to the Agency identifying each hazardous waste burned and specifying whether the owner or operator claims an exemption for each waste pursuant to this subsection (d)(3) or subsection (d)(1) ~~of this Section~~. The owner or operator must comply with the requirements of subsection (d)(1) ~~of this Section~~ for those wastes claimed to be exempt pursuant to that subsection and must comply with the following requirements for those wastes claimed to be exempt pursuant to this subsection (d)(3):

A) The hazardous wastes listed in Appendices K, L, and M ~~of this Part~~ and baghouse bags used to capture metallic dusts emitted by steel manufacturing are exempt from the requirements of subsection

(d)(1) ~~of this Section~~, provided the following are true:

i) A waste listed in Appendix K ~~of this Part~~ must contain recoverable levels of lead, a waste listed in Appendix L ~~of this Part~~ must contain recoverable levels of nickel or chromium, a waste listed in Appendix M ~~of this Part~~ must contain recoverable levels of mercury and contain less than 500 ppm of Appendix H to 35 Ill. Adm. Code 721 organic constituents, and baghouse bags used to capture metallic dusts emitted by steel manufacturing must contain recoverable levels of metal;

ii) The waste does not exhibit the toxicity characteristic of 35 Ill. Adm. Code 721.124 for an organic constituent;

iii) The waste is not a hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721 because it is listed for an organic constituent, as identified in Appendix G of 35 Ill. Adm. Code 721; and

iv) The owner or operator certifies in the one-time notice that hazardous waste is burned pursuant to the provisions of subsection (d)(3) ~~of this Section~~ and that sampling and analysis will be conducted or other information will be obtained as necessary to ensure continued compliance with these requirements. Sampling and analysis must be conducted according to subsection (d)(1)(B) ~~of this Section~~, and records to document compliance with subsection (d)(3) ~~of this Section~~ must be kept for at least three years.

B) The Agency may decide, on a case-by-case basis, that the toxic organic constituents in a material listed in Appendix K, Appendix L, or Appendix M ~~of this Part~~ that contains a total concentration of more than 500 ppm toxic organic compounds listed in Appendix H to 35 Ill. Adm. Code 721 may pose a hazard to human health and the environment when burned in a metal recovery furnace exempt from the requirements of this Subpart H. Under these circumstances, after adequate notice and opportunity for comment, the metal recovery furnace will become subject to the requirements

of this Subpart H when burning that material. In making the hazard determination, the Agency must consider the following factors:

i) The concentration and toxicity of organic constituents in the material;

ii) The level of destruction of toxic organic constituents provided by the furnace; and

iii) Whether the acceptable ambient levels established in Appendix D or E ~~of this Part~~ will be exceeded for any toxic organic compound that may be emitted based on dispersion modeling to predict the maximum annual average off-site ground level concentration.

e) The standards for direct transfer operations pursuant to Section 726.211 apply only to facilities subject to the permit standards of Section 726.202 or the interim status standards of Section 726.203.

f) The management standards for residues pursuant to Section 726.212 apply to any BIF burning hazardous waste.

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

1) Provide a one-time written notice to the Agency indicating the following:

A) The owner or operator claims exemption pursuant to this Section,

B) The hazardous waste is burned for legitimate recovery of precious metal, and

C) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this Section;

2) Sample and analyze the hazardous waste, as necessary, to document that the waste is burned for recovery of economically significant amounts of the metals and that the treatment recovers economically significant amounts of precious metal; and

3) Maintain, at the facility for at least three years, records to document that all hazardous wastes burned are burned for recovery of economically significant amounts of precious metal.

h) An owner or operator of a lead recovery furnace that processes hazardous waste for recovery of lead and which is subject to regulation pursuant to the Secondary Lead Smelting NESHAP of subpart X of 40 CFR 63, is conditionally exempt from regulation pursuant to this Subpart H, except for Section 726.201. To become exempt, an owner or operator must provide a one-time notice to the Agency identifying each hazardous waste burned and specifying that the owner or operator claims an exemption pursuant to this subsection (h). The notice also must state that the waste burned has a total concentration of non-metal compounds listed in Appendix H to 35 Ill. Adm. Code 721 of less than 500 ppm by weight, as fired and as provided in subsection (d)(2)(A) ~~of this Section~~, or is listed in Appendix K ~~to this Part~~.

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

"APCS" means air pollution control system.

"BIF" means boiler or industrial furnace.

"Carcinogenic metals" means arsenic, beryllium, cadmium, and chromium.

"CO" means carbon monoxide.

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

least every 60 seconds.
BOARD NOTE: Derived from 40 CFR 266.100(e)(6)(i)(B)(*1*)(*i*) and (e)(6)(ii)(B)(*1*).

"DRE" means destruction or removal efficiency.

"cu m" or "$m^3$" means cubic meters.

"E" means "ten to the power~~.~~". For example, "XE-Y" means "X times ten to the -Y power~~.~~".

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

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

"HC" means hydrocarbon.

"HCl" means hydrogen chloride gas.

"Hourly rolling average" means the arithmetic mean of the 60 most recent one-minute average values recorded by the continuous monitoring system.
BOARD NOTE: Derived from 40 CFR 266.100(e)(6)(i)(B)(*1*)(*ii*).

"K" means Kelvin.

"kVA" means kilovolt amperes.

"MEI" means maximum exposed individual.

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

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

"One hour block average" means the arithmetic mean of the one minute averages recorded during the 60-minute period beginning at one minute

after the beginning of the preceding clock hour.
BOARD NOTE: Derived from 40 CFR 266.100(e)(6)(ii)(B)(*2*).

"PIC" means product of incomplete combustion.

"PM" means particulate matter.

"POHC" means principal organic hazardous constituent.

"ppmv" means parts per million by volume.

"QA/QC" means quality assurance and quality control.

"Rolling average for the selected averaging period" means the arithmetic mean of one hour block averages for the averaging period.
BOARD NOTE: Derived from 40 CFR 266.100(e)(6)(ii)(B)(*2*).

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

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

"SSU" means "Saybolt Seconds Universal," a unit of viscosity measured by ASTM D 88-87 (Standard Test Method for Saybolt Viscosity) or D 2161-87 (Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity), each incorporated by reference in 35 Ill. Adm. Code 720.111(a).

"TCLP test" means 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), as used for the purposes of 35 Ill. Adm. Code 721.124.

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

"Tier I~~.~~". See Section 726.206(b).

"Tier II~~.~~". See Section 726.206(c).

"Tier III~~.~~". See Section 726.206(d).

"Toxicity equivalence" is estimated, pursuant to Section 726.204(e), using section 4.0 (Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners) in appendix IX to 40 CFR 266 (Methods Manual for Compliance with the BIF Regulations), incorporated by reference in 35 Ill. Adm. Code 720.111(b) (see Appendix I ~~of this Part~~).

"µg" means microgram.

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

**Section 726.201 Management Prior to Burning**

a) Generators. A generator of hazardous waste that is burned in a BIF is subject to 35 Ill. Adm. Code 722.

b) Transporters. A transporter of hazardous waste that is burned in a BIF is subject to 35 Ill. Adm. Code 723.

c) Storage and treatment facilities.

1) An owner or operator of a facility that stores or treats hazardous waste that is burned in a BIF is subject to the applicable provisions of 35 Ill. Adm. Code 702, 703, 724, 725, and 727, except as provided by subsection (c)(2) ~~of this Section~~. These standards apply to storage and treatment by the burner, as well as to any storage or treatment facility operated by an intermediary (a processor, blender, distributor, etc.) between the generator and the burner.

2) An owner or operator of a facility that burns, in an on-site BIF exempt from regulation under the small quantity burner provisions of Section 726.208, hazardous waste that it generates is exempt from regulation under 35 Ill. Adm. Code 702, 703, 724, 725, and 727 that are applicable to

storage units for those storage units that store mixtures of hazardous waste and the primary fuel to the BIF in tanks that feed the fuel mixture directly to the burner. Storage of hazardous waste prior to mixing with the primary fuel is subject to regulation, as prescribed in subsection (c)(1) ~~of this Section~~.

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

**Section 726.202 Permit Standards for Burners**

a) Applicability.

1) General. An owner or operator of a BIF that burns hazardous waste and which does not operate under interim status must comply with the requirements of this Section and 35 Ill. Adm. Code 703.208 and 703.232, unless exempt pursuant to the small quantity burner exemption of Section 726.208.

2) Applicability of 35 Ill. Adm. Code 724 standards. An owner or operator of a BIF that burns hazardous waste is subject to the following provisions of 35 Ill. Adm. Code 724, except as provided otherwise by this Subpart H:

A) In Subpart A (General), 35 Ill. Adm. Code 724.104;

B) In Subpart B (General facility standards), 35 Ill. Adm. Code 724.111 through 724.118;

C) In Subpart C (Preparedness and prevention), 35 Ill. Adm. Code 724.131 through 724.137;

D) In Subpart D (Contingency plan and emergency procedures), 35 Ill. Adm. Code 724.151 through 724.156;

E) In Subpart E (Manifest system, recordkeeping and reporting), the applicable provisions of 35 Ill. Adm. Code 724.171 through 724.177;

F) In Subpart F (Releases from Solid Waste Management Units), 35 Ill. Adm. Code 724.190 and 724.201;

G) In Subpart G (Closure and post-closure), 35 Ill. Adm. Code 724.211 through 724.215;

H) In Subpart H (Financial requirements), 35 Ill. Adm. Code 724.241, 724.242, 724.243, and 724.247 through 724.251, except that the State of Illinois and the federal government are exempt from the requirements of Subpart H of 35 Ill. Adm. Code 724; and

I) Subpart BB (Air emission standards for equipment leaks), except 35 Ill. Adm. Code 724.950(a).

b) Hazardous Waste Analysis.

1) The owner or operator must provide an analysis of the hazardous waste that quantifies the concentration of any constituent identified in Appendix H of 35 Ill. Adm. Code 721 that is reasonably expected to be in the waste. Such constituents must be identified and quantified if present, at levels detectable by using appropriate analytical methods. The constituents listed in Appendix H of 35 Ill. Adm. Code 721 that are excluded from this analysis must be identified and the basis for their exclusion explained. This analysis must provide all information required by this Subpart H and 35 Ill. Adm. Code 703.208 and 703.232 and must enable the Agency to prescribe such permit conditions as are necessary to adequately protect human health and the environment. Such analysis must be included as a portion of the Part B permit application, or, for facilities operating under the interim status standards of this Subpart H, as a portion of the trial burn plan that may be submitted before the Part B application pursuant to provisions of 35 Ill. Adm. Code 703.232(g), as well as any other analysis required by the Agency. The owner or operator of a BIF not operating under the interim status standards must provide the information required by 35 Ill. Adm. Code 703.208 and 703.232 in the Part B application to the greatest extent possible.

2) Throughout normal operation, the owner or operator must conduct sampling and analysis as necessary to ensure that the hazardous waste, other fuels, and industrial furnace feedstocks fired into the BIF are within the physical and chemical composition limits specified in the permit.

c) Emissions Standards. An owner or operator must comply with emissions standards provided by Sections 726.204 through 726.207.

d) Permits.

1) The owner or operator must burn only hazardous wastes specified in the facility permit and only under the operating conditions specified pursuant to subsection (e), except in approved trial burns under the conditions specified in 35 Ill. Adm. Code 703.232.

2) Hazardous wastes not specified in the permit must not be burned until operating conditions have been specified under a new permit or permit modification, as applicable. Operating requirements for new wastes must be based on either trial burn results or alternative data included with Part B of a permit application pursuant to 35 Ill. Adm. Code 703.208.

3) BIFs operating under the interim status standards of Section 726.203 are permitted pursuant to procedures provided by 35 Ill. Adm. Code 703.232(g).

4) A permit for a new BIF (those BIFs not operating under the interim status standards) must establish appropriate conditions for each of the applicable requirements of this Section, including but not limited to allowable hazardous waste firing rates and operating conditions necessary to meet the requirements of subsection (e), in order to comply with the following standards:

A) For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the device to a point of operational readiness to conduct a trial burn, not to exceed a duration of 720 hours operating time when burning hazardous waste, the operating requirements must be those most likely to ensure compliance with the emission standards of Sections 726.204 through 726.207, based on the Agency's engineering judgment. If the applicant is seeking a waiver from a trial burn to demonstrate conformance with a particular emission standard, the operating requirements during this initial period of operation must include those specified by the applicable provisions of Section

726.204, Section 726.205, Section 726.206, or Section 726.207. The Agency must extend the duration of this period for up to 720 additional hours when good cause for the extension is demonstrated by the applicant.

B) For the duration of the trial burn, the operating requirements must be sufficient to demonstrate compliance with the emissions standards of Sections 726.204 through 726.207 and must be in accordance with the approved trial burn plan;

C) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation, submission of the trial burn results by the applicant, review of the trial burn results, and modification of the facility permit by the Agency to reflect the trial burn results, the operating requirements must be those most likely to ensure compliance with the emission standards Sections 726.204 through 726.207 based on the Agency's engineering judgment.

D) For the remaining duration of the permit, the operating requirements must be those demonstrated in a trial burn or by alternative data specified in 35 Ill. Adm. Code 703.208, as sufficient to ensure compliance with the emissions standards of Sections 726.204 through 726.207.

e) Operating Requirements.

1) General. A BIF burning hazardous waste must be operated in accordance with the operating requirements specified in the permit at all times when there is hazardous waste in the unit.

2) Requirements to ensure compliance with the organic emissions standards.

A) DRE (destruction or removal efficiency) standard. Operating conditions must be specified in either of the following ways: on a case-by-case basis for each hazardous waste burned, which conditions must be demonstrated (in a trial burn or by alternative data, as specified in 35 Ill. Adm. Code 703.208) to be sufficient to comply with the DRE performance standard of Section 726.204(a),

or as special operating requirements provided by Section 726.204(a)(4) for the waiver of the DRE trial burn. When the DRE trial burn is not waived pursuant to Section 726.204(a)(4), each set of operating requirements must specify the composition of the hazardous waste (including acceptable variations in the physical and chemical properties of the hazardous waste that will not affect compliance with the DRE performance standard) to which the operating requirements apply. For each such hazardous waste, the permit must specify acceptable operating limits including, but not limited to, the following conditions, as appropriate:

i) Feed rate of hazardous waste and other fuels measured and specified as prescribed in subsection (e)(6);

ii) Minimum and maximum device production rate when producing normal product expressed in appropriate units, measured and specified as prescribed in subsection (e)(6);

iii) Appropriate controls of the hazardous waste firing system;

iv) Allowable variation in BIF system design or operating procedures;

v) Minimum combustion gas temperature measured at a location indicative of combustion chamber temperature, measured, and specified as prescribed in subsection (e)(6);

vi) An appropriate indicator of combustion gas velocity, measured and specified as prescribed in subsection (e)(6), unless documentation is provided pursuant to 35 Ill. Adm. Code 703.232 demonstrating adequate combustion gas residence time; and

vii) Such other operating requirements as are necessary to ensure that the DRE performance standard of Section 726.204(a) is met.

B) CO and Hydrocarbon (HC) Standards. The permit must incorporate a CO limit and, as appropriate, a HC limit as provided

by Section 726.204(b), (c), (d), (e), and (f). The permit limits must be specified as follows:

i) When complying with the CO standard of Section 726.204(b)(1), the permit limit is 100 ppmv;

ii) When complying with the alternative CO standard pursuant to Section 726.204(c), the permit limit for CO is based on the trial burn and is established as the average over all valid runs of the highest hourly rolling average CO level of each run; and, the permit limit for HC is 20 ppmv (as defined in Section 726.204(c)(1)), except as provided in Section 726.204(f); or

iii) When complying with the alternative HC limit for industrial furnaces pursuant to Section 726.204(f), the permit limit for HC and CO is the baseline level when hazardous waste is not burned as specified by that subsection.

C) Start-Up and Shut-Down. During start-up and shut-down of the BIF, hazardous waste (except waste fed solely as an ingredient under the Tier I (or adjusted Tier I) feed rate screening limits for metals and chloride/chlorine, and except low risk waste exempt from the trial burn requirements pursuant to Sections 726.204(a)(5), 726.205, 726.206, and 726.207) must not be fed into the device, unless the device is operating within the conditions of operation specified in the permit.

3) Requirements to Ensure Conformance with the Particulate Matter (PM) Standard.

A) Except as provided in subsections (e)(3)(B) and (e)(3)(C), the permit must specify the following operating requirements to ensure conformance with the PM standard specified in Section 726.205:

i) Total ash feed rate to the device from hazardous waste, other fuels, and industrial furnace feedstocks, measured and specified as prescribed in subsection (e)(6);

ii) Maximum device production rate when producing normal product expressed in appropriate units, and measured and specified as prescribed in subsection (e)(6);

iii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any air pollution control system (APCS);

iv) Allowable variation in BIF system design including any APCS or operating procedures; and

v) Such other operating requirements as are necessary to ensure that the PM standard in Section 726.205(a) is met.

B) Permit conditions to ensure conformance with the PM standard must not be provided for facilities exempt from the PM standard pursuant to Section 726.205(b);

C) For cement kilns and light-weight aggregate kilns, permit conditions to ensure compliance with the PM standard must not limit the ash content of hazardous waste or other feed materials.

4) Requirements to Ensure Conformance with the Metals Emissions Standard.

A) For conformance with the Tier I (or adjusted Tier I) metals feed rate screening limits of Section 726.206(b) or (e), the permit must specify the following operating requirements:

i) Total feed rate of each metal in hazardous waste, other fuels and industrial furnace feedstocks measured and specified pursuant to provisions of subsection (e)(6);

ii) Total feed rate of hazardous waste measured and specified as prescribed in subsection (e)(6); and

iii) A sampling and metals analysis program for the hazardous waste, other fuels and industrial furnace feedstocks;

B) For conformance with the Tier II metals emission rate screening limits pursuant to Section 726.206(c) and the Tier III metals controls pursuant to Section 726.206(d), the permit must specify the following operating requirements:

i) Maximum emission rate for each metal specified as the average emission rate during the trial burn;

ii) Feed rate of total hazardous waste and pumpable hazardous waste, each measured and specified as prescribed in subsection (e)(6)(A);

iii) Feed rate of each metal in the following feedstreams, measured and specified as prescribed in subsections (e)(6): total feed streams; total hazardous waste feed; and total pumpable hazardous waste feed;

BOARD NOTE: The Board has combined the text of 40 CFR 266.102(e)(4)(ii)(C)(*1*) and (e)(4)(ii)(C)(*2*) into this subsection (e)(4)(B)(iii) to comport with Illinois Administrative Code codification requirements.

iv) Total feed rate of chlorine and chloride in total feed streams measured and specified as prescribed in subsection (e)(6);

v) Maximum combustion gas temperature measured at a location indicative of combustion chamber temperature, and measured and specified as prescribed in subsection (e)(6);

vi) Maximum flue gas temperature at the inlet to the PM APCS measured and specified as prescribed in subsection (e)(6);

vii) Maximum device production rate when producing normal product expressed in appropriate units and measured and specified as prescribed in subsection (e)(6);

viii) Appropriate controls on operation and maintenance of the

hazardous waste firing system and any APCS;

ix) Allowable variation in BIF system design including any APCS or operating procedures; and

x) Such other operating requirements as are necessary to ensure that the metals standards pursuant to Section 726.206(c) or (d) are met.

C) For conformance with an alternative implementation approach approved by the Agency pursuant to Section 726.206(f), the permit must specify the following operating requirements:

i) Maximum emission rate for each metal specified as the average emission rate during the trial burn;

ii) Feed rate of total hazardous waste and pumpable hazardous waste, each measured and specified as prescribed in subsection (e)(6)(A);

iii) Feed rate of each metal in the following feedstreams, measured and specified as prescribed in subsection (e)(6): total hazardous waste feed; and total pumpable hazardous waste feed;

BOARD NOTE: The Board has combined the text of 40 CFR 266.102(e)(4)(iii)(C)(*1*) and (e)(4)(iii)(C)(*2*) into this subsection (e)(4)(C)(iii) to comport with Illinois Administrative Code codification requirements.

iv) Total feed rate of chlorine and chloride in total feed streams measured and specified prescribed in subsection (e)(6);

v) Maximum combustion gas temperature measured at a location indicative of combustion chamber temperature, and measured and specified as prescribed in subsection (e)(6);

vi) Maximum flue gas temperature at the inlet to the PM APCS

measured and specified as prescribed in subsection (e)(6);

vii) Maximum device production rate when producing normal product expressed in appropriate units and measured and specified as prescribed in subsection (e)(6);

viii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCS;

ix) Allowable variation in BIF system design including any APCS or operating procedures; and

x) Such other operating requirements as are necessary to ensure that the metals standards pursuant to Section 726.206(c) or (d) are met.

5) Requirements to Ensure Conformance with the HCl and Chlorine Gas Standards.

A) For conformance with the Tier I total chlorine and chloride feed rate screening limits of Section 726.207(b)(1), the permit must specify the following operating requirements:

i) Feed rate of total chlorine and chloride in hazardous waste, other fuels and industrial furnace feedstocks measured and specified as prescribed in subsection (e)(6);

ii) Feed rate of total hazardous waste measured and specified as prescribed in subsection (e)(6); and

iii) A sampling and analysis program for total chlorine and chloride for the hazardous waste, other fuels and industrial furnace feedstocks;

B) For conformance with the Tier II HCl and chlorine gas emission rate screening limits pursuant to Section 726.207(b)(2) and the Tier III HCl and chlorine gas controls pursuant to Section 726.207(c), the permit must specify the following operating requirements:

i) Maximum emission rate for HCl and for chlorine gas specified as the average emission rate during the trial burn;

ii) Feed rate of total hazardous waste measured and specified as prescribed in subsection (e)(6);

iii) Total feed rate of chlorine and chloride in total feed streams, measured and specified as prescribed in subsection (e)(6);

iv) Maximum device production rate when producing normal product expressed in appropriate units, measured and specified as prescribed in subsection (e)(6);

v) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCS;

vi) Allowable variation in BIF system design including any APCS or operating procedures; and

vii) Such other operating requirements as are necessary to ensure that the HCl and chlorine gas standards pursuant to Section 726.207(b)(2) or (c) are met.

6) Measuring Parameters and Establishing Limits Based on Trial Burn Data.

A) General Requirements. As specified in subsections (e)(2) through (e)(5), each operating parameter must be measured, and permit limits on the parameter must be established, according to either of the following procedures:

i) Instantaneous Limits. A parameter is measured and recorded on an instantaneous basis (i.e., the value that occurs at any time) and the permit limit specified as the time-weighted average during all valid runs of the trial burn; or

ii) Hourly Rolling Average. The limit for a parameter must be established and continuously monitored on an hourly

rolling average basis, as defined in Section 726.200(i). The permit limit for the parameter must be established based on trial burn data as the average over all valid test runs of the highest hourly rolling average value for each run.

BOARD NOTE: The Board has combined the text of 40 CFR 266.102(e)(6)(i)(B)(*1*) and (e)(6)(i)(B)(*2*) into this subsection (e)(6)(A)(ii) and moved the text of 40 CFR 266.102(e)(6)(i)(B)(*1*)(*i*) and (e)(6)(i)(B)(*1*)(*ii*) to appear as definitions of "continuous monitor" and "hourly rolling average~~,~~", respectively, in Section 726.200(i) to comport with Illinois Administrative Code codification requirements.

B) Rolling Average Limits for Carcinogenic Metals and Lead. Feed rate limits for the carcinogenic metals (as defined in Section 726.200(i)) and lead must be established either on an hourly rolling average basis, as prescribed by subsection (e)(6)(A), or on (up to) a 24 hour rolling average basis. If the owner or operator elects to use an average period from 2 to 24 hours, the following requirements apply:

i) The feed rate of each metal must be limited at any time to ten times the feed rate that would be allowed on an hourly rolling average basis;

ii) The continuous monitor must meet the specifications of "continuous monitor~~,~~", "rolling average for the selected averaging period~~,~~", and "one hour block average" as defined in Section 726.200(i); and

BOARD NOTE: The Board has moved the text of 40 CFR 266.102(e)(6)(ii)(B)(*1*) and (e)(6)(ii)(B)(*2*) to appear as definitions in Section 726.200(i) to comport with Illinois Administrative Code codification requirements.

iii) The permit limit for the feed rate of each metal must be established based on trial burn data as the average over all valid test runs of the highest hourly rolling average feed

rate for each run.

C) Feed Rate Limits for Metals, Total Chlorine and Chloride, and Ash. Feed rate limits for metals, total chlorine and chloride, and ash are established and monitored by knowing the concentration of the substance (i.e., metals, chloride/chlorine and ash) in each feedstream and the flow rate of the feedstream. To monitor the feed rate of these substances, the flow rate of each feedstream must be monitored pursuant to the continuous monitoring requirements of subsections (e)(6)(A) and (e)(6)(B).

D) Conduct of Trial Burn Testing.

i) If compliance with all applicable emissions standards of Sections 726.204 through 726.207 is not demonstrated simultaneously during a set of test runs, the operating conditions of additional test runs required to demonstrate compliance with remaining emissions standards must be as close as possible to the original operating conditions.

ii) Prior to obtaining test data for purposes of demonstrating compliance with the emissions standards of Sections 726.204 through 726.207 or establishing limits on operating parameters pursuant to this Section, the unit must operate under trial burn conditions for a sufficient period to reach steady-state operations. However, industrial furnaces that recycle collected PM back into the furnace and that comply with an alternative implementation approach for metals pursuant to Section 726.206(f) need not reach steady state conditions with respect to the flow of metals in the system prior to beginning compliance testing for metals emissions.

iii) Trial burn data on the level of an operating parameter for which a limit must be established in the permit must be obtained during emissions sampling for the pollutants (i.e., metals, PM, HCl/chlorine gas, organic compounds) for which the parameter must be established as specified by this subsection (e).

7) General Requirements.

A) Fugitive Emissions. Fugitive emissions must be controlled in one of the following ways:

i) By keeping the combustion zone totally sealed against fugitive emissions;

ii) By maintaining the combustion zone pressure lower than atmospheric pressure; or

iii) By an alternative means of control demonstrated (with Part B of the permit application) to provide fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.

B) Automatic Waste Feed Cutoff. A BIF must be operated with a functioning system that automatically cuts off the hazardous waste feed when operating conditions deviate from those established pursuant to this Section. In addition, the following requirements apply:

i) The permit limit for (the indicator of) minimum combustion chamber temperature must be maintained while hazardous waste or hazardous waste residues remain in the combustion chamber;

ii) Exhaust gases must be ducted to the APCS operated in accordance with the permit requirements while hazardous waste or hazardous waste residues remain in the combustion chamber; and

iii) Operating parameters for which permit limits are established must continue to be monitored during the cutoff, and the hazardous waste feed must not be restarted until the levels of those parameters comply with the permit limits. For parameters that are monitored on an instantaneous basis, the Agency must establish a minimum

period of time after a waste feed cutoff during which the parameter must not exceed the permit limit before the hazardous waste feed is restarted.

C) Changes. A BIF must cease burning hazardous waste when combustion properties or feed rates of the hazardous waste, other fuels or industrial furnace feedstocks, or the BIF design or operating conditions deviate from the limits as specified in the permit.

8) Monitoring and Inspections.

A) The owner or operator must monitor and record the following, at a minimum, while burning hazardous waste:

i) If specified by the permit, feed rates and composition of hazardous waste, other fuels, and industrial furnace feedstocks and feed rates of ash, metals, and total chlorine and chloride;

ii) If specified by the permit, CO, HCs, and oxygen on a continuous basis at a common point in the BIF downstream of the combustion zone and prior to release of stack gases to the atmosphere in accordance with operating requirements specified in subsection (e)(2)(B). CO, HC, and oxygen monitors must be installed, operated, and maintained in accordance with methods specified in Appendix I ~~of this Part~~; and

iii) Upon the request of the Agency, sampling and analysis of the hazardous waste (and other fuels and industrial furnace feedstocks as appropriate), residues, and exhaust emissions must be conducted to verify that the operating requirements established in the permit achieve the applicable standards of Sections 726.204, 726.205, 726.206, and 726.207.

B) All monitors must record data in units corresponding to the permit limit unless otherwise specified in the permit.

C) The BIF and associated equipment (pumps, valves, pipes, fuel storage tanks, etc.) must be subjected to thorough visual inspection when it contains hazardous waste, at least daily for leaks, spills, fugitive emissions, and signs of tampering.

D) The automatic hazardous waste feed cutoff system and associated alarms must be tested at least once every seven days when hazardous waste is burned to verify operability, unless the applicant demonstrates to the Agency that weekly inspections will unduly restrict or upset operations and that less frequent inspections will be adequate. At a minimum, operational testing must be conducted at least once every 30 days.

E) These monitoring and inspection data must be recorded and the records must be placed in the operating record required by 35 Ill. Adm. Code 724.173.

9) Direct Transfer to the Burner. If hazardous waste is directly transferred from a transport vehicle to a BIF without the use of a storage unit, the owner and operator must comply with Section 726.211.

10) Recordkeeping. The owner or operator must maintain in the operating record of the facility all information and data required by this Section for five years.

11) Closure. At closure, the owner or operator must remove all hazardous waste and hazardous waste residues (including, but not limited to, ash, scrubber waters, and scrubber sludges) from the BIF.

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

**Section 726.203 Interim Status Standards for Burners**

a) Purpose, Scope, and Applicability.

1) General.

A) The purpose of this Section is to establish minimum national standards for owners and operators of "existing" BIFs that burn

hazardous waste where such standards define the acceptable management of hazardous waste during the period of interim status. The standards of this Section apply to owners and operators of existing facilities until either a permit is issued under Section 726.202(d) or until closure responsibilities identified in this Section are fulfilled.

B) "Existing" or "in existence" means a BIF for which the owner or operator filed a certification of precompliance with USEPA pursuant to federal 40 CFR 266.103(b); provided, however, that USEPA has not determined that the certification is invalid.

C) If a BIF is located at a facility that already has a RCRA permit or interim status, then the owner or operator must comply with the applicable regulations dealing with permit modifications in 35 Ill. Adm. Code 703.280 or changes in interim status in 35 Ill. Adm. Code 703.155.

2) Exemptions. The requirements of this Section do not apply to hazardous waste and facilities exempt under Section 726.200(b) or 726.208.

3) Prohibition on Burning Dioxin-Listed Wastes. The following hazardous waste listed for dioxin and hazardous waste derived from any of these wastes must not be burned in a BIF operating under interim status: USEPA hazardous waste numbers F020, F021, F022, F023, F026, and F027.

4) Applicability of 35 Ill. Adm. Code 725 Standards. An owner or operator of a BIF that burns hazardous waste and which is operating under interim status is subject to the following provisions of 35 Ill. Adm. Code 725, except as provided otherwise by this Section:

A) In Subpart A of 35 Ill. Adm. Code 725 (General), 35 Ill. Adm. Code 725.104;

B) In Subpart B of 35 Ill. Adm. Code 725 (General facility standards), 35 Ill. Adm. Code 725.111 through 725.117;

C) In Subpart C of 35 Ill. Adm. Code 725 (Preparedness and

prevention), 35 Ill. Adm. Code 725.131 through 725.137;

D) In Subpart D of 35 Ill. Adm. Code 725 (Contingency plan and emergency procedures), 35 Ill. Adm. Code 725.151 through 725.156;

E) In Subpart E of 35 Ill. Adm. Code 725 (Manifest system, recordkeeping and reporting), 35 Ill. Adm. Code 725.171 through 725.177, except that 35 Ill. Adm. Code 725.171, 725.172 and 725.176 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources;

F) In Subpart G of 35 Ill. Adm. Code 725 (Closure and post-closure), 35 Ill. Adm. Code 725.211 through 725.215;

G) In Subpart H of 35 Ill. Adm. Code 725 (Financial requirements), 35 Ill. Adm. Code 725.241, 725.242, 725.243, and 725.247 through 725.250, except that the State of Illinois and the federal government are exempt from the requirements of Subpart H of 35 Ill. Adm. Code 725; and

H) In Subpart BB of 35 Ill. Adm. Code 725 (Air emission standards for equipment leaks), except 35 Ill. Adm. Code 725.950(a).

5) Special Requirements for Furnaces. The following controls apply during interim status to industrial furnaces (e.g., kilns, cupolas) that feed hazardous waste for a purpose other than solely as an ingredient (see subsection (a)(5)(B)) at any location other than the hot end where products are normally discharged or where fuels are normally fired:

A) Controls.

i) The hazardous waste must be fed at a location where combustion gas temperature is at least 1800°F;

ii) The owner or operator must determine that adequate oxygen is present in combustion gases to combust organic constituents in the waste and retain documentation of such determination in the facility record;

iii) For cement kiln systems, the hazardous waste must be fed into the kiln; and

iv) The HC controls of Section 726.204(f) or subsection (c)(5) apply upon certification of compliance under subsection (c), irrespective of the CO level achieved during the compliance test.

B) Burning Hazardous Waste Solely as an Ingredient. A hazardous waste is burned for a purpose other than "solely as an ingredient" if it meets either of the following criteria:

i) The hazardous waste has a total concentration of nonmetal compounds listed in Appendix H of 35 Ill. Adm. Code 721, exceeding 500 ppm by weight, as fired and so is considered to be burned for destruction. The concentration of nonmetal compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys nonmetal constituents. Blending for dilution to meet the 500 ppm limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the facility record; or

ii) The hazardous waste has a heating value of 5,000 Btu/lb or more, as fired, and so is considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending to augment the heating value to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly blended must be retained in the facility record.

6) Restrictions on Burning Hazardous Waste that is not a Fuel. Prior to certification of compliance under subsection (c), an owner or operator

must not feed hazardous waste that has a heating value less than 5000 Btu/lb, as generated, (except that the heating value of a waste as-generated may be increased to above the 5,000 Btu/lb limit by bona fide treatment; however blending to augment the heating value to meet the 5,000 Btu/lb limit is prohibited and records must be kept to document that impermissible blending has not occurred) in a BIF, except that the following may occur:

A) Hazardous waste may be burned solely as an ingredient;

B) Hazardous waste may be burned for purposes of compliance testing (or testing prior to compliance testing) for a total period of time not to exceed 720 hours;

C) Such waste may be burned if the Agency has documentation to show that the following was true prior to August 21, 1991:

i) The BIF was operating under the interim status standards for incinerators or thermal treatment units, Subparts O or P of 35 Ill. Adm. Code 725;

ii) The BIF met the interim status eligibility requirements under 35 Ill. Adm. Code 703.153 for Subparts O or P of 35 Ill. Adm. Code 725; and

iii) Hazardous waste with a heating value less than 5,000 Btu/lb was burned prior to that date; or

D) Such waste may be burned in a halogen acid furnace if the waste was burned as an excluded ingredient under 35 Ill. Adm. Code 721.102(e) prior to February 21, 1991, and documentation is kept on file supporting this claim.

7) Direct Transfer to the Burner. If hazardous waste is directly transferred from a transport vehicle to a BIF without the use of a storage unit, the owner or operator must comply with Section 726.211.

b) Certification of Precompliance. This subsection (b) corresponds with 40 CFR 266.103(b), under which USEPA required certain owners and operators to file a

certification of precompliance by August 21, 1991. No similar filing with the Agency was required, so the Board did not incorporate the federal filing requirement into the Illinois regulations. This statement maintains structural parity with the federal regulations.

c) Certification of Compliance. The owner or operator must conduct emissions testing to document compliance with the emissions standards of Sections 726.204(b) through (e), 726.205, 726.206, and 726.207 and subsection (a)(5)(A)(iv) under the procedures prescribed by this subsection (c)~~, except under extensions of time provided by subsection (c)(7)~~. Based on the compliance test, the owner or operator must submit to the Agency~~, on or before August 21, 1992,~~ a complete and accurate "certification of compliance" (under subsection (c)(4)) with those emission standards establishing limits on the operating parameters specified in subsection (c)(1).

1) Limits on Operating Conditions. The owner or operator must establish limits on the following parameters based on operations during the compliance test (under procedures prescribed in subsection (c)(4)(D)) or as otherwise specified and include these limits with the certification of compliance. The BIF must be operated in accordance with these operating limits and the applicable emissions standards of Sections 726.204(b) through (e), 726.205, 726.206, and 726.207 and subsection (a)(5)(A)(iv) at all times when there is hazardous waste in the unit.

A) Feed rate of total hazardous waste and (unless complying the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e)), pumpable hazardous waste;

B) Feed rate of each metal in the following feedstreams:

i) Total feedstreams, except that industrial furnaces which must comply with the alternative metals implementation approach under subsection (c)(3)(B) must specify limits on the concentration of each metal in collected PM in lieu of feed rate limits for total feedstreams; and facilities that comply with Tier I or Adjusted Tier I metals feed rate screening limits may set their operating limits at the metal feed rate screening limits determined under Section 726.206(b) or (e);

BOARD NOTE: Federal subsections 266.103(c)(1)(ii)(A)(*1*) and (c)(1)(ii)(A)(2) are condensed into subsection (c)(1)(B)(i).

ii) Total hazardous waste feed (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e)); and

iii) Total pumpable hazardous waste feed (unless complying with Tier I or Adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e));

C) Total feed rate of total chlorine and chloride in total feed streams, except that facilities that comply with Tier I or Adjusted Tier I feed rate screening limits may set their operating limits at the total chlorine and chloride feed rate screening limits determined under Section 726.207(b)(1) or (e);

D) Total feed rate of ash in total feed streams, except that the ash feed rate for cement kilns and light-weight aggregate kilns is not limited;

E) CO Concentration, and Where Required, HC Concentration in Stack Gas. When complying with the CO controls of Section 726.204(b), the CO limit is 100 ppmv, and when complying with the HC controls of Section 726.204(c), the HC limit is 20 ppmv. When complying with the CO controls of Section 726.204(c), the CO limit is established based on the compliance test;

F) Maximum production rate of the device in appropriate units when producing normal product unless complying with Tier I or Adjusted Tier I feed rate screening limits for chlorine under Section 726.207(b)(1) or (e) and for all metals under Section 726.206(b) or (e), and the uncontrolled particulate emissions do not exceed the standard under Section 726.205;

G) Maximum combustion chamber temperature where the temperature measurement is as close to the combustion zone as possible and is

upstream of any quench water injection, (unless complying with the Tier I adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e));

H) Maximum flue gas temperature entering a PM control device (unless complying with Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b) or (e));

I) For systems using wet scrubbers, including wet ionizing scrubbers (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)):

i) Minimum liquid to flue gas ratio;

ii) Minimum scrubber blowdown from the system or maximum suspended solids content of scrubber water; and

iii) Minimum pH level of the scrubber water;

J) For systems using venturi scrubbers, the minimum differential gas pressure across the venturi (unless complying the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e));

K) For systems using dry scrubbers (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)):

i) Minimum caustic feed rate; and

ii) Maximum flue gas flow rate;

L) For systems using wet ionizing scrubbers or electrostatic

precipitators (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)):

i) Minimum electrical power in kVA to the precipitator plates; and

ii) Maximum flue gas flow rate;

M) For systems using fabric filters (baghouses), the minimum pressure drop (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)).

2) Prior Notice of Compliance Testing. At least 30 days prior to the compliance testing required by subsection (c)(3), the owner or operator must notify the Agency and submit the following information:

A) General facility information including:

i) USEPA facility ID number;

ii) Facility name, contact person, telephone number, and address;

iii) Person responsible for conducting compliance test, including company name, address, and telephone number, and a statement of qualifications;

iv) Planned date of the compliance test;

B) Specific information on each device to be tested, including the following:

i) A Description of BIF;

ii) A scaled plot plan showing the entire facility and location

of the BIF;

iii) A description of the APCS;

iv) Identification of the continuous emission monitors that are installed, including the following: CO monitor; Oxygen monitor; HC monitor, specifying the minimum temperature of the system, and, if the temperature is less than 150 ºC, an explanation of why a heated system is not used (see subsection (c)(5)) and a brief description of the sample gas conditioning system;

BOARD NOTE: The Board has combined the text of 40 CFR 266.103(c)(2)(ii)(D)(*1*) through (c)(2)(ii)(D)(*3*) into this subsection (c)(2)(B)(iv) to comport with Illinois Administrative Code codification requirements.

v) Indication of whether the stack is shared with another device that will be in operation during the compliance test; and

vi) Other information useful to an understanding of the system design or operation; and

C) Information on the testing planned, including a complete copy of the test protocol and QA/QC plan, and a summary description for each test providing the following information at a minimum:

i) Purpose of the test (e.g., demonstrate compliance with emissions of PM); and

ii) Planned operating conditions, including levels for each pertinent parameter specified in subsection (c)(1).

3) Compliance Testing.

A) General. Compliance testing must be conducted under conditions for which the owner or operator has submitted a certification of precompliance under subsection (b) and under conditions

established in the notification of compliance testing required by subsection (c)(2). The owner or operator may seek approval on a case-by-case basis to use compliance test data from one unit in lieu of testing a similar on-site unit. To support the request, the owner or operator must provide a comparison of the hazardous waste burned and other feedstreams, and the design, operation, and maintenance of both the tested unit and the similar unit. The Agency must provide a written approval to use compliance test data in lieu of testing a similar unit if the Agency finds that the hazardous wastes, devices and the operating conditions are sufficiently similar, and the data from the other compliance test is adequate to meet the requirements of this subsection (c).

B) Special Requirements for Industrial Furnaces that Recycle Collected PM. Owners and operators of industrial furnaces that recycle back into the furnace PM from the APCS must comply with one of the following procedures for testing to determine compliance with the metals standards of Section 726.206(c) or (d):

i) The special testing requirements prescribed in "Alternative Method for Implementing Metals Controls" in Appendix I ~~to this Part~~;

ii) Stack emissions testing for a minimum of six hours each day while hazardous waste is burned during interim status. The testing must be conducted when burning normal hazardous waste for that day at normal feed rates for that day and when the APCS is operated under normal conditions. During interim status, hazardous waste analysis for metals content must be sufficient for the owner or operator to determine if changes in metals content affect the ability of the unit to meet the metals emissions standards established under Section 726.206(c) or (d). Under this option, operating limits (under subsection (c)(1)) must be established during compliance testing under this subsection (c)(3) only on the following parameters: feed rate of total hazardous waste; total feed rate of total chlorine and chloride in total feed streams; total feed rate of ash in total feed streams, except that the ash feed rate for

cement kilns and light-weight aggregate kilns is not limited; CO concentration, and where required, HC concentration in stack gas; and maximum production rate of the device in appropriate units when producing normal product; or

BOARD NOTE: The Board has combined the text of 40 CFR 266.103(c)(3)(ii)(B)(*1*) through (c)(3)(ii)(B)(*5*) into this subsection (c)(3)(B)(ii) to comport with Illinois Administrative Code codification requirements.

iii) Conduct compliance testing to determine compliance with the metals standards to establish limits on the operating parameters of subsection (c)(1) only after the kiln system has been conditioned to enable it to reach equilibrium with respect to metals fed into the system and metals emissions. During conditioning, hazardous waste and raw materials having the same metals content as will be fed during the compliance test must be fed at the feed rates that will be fed during the compliance test.

C) Conduct of Compliance Testing.

i) If compliance with all applicable emissions standards of Sections 726.204 through 726.207 is not demonstrated simultaneously during a set of test runs, the operating conditions of additional test runs required to demonstrate compliance with remaining emissions standards must be as close as possible to the original operating conditions.

ii) Prior to obtaining test data for purposes of demonstrating compliance with the applicable emissions standards of Sections 726.204 through 726.207 or establishing limits on operating parameters under this Section, the facility must operate under compliance test conditions for a sufficient period to reach steady-state operations. Industrial furnaces that recycle collected PM back into the furnace and that comply with subsection (c)(3)(B)(i) or (c)(3)(B)(ii), however, need not reach steady state conditions with

respect to the flow of metals in the system prior to beginning compliance testing for metals.

iii) Compliance test data on the level of an operating parameter for which a limit must be established in the certification of compliance must be obtained during emissions sampling for the pollutants (i.e., metals, PM, HCl/chlorine gas, organic compounds) for which the parameter must be established as specified by subsection (c)(1).

4) Certification of Compliance. Within 90 days of completing compliance testing, the owner or operator must certify to the Agency compliance with the emissions standards of Sections 726.204(b), (c) and (e); 726.205; 726.206; 726.207; and subsection (a)(5)(A)(iv). The certification of compliance must include the following information:

A) General facility and testing information, including the following:

i) USEPA facility ID number;

ii) Facility name, contact person, telephone number, and address;

iii) Person responsible for conducting compliance testing, including company name, address, and telephone number, and a statement of qualifications;

iv) Dates of each compliance test;

v) Description of BIF tested;

vi) Person responsible for QA/QC, title and telephone number, and statement that procedures prescribed in the QA/QC plan submitted under Section 726.203(c)(2)(C) have been followed, or a description of any changes and an explanation of why changes were necessary;

vii) Description of any changes in the unit configuration prior to or during testing that would alter any of the information

submitted in the prior notice of compliance testing under subsection (c)(2) and an explanation of why the changes were necessary;

viii) Description of any changes in the planned test conditions prior to or during the testing that alter any of the information submitted in the prior notice of compliance testing under subsection (c)(2) and an explanation of why the changes were necessary; and

ix) The complete report on results of emissions testing.

B) Specific information on each test, including the following:

i) Purposes of test (e.g., demonstrate conformance with the emissions limits for PM, metals, HCl, chlorine gas, and CO);

ii) Summary of test results for each run and for each test including the following information: date of run; duration of run; time-weighted average and highest hourly rolling average CO level for each run and for the test; highest hourly rolling average HC level, if HC monitoring is required for each run and for the test; if dioxin and furan testing is required under Section 726.204(e), time-weighted average emissions for each run and for the test of chlorinated dioxin and furan emissions, and the predicted maximum annual average ground level concentration of the toxicity equivalency factor (defined in Section 726.200(i)); time-weighted average PM emissions for each run and for the test; time-weighted average HCl and chlorine gas emissions for each run and for the test; time-weighted average emissions for the metals subject to regulation under Section 726.206 for each run and for the test; and QA/QC results.

BOARD NOTE: The Board has combined the text of 40 CFR 266.103(c)(4)(ii)(B)(*1*) through (c)(4)(ii)(B)(*9*) into this subsection (c)(4)(B)(ii) to comport with Illinois

Administrative Code codification requirements.

C) Comparison of the actual emissions during each test with the emissions limits prescribed by Sections 726.204(b), (c), and (e); 726.205; 726.206; and 726.207 and established for the facility in the certification of precompliance under subsection (b).

D) Determination of operating limits based on all valid runs of the compliance test for each applicable parameter listed in subsection (c)(1) using one of the following procedures:

i) Instantaneous limits. A parameter must be measured and recorded on an instantaneous basis (i.e., the value that occurs at any time) and the operating limit specified as the time-weighted average during all runs of the compliance test.

ii) Hourly rolling average basis. The limit for a parameter must be established and continuously monitored on an hourly rolling average basis, as defined in Section 726.200(i). The operating limit for the parameter must be established based on compliance test data as the average over all test runs of the highest hourly rolling average value for each run.

BOARD NOTE: The Board has combined the text of 40 CFR 266.103(c)(4)(iv)(B)(*1*) and (c)(4)(iv)(B)(*2*) into this subsection (c)(4)(D)(ii) and moved the text of 40 CFR 266.103(c)(4)(iv)(B)(*1*)(*i*) and (c)(4)(iv)(B)(*1*)(*ii*) to appear as definitions in Section 726.200(i) to comport with Illinois Administrative Code codification requirements.

iii) Rolling average limits for carcinogenic metals (as defined in Section 726.200(i)) and lead. Feed rate limits for the carcinogenic metals and lead must be established either on an hourly rolling average basis as prescribed by subsection (c)(4)(D)(ii) or on (up to) a 24 hour rolling average basis. If the owner or operator elects to use an averaging period from two to 24 hours the following must occur: the feed

rate of each metal must be limited at any time to ten times the feed rate that would be allowed on a hourly rolling average basis; the operating limit for the feed rate of each metal must be established based on compliance test data as the average over all test runs of the highest hourly rolling average feed rate for each run; and the continuous monitor and the rolling average for the selected averaging period are as defined in Section 726.200(i).

BOARD NOTE: The Board has combined the text of 40 CFR 266.103(c)(4)(iv)(C)(*1*) through (c)(4)(iv)(C)(*3*) into subsection (c)(4)(D)(iii) and moved the text of 40 CFR 266.103(c)(4)(iv)(C)(*2*)(*i*) and (c)(4)(iv)(C)(*2*)(*ii*) to appear as definitions in Section 726.200(i) to comport with Illinois Administrative Code codification requirements.

iv) Feed rate limits for metals, total chlorine and chloride, and ash. Feed rate limits for metals, total chlorine and chloride, and ash are established and monitored by knowing the concentration of the substance (i.e., metals, chloride/chlorine, and ash) in each feedstream and the flow rate of the feedstream. To monitor the feed rate of these substances, the flow rate of each feedstream must be monitored under the continuous monitoring requirements of subsections (c)(4)(D)(i) through (c)(4)(D)(iii).

E) Certification of Compliance Statement. The following statement must accompany the certification of compliance:

"I certify under penalty of law that this information was prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information and supporting documentation. Copies of all emissions tests, dispersion modeling results, and other information used to determine conformance with the requirements of 35 Ill. Adm. Code 726.203(c) are available at the facility and can be obtained from the facility contact person listed above. Based on my inquiry of the person or persons who manage

the facility, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I also acknowledge that the operating limits established pursuant to 35 Ill. Adm. Code 726.203(c)(4)(D) are enforceable limits at which the facility can legally operate during interim status until a revised certification of compliance is submitted."

5) Special Requirements for HC Monitoring Systems. When an owner or operator is required to comply with the HC controls provided by Section 726.204(c) or subsection (a)(5)(A)(iv), a conditioned gas monitoring system may be used in conformance with specifications provided in Appendix I ~~to this Part~~ provided that the owner or operator submits a certification of compliance without using extensions of time provided by subsection (c)(7).

6) Special Operating Requirements for Industrial Furnaces that Recycle Collected PM. Owners and operators of industrial furnaces that recycle back into the furnace PM from the APCS must do the following:

A) When complying with the requirements of subsection (c)(3)(B)(i), comply with the operating requirements prescribed in "Alternative Method to Implement the Metals Controls" in Appendix I ~~to this Part~~; and

B) When complying with the requirements of subsection (c)(3)(B)(ii), comply with the operating requirements prescribed by that subsection.

7) An owner or operator that did not submit a complete certification of compliance for all of the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 by August 21, 1992 must stop burning hazardous waste and begin closure activities under subsection (l) for the hazardous waste portion of the facility. ~~Extensions of Time.~~

~~A)~~ ~~If the owner or operator does not submit a complete certification of compliance for all of the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 by August 21, 1992, the owner or operator must do the following:~~

~~i)~~ ~~Stop burning hazardous waste and begin closure activities under subsection (l) for the hazardous waste portion of the facility;~~

~~ii)~~ ~~Limit hazardous waste burning only for purposes of compliance testing (and pretesting to prepare for compliance testing) a total period of 720 hours for the period of time beginning August 21, 1992, submit a notification to the Agency by August 21, 1992 stating that the facility is operating under restricted interim status and intends to resume burning hazardous waste, and submit a complete certification of compliance by August 23, 1993; or~~

~~iii)~~ ~~Obtain a case-by-case extension of time under subsection (c)(7)(B).~~

~~B)~~ ~~Case-by-Case Extensions of Time. See Section 726.219.~~

~~BOARD NOTE: The Board moved the text of 40 CFR 266.103(c)(7)(ii) to appear as Section 726.219 to comport with Illinois Administrative Code codification requirements.~~

8) Revised Certification of Compliance. The owner or operator may submit at any time a revised certification of compliance (recertification of compliance) under the following procedures:

A) Prior to submittal of a revised certification of compliance, hazardous waste must not be burned for more than a total of 720 hours under operating conditions that exceed those established under a current certification of compliance, and such burning must be conducted only for purposes of determining whether the facility can operate under revised conditions and continue to meet the

applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207;

B) At least 30 days prior to first burning hazardous waste under operating conditions that exceed those established under a current certification of compliance, the owner or operator must notify the Agency and submit the following information:

i) USEPA facility ID number, and facility name, contact person, telephone number, and address;

ii) Operating conditions that the owner or operator is seeking to revise and description of the changes in facility design or operation that prompted the need to seek to revise the operating conditions;

iii) A determination that, when operating under the revised operating conditions, the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 are not likely to be exceeded. To document this determination, the owner or operator must submit the applicable information required under subsection (b)(2); and

iv) Complete emissions testing protocol for any pretesting and for a new compliance test to determine compliance with the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 when operating under revised operating conditions. The protocol must include a schedule of pre-testing and compliance testing. If the owner or operator revises the scheduled date for the compliance test, the owner or operator must notify the Agency in writing at least 30 days prior to the revised date of the compliance test;

C) Conduct a compliance test under the revised operating conditions and the protocol submitted to the Agency to determine compliance with the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207; and

D) Submit a revised certification of compliance under subsection (c)(4).

d) Periodic Recertifications. The owner or operator must conduct compliance testing and submit to the Agency a recertification of compliance under provisions of subsection (c) within five years from submitting the previous certification or recertification. If the owner or operator seeks to recertify compliance under new operating conditions, the owner or operator must comply with the requirements of subsection (c)(8).

e) Noncompliance with Certification Schedule. If the owner or operator does not comply with the interim status compliance schedule provided by subsections (b), (c), and (d), hazardous waste burning must terminate on the date that the deadline is missed, closure activities must begin under subsection (l), and hazardous waste burning must not resume except under an operating permit issued under 35 Ill. Adm. Code 703.232. For purposes of compliance with the closure provisions of subsection (l) and 35 Ill. Adm. Code 725.212(d)(2) and 725.213, the BIF has received "the known final volume of hazardous waste" on the date the deadline is missed.

f) Start-Up and Shut-Down. Hazardous waste (except waste fed solely as an ingredient under the Tier I (or adjusted Tier I) feed rate screening limits for metals and chloride/chlorine) must not be fed into the device during start-up and shut-down of the BIF, unless the device is operating within the conditions of operation specified in the certification of compliance.

g) Automatic Waste Feed Cutoff. During the compliance test required by subsection (c)(3) and upon certification of compliance under subsection (c), a BIF must be operated with a functioning system that automatically cuts off the hazardous waste feed when the applicable operating conditions specified in subsections (c)(1)(A) and (c)(1)(E) through (c)(1)(M) deviate from those established in the certification of compliance. In addition, the following must occur:

1) To minimize emissions of organic compounds, the minimum combustion chamber temperature (or the indicator of combustion chamber temperature) that occurred during the compliance test must be maintained while hazardous waste or hazardous waste residues remain in the combustion chamber, with the minimum temperature during the compliance test defined as either of the following:

A) If compliance with the combustion chamber temperature limit is based on an hourly rolling average, the minimum temperature during the compliance test is considered to be the average over all runs of the lowest hourly rolling average for each run; or

B) If compliance with the combustion chamber temperature limit is based on an instantaneous temperature measurement, the minimum temperature during the compliance test is considered to be the time-weighted average temperature during all runs of the test; and

2) Operating parameters limited by the certification of compliance must continue to be monitored during the cutoff, and the hazardous waste feed must not be restarted until the levels of those parameters comply with the limits established in the certification of compliance.

h) Fugitive Emissions. Fugitive emissions must be controlled as follows:

1) By keeping the combustion zone totally sealed against fugitive emissions; or

2) By maintaining the combustion zone pressure lower than atmospheric pressure; or

3) By an alternative means of control that the owner or operator demonstrates provides fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure. Support for such demonstration must be included in the operating record.

i) Changes. A BIF must cease burning hazardous waste when combustion properties, or feed rates of the hazardous waste, other fuels or industrial furnace feedstocks, or the BIF design or operating conditions deviate from the limits specified in the certification of compliance.

j) Monitoring and Inspections.

1) The owner or operator must monitor and record the following, at a minimum, while burning hazardous waste:

A) Feed rates and composition of hazardous waste, other fuels, and industrial furnace feed stocks and feed rates of ash, metals, and total chlorine and chloride as necessary to ensure conformance with the certification of precompliance or certification of compliance;

B) CO, oxygen, and, if applicable, HC on a continuous basis at a common point in the BIF downstream of the combustion zone and prior to release of stack gases to the atmosphere in accordance with the operating limits specified in the certification of compliance. CO, HC, and oxygen monitors must be installed, operated, and maintained in accordance with methods specified in Appendix I ~~to this Part~~; and

C) Upon the request of the Agency, sampling and analysis of the hazardous waste (and other fuels and industrial furnace feed stocks as appropriate) and the stack gas emissions must be conducted to verify that the operating conditions established in the certification of precompliance or certification of compliance achieve the applicable standards of Sections 726.204, 726.205, 726.206, and 726.207.

2) The BIF and associated equipment (pumps, valves, pipes, fuel storage tanks, etc.) must be subjected to thorough visual inspection when they contain hazardous waste, at least daily for leaks, spills, fugitive emissions, and signs of tampering.

3) The automatic hazardous waste feed cutoff system and associated alarms must be tested at least once every seven days when hazardous waste is burned to verify operability, unless the owner or operator can demonstrate that weekly inspections will unduly restrict or upset operations and that less frequent inspections will be adequate. Support for such demonstration must be included in the operating record. At a minimum, operational testing must be conducted at least once every 30 days.

4) These monitoring and inspection data must be recorded and the records must be placed in the operating log.

k) Recordkeeping. The owner or operator must keep in the operating record of the

facility all information and data required by this Section for five years.

l) Closure. At closure, the owner or operator must remove all hazardous waste and hazardous waste residues (including, but not limited to, ash, scrubber waters and scrubber sludges) from the BIF and must comply with 35 Ill. Adm. Code 725.211 through 725.215.

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

**Section 726.204 Standards to Control Organic Emissions**

a) DRE standard.

1) General. Except as provided in subsection (a)(3) ~~of this Section~~, a BIF burning hazardous waste must achieve a DRE of 99.99 percent for all organic hazardous constituents in the waste feed. To demonstrate conformance with this requirement, 99.99 percent DRE must be demonstrated during a trial burn for each principal organic hazardous constituent (POHC) designated (under subsection (a)(2) ~~of this Section~~) in its permit for each waste feed. DRE is determined for each POHC from the following equation:

$$DRE = 100 \frac{(I-O)}{I}$$

Where:

I = Mass feed rate of one POHC in the hazardous waste fired to the BIF; and

O = Mass emission rate of the same POHC present in stack gas prior to release to the atmosphere.

2) Designation of POHCs. POHCs are those compounds for which compliance with the DRE requirements of this Section must be demonstrated in a trial burn in conformance with procedures prescribed in 35 Ill. Adm. Code 703.232. One or more POHCs must be designated by the Agency for each waste feed to be burned. POHCs must be designated based on the degree of difficulty of destruction of the organic constituents

in the waste and on their concentrations or mass in the waste feed considering the results of waste analyses submitted with Part B of the permit application. POHCs are most likely to be selected from among those compounds listed in Appendix H to 35 Ill. Adm. Code 721 that are also present in the normal waste feed. However, if the applicant demonstrates to the Agency that a compound not listed in Appendix H to 35 Ill. Adm. Code 721 or not present in the normal waste feed is a suitable indicator of compliance with the DRE requirements of this Section, that compound must be designated as a POHC. Such POHCs need not be toxic or organic compounds.

3) Dioxin-listed waste. A BIF burning hazardous waste containing (or derived from) USEPA Hazardous Wastes Nos. F020, F021, F022, F023, F026, or F027 must achieve a destruction and removal efficiency (DRE) of 99.9999 percent for each POHC designated (under subsection (a)(2) ~~of this Section~~) in its permit. This performance must be demonstrated on POHCs that are more difficult to burn than tetra-, penta-, and hexachlorodibenzo-p-dioxins and dibenzofurans. DRE is determined for each POHC from the equation in subsection (a)(1) ~~of this Section~~. In addition, the owner or operator of the BIF must notify the Agency of intent to burn USEPA hazardous waste numbers F020, F021, F022, F023, F026, or F027.

4) Automatic waiver of DRE trial burn. Owners and operators of boilers operated under the special operating requirements provided by Section 726.210 are considered to be in compliance with the DRE standard of subsection (a)(1) ~~of this Section~~ and are exempt from the DRE trial burn.

5) Low risk waste. Owners and operators of BIFs that burn hazardous waste in compliance with the requirements of Section 726.209(a) are considered to be in compliance with the DRE standard of subsection (a)(1) ~~of this Section~~ and are exempt from the DRE trial burn.

b) CO standard.

1) Except as provided in subsection (c) ~~of this Section~~, the stack gas concentration of CO from a BIF burning hazardous waste cannot exceed 100 ppmv on an hourly rolling average basis (i.e., over any 60 minute period), continuously corrected to seven percent oxygen, dry gas basis.

2) CO and oxygen must be continuously monitored in conformance with "Performance Specifications for Continuous Emission Monitoring of Carbon Monoxide and Oxygen for Incinerators, Boilers, and Industrial Furnaces Burning Hazardous Waste" in Appendix I ~~to this Part~~.

3) Compliance with the 100 ppmv CO limit must be demonstrated during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). To demonstrate compliance, the highest hourly rolling average CO level during any valid run of the trial burn or compliance test must not exceed 100 ppmv.

c) Alternative CO standard.

1) The stack gas concentration of CO from a BIF burning hazardous waste may exceed the 100 ppmv limit provided that stack gas concentrations of HCs do not exceed 20 ppmv, except as provided by subsection (f) ~~of this Section~~ for certain industrial furnaces.

2) HC limits must be established under this Section on an hourly rolling average basis (i.e., over any 60 minute period), reported as propane, and continuously corrected to seven percent oxygen, dry gas basis.

3) HC must be continuously monitored in conformance with "Performance Specifications for Continuous Emission Monitoring of Hydrocarbons for Incinerators, Boilers, and Industrial Furnaces Burning Hazardous Waste" in Appendix I ~~to this Part~~. CO and oxygen must be continuously monitored in conformance with subsection (b)(2) ~~of this Section~~.

4) The alternative CO standard is established based on CO data during the trial burn (for a new facility) and the compliance test (for an interim status facility). The alternative CO standard is the average over all valid runs of the highest hourly average CO level for each run. The CO limit is implemented on an hourly rolling average basis, and continuously corrected to seven percent oxygen, dry gas basis.

d) Special requirements for furnaces. Owners and operators of industrial furnaces (e.g., kilns, cupolas) that feed hazardous waste for a purpose other than solely as

an ingredient (see Section 726.203(a)(5)(B)) at any location other than the end where products are normally discharged and where fuels are normally fired must comply with the HC limits provided by subsection (c) or (f) ~~of this Section~~ irrespective of whether stack gas CO concentrations meet the 100 ppmv limit of subsection (b) ~~of this Section~~.

e) Controls for dioxins and furans. Owners and operators of BIFs that are equipped with a dry PM control device that operates within the temperature range of 450° through 750°F, and industrial furnaces operating under an alternative HC limit established under subsection (f) ~~of this Section~~ must conduct a site-specific risk assessment as follows to demonstrate that emissions of chlorinated dibenzo-p-dioxins and dibenzofurans do not result in an increased lifetime cancer risk to the hypothetical maximum exposed individual (MEI) exceeding $1x10^{-5}$ (1 in 100,000):

1) During the trial burn (for new facilities or an interim status facility applying for a permit) or compliance test (for interim status facilities), determine emission rates of the tetra-octa congeners of chlorinated dibenzo-p-dioxins and dibenzofurans (CDDs/CDFs) using Method 0023A(Sampling Method for Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofurans Emissions from Stationary Sources) 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);

2) Estimate the 2,3,7,8-TCDD toxicity equivalence of the tetra-octa CDDs/CDFs congeners using section 4.0 (Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners) in appendix IX to 40 CFR 266 (Methods Manual for Compliance with the BIF Regulations), incorporated by reference in 35 Ill. Adm. Code 720.111(b) (see Appendix I ~~to this Part~~). Multiply the emission rates of CDD/CDF congeners with a toxicity equivalence greater than zero (see the procedure) by the calculated toxicity equivalence factor to estimate the equivalent emission rate of 2,3,7,8-TCDD;

3) Conduct dispersion modeling using methods recommended in appendix W to 40 CFR 51 (Guideline on Air Quality Models), in section 5.0 (Hazardous Waste Combustion Air Quality Screening Procedure) in appendix IX to 40 CFR 266 (Methods Manual for Compliance with the

BIF Regulations), or in "Screening Procedures for Estimating Air Quality Impact of Stationary Sources, Revised," USEPA publication number EPA 454/R-92-019, each incorporated by reference in 35 Ill. Adm. Code 720.111, to predict the maximum annual average off-site ground level concentration of 2,3,7,8-TCDD equivalents determined under subsection (e)(2) ~~of this Section~~. The maximum annual average on-site concentration must be used when a person resides on-site; and

4) The ratio of the predicted maximum annual average ground level concentration of 2,3,7,8-TCDD equivalents to the risk-specific dose (RSD) for 2,3,7,8-TCDD provided in Appendix E ~~to this Part~~ ($2.2 \times 10^{-7}$) must not exceed 1.0.

f) Monitoring CO and HC in the by-pass duct of a cement kiln. Cement kilns may comply with the CO and HC limits provided by subsections (b), (c), and (d) ~~of this Section~~ by monitoring in the by-pass duct provided that the following conditions are fulfilled:

1) Hazardous waste is fired only into the kiln and not at any location downstream from the kiln exit relative to the direction of gas flow; and

2) The by-pass duct diverts a minimum of 10 percent of kiln off-gas into the duct.

g) Use of emissions test data to demonstrate compliance and establish operating limits. Compliance with the requirements of this Section must be demonstrated simultaneously by emissions testing or during separate runs under identical operating conditions. Further, data to demonstrate compliance with the CO and HC limits of this Section or to establish alternative CO or HC limits under this Section must be obtained during the time that DRE testing, and where applicable, CDD/CDF testing under subsection (e) ~~of this Section~~ and comprehensive organic emissions testing under subsection (f) ~~of this Section~~ is conducted.

h) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 et seq.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

**Section 726.205 Standards to Control PM**

a) A BIF burning hazardous waste must not emit PM in excess of 180 mg/dry standard $m^3$ (0.08 grains/dry standard cubic foot) after correction to a stack gas concentration of seven percent oxygen, using procedures prescribed in the following methods in appendix A to 40 CFR 60 (Test Methods), each incorporated by reference in 35 Ill. Adm. Code 720.111(b) (see Appendix I ~~of this Part~~): Method 1 (Sample and Velocity Traverses for Stationary Sources), Method 2 (Determination of Volatile Organic Compound Leaks), Method 2A (Direct Measurement of Gas Volume through Pipes and Small Ducts), Method 2B (Determination of Exhaust Gas Volume Flow Rate from Gasoline Vapor Incinerators), Method 2C (Determination of Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube)), Method 2D (Measurement of Gas Volume Flow Rates in Small Pipes and Ducts), Method 2E (Determination of Landfill Gas Production Flow Rate), Method 2F (Determination of Stack Gas Velocity and Volumetric Flow Rate with Three-Dimensional Probes), Method 2G (Determination of Stack Gas Velocity and Volumetric Flow Rate with Two-Dimensional Probes), Method 2H (Determination of Stack Gas Velocity Taking into Account Velocity Decay Near the Stack Wall), Method 3 (Gas Analysis for the Determination of Dry Molecular Weight), Method 3A (Determination of Oxygen and Carbon Dioxide Concentrations in Emissions from Stationary Sources (Instrumental Analyzer Procedure)), Method 3B (Gas Analysis for the Determination of Emission Rate Correction Factor or Excess Air), Method 3C (Determination of Carbon Dioxide, Methane, Nitrogen, and Oxygen from Stationary Sources), Method 4 (Determination of Moisture Content in Stack Gases), Method 5 (Determination of Particulate Matter Emissions from Stationary Sources), Method 5A (Determination of Particulate Matter Emissions from the Asphalt Processing and Asphalt Roofing Industry), Method 5B (Determination of Nonsulfuric Acid Particulate Matter Emissions from Stationary Sources), Method 5D (Determination of Particulate Matter Emissions from Positive Pressure Fabric Filters), Method 5E (Determination of Particulate Matter Emissions from the Wool Fiberglass Insulation Manufacturing Industry), Method 5F (Determination of Nonsulfate Particulate Matter Emissions from Stationary Sources), Method 5G (Determination of Particulate Matter Emissions from Wood Heaters (Dilution Tunnel Sampling Location)), Method 5H (Determination of Particulate Emissions from Wood Heaters from a Stack Location), and Method 5I (Determination of

Low Level Particulate Matter Emissions from Stationary Sources).

b) An owner or operator meeting the requirements of Section 726.209(b) for the low risk waste exemption is exempt from the PM standard.

c) Oxygen correction.

1) Measured pollutant levels must be corrected for the amount of oxygen in the stack gas according to the following formula:

$$P_c = \frac{P_m \times 14}{E - Y}$$

Where:

$P_c$ = the corrected concentration of the pollutant in the stack gas
$P_m$ = the measured concentration of the pollutant in the stack gas
E = the oxygen concentration on a dry basis in the combustion air fed to the device
Y = the measured oxygen concentration on a dry basis in the stack

2) For devices that feed normal combustion air, E will equal 21 percent. For devices that feed oxygen-enriched air for combustion (that is, air with an oxygen concentration exceeding 21 percent), the value of E will be the concentration of oxygen in the enriched air.

3) Compliance with all emission standards provided by this Subpart H must be based on correcting to seven percent oxygen using this procedure.

d) For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 through 703.273.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

**Section 726.206 Standards to Control Metals Emissions**

a) General. The owner or operator must comply with the metals standards provided by subsections (b), (c), (d), (e), or (f) ~~of this Section~~ for each metal listed in subsection (b) ~~of this Section~~ that is present in the hazardous waste at detectable levels using appropriate analytical methods.

BOARD NOTE: The federal regulations do not themselves define the phrase "appropriate analytical methods," but USEPA did include a definition in its preamble discussion accompanying the rule. The Board directs attention to the following segment (at 70 Fed. Reg. 34538, 34541 (June 14, 2005)) for the purposes of subsections (b)(1)(C) and (b)(1)(D) ~~of this Section~~:

> [T]wo primary considerations in selecting an appropriate method, which together serve as our general definition of an appropriate method [are the following] . . . :
>
> 1. Appropriate methods are reliable and accepted as such in the scientific community.
>
> 2. Appropriate methods generate effective data.

USEPA went on to further elaborate these two concepts and to specify other documents that might provide guidance.

b) Tier I feed rate screening limits. Feed rate screening limits for metals are specified in Appendix A ~~to this Part~~ as a function of terrain-adjusted effective stack height (TESH) and terrain and land use in the vicinity of the facility. Criteria for facilities that are not eligible to comply with the screening limits are provided in subsection (b)(7) ~~of this Section~~.

1) Noncarcinogenic metals. The feed rates of the noncarcinogenic metals in all feed streams, including hazardous waste, fuels, and industrial furnace feed stocks must not exceed the screening limits specified in Appendix A ~~to this Part~~.

A) The feed rate screening limits for antimony, barium, mercury, thallium, and silver are based on either of the following:

i) An hourly rolling average, as defined in Sections 726.200(g) and 726.202(e)(6)(A)(ii); or

ii) An instantaneous limit not to be exceeded at any time.

B) The feed rate screening limit for lead is based on one of the following:

i) An hourly rolling average, as defined in Sections 726.200(g) and 726.202(e)(6)(A)(ii);

ii) An averaging period of 2 to 24 hours, as defined in Section 726.202(e)(6)(B) with an instantaneous feed rate limit not to exceed 10 times the feed rate that would be allowed on an hourly rolling average basis; or

iii) An instantaneous limit not to be exceeded at any time.

2) Carcinogenic metals.

A) The feed rates of carcinogenic metals in all feed streams, including hazardous waste, fuels, and industrial furnace feed stocks must not exceed values derived from the screening limits specified in Appendix A ~~to this Part~~. The feed rate of each of these metals is limited to a level such that the sum of the ratios of the actual feed rate to the feed rate screening limit specified in Appendix A ~~to this Part~~ must not exceed 1.0, as provided by the following equation:

$$\sum_{i=1}^{n} \frac{A_i}{F_i} \leq 1.0$$

Where:

$\Sigma A_i/F_i$ = the sum of the values of A/F for each metal "i~~,~~", from i = 1 to n
n = number of carcinogenic metals
$A_i$ = the actual feed rate to the device for metal "i"
$F_i$ = the feed rate screening limit provided by Appendix A ~~to this Part~~ for metal "i"

B) The feed rate screening limits for the carcinogenic metals are based on either:

i) An hourly rolling average; or

ii) An averaging period of two to 24 hours, as defined in Section 726.202(e)(6)(B), with an instantaneous feed rate limit not to exceed 10 times the feed rate that would be allowed on an hourly rolling average basis.

3) TESH (terrain adjusted effective stack height).

A) The TESH is determined according to the following equation:

TESH = H + P - T

Where:

H = Actual physical stack height (m).
P = Plume rise (in m) as determined from Appendix F ~~to this Part~~ as a function of stack flow rate and stack gas exhaust temperature.
T = Terrain rise (in m) within five kilometers of the stack

B) The stack height (H) must not exceed good engineering practice stack height, as defined in Section 726.200(i).

C) If the TESH calculated pursuant to subsection (b)(3)(A) ~~of this Section~~ is not listed in Appendices~~Appendix~~ A through ~~Appendix~~ C ~~to this Part~~, the values for the nearest lower TESH listed in the table must be used. If the TESH is four meters or less, a value based on four meters must be used.

4) Terrain type. The screening limits are a function of whether the facility is located in noncomplex or complex terrain. A device located where any part of the surrounding terrain within five kilometers of the stack equals or exceeds the elevation of the physical stack height (H) is considered to be in complex terrain and the screening limits for complex terrain apply.

Terrain measurements are to be made from U.S. Geological Survey 7.5-minute topographic maps of the area surrounding the facility.

5) Land use. The screening limits are a function of whether the facility is located in an area where the land use is urban or rural. To determine whether land use in the vicinity of the facility is urban or rural, procedures provided in Appendix I ~~or Appendix J to this Part~~ must be used.

6) Multiple stacks. An owner or operator of a facility with more than one on-site stack from a BIF, incinerator, or other thermal treatment unit subject to controls of metals emissions under a RCRA permit or interim status controls must comply with the screening limits for all such units assuming all hazardous waste is fed into the device with the worst-case stack based on dispersion characteristics. The stack with the lowest value of K is the worst-case stack. K is determined from the following equation as applied to each stack:

$$K = H \times V \times T$$

Where:

K = a parameter accounting for relative influence of stack height and plume rise
H = physical stack height (meters)
V = stack gas flow rate ($m^3$/sec (cubic meters per second)
T = exhaust temperature (degrees K)

7) Criteria for facilities not eligible for screening limits. If any criteria below are met, the Tier I (and Tier II) screening limits do not apply. Owners and operators of such facilities must comply with either the Tier III standards provided by subsection (d) ~~of this Section~~ or with the adjusted Tier I feed rate screening limits provided by subsection (e) ~~of this Section~~.

A) The device is located in a narrow valley less than one kilometer wide;

B) The device has a stack taller than 20 meters and is located such that the terrain rises to the physical height within one kilometer of

the facility;

C) The device has a stack taller than 20 meters and is located within five kilometers of a shoreline of a large body of water such as an ocean or large lake; or

D) The physical stack height of any stack is less than 2.5 times the height of any building within five building heights or five projected building widths of the stack and the distance from the stack to the closest boundary is within five building heights or five projected building widths of the associated building.

8) Implementation. The feed rate of metals in each feedstream must be monitored to ensure that the feed rate screening limits are not exceeded.

c) Tier II emission rate screening limits. Emission rate screening limits are specified in Appendix A ~~to this Part~~ as a function of TESH and terrain and land use in the vicinity of the facility. Criteria for facilities that are not eligible to comply with the screening limits are provided in subsection (b)(7) ~~of this Section~~.

1) Noncarcinogenic metals. The emission rates of noncarcinogenic metals must not exceed the screening limits specified in Appendix A ~~to this Part~~.

2) Carcinogenic metals. The emission rates of carcinogenic metals must not exceed values derived from the screening limits specified in Appendix A ~~to this Part~~. The emission rate of each of these metals is limited to a level such that the sum of the ratios of the actual emission rate to the emission rate screening limit specified in Appendix A ~~to this Part~~ must not exceed 1.0, as provided by the following equation:

$$\sum_{i=1}^{n} \frac{A_i}{E_i} \leq 1.0$$

Where:

$\Sigma A_i/E_i$ = the sum of the values of A/E for each metal "i~~;~~", from i = 1 to n
n = number of carcinogenic metals
$A_i$ = the actual emission rate to the device for metal

"i"
$E_i$ = the emission rate screening limit provided by Appendix A ~~to this Part~~ for metal "i"

3) Implementation. The emission rate limits must be implemented by limiting feed rates of the individual metals to levels during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). The feed rate averaging periods are the same as provided by subsections (b)(1)(A), (b)(1)(B), and (b)(2)(B) ~~of this Section~~. The feed rate of metals in each feedstream must be monitored to ensure that the feed rate limits for the feedstreams specified under Sections 726.202 or 726.203 are not exceeded.

4) Definitions and limitations. The definitions and limitations provided by subsection (b) of this Section and Section 726.200(g) for the following terms also apply to the Tier II emission rate screening limits provided by this subsection (c): TESH, good engineering practice stack height, terrain type, land use, and criteria for facilities not eligible to use the screening limits.

5) Multiple stacks.

A) An owner or operator of a facility with more than one on-site stack from a BIF, incinerator, or other thermal treatment unit subject to controls on metals emissions under a RCRA permit or interim status controls must comply with the emissions screening limits for any such stacks assuming all hazardous waste is fed into the device with the worst-case stack based on dispersion characteristics.

B) The worst-case stack is determined by procedures provided in subsection (b)(6) ~~of this Section~~.

C) For each metal, the total emissions of the metal from those stacks must not exceed the screening limit for the worst-case stack.

d) Tier III site-specific risk assessment. The requirements of this subsection (d) apply to facilities complying with either the Tier III or Adjusted Tier I except where specified otherwise.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) General. Conformance with the Tier III metals controls must be demonstrated by emissions testing to determine the emission rate for each metal. In addition, conformance with either Tier III or Adjusted Tier I metals controls must be demonstrated by air dispersion modeling to predict the maximum annual average off-site ground level concentration for each metal and a demonstration that acceptable ambient levels are not exceeded.

2) Acceptable ambient levels. Appendices~~Appendix~~ D and ~~Appendix~~ E ~~to this Part~~ list the acceptable ambient levels for purposes of this Subpart H. Reference air concentrations (RACs) are listed for the noncarcinogenic metals and $1x10^{-5}$ RSDs are listed for the carcinogenic metals. The RSD for a metal is the acceptable ambient level for that metal provided that only one of the four carcinogenic metals is emitted. If more than one carcinogenic metal is emitted, the acceptable ambient level for the carcinogenic metals is a fraction of the RSD, as described in subsection (d)(3) ~~of this Section~~.

3) Carcinogenic metals. For the carcinogenic metals the sum of the ratios of the predicted maximum annual average off-site ground level concentrations (except that on-site concentrations must be considered if a person resides on site) to the RSD for all carcinogenic metals emitted must not exceed 1.0 as determined by the following equation:

$$\sum_{i=1}^{n} \frac{P_i}{R_i} \leq 1.0$$

Where:

$\Sigma P_i/R_i$ = the sum of the values of P/R for each metal "i~~,~~", from i = 1 to n
n = number of carcinogenic metals
$P_i$ = the predicted ambient concentration for metal i
$R_i$ = the RSD for metal i

4) Noncarcinogenic metals. For the noncarcinogenic metals, the predicted maximum annual average off-site ground level concentration for each metal must not exceed the RAC.

5) Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator, or other thermal treatment unit subject to controls on metals emissions under a RCRA permit or interim status controls must conduct emissions testing (except that facilities complying with Adjusted Tier I controls need not conduct emissions testing) and dispersion modeling to demonstrate that the aggregate emissions from all such on-site stacks do not result in an exceedance of the acceptable ambient levels.

6) Implementation. Under Tier III, the metals controls must be implemented by limiting feed rates of the individual metals to levels during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). The feed rate averaging periods are the same as provided by subsections (b)(1)(A), (b)(1)(B), and (b)(2)(B) ~~of this Section~~. The feed rate of metals in each feedstream must be monitored to ensure that the feed rate limits for the feedstreams specified under Sections 726.202 or 726.203 are not exceeded.

e) Adjusted Tier I feed rate screening limits. The owner or operator may adjust the feed rate screening limits provided by Appendix A ~~to this Part~~ to account for site-specific dispersion modeling. Under this approach, the adjusted feed rate screening limit for a metal is determined by back-calculating from the acceptable ambient levels provided by Appendices~~Appendix~~ D and ~~Appendix~~ E ~~to this Part~~ using dispersion modeling to determine the maximum allowable emission rate. This emission rate becomes the adjusted Tier I feed rate screening limit. The feed rate screening limits for carcinogenic metals are implemented as prescribed in subsection (b)(2) ~~of this Section~~.

f) Alternative implementation approaches.

1) Pursuant to subsection (f)(2) ~~of this Section~~ the Agency must approve on a case-by-case basis approaches to implement the Tier II or Tier III metals emission limits provided by subsection (c) or (d) ~~of this Section~~ alternative to monitoring the feed rate of metals in each feedstream.

2) The emission limits provided by subsection (d) ~~of this Section~~ must be determined as follows:

A) For each noncarcinogenic metal, by back-calculating from the RAC provided in Appendix D ~~to this Part~~ to determine the allowable emission rate for each metal using the dilution factor for the maximum annual average ground level concentration predicted by dispersion modeling in conformance with subsection (h) ~~of this Section~~; and

B) For each carcinogenic metal by the following methods:

i) By back-calculating from the RSD provided in Appendix E ~~to this Part~~ to determine the allowable emission rate for each metal if that metal were the only carcinogenic metal emitted using the dilution factor for the maximum annual average ground level concentration predicted by dispersion modeling in conformance with subsection (h) ~~of this Section~~; and

ii) If more than one carcinogenic metal is emitted, by selecting an emission limit for each carcinogenic metal not to exceed the emission rate determined by subsection (f)(2)(B)(i) ~~of this Section~~, such that the sum for all carcinogenic metals of the ratios of the selected emission limit to the emission rate determined by that subsection does not exceed 1.0.

g) Emission testing.

1) General. Emission testing for metals must be conducted using Method 0060 (Determinations of Metals in Stack Emissions) 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).

2) Hexavalent chromium. Emissions of chromium are assumed to be hexavalent chromium unless the owner or operator conducts emissions testing to determine hexavalent chromium emissions using procedures prescribed in Method 0061 (Determination of Hexavalent Chromium Emissions from Stationary Sources) 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).

h) Dispersion modeling. Dispersion modeling required under this Section must be conducted according to methods recommended in federal appendix W to 40 CFR 51 (Guideline on Air Quality Models), in section 5.0 (Hazardous Waste Combustion Air Quality Screening Procedure) in appendix IX to 40 CFR 266 (Methods Manual for Compliance with the BIF Regulations), or in "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised~~,~~", USEPA publication number EPA-454/R-92-019, each incorporated by reference in 35 Ill. Adm. Code 720.111(b), to predict the maximum annual average off-site ground level concentration. However, on-site concentrations must be considered when a person resides on-site.

i) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 through 703.273.

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

**Section 726.207 Standards to Control HCl and Chlorine Gas Emissions**

a) General. The owner or operator must comply with the HCl and chlorine gas controls provided by subsection (b), (c), or (e) ~~of this Section~~.

b) Screening limits.

1) Tier I feed rate screening limits. Feed rate screening limits are specified for total chlorine in Appendix B ~~to this Part~~ as a function of TESH and terrain and land use in the vicinity of the facility. The feed rate of total chlorine and chloride, both organic and inorganic, in all feed streams, including hazardous waste, fuels, and industrial furnace feed stocks must not exceed the levels specified.

2) Tier II emission rate screening limits. Emission rate screening limits for HCl and chlorine gas are specified in Appendix C ~~to this Part~~ as a function of TESH and terrain and land use in the vicinity of the facility. The stack emission rates of HCl and chlorine gas must not exceed the levels

specified.

3) Definitions and limitations. The definitions and limitations provided by Sections 726.200(i) and 726.206(b) for the following terms also apply to the screening limits provided by this subsection: TESH, good engineering practice stack height, terrain type, land use, and criteria for facilities not eligible to use the screening limits.

4) Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal treatment unit subject to controls on HCl or chlorine gas emissions under a RCRA permit or interim status controls must comply with the Tier I and Tier II screening limits for those stacks assuming all hazardous waste is fed into the device with the worst-case stack based on dispersion characteristics.

A) The worst-case stack is determined by procedures provided in Section 726.206(b)(6).

B) Under Tier I, the total feed rate of chlorine and chloride to all subject devices must not exceed the screening limit for the worst-case stack.

C) Under Tier II, the total emissions of HCl and chlorine gas from all subject stacks must not exceed the screening limit for the worst-case stack.

c) Tier III site-specific risk assessments.

1) General. Conformance with the Tier III controls must be demonstrated by emissions testing to determine the emission rate for HCl and chlorine gas, air dispersion modeling to predict the maximum annual average off-site ground level concentration for each compound, and a demonstration that acceptable ambient levels are not exceeded.

2) Acceptable ambient levels. Appendix D ~~to this Part~~ lists the RACs for HCl (7 $\mu g/m^3$) and chlorine gas (0.4 $\mu g/m^3$).

3) Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator, or other thermal treatment unit

subject to controls on HCl or chlorine gas emissions under a RCRA permit or interim status controls must conduct emissions testing and dispersion modeling to demonstrate that the aggregate emissions from all such on-site stacks do not result in an exceedance of the acceptable ambient levels for HCl and chlorine gas.

d) Averaging periods. The HCl and chlorine gas controls are implemented by limiting the feed rate of total chlorine and chloride in all feedstreams, including hazardous waste, fuels, and industrial furnace feed stocks. Under Tier I, the feed rate of total chlorine and chloride is limited to the Tier I Screening Limits. Under Tier II and Tier III, the feed rate of total chlorine and chloride is limited to the feed rates during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). The feed rate limits are based on either of the following:

1) An hourly rolling average, as defined in Sections 726.200(i) and 726.202(e)(6); or

2) An instantaneous basis not to be exceeded at any time.

e) Adjusted Tier I feed rate screening limits. The owner or operator may adjust the feed rate screening limit provided by Appendix B ~~to this Part~~ to account for site-specific dispersion modeling. Under this approach, the adjusted feed rate screening limit is determined by back-calculating from the acceptable ambient level for chlorine gas provided by Appendix D ~~to this Part~~ using dispersion modeling to determine the maximum allowable emission rate. This emission rate becomes the adjusted Tier I feed rate screening limit.

f) Emissions testing. Emissions testing for HCl and chlorine gas ($Cl_2$) must be conducted using the procedures described in Method 0050 or 0051, 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).

g) Dispersion modeling. Dispersion modeling must be conducted according to the provisions of Section 726.206(h).

h) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be

regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 through 703.273.

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

**Section 726.208 Small Quantity On-Site Burner Exemption**

a) Exempt quantities. An owner or operator of a facility that burns hazardous waste in an on-site BIF is exempt from the requirements of this Subpart H provided that the following conditions are fulfilled:

1) The quantity of hazardous waste burned in a device for a calendar month does not exceed the limits provided in Table A ~~of this Part~~ based on the TESH, as defined in Sections 726.200(i) and 726.206(b)(3).

2) The maximum hazardous waste firing rate does not exceed at any time one percent of the total fuel requirements for the device (hazardous waste plus other fuel) on a total heat input or mass input basis, whichever results in the lower mass feed rate of hazardous waste;

3) The hazardous waste has a minimum heating value of 5,000 Btu/lb, as generated; and

4) The hazardous waste fuel does not contain (and is not derived from) USEPA hazardous waste numbers F020, F021, F022, F023, F026, or F027.

b) Mixing with non-hazardous fuels. If hazardous waste fuel is mixed with a non-hazardous fuel, the quantity of hazardous waste before such mixing is used to comply with subsection (a) ~~of this Section~~.

c) Multiple stacks. If an owner or operator burns hazardous waste in more than one on-site BIF exempt pursuant to this Section, the quantity limits provided by subsection (a)(1) ~~of this Section~~, are implemented according to the following equation:

$$\sum_{i=1}^{n} \frac{C_i}{L_i} \leq 1.0$$

Where:

| | | |
|---|---|---|
| $\Sigma (C_i/L_i)$ | = | the sum of the values of X for each stack i, from i = 1 to n. |
| n | = | the number of stacks~~;~~. |
| $C_i$ | = | Actual Quantity Burned means the waste quantity burned per month in device "i~~.~~". |
| $L_i$ | = | Allowable Quantity Burned means the maximum allowable exempt quantity for stack "i" from Table A. |

BOARD NOTE: Hazardous wastes that are subject to the special requirements for VSQGs~~small quantity generators~~ pursuant to 35 Ill. Adm. Code 722.114~~721.105~~ may be burned in an off-site device pursuant to the exemption provided by Section 726.208, but must be included in the quantity determination for the exemption.

d) Notification requirements. The owner or operator of facilities qualifying for the small quantity burner exemption pursuant to this Section must provide a one-time signed, written notice to the Agency indicating the following:

1) The combustion unit is operating as a small quantity burner of hazardous waste;

2) The owner and operator are in compliance with the requirements of this Section; and

3) The maximum quantity of hazardous waste that the facility is allowed to burn per month, as provided by Section 726.208(a)(1).

e) Recordkeeping requirements. The owner or operator must maintain at the facility for at least three years sufficient records documenting compliance with the hazardous waste quantity, firing rate and heating value limits of this Section. At a minimum, these records must indicate the quantity of hazardous waste and other fuel burned in each unit per calendar month and the heating value of the hazardous waste.

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

**Section 726.209 Low Risk Waste Exemption**

a) Waiver of DRE standard. The DRE standard of Section 726.204(a) does not apply if the BIF is operated in conformance with subsection (a)(1) ~~of this Section~~, and the owner or operator demonstrates by procedures prescribed in subsection (a)(2) ~~of this Section~~, that the burning will not result in unacceptable adverse health effects.

1) The device must be operated as follows:

A) A minimum of 50 percent of fuel fired to the device must be fossil fuel, fuels derived from fossil fuel, tall oil, or, if approved by the Agency on a case-by-case basis, other nonhazardous fuel with combustion characteristics comparable to fossil fuel. Such fuels are termed "primary fuel" for purposes of this Section. (Tall oil is a fuel derived from vegetable and rosin fatty acids.) The 50 percent primary fuel firing rate must be determined on a total heat or mass input basis, whichever results in the greater mass feed rate of primary fuel fired;

B) Primary fuels and hazardous waste fuels must have a minimum as-fired heating value of 8,000 Btu/lb;

C) The hazardous waste is fired directly into the primary fuel flame zone of the combustion chamber; and

D) The device operates in conformance with the CO controls provided by Section 726.204(b)(1). Devices subject to the exemption provided by this Section are not eligible for the alternative CO controls provided by Section 726.204(c).

2) Procedures to demonstrate that the hazardous waste burning will not pose unacceptable adverse public health effects are as follows:

A) Identify and quantify those nonmetal compounds listed in Appendix H of ~~to~~ 35 Ill. Adm. Code 721, that could reasonably be

expected to be present in the hazardous waste. The constituents excluded from analysis must be identified and the basis for their exclusion explained;

B) Calculate reasonable, worst case emission rates for each constituent identified in subsection (a)(2)(A) ~~of this Section~~, by assuming the device achieves 99.9 percent destruction and removal efficiency. That is, assume that 0.1 percent of the mass weight of each constituent fed to the device is emitted.

C) For each constituent identified in subsection (a)(2)(A) ~~of this Section~~, use emissions dispersion modeling to predict the maximum annual average ground level concentration of the constituent.

i) Dispersion modeling must be conducted using methods specified in Section 726.206(h).

ii) An owner or operator of a facility with more than one on-site stack from a BIF that is exempt under this Section must conduct dispersion modeling of emissions from all stacks exempt under this Section to predict ambient levels prescribed by this subsection (a)(2).

D) Ground level concentrations of constituents predicted under subsection (a)(2)(C) ~~of this Section~~, must not exceed the following levels:

i) For the noncarcinogenic compounds listed in Appendix D, the levels established in Appendix D.

ii) For the carcinogenic compounds listed in Appendix E:

$$\sum_{i=1}^{n} \frac{A_i}{L_i} \leq 1.0$$

Where:

$\Sigma(A_i/L_i)$ means the sum of the values of X for each

carcinogen i, from i = 1 to n
n means the number of carcinogenic compounds
$A_i$ Actual ground level concentration of carcinogen "i"
$L_i$ Level established in Appendix E for carcinogen "i"

iii) For constituents not listed in Appendix D or E, 0.1 $\mu g/m^3$.

b) Waiver of particulate matter standard. The PM standard of Section 726.205 does not apply if the following occur:

1) The DRE standard is waived under subsection (a) ~~of this Section~~; and

2) The owner or operator complies with the Tier I, or adjusted Tier I, metals feed rate screening limits provided by Section 726.206(b) or (e).

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

**Section 726.211 Standards for Direct Transfer**

a) Applicability. The regulations in this Section apply to owners and operators of BIFs subject to Section 726.202 or 726.203 if hazardous waste is directly transferred from a transport vehicle to a BIF without the use of a storage unit.

b) Definitions.

1) When used in this Section, terms have the following meanings:

"Direct transfer 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 between a container (i.e., transport vehicle) and a BIF.

"Container" means any portable device in which hazardous waste is transported, stored, treated, or otherwise handled, and includes transport vehicles that are containers themselves (e.g., tank trucks, tanker-trailers, and rail tank cars) and containers placed on or in a

transport vehicle.

2) This Section references several requirements provided in Subparts I and J of 35 Ill. Adm. Code 724 and Subparts I and J of 35 Ill. Adm. Code 725. For purposes of this Section, the term "tank systems" in those referenced requirements means direct transfer equipment, as defined in subsection (b)(1) ~~of this Section~~.

c) General operating requirements.

1) No direct transfer of a pumpable hazardous waste must be conducted from an open-top container to a BIF.

2) Direct transfer equipment used for pumpable hazardous waste must always be closed, except when necessary to add or remove the waste, and must not be opened, handled, or stored in a manner that could cause any rupture or leak.

3) The direct transfer of hazardous waste to a BIF must be conducted so that it does not do any of the following:

A) Generate extreme heat or pressure, fire, explosion, or violent reaction;

B) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health;

C) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

D) Damage the structural integrity of the container or direct transfer equipment containing the waste;

E) Adversely affect the capability of the BIF to meet the standards provided by Sections 726.204 through 726.207; or

F) Threaten human health or the environment.

4) Hazardous waste must not be placed in direct transfer equipment, if it

could cause the equipment or its secondary containment system to rupture, leak, corrode, or otherwise fail.

5) The owner or operator of the facility must use appropriate controls and practices to prevent spills and overflows from the direct transfer equipment or its secondary containment systems. These include the following at a minimum:

A) Spill prevention controls (e.g., check valves, dry discount couplings, etc.); and

B) Automatic waste feed cutoff to use if a leak or spill occurs from the direct transfer equipment.

d) Areas where direct transfer vehicles (containers) are located. Applying the definition of container pursuant to this Section, owners and operators must comply with the following requirements:

1) The containment requirements of 35 Ill. Adm. Code 724.275;

2) The use and management requirements of Subpart I of 35 Ill. Adm. Code 725, except for Sections 725.270 and 725.274, and except that in lieu of the special requirements of 35 Ill. Adm. Code 725.276 for ignitable or reactive waste, the owner or operator may comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjacent property line that can be built upon, as required in Tables 2-1 through 2-6 of "Flammable and Combustible Liquids Code," NFPA 30, incorporated by reference in 35 Ill. Adm. Code 720.111(a). The owner or operator must obtain and keep on file at the facility a written certification by the local Fire Marshal that the installation meets the subject NFPA Codes; and

3) The closure requirements of 35 Ill. Adm. Code 724.278.

e) Direct transfer equipment. Direct transfer equipment must meet the following requirements:

1) Secondary containment. For existing direct transfer equipment, an owner or operator~~Owners and operators~~ must comply with the secondary

containment requirements of 35 Ill. Adm. Code 725.293, except for Sections 725.293(a), (d), (e), and (i). For all new and direct transfer equipment, an owner or operator must comply with these secondary containment requirements prior to their being put into service; ~~as follows:~~

~~A) For all new direct transfer equipment, prior to their being put into service; and~~

~~B) For existing direct transfer equipment, by August 21, 1993.~~

2) Requirements prior to meeting secondary containment requirements.

A) For existing direct transfer equipment that does not have secondary containment, the owner or operator must determine whether the equipment is leaking or is unfit for use. The owner or operator must obtain and keep on file at the facility a written assessment reviewed and certified by a qualified, registered professional engineer in accordance with 35 Ill. Adm. Code 703.126(d) that attests to the equipment's integrity ~~by August 21, 1992~~.

B) This assessment must determine whether the direct transfer equipment is adequately designed and has sufficient structural strength and compatibility with the wastes to be transferred to ensure that it will not collapse, rupture, or fail. At a minimum, this assessment must consider the following:

i) Design standards, if available, according to which the direct transfer equipment was constructed;

ii) Hazardous characteristics of the wastes that have been or will be handled;

iii) Existing corrosion protection measures;

iv) Documented age of the equipment, if available, (otherwise, an estimate of the age); and

v) Results of a leak test or other integrity examination such that the effects of temperature variations, vapor pockets,

cracks, leaks, corrosion and erosion are accounted for.

C) If, as a result of the assessment specified above, the direct transfer equipment is found to be leaking or unfit for use, the owner or operator must comply with the requirements of 35 Ill. Adm. Code 725.296(a) and (b).

3) Inspections and recordkeeping.

A) The owner or operator must inspect at least once each operating hour when hazardous waste is being transferred from the transport vehicle (container) to the BIF:

i) Overfill/spill control equipment (e.g., waste-feed cutoff systems, bypass systems, and drainage systems) to ensure that it is in good working order;

ii) The above ground portions of the direct transfer equipment to detect corrosion, erosion, or releases of waste (e.g., wet spots, dead vegetation, etc.); and

iii) Data gathered from monitoring equipment and leak-detection equipment, (e.g., pressure and temperature gauges) to ensure that the direct transfer equipment is being operated according to its design.

B) The owner or operator must inspect cathodic protection systems, if used, to ensure that they are functioning properly according to the schedule provided by 35 Ill. Adm. Code 725.295(b).

C) Records of inspections made pursuant to this subsection (e)(3) must be maintained in the operating record at the facility, and available for inspection for at least three years from the date of the inspection.

4) Design and installation of new ancillary equipment. Owners and operators must comply with the requirements of 35 Ill. Adm. Code 725.292.

5) Response to leaks or spills. Owners and operators must comply with the

requirements of 35 Ill. Adm. Code 725.296.

6) Closure. Owners and operators must comply with the requirements of 35 Ill. Adm. Code 725.297, except for 35 Ill. Adm. Code 725.297(c)(2) through (c)(4).

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

**Section 726.212 Regulation of Residues**

A residue derived from the burning or processing of hazardous waste in a BIF is not excluded from the definition of a hazardous waste under 35 Ill. Adm. Code 721.104(b)(4), (b)(7), or (b)(8), unless the device and the owner or operator meet the following requirements:

a) The device meets the following criteria:

1) Boilers. Boilers must burn at least 50 percent coal on a total heat input or mass basis, whichever results in the greater mass feed rate of coal;

2) Ore or Mineral Furnaces. Industrial furnaces subject to 35 Ill. Adm. Code 721.104(b)(7) must process at least 50 percent by weight of normal, nonhazardous raw materials;

3) Cement Kilns. Cement kilns must process at least 50 percent by weight of normal cement-production raw materials;

b) The owner or operator demonstrates that the hazardous waste does not significantly affect the residue by demonstrating conformance with either of the following criteria:

1) Comparison of Waste-Derived Residue with Normal Residue. The waste-derived residue must not contain constituents listed in Appendix H to 35 Ill. Adm. Code 721 (toxic constituents) that could reasonably be attributable to the hazardous waste at concentrations significantly higher than in residue generated without burning or processing of hazardous waste, using the following procedure. Toxic compounds that could reasonably be attributable to burning or processing the hazardous waste (constituents of concern) include toxic constituents in the hazardous waste, and the organic compounds listed in Appendix H to 35 Ill. Adm. Code 721

that may be PICs. For polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans, analyses must be performed to determine specific congeners and homologues, and the results converted to 2,3,7,8-TCDD equivalent values using the procedure specified in section 4.0 of the documents referenced in Appendix I ~~of this Part~~.

A) Normal Residue. Concentrations of toxic constituents of concern in normal residue must be determined based on analyses of a minimum of 10 samples representing a minimum of 10 days of operation. Composite samples may be used to develop a sample for analysis provided that the compositing period does not exceed 24 hours. The upper tolerance limit (at 95 percent confidence with a 95 percent proportion of the sample distribution) of the concentration in the normal residue must be considered the statistically-derived concentration in the normal residue. If changes in raw materials or fuels reduce the statistically-derived concentrations of the toxic constituents of concern in the normal residue, the statistically-derived concentrations must be revised or statistically-derived concentrations of toxic constituents in normal residue must be established for a new mode of operation with the new raw material or fuel. To determine the upper tolerance limit in the normal residue, the owner or operator must use statistical procedures prescribed in section 7.0 (Statistical Methodology for Bevill Residue Determinations) in federal appendix IX to 40 CFR 266 (Methods Manual for Compliance with the BIF Regulations), USEPA publication number EPA 454/R-92-019, incorporated by reference in 35 Ill. Adm. Code 720.111(b) (see Appendix I ~~of this Part~~).

B) Waste-Derived Residue. Waste derived residue must be sampled and analyzed as often as necessary to determine whether the residue generated during each 24-hour period has concentrations of toxic constituents that are higher than the concentrations established for the normal residue under subsection (b)(1)(A). If so, hazardous waste burning has significantly affected the residue and the residue is not excluded from the definition of "hazardous waste~~.~~". Concentrations of toxic constituents in waste-derived residue must be determined based on analysis of one or more samples obtained over a 24-hour period. Multiple samples may be

analyzed, and multiple samples may be taken to form a composite sample for analysis provided that the sampling period does not exceed 24 hours. If more than one sample is analyzed to characterize waste-derived residues generated over a 24-hour period, the concentration of each toxic constituent must be the arithmetic mean of the concentrations in the samples. No results can be disregarded; or

2) Comparison of Waste-Derived Residue Concentrations with Health-Based Limits.

A) Nonmetal Constituents. The concentration of each nonmetal toxic constituent of concern (specified in subsection (b)(1)) in the waste-derived residue must not exceed the health-based level specified in Appendix G ~~of this Part~~, or the level of detection, whichever is higher. If a health-based limit for a constituent of concern is not listed in Appendix G ~~of this Part~~, then a limit of 0.002 µg/kg or the level of detection (using appropriate analytical methods), whichever is higher, must be used. The levels specified in Appendix G ~~of this Part~~ (and the default level of 0.002 µg/kg or the level of detection for constituents, as identified in Note 1 of Appendix G ~~of this Part~~) are administratively stayed under the condition, for those constituents specified in subsection (b)(1), that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in 35 Ill. Adm. Code 728.143 and Table B to 35 Ill. Adm. Code 728 for F039 nonwastewaters. In complying with those alternative levels, if an owner or operator is unable to detect a constituent despite documenting use of the best good-faith efforts, as defined by applicable USEPA guidance and standards, the owner or operator is deemed to be in compliance for that constituent. Until USEPA develops new guidance or standards, the owner or operator may demonstrate such good-faith efforts by achieving a detection limit for the constituent that does not exceed an order of magnitude above (ten times) the level provided by 35 Ill. Adm. Code 728.143 and Table B to 35 Ill. Adm. Code 728 for F039 nonwastewater levels for polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans, analyses must be performed for total hexachlorodibenzo-p-dioxins, total hexachlorodibenzofurans, total

pentachlorodibenzo-p-dioxins, total pentachlorodibenzofurans, total tetrachlorodibenzo-p-dioxins, and total tetrachlorodibenzofurans;

BOARD NOTE: In a note to corresponding 40 CFR 266.112(b)(2)(i), USEPA stated as follows:

> The administrative stay, under the condition that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in 35 Ill. Adm. Code 728.143 for F039 nonwastewaters, remains in effect until further administrative action is taken and notice is published in the Federal Register and the Code of Federal Regulations.

Under section~~Section~~ 3006(b) and (g) of RCRA, 42 USC 6926(b) and (g), federal amendments do not go into effect in Illinois until the State of Illinois incorporates them into the State program. This applies unless the authority under which USEPA adopted the amendments is the Hazardous and Solid Waste Amendments of 1984 (HSWA), in which case the federal amendments become effective in Illinois on their federal effective date.

The federal regulations do not themselves define the phrase "appropriate analytical methods," but USEPA did include a definition in its preamble discussion accompanying the rule. The Board directs attention to the following segment (at 70 Fed. Reg. 34538, 34541 (June 14, 2005)) for the purposes of subsections (b)(1)(C) and (b)(1)(D):

[T]wo primary considerations in selecting an appropriate method, which together serve as our general definition of an appropriate method [are the following]…:

1. Appropriate methods are reliable and accepted as such in the scientific community.

2. Appropriate methods generate effective data.

USEPA went on to further elaborate these two concepts and to specify other documents that might provide guidance.

B) Metal Constituents. The concentration of metals in an extract obtained using the TCLP test must not exceed the levels specified in Appendix G ~~of this Part~~;

C) Sampling and Analysis. Wastewater-derived residue must be sampled and analyzed as often as necessary to determine whether the residue generated during each 24-hour period has concentrations of toxic constituents that are higher than the health-based levels. Concentrations of concern in the wastewater-derived residue must be determined based on analysis of one or more samples obtained over a 24-hour period. Multiple samples may be analyzed, and multiple samples may be taken to form a composite for analysis provided that the sampling period does not exceed 24 hours. If more than one sample is analyzed to characterize waste-derived residues generated over a 24-hour period, the concentration of each toxic constituent is the arithmetic mean of the concentrations of the samples. No results can be disregarded; and

c) Records sufficient to document compliance with the provisions of this Section must be retained until closure of the BIF unit. At a minimum, the following must be recorded:

1) Levels of constituents in Appendix H to 35 Ill. Adm. Code 721 that are present in waste-derived residues;

2) If the waste-derived residue is compared with normal residue under subsection (b)(1):

A) The levels of constituents in Appendix H to 35 Ill. Adm. Code 721 that are present in normal residues; and

B) Data and information, including analyses of samples as necessary, obtained to determine if changes in raw materials or fuels would reduce the concentration of toxic constituents of concern in the normal residue.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

**Section 726.219 Extensions of Time**

The owner or operator may request a case-by-case extension of time to extend any time limit provided by Section 726.203(c). The operator must file a petition for a RCRA variance pursuant to 35 Ill. Adm. Code 104. The Board will grant the variance if compliance with the time limit is not practicable for reasons beyond the control of the owner or operator.

a) In granting an extension, the Board will apply conditions as the facts warrant to ensure timely compliance with the requirements of Section 726.203 and that the facility operates in a manner that does not pose a hazard to human health and the environment;

b) When an owner and operator requests an extension of time to enable the facility to comply with the alternative hydrocarbon provisions of Section 726.204(f) and obtain a RCRA permit because the facility cannot meet the HC limit of Section 726.204(c):

1) The Board will do the following, in considering whether to grant the extension:

A) Determine whether the owner and operator have submitted in a timely manner a complete Part B permit application that includes information required under 35 Ill. Adm. Code 703.208(b); and

B) Consider whether the owner and operator have made a good faith effort to certify compliance with all other emission controls, including the controls on dioxins and furans of Section 726.204(e) and the controls on PM, metals and HC1/chlorine gas.

2) If an extension is granted, the Board will, as a condition of the extension, require the facility to operate under flue gas concentration limits on CO and HC that, based on available information, including information in the Part B permit application, are baseline CO and HC levels as defined by Section 726.204(f)(1).

BOARD NOTE: Derived from 40 CFR 266.103(c)(7)(ii) (2017)~~(2002)~~.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART M: MILITARY MUNITIONS

**Section 726.302 Definition of Solid Waste**

a) A military munition is not a solid waste when any of the following situations describes the munition:

1) It is used for its intended purpose, including any of the following uses:

A) Use in training military personnel or explosives and munitions emergency response specialists (including training in proper destruction of unused propellant or other munitions);

B) Use in research, development, testing, and evaluation of military munitions, weapons, or weapon systems; or

C) Recovery, collection, and on-range destruction of unexploded ordnance and munitions fragments during range clearance activities at active or inactive ranges. However, "use for intended purpose" does not include the on-range disposal or burial of unexploded ordnance and contaminants when the burial is not a result of product use.

2) It is an unused munition, or component thereof, it is being repaired, reused, recycled, reclaimed, disassembled, reconfigured, or otherwise subjected to materials recovery activities, unless such activities involve use constituting disposal, as defined in 35 Ill. Adm. Code 721.102(c)(1), or it is burned for energy recovery, as defined in 35 Ill. Adm. Code 721.102(c)(2).

b) An unused military munition is a solid waste when any of the following occurs:

1) The munition is abandoned by being disposed of, burned, detonated (except during intended use as specified in subsection (a) ~~of this Section~~), incinerated, or treated prior to disposal;

2) The munition is removed from storage in a military magazine or other storage area for the purpose of being disposed of, burned, incinerated, or treated prior to disposal;

3) The munition is deteriorated or damaged (e.g., the integrity of the munition is compromised by cracks, leaks, or other damage) to the point that it cannot be put into serviceable condition, and cannot reasonably be recycled or used for other purposes; or

4) The munition has been declared a solid waste by an authorized military official.

c) A used or fired military munition is a solid waste when either of the following occurs with regard to the munition:

1) The munition is transported off-range or from the site of use (where the site of use is not a range) for the purpose of storage, reclamation, treatment, disposal, or treatment prior to disposal; or

2) The munition is recovered, collected, and then disposed of by burial or landfilling either on or off a range.

d) For purposes of RCRA section 1004(27) (42 USC 6903(27)), a used or fired military munition is a solid waste, and, therefore, is potentially subject to RCRA corrective action authorities under sections 3004(u) and (v) (42 USC 6924(u) and (v)), and 3008(h) (42 USC 6928(h)) or to imminent and substantial endangerment authorities under section 7003 (42 USC 6963) if the munition lands off-range and is not promptly rendered safe or retrieved. Any imminent and substantial threats associated with any remaining material must be addressed. If remedial action is infeasible, the operator of the range must maintain a record of the event for as long as any threat remains. The record must include the type of munition and its location (to the extent the location is known).

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

**Section 726.303 Standards Applicable to the Transportation of Solid Waste Military Munitions**

a) Criteria for hazardous waste regulation of waste non-chemical military munitions

in transportation.

1) Waste military munitions that are being transported and which exhibit a hazardous waste characteristic or which are listed as hazardous waste pursuant to 35 Ill. Adm. Code 721 are subject to regulation pursuant to 35 Ill. Adm. Code 702, 703, 705, 720 through 728, and 738, unless the munitions meet all the following conditions:

   A) The waste military munitions are not chemical agents or chemical munitions;

   B) The waste military munitions are transported in accordance with the Department of Defense shipping controls applicable to the transport of military munitions;

   C) The waste military munitions are transported from a military-owned or -operated installation to a military-owned or -operated treatment, storage, or disposal facility; and

   D) The transporter of the waste must provide oral notice to the Agency within 24 hours from the time when either the transporter becomes aware of any loss or theft of the waste military munitions or when any failure to meet a condition of subsection (a)(1) ~~of this Section~~ occurs that may endanger human health or the environment. In addition, a written submission describing the circumstances must be provided within five days from the time when the transporter becomes aware of any loss or theft of the waste military munitions or when any failure to meet a condition of subsection (a)(1) ~~of this Section~~ occurs.

2) If any waste military munitions shipped pursuant to subsection (a)(1) ~~of this Section~~ are not received by the receiving facility within 45 days after the day the waste was shipped, the owner or operator of the receiving facility must report this non-receipt to the Agency within five days.

3) The conditional exemption from regulation as hazardous waste in subsection (a)(1) ~~of this Section~~ must apply only to the transportation of non-chemical waste military munitions. It does not affect the regulatory status of waste military munitions as hazardous wastes with regard to

storage, treatment, or disposal.

4) The conditional exemption in subsection (a)(1) ~~of this Section~~ applies only so long as all of the conditions in subsection (a)(1) ~~of this Section~~ are met.

b) Reinstatement of conditional exemption.

1) If any waste military munition loses its conditional exemption pursuant to subsection (a)(1) ~~of this Section~~, the transporter may file with the Agency an application for reinstatement of the conditional exemption from hazardous waste transportation regulation with respect to such munition as soon as the munition is returned to compliance with the conditions of subsection (a)(1) ~~of this Section~~.

2) If the Agency finds that reinstatement of the conditional exemption is appropriate, it must reinstate the conditional exemption of subsection (a)(1) ~~of this Section~~ in writing. The Agency's decision to reinstate or not to reinstate the conditional exemption must be based on the nature of the risks to human health and the environment posed by the waste and either the transporter's provision of a satisfactory explanation of the circumstances of the violation or any demonstration that the violations are not likely to recur. If the Agency denies an application, it must transmit to the applicant specific, detailed statements in writing as to the reasons it denied the application. In reinstating the conditional exemption pursuant to subsection (a)(1) ~~of this Section~~, the Agency may specify additional conditions as are necessary to ensure and document proper transportation to adequately protect human health and the environment. If the Agency does not take action on the reinstatement application within 60 days after receipt of the application, then reinstatement must be deemed granted, retroactive to the date of the application.

3) The Agency may terminate a conditional exemption reinstated by default pursuant to subsection (b)(2) ~~of this Section~~ in writing if it finds that reinstatement is inappropriate based on its consideration of the factors set forth in subsection (b)(2) ~~of this Section~~. If the Agency terminates a reinstated exemption, it must transmit to the applicant specific, detailed statements in writing as to the reasons it terminated the reinstated exemption.

4) The applicant pursuant to this subsection (b) may appeal the Agency's determination to deny the reinstatement, to grant the reinstatement with conditions, or to terminate a reinstatement before the Board pursuant to Section 40 of the Act ~~[415 ILCS 5/40]~~.

c) Amendments to DOD shipping controls. The Department of Defense shipping controls applicable to the transport of military munitions referenced in subsection (a)(1)(B) ~~of this Section~~ are Government Bill of Lading (GBL) (GSA Standard Form 1103, supplemented as necessary with GSA Standard Form 1109), Requisition Tracking Form (DD Form 1348), the Signature and Talley Record (DD Form 1907), DOD Multimodal Dangerous Goods Declaration (DD Form 2890)~~Special Instructions for Motor Vehicle Drivers (DD Form 836)~~, and the Motor Vehicle Inspection Report (DD Form 626) ~~in effect on November 8, 1995~~, each incorporated by reference in 35 Ill. Adm. Code 720.111(a).

BOARD NOTE: Corresponding federal provision 40 CFR 266.203(c) (2005) further provides as follows: "Any amendments to the Department of Defense shipping controls must become effective for purposes of paragraph (a)(1) of this section on the date the Department of Defense publishes notice in the Federal Register that the shipping controls referenced in paragraph (a)(1)(ii) of this section have been amended." (40 CFR 266.203(a)(1)(ii) corresponds with 35 Ill. Adm. Code 726.303(a)(1)(B).) Section 5-75 of the Illinois Administrative Procedure Act [5 ILCS 100/5-75] prohibits the incorporation of later amendments and editions by reference. For this reason, interested persons or the Agency~~members of the regulated community~~ will need to notify the Board of any amendments of these references before those amendments can become effective under Illinois law.

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

**Section 726.305 Standards Applicable to the Storage of Solid Waste Military Munitions**

a) Criteria for hazardous waste regulation of waste non-chemical military munitions in storage.

1) Waste military munitions in storage that exhibit a hazardous waste characteristic or are listed as hazardous waste pursuant to 35 Ill. Adm. Code 721 are listed or identified as a hazardous waste (and thus are subject to regulation pursuant to 35 Ill. Adm. Code 702, 703, 705, 720

through 728, 733, 738, and 739), unless all the following conditions are met:

A) The waste military munitions are not chemical agents or chemical munitions;

B) The waste military munitions must be subject to the jurisdiction of the Department of Defense Explosives Safety Board (DDESB);

C) The waste military munitions must be stored in accordance with the DDESB storage standards applicable to waste military munitions;

D) Within 90 days of when a storage unit is first used to store waste military munitions, the owner or operator must notify the Agency of the location of any waste storage unit used to store waste military munitions for which the conditional exemption in subsection (a)(1) ~~of this Section~~ is claimed;

E) The owner or operator must provide oral notice to the Agency within 24 hours from the time the owner or operator becomes aware of any loss or theft of the waste military munitions, or any failure to meet a condition of subsection (a)(1) ~~of this Section~~ that may endanger health or the environment. In addition, a written submission describing the circumstances must be provided within five days from the time the owner or operator becomes aware of any loss or theft of the waste military munitions or any failure to meet a condition of subsection (a)(1) ~~of this Section~~;

F) The owner or operator must inventory the waste military munitions at least annually, must inspect the waste military munitions at least quarterly for compliance with the conditions of subsection (a)(1) ~~of this Section~~, and must maintain records of the findings of these inventories and inspections for at least three years; and

G) Access to the stored waste military munitions must be limited to appropriately trained and authorized personnel.

2) The conditional exemption in subsection (a)(1) ~~of this Section~~ from

regulation as hazardous waste must apply only to the storage of non-chemical waste military munitions. It does not affect the regulatory status of waste military munitions as hazardous wastes with regard to transportation, treatment or disposal.

3) The conditional exemption in subsection (a)(1) ~~of this Section~~ applies only so long as all of the conditions in subsection (a)(1) ~~of this Section~~ are met.

b) Notice of termination of waste storage. The owner or operator must notify the Agency when a storage unit identified in subsection (a)(1)(D) ~~of this Section~~ will no longer be used to store waste military munitions.

c) Reinstatement of conditional exemption.

1) If any waste military munition loses its conditional exemption pursuant to subsection (a)(1) ~~of this Section~~, an application may be filed with the Agency for reinstatement of the conditional exemption from hazardous waste storage regulation with respect to such munition as soon as the munition is returned to compliance with the conditions of subsection (a)(1) ~~of this Section~~.

2) If the Agency finds that reinstatement of the conditional exemption is appropriate, it must reinstate the conditional exemption of subsection (a)(1) ~~of this Section~~ in writing. The Agency's decision to reinstate or not to reinstate the conditional exemption must be based on the nature of the risks to human health and the environment posed by the waste and either the owner's or operator's provision of a satisfactory explanation of the circumstances of the violation, or any demonstration that the violations are not likely to recur. If the Agency denies an application, it must transmit to the applicant specific, detailed statements in writing as to the reasons it denied the application. In reinstating the conditional exemption pursuant to subsection (a)(1) ~~of this Section~~, the Agency may specify additional conditions as are necessary to ensure and document proper storage to adequately protect human health and the environment.

3) The Agency may terminate a conditional exemption reinstated by default pursuant to subsection (c)(2) ~~of this Section~~ in writing if it finds that reinstatement is inappropriate based on its consideration of the factors set forth in subsection (c)(2) ~~of this Section~~. If the Agency terminates a

reinstated exemption, it must transmit to the applicant specific, detailed statements in writing as to the reasons it terminated the reinstated exemption.

4) The applicant pursuant to this subsection (c) may appeal the Agency's determination to deny the reinstatement, to grant the reinstatement with conditions, or to terminate a reinstatement before the Board pursuant to Section 40 of the Act ~~[415 ILCS 5/40]~~.

d) Waste chemical munitions.

1) Waste military munitions that are chemical agents or chemical munitions and which exhibit a hazardous waste characteristic or which are listed as hazardous waste pursuant to 35 Ill. Adm. Code 721, are listed or identified as a hazardous waste and are subject to the applicable regulatory requirements of RCRA subtitle C.

2) Waste military munitions that are chemical agents or chemical munitions and that exhibit a hazardous waste characteristic or are listed as hazardous waste pursuant to 35 Ill. Adm. Code 721~~,~~ are not subject to the storage prohibition in RCRA section 3004(j), codified at 35 Ill. Adm. Code 728.150.

e) Amendments to DDESB storage standards. The DDESB storage standards applicable to waste military munitions, referenced in subsection (a)(1)(C) ~~of this Section~~, are DOD 6055.9-STD ("DOD Ammunition and Explosive Safety Standards"), in effect on November 8, 1995, incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: Corresponding federal provision 40 CFR 266.205(e), as added at 62 Fed. Reg. 6656 (Feb. 12, 1997), further provides as follows: "Any amendments to the DDESB storage standards must become effective for purposes of paragraph (a)(1) of this section on the date the Department of Defense publishes notice in the Federal Register that the DDESB standards referenced in paragraph (a)(1) of this section have been amended." Section 5-75 of the Illinois Administrative Procedure Act [5 ILCS 100/5-75] prohibits the incorporation of later amendments and editions by reference. For this reason, interested members of the regulated community will need to notify the Board of any amendments of these references before those amendments can become effective under Illinois

law.

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

SUBPART N: CONDITIONAL EXEMPTION FOR LOW-LEVEL MIXED WASTE STORAGE, TREATMENT, TRANSPORTATION AND DISPOSAL

**Section 726.310 Definitions**

Terms are defined as follows for the purposes of this Subpart N:

"CERCLA reportable quantity" means that quantity of a particular substance designated by USEPA in federal 40 CFR 302.4 pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 USC 9601 et seq.) for which notification is required upon a release to the environment.

"Certified delivery" means certified mail with return receipt requested, equivalent courier service, or other means that provides the sender with a receipt confirming delivery.

"Director" is as defined in 35 Ill. Adm. Code 702.110.

"Eligible naturally occurring or accelerator-produced radioactive material" means naturally occurring or accelerator-produced radioactive material (NARM) that is eligible for a transportation and disposal conditional exemption. It is a NARM waste that contains RCRA hazardous waste, meets the waste acceptance criteria of, and is allowed by State NARM regulations to be disposed of at a low-level radioactive waste disposal facility (LLRWDF) licensed in accordance with federal 10 CFR 61, IEMA regulations, or the equivalent regulations of a licensing agency in another state.
BOARD NOTE: The IEMA regulations are codified at 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

"Exempted waste" means a waste that meets the eligibility criteria in Section 726.325 and all of the conditions in Section 726.330 or a waste that meets the eligibility criteria in Section 726.410 and which complies with all the conditions in Section 726.415. Such waste is conditionally exempted from the regulatory definition of hazardous waste in 35 Ill. Adm. Code 721.103.

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

"IEMA" means the Illinois Emergency Management Agency, the State of Illinois agency charged with regulating source, by-product, and special nuclear material in Illinois in accordance with an agreement between the State and the federal Nuclear Regulatory Commission (NRC) under section 274(b) of the federal Atomic Energy Act of 1954, as amended (42 USC 2021(b)).
BOARD NOTE: In addition to the materials regulated under this Part, IEMA regulates radioactive materials under the Radiation Protection Act of 1990 [420 ILCS 40] that are not licensed by the federal NRC. For the purposes of notices to IEMA required under this Subpart N, the address is as follows:

Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

"Land disposal restriction treatment standards" or "LDR treatment standards" means treatment standards, under 35 Ill. Adm. Code 728, that a RCRA hazardous waste must meet before it can be disposed of in a RCRA hazardous waste land disposal unit.

"License" means a license issued by the federal NRC or IEMA to a user that manages radionuclides regulated by the federal NRC or IEMA under authority of the Atomic Energy Act of 1954, as amended (42 USC 2014 et seq.) or the Radiation Protection Act of 1990 ~~[420 ILCS 40]~~.

"Low-level mixed waste" or "LLMW" is a waste that contains both low-level radioactive waste and RCRA hazardous waste.

"Low-level radioactive waste" or "LLRW" is a radioactive waste that contains source, by-product, or special nuclear material and which is not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or by-product material, as defined in section 11(e)(2) of the Atomic Energy Act of 1954 (42 USC 2014(e)(2)), incorporated by reference in 35 Ill. Adm. Code 720.111(b). (See also the NRC definition of waste at federal 10 CFR 61.2.)
BOARD NOTE: This definition differs from the similar definitions of low-level radioactive waste in the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/3(k)], the Central Midwest Interstate Low-Level Radioactive Waste

Compact Act [45 ILCS 140/1, Article II(k)], and 32 Ill. Adm. Code 606.20(g) of the IEMA regulations. Those basically define low-level radioactive waste as radioactive waste that is not high-level radioactive waste, transuranic waste, spent nuclear fuel, or by-product material, as such are defined in section 11 of the federal Atomic Energy Act of 1954 (42 USC 2014), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

"Mixed waste" means a waste that contains both RCRA hazardous waste and source, by-product, or special nuclear material subject to the Atomic Energy Act of 1954, as amended (42 USC 2014 et seq.).
BOARD NOTE: This definition differs from the similar definitions of mixed waste in the Illinois Low-Level Radioactive Waste Management Act ~~[420 ILCS 20/3(1)]~~ and 32 Ill. Adm. Code 606.20(h) of the IEMA regulations. Those basically define mixed waste as containing both RCRA hazardous waste and low-level radioactive waste, as such is defined under Section 3(k) of the Illinois Low-Level Radioactive Waste Management Act ~~[420 ILCS 20/3(k)]~~.

"Naturally occurring or accelerator-produced radioactive material" or "NARM" means a radioactive material that fulfills one of the following conditions:

It is naturally occurring and it is not a source, by-product, or special nuclear material, as defined in section 11 of the federal Atomic Energy Act of 1954 (42 USC 2014), incorporated by reference in 35 Ill. Adm. Code 720.111(c); or

It is produced by an accelerator.

BOARD NOTE: NARM is regulated by the State, under the Radiation Protection Act of 1990 ~~[420 ILCS 40]~~ and 32 Ill. Adm. Code: Chapter II, Subchapters b and d, or by the federal Department of Energy (DOE), as authorized by the federal Atomic Energy Act (42 USC 2014 et seq.), under DOE regulations and orders.

"NRC" means the United States Nuclear Regulatory Commission.
BOARD NOTE: For the purposes of notices to the NRC required under this Subpart N, the address is as follows:

U.S. Nuclear Regulatory Commission, Region III
801 Warrenville Road
Lisle, Illinois 60532-4351

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

**Section 726.330 Conditions to Qualify for and Maintain a Storage and Treatment Conditional Exemption**

a) For LLMW to qualify for the exemption, the generator must notify the Agency and the IEMA in writing by certified delivery that it is claiming a storage and treatment conditional exemption for the LLMW stored on the generator's facility. The dated notification must include the generator's name, address, RCRA identification number, federal NRC or IEMA license number, the USEPA hazardous waste numbers~~codes~~ and storage units for which the generator is seeking an exemption, and a statement that the generator meets the conditions of this Subpart N. The generator's notification must be signed by the generator's authorized representative who certifies that the information in the notification is true, accurate, and complete. The generator must notify the Agency of its claim ~~either before July 21, 2002, or~~ within 90 days after a storage unit is first used to store conditionally exempt LLMW~~, whichever is later~~.

b) To qualify for and maintain an exemption for LLMW, the generator must do each of the following:

1) Store its LLMW waste in tanks or containers in compliance with the requirements of its license that apply to the proper storage of low-level radioactive waste (not including those license requirements that relate solely to recordkeeping);

2) Store its LLMW in tanks or containers in compliance with chemical compatibility requirements of a tank or container in 35 Ill. Adm. Code 724.277 or 724.299 or 35 Ill. Adm. Code 725.277 or 725.299;

3) Certify that facility personnel who manage stored conditionally exempt LLMW are trained in a manner that ensures that the conditionally exempt waste is safely managed and that the training includes training in chemical waste management and hazardous materials incidents response that meets the personnel training standards found in 35 Ill. Adm. Code 725.116(a)(3);

4) Conduct an inventory of its stored conditionally exempt LLMW at least annually and inspect the waste at least quarterly for compliance with this Subpart N; and

5) Maintain an accurate emergency plan and provide it to all local authorities who may have to respond to a fire, explosion, or release of hazardous waste or hazardous constituents. The generator's plan must describe emergency response arrangements with local authorities; describe evacuation plans; list the names, addresses, and telephone numbers of all facility personnel qualified to work with local authorities as emergency coordinators; and list emergency equipment.

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

**Section 726.345 Reclaiming a Lost Storage and Treatment Conditional Exemption**

a) A generator may reclaim a lost storage and treatment conditional exemption for its LLMW if the following conditions are fulfilled:

1) The generator again meets the conditions specified in Section 726.330; and

2) The generator sends the Agency a notice by certified delivery that the generator is reclaiming the exemption for its LLMW. The generator's notice must be signed by its authorized representative certifying that the information contained in the generator's notice is true, complete, and accurate. In its notice, the generator must do the following:

A) Explain the circumstances of each failure.

B) Certify that the generator has corrected each failure that caused it to lose the exemption for its LLMW and that the generator again meets all the conditions as of the date that the generator specifies.

C) Describe plans that the generator has implemented, listing specific steps that it has taken, to ensure that the conditions will be met in the future.

D) Include any other information that the generator wants the Agency to consider when it reviews the generator's notice reclaiming the exemption.

b) The Agency may terminate a reclaimed conditional exemption if it determines, in writing, pursuant to Section 39 of the Act ~~[415 ILCS 5/39]~~, that the generator's claim is inappropriate based on factors including, but not limited to, the following: the generator has failed to correct the problem; the generator explained the circumstances of the failure unsatisfactorily; or the generator failed to implement a plan with steps to prevent another failure to meet the conditions of Section 726.330. In reviewing a reclaimed conditional exemption pursuant to this Section, the Agency may add conditions to the exemption to ensure that waste management during storage and treatment of the LLMW will adequately protect human health and the environment. Any Agency determination made pursuant to this subsection (b) is subject to review by the Board pursuant to Section 40 of the Act ~~[415 ILCS 5/40]~~.

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

**Section 726.355 Waste No Longer Eligible for a Storage and Treatment Conditional Exemption**

a) When a generator's LLMW has met the requirements of its federal NRC or IEMA license for decay-in-storage and can be disposed of as non-radioactive waste, then the conditional exemption for storage no longer applies. On that date the generator's waste is subject to hazardous waste regulation under the relevant provisions of 35 Ill. Adm. Code 702, 703, 720 through 728, and 738, and the time period for accumulation of a hazardous waste, as specified in 35 Ill. Adm. Code 722.116 or 722.117~~722.134~~ begins.

b) When a generator's conditionally exempt LLMW, which has been generated and stored under a single federal NRC or IEMA license number, is removed from storage, it is no longer eligible for the storage and treatment exemption. However, a generator's waste may be eligible for the transportation and disposal conditional exemption at Section 726.405.

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

**Section 726.360 Applicability of Closure Requirements to Storage Units**

An interim status or~~and~~ permitted storage unit that was~~has been~~ used to store only LLMW prior to April 22, 2002 and which, after that date, stores only LLMW that becomes exempt under this Subpart N, is not subject to the closure requirements of 35 Ill. Adm. Code 724 and 725. A

storage unit (or portions of units) that has been used to store both LLMW and non-mixed hazardous waste remainsprior to April 22, 2002 or which is used to store both after that date remain subject to closure requirements with respect to the non-mixed hazardous waste.

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

**Section 726.450 Recordkeeping for a Transportation and Disposal Conditional Exemption**

In addition to those records required by a generator's NRC or IEMA license, the generator must keep records as follows:

a) The generator must follow the applicable existing recordkeeping requirements under 35 Ill. Adm. Code 724.173, 725.173, and 728.107 to demonstrate that its waste has met LDR treatment standards prior to the generator claiming the exemption.

b) The generator must keep a copy of all notifications and return receipts required under Sections 726.455, and 726.460 for three years after the exempted waste is sent for disposal.

c) The generator must keep a copy of all notifications and return receipts required under Section 726.445(a) for three years after the last exempted waste is sent for disposal.

d) The generator must keep a copy of the notification and return receipt required under Section 726.445(b) for three years after the exempted waste is sent for disposal.

e) If the generator is not already subject to federal NRC and IEMA manifest and transportation regulations for the shipment of its waste, the generator must also keep all other documents related to tracking the exempted waste as required under federal 10 CFR 20.2006 (Transfer for Disposal and Manifests), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and IEMA requirements under 32 Ill. Adm. Code 340, including applicable NARM requirements, in addition to the records specified in subsections (a) through (d) of this Section.

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

**Section 726.460 Reclaiming a Lost Transportation and Disposal Conditional Exemption**

a) A generator may reclaim a lost transportation and disposal conditional exemption for a waste after the generator has received a return receipt confirming that the Agency and ~~the~~ IEMA have received the generator's notification of the loss of the exemption specified in Section 726.455(a) and if the following conditions are fulfilled:

1) The generator again meets the conditions specified in Section 726.415 for the waste; and

2) The generator sends a notice, by certified delivery, to the Agency that the generator is reclaiming the exemption for the waste. A generator's notice must be signed by the generator's authorized representative certifying that the information provided is true, accurate, and complete. The notice must include all of the following:

A) An explanation of the circumstances of each failure;

B) A certification that each failure that caused the generator to lose the exemption for the waste has been corrected and that the generator again meets all conditions for the waste as of the date the generator specifies;

C) A description of plans that the generator has implemented, listing the specific steps that the generator has taken, to ensure that conditions will be met in the future; and

D) Any other information that the generator wants the Agency to consider when the Agency reviews the generator's notice reclaiming the exemption.

b) The Agency may terminate a reclaimed conditional exemption if it determines, in writing, pursuant to Section 39 of the Act ~~[415 ILCS 5/39]~~, that the generator's claim is inappropriate based on factors including, but not limited to, the following: the generator has failed to correct the problem; the generator explained the circumstances of the failure unsatisfactorily; or the generator has failed to implement a plan with steps to prevent another failure to meet the conditions of Section 726.415. In reviewing a reclaimed conditional exemption pursuant to this Section, the Agency may add conditions to the exemption to ensure that

transportation and disposal activities will adequately protect human health and the environment. Any Agency determination made pursuant to this subsection (b) is subject to review by the Board pursuant to Section 40 of the Act ~~[415 ILCS 5/40]~~.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

**Section 726.APPENDIX G Health-Based Limits for Exclusion of Waste-Derived Residues**

NOTE 1: Under Section 726.212(b)(2)(A), the health-based concentration limits for Appendix H to 35 Ill. Adm. Code 721 constituents for which a health-based concentration is not provided below is 2 x $10^{-6}$ mg/kg (0.000002 mg/kg or 0.002 µg/kg).

NOTE 2: The levels specified in this Section and the default level of 0.002 µg/kg (0.000002 mg/kg) or the level of detection for constituents, as identified in Note 1, are administratively stayed under the condition, for those constituents specified in Section 726.212(b)(1), that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in 35 Ill. Adm. Code 728.143 and Table B to 35 Ill. Adm. Code 728 for F039 nonwastewaters. See Section 726.212(b)(2)(A).

Metals-TCLP Extract Concentration Limits

| Constituent | CAS No. | Concentration limits (mg/ℓ) kg) |
|---|---|---|
| Antimony | 7440-36-0 | 1. |
| Arsenic | 7440-38-2 | 5. |
| Barium | 7440-39-3 | 100. |
| Beryllium | 7440-41-7 | 0.007 |
| Cadmium | 7440-43-9 | 1. |
| Chromium | 7440-47-3 | 5. |
| Lead | 7439-92-1 | 5. |
| Mercury | 7439-97-6 | 0.2 |
| Nickel | 7440-02-0 | 70. |
| Selenium | 7782-49-2 | 1. |
| Silver | 7440-22-4 | 5. |
| Thallium | 7440-28-0 | 7. |

Nonmetals-Residue Concentration Limits

| Constituent | CAS No. | Concentration limits for residues (mg/kg) |
|---|---|---|
| Acetonitrile | 75-05-8 | 0.2 |
| Acetophenone | 98-86-2 | 4. |

| | | |
|---|---|---|
| Acrolein | 107-02-8 | 0.5 |
| Acrylamide | 79-06-1 | 0.0002 |
| Acrylonitrile | 107-13-1 | 0.0007 |
| Aldrin | 309-00-2 | 0.00002 |
| Allyl alcohol | 107-18-6 | 0.2 |
| Aluminum phosphide | 20859-73-8 | 0.01 |
| Aniline | 62-53-3 | 0.06 |
| Barium cyanide | 542-62-1 | 1. |
| Benz(a)anthracene | 56-55-3 | 0.0001 |
| Benzene | 71-43-2 | 0.005 |
| Benzidine | 92-87-5 | 0.000001 |
| Bis(2-chloroethyl) ether | 111-44-4 | 0.0003 |
| Bis(chloromethyl) ether | 542-88-1 | 0.000002 |
| Bis(2-ethylhexyl) phthalate | 117-81-7 | 30. |
| Bromoform | 75-25-2 | 0.7 |
| Calcium cyanide | 592-01-8 | 0.000001 |
| Carbon disulfide | 75-15-0 | 4. |
| Carbon tetrachloride | 56-23-5 | 0.005 |
| Chlordane | 57-74-9 | 0.0003 |
| Chlorobenzene | 108-90-7 | 1. |
| Chloroform | 67-66-3 | 0.06 |
| Copper cyanide | 544-92-3 | 0.2 |
| Cresols (Cresylic acid) | 1319-77-3 | 2. |
| Cyanogen | 460-19-5 | 1. |
| DDT | 50-29-3 | 0.001 |
| Dibenz(a,h)-anthracene | | |
| ~~Dibenz(a, h) anthracene~~ | 53-70-3 | 0.000007 |
| 1,2-Dibromo-3-chloropropane | 96-12-8 | 0.00002 |
| p-Dichlorobenzene | 106-46-7 | 0.075 |
| Dichlorodifluoromethane | 75-71-8 | 7. |
| 1,1-Dichloroethylene | 75-35-4 | 0.005 |
| 2,4-Dichlorophenol | 120-83-2 | 0.1 |
| 1,3-Dichloropropene | 542-75-6 | 0.001 |
| Dieldrin | 60-57-1 | 0.00002 |
| Diethyl phthalate | 84-66-2 | 30. |
| Diethylstilbestrol | 56-53-1 | 0.0000007 |
| Dimethoate | 60-51-5 | 0.03 |
| 2,4-Dinitrotoluene | 121-14-2 | 0.0005 |
| Diphenylamine | 122-39-4 | 0.9 |

| | | |
|---|---|---|
| 1,2-Diphenylhydrazine | 122-66-7 | 0.0005 |
| Endosulfan | 115-29-7 | 0.002 |
| Endrin | 72-20-8 | 0.0002 |
| Epichlorohydrin | 106-89-8 | 0.04 |
| Ethylene dibromide | 106-93-4 | 0.0000004 |
| Ethylene oxide | 75-21-8 | 0.0003 |
| Fluorine | 7782-41-4 | 4. |
| Formic acid | 64-18-6 | 70. |
| Heptachlor | 76-44-8 | 0.00008 |
| Heptachlor epoxide | 1024-57-3 | 0.00004 |
| Hexachlorobenzene | 118-74-1 | 0.0002 |
| Hexachlorobutadiene | 87-68-3 | 0.005 |
| Hexachlorocyclopentadiene | 77-47-4 | 0.2 |
| Hexachlorodibenzo-p-dioxins | 19408-74-3 | 0.00000006 |
| Hexachloroethane | 67-72-1 | 0.03 |
| Hydrazine | 302-01-1 | 0.0001 |
| Hydrogen cyanide | 74-90-8 | 0.00007 |
| Hydrogen sulfide | 7783-06-4 | 0.000001 |
| Isobutyl alcohol | 78-83-1 | 10. |
| Methomyl | 16752-77-5 | 1. |
| Methoxychlor | 72-43-5 | 0.1 |
| 3-Methylcholanthrene | 56-49-5 | 0.00004 |
| 4,4'-Methylenebis(2-chloroaniline) | | |
| ~~4,4'-Methylenebis (2-chloroaniline)~~ | 101-14-4 | 0.002 |
| Methylene chloride | 75-09-2 | 0.05 |
| Methyl ethyl ketone (MEK) | 78-93-3 | 2. |
| Methyl hydrazine | 60-34-4 | 0.0003 |
| Methyl parathion | 298-00-0 | 0.02 |
| Naphthalene | 91-20-3 | 10. |
| Nickel cyanide | 557-19-7 | 0.7 |
| Nitric oxide | 10102-43-9 | 4. |
| Nitrobenzene | 98-95-3 | 0.02 |
| N-Nitrosodi-n-butylamine | 924-16-3 | 0.00006 |
| N-Nitrosodiethylamine | 55-18-5 | 0.000002 |
| N-Nitroso-N-methylurea | 684-93-5 | 0.0000001 |
| N-Nitrosopyrrolidine | 930-55-2 | 0.0002 |
| Pentachlorobenzene | 608-93-5 | 0.03 |
| Pentachloronitrobenzene (PCNB) | 82-68-8 | 0.1 |
| Pentachlorophenol | 87-86-5 | 1. |

| | | |
|---|---|---|
| Phenol | 108-95-2 | 1. |
| Phenylmercury acetate | 62-38-4 | 0.003 |
| Phosphine | 7803-51-2 | 0.01 |
| Polychlorinated biphenyls, N.O.S | 1336-36-3 | 0.00005 |
| Potassium cyanide | 151-50-8 | 2. |
| Potassium silver cyanide | 506-61-6 | 7. |
| Pronamide | 23950-58-5 | 3. |
| Pyridine | 110-86-1 | 0.04 |
| Reserpine | 50-55-5 | 0.00003 |
| Selenourea | 630-10-4 | 0.2 |
| Silver cyanide | 506-64-9 | 4. |
| Sodium cyanide | 143-33-9 | 1. |
| Strychnine | 57-24-9 | 0.01 |
| 1,2,4,5-Tetrachlorobenzene | 95-94-3 | 0.01 |
| 1,1,2,2-tetrachloroethane | 79-34-5 | 0.002 |
| Tetrachloroethylene | 127-18-4 | 0.7 |
| 2,3,4,6-Tetrachlorophenol | 58-90-2 | 0.01 |
| Tetraethyl lead | 78-00-2 | 0.000004 |
| Thiourea | 62-56-6 | 0.0002 |
| Toluene | 108-88-3 | 10. |
| Toxaphene | 8001-35-2 | 0.005 |
| 1,1,2-Trichloroethane | 79-00-5 | 0.006 |
| Trichloroethylene | 79-01-6 | 0.005 |
| Trichloromonofluoromethane | 75-69-4 | 10. |
| 2,4,5-Trichlorophenol | 95-95-4 | 4. |
| 2,4,6-Trichlorophenol | 88-06-2 | 4. |
| Vanadium pentoxide | 1314-62-1 | 0.7 |
| Vinyl chloride | 75-01-4 | 0.002 |

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

POLLUTION CONTROL BOARD

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**Section 726.APPENDIX I Methods Manual for Compliance with BIF Regulations**

The document entitled, "Methods Manual for Compliance with BIF Regulations: Burning Hazardous Waste in Boilers and Industrial Furnaces~~;~~", December 1990, is available as appendix IX to 40 CFR 266 (Methods Manual for Compliance with the BIF Regulations), incorporated by reference in 35 Ill. Adm. Code 720.111(b). It is also available through NTIS, as described in the incorporation by reference.

(Source: Amended at 42 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)

| Section Numbers: | Proposed Actions: |
|---|---|
| 727.100 | Amendment |
| 727.110 | Amendment |
| 727.150 | Amendment |
| 727.170 | Amendment |
| 727.190 | Amendment |
| 727.210 | Amendment |
| 727.240 | Amendment |
| 727.270 | Amendment |
| 727.290 | 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 consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking that also affects 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, 738, 739, and 810 through 812. Due to the extreme volume of the consolidated docket, each Part is covered by a notice in four separate issues of the *Illinois Register*. Included in this issue are 35 Ill. Adm. Code 722, 723, and 726 through 728. To save space, a more detailed description of the subjects and issues involved in the consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 722. A comprehensive description is contained in the Board's opinion and order of March 3, 2016, proposing amendments in docket R16-7, which opinion and order is available from the address below.

Specifically, the amendments to Part 727 incorporate elements of the Generator Improvements Rule and the Hazardous Waste Import-Export Revisions. The Board makes several needed corrections in the text of the rules.

Tables appear in a document entitled "Identical-in–Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R17-14/R17-15/R18-11/R18-31. The tables list the deviations from the literal text of the federal amendments and the

several necessary corrections and stylistic revisions not directly derived from USEPA actions. Persons interested in the details of those deviations from the literal text should refer to the Identical-in–Substance Rulemaking Addendum (Proposed) in consolidated docket R17-14/R17-15/R18-11/R18-31.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Illinois 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 IAPA, 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 805/3(b)].

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated docket R17-14/R17-15/R18-11/R18-31 and be addressed to:

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

Please direct inquiries to the following person and reference consolidated docket R17-14/R17-15/R18-11/R18-31:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

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

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

13) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

14) Regulatory Agenda on which this rulemaking was summarized: January 2017 and January 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 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 5/7.2, 22.4, and 27].

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

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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 at 42 Ill. Reg. _____, effective _____.

**Section 727.100 General**

a) Purpose, scope, and applicability.

1) The purpose of this Part is to establish minimum national standards that define the acceptable management of hazardous waste under a RCRA standardized permit, as such is defined in 35 Ill. Adm. Code 702.110 and 720.110, issued pursuant to Subpart J of 35 Ill. Adm. Code 703.

2) This Part applies to owners and operators of facilities that treat or store hazardous waste under a RCRA standardized permit issued pursuant to Subpart J of 35 Ill. Adm. Code 703, except as provided otherwise in Subpart A of 35 Ill. Adm. Code 721 or 35 Ill. Adm. Code 724.101(f) and (g).

BOARD NOTE: Subsection (a) ~~of this Section~~ is derived from 40 CFR 267.1 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~. The exemptions of subsection (a)(2) ~~of this Section~~ are directly derived from corresponding 40 CFR 267.1(b). The Board assumes that USEPA exempted from the RCRA standardized permit requirements those wastes excluded from the definition of hazardous waste (in Subpart A of 35 Ill. Adm. Code 721) and those exempted from the T/S/D facility standards (by 35 Ill. Adm. Code 724.101(g)). The Board has retained the reference to 35 Ill. Adm. Code 724.101(f), even though it does no more than reference corresponding 40 CFR 264.1(f), which relates exclusively to the applicability of the federal regulations.

b) Relationship to interim status standards. A facility owner or operator that has fully complied with the requirements for interim status, as defined in section 3005(e) of federal RCRA and regulations pursuant to 35 Ill. Adm. Code 703.153, must comply with the regulations specified in 35 Ill. Adm. Code 725 instead of the regulations in this Part, until final administrative disposition of the RCRA standardized permit application is made, except as provided in Subpart S of 35 Ill. Adm. Code 724.

BOARD NOTE: Subsection (b) ~~of this Section~~ is derived from 40 CFR 267.2 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

c) Effect on a federal imminent hazard action. Notwithstanding any other provisions of this Part, enforcement actions may be brought in a federal court pursuant to section 7003 of RCRA.

BOARD NOTE: Subsection (c) ~~of this Section~~ is derived from 40 CFR 267.3 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~. The corresponding federal regulation relates to an imminent hazard action under RCRA. An enforcement action for violation of any applicable provision of the ~~Environmental Protection~~ Act ~~[415 ILCS 5] (Act)~~ is also possible.

d) Electronic reporting. The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Subsection (d) ~~of this Section~~ is derived from 40 CFR 3, ~~as added, and 40 CFR~~ 271.10(b), 271.11(b), and 271.12(h) (2017)~~(2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005)~~.

(Source: Amended at 42 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 RCRA standardized permit, except as provided in Section 727.100(a)(2).

BOARD NOTE: Subsection (a) ~~of this Section~~ is derived from 40 CFR 267.10 (2017)~~(2012)~~.

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) ~~of this Section~~ is derived from 40 CFR 267.11 (2017)~~(2012)~~.

c) Obtaining a USEPA identification number. The facility owner or operator must

apply to USEPA Region 5 for a USEPA identification number using 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) ~~of this Section~~ is derived from 40 CFR 267.12 (2017)~~(2012)~~.

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 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) ~~of this Section~~. 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) ~~of this Section~~).

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.

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) ~~of this Section~~ is derived from 40 CFR 267.13 (2017)~~(2012)~~.

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) ~~of this Section~~ or those listed in subsections (e)(2)(B) and (e)(2)(C) ~~of this Section~~:

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) 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

C) 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 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)~~ of this Section~~ is derived from 40 CFR 267.14 (2017)~~(2012)~~.

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)~~ of this Section~~. 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 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, 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. 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) ~~of this Section~~ is derived from 40 CFR 267.15

(2017)~~(2012)~~.

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) ~~of this Section~~.

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.

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, where 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) ~~of this Section~~ 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) ~~of this Section~~.

3) Facility personnel must take part in an annual review of the initial training required in subsection (g)(1) ~~of this Section~~.

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) ~~of this Section~~. This description must include the requisite skill, education, or other qualifications, and duties of employees assigned to each position;

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) ~~of this Section~~;

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) ~~of this Section~~.

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) ~~of this Section~~ is derived from 40 CFR 267.16 (2017)~~(2012)~~.

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:

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) ~~of this Section~~. 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.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: Subsection (h) ~~of this Section~~ is derived from 40 CFR 267.17 (2017)~~(2012)~~.

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.

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) ~~of this Section~~ is derived from 40 CFR 267.18 (2017)~~(2012)~~.

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

**Section 727.150 Contingency Plan and Emergency Procedures**

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

BOARD NOTE: Subsection (a) ~~of this Section~~ is derived from 40 CFR 267.50 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

b) The purpose and use of the contingency plan.

1) The facility owner or operator must have a contingency plan for its facility. The owner or operator must design the plan to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

2) The owner or operator must implement the provisions of the plan immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment.

BOARD NOTE: Subsection (b) ~~of this Section~~ is derived from 40 CFR 267.51 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

c) Contents of the contingency plan.

1) The facility contingency plan must include the following information:

A) It must describe the actions facility personnel will take to comply with subsections (b) and (g) of this Section in response to fires, explosions, or any unplanned sudden or non-sudden release of

hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility;

B) It must describe all arrangements agreed upon pursuant to Section 727.130(g) by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services;

C) It must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see subsection (f) of this Section), and the owner or operator must keep the list up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates;

D) It must include a current list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. In addition, the facility owner or operator must include the location and a physical description of each item on the list, and a brief outline of its capabilities; and

E) It must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. The plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

2) If the facility owner or operator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan pursuant to federal 40 CFR 112, or some other emergency or contingency plan, the owner or operator needs only to amend that plan to incorporate hazardous waste management provisions that will comply with the requirements of this Part.

BOARD NOTE: Subsection (c) ~~of this Section~~ is derived from 40 CFR 267.52 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

d) Who must have copies of the contingency plan.

1) The facility owner or operator must maintain a copy of the plan with all revisions at the facility; and

2) The owner or operator must submit a copy with all revisions to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

BOARD NOTE: Subsection (d) ~~of this Section~~ is derived from 40 CFR 267.53 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

e) When the facility owner or operator must amend the contingency plan. The facility owner or operator must review, and immediately amend the contingency plan, if necessary, whenever any of the following occurs:

1) The facility permit is revised;

2) The plan fails in an emergency;

3) The owner or operator changes the facility (in its design, construction, operation, maintenance, or other circumstances) in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;

4) The owner or operator changes the list of emergency coordinators; or

5) The owner or operator changes the list of emergency equipment.

BOARD NOTE: Subsection (e) ~~of this Section~~ is derived from 40 CFR 267.54 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

f) The role of the emergency coordinator. At least one employee must be either on the facility premises or on call at all times (that is, available to respond to an emergency by reaching the facility within a short period of time) who has the responsibility for coordinating 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.

BOARD NOTE: Subsection (f) ~~of this Section~~ is derived from 40 CFR 267.55 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

g) Required emergency procedures for the emergency coordinator.

1) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately undertake the following actions:

A) He or she must activate internal facility alarm or communication systems, where applicable, to notify all facility personnel; and

B) He or she must notify appropriate State or local agencies with designated response roles if their help is needed.

2) Whenever there is a release, fire, or explosion, the emergency coordinator must undertake the following actions:

A) He or she 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; and

B) He or she 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. For example, the assessment would consider the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-off from water or chemical agents used to control fire and heat-induced explosions.

3) 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 his findings as follows:

A) If his or her assessment indicates that evacuation of local areas may be advisable, he or she must immediately notify appropriate local authorities. He or she must be available to help appropriate officials decide whether local areas should be evacuated; and

B) He or she 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 information:

i) The name and telephone number of the reporter;

ii) The name and address of facility;

iii) The time and type of incident (for example, a release or a fire);

iv) The name and quantity of materials involved, to the extent known;

v) The extent of injuries, if any; and

vi) The possible hazards to human health, or the environment outside the facility.

4) 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 release waste, and removing or isolating containers.

5) 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, when appropriate.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: Subsection (g) ~~of this Section~~ is derived from 40 CFR 267.56 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

h) The emergency coordinator's responsibilities after an emergency.

1) 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.

2) The emergency coordinator must ensure that the following occur in the affected areas of the facility:

A) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

B) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

BOARD NOTE: Subsection (h) ~~of this Section~~ is derived from 40 CFR 267.57 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

i) Emergency notification and recordkeeping requirements.

1) The facility owner or operator must notify the Agency and other appropriate State and local authorities that the facility is in compliance with Section 727.150(h)(2) before operations are resumed in the affected areas of the facility.

2) The facility owner or operator must note the time, date, and details of any incident that requires implementing the contingency plan in the operating record. Within 15 days after the incident, the owner or operator must submit a written report on the incident to the Agency. The owner or operator must include the following information in the report:

A) The name, address, and telephone number of the owner or operator;

B) The name, address, and telephone number of the facility;

C) The date, time, and type of incident (e.g., fire, explosion);

D) The name and quantity of materials involved;

E) The extent of injuries, if any;

F) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

G) The estimated quantity and disposition of recovered material that resulted from the incident.

BOARD NOTE: Subsection (i) ~~of this Section~~ is derived from 40 CFR 267.58 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

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

**Section 727.170 Recordkeeping, Reporting, and Notifying**

a) Applicability of this Section. This Section applies to the owner and operator of a facility that stores or non-thermally treats a hazardous waste under a RCRA standardized permit pursuant to Subpart J of 35 Ill. Adm. Code 703, except as provided in Section 727.100(a)(2). In addition, the owner or operator must comply with the manifest requirements of 35 Ill. Adm. Code 722 whenever a shipment of hazardous waste is initiated from the facility.

BOARD NOTE: Subsection (a) ~~of this Section~~ is derived from 40 CFR 267.70 (2017)~~(2007)~~.

b) Use of the manifest system.

1) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or its agent, must do each of the following:

A) It must sign and date each copy of the manifest to certify that the hazardous waste covered by the manifest was received;

B) It must note any significant discrepancies in the manifest (as defined in Section 727.170(c)(1)) on each copy of the manifest;

C) It must immediately give the transporter at least one copy of the signed manifest;

D) Within 30 days after the delivery, it must send a copy of the manifest to the generator; ~~and~~

E) It must retain at the facility a copy of each manifest for at least three years from the date of delivery; and~~.~~

F) If a facility receives hazardous waste subject to Subpart H of 35 Ill. Adm. Code 722 from a foreign source, the receiving facility must do both of the following:

i) Additionally list the relevant consent number from consent documentation supplied by USEPA to the facility for each waste listed on the manifest, matched to the relevant list number for the waste from block 9b of the hazardous waste manifest (USEPA Form 8700-22). If additional space is needed, the receiving facility should use Continuation Sheets (USEPA Form 8700-22A); and

ii) Mail a copy of the hazardous waste manifest to USEPA using the addresses listed in 35 Ill. Adm. Code 722.182(e) within 30 days of delivery until the facility can submit such a copy to the e-Manifest system per 35 Ill. Adm. Code 724.171(a)(2)(E) or 725.171(a)(2)(E).

2) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste that is accompanied by a shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator's certification, and signatures), the owner or operator, or its agent, must do each of the following:

A) It must sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous

waste covered by the manifest or shipping paper was received;

B) It must note any significant discrepancies (as defined in Section 727.170(c)(1)) in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;

BOARD NOTE: USEPA does not intend that the owner or operator of a facility whose procedures pursuant to Section 727.110(d)(3) include waste analysis must perform that analysis before signing the shipping paper and giving it to the transporter. Section 727.170(c)(2), however, requires reporting an unreconciled discrepancy discovered during later analysis.

C) It must immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

D) Within 30 days after the delivery, it must send a copy of the signed and dated manifest to the generator; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or its agent, must send a copy of the shipping paper signed and dated to the generator; and

BOARD NOTE: Section 722.123(c) requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).

E) It must retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.

3) Whenever a shipment of hazardous waste is initiated from a facility, the facility owner or operator must comply with the requirements of 35 Ill. Adm. Code 722.

BOARD NOTE: The provisions of 35 Ill. Adm. Code 722.116 or 722.117~~724.134~~ are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of 35 Ill. Adm. Code

722.116 or 722.117~~724.134~~ apply only to an owner or operator that is shipping hazardous waste that it generated at that facility.

4) As required by 35 Ill. Adm. Code 722.184(d)(2)(O), within~~Within~~ three working days after the receipt of a shipment subject to Subpart H of 35 Ill. Adm. Code 722 the owner or operator of the facility must provide a copy of the movement~~tracking~~ document bearing all required signatures to the foreign exporter;~~notifier,~~ to the ~~Agency, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and to~~ competent authorities of the~~all other concerned~~ countries of export and transit that control the shipment as an export or transit of hazardous waste. On or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's Waste Import Export Tracking System (WIETS). The original copy of the movement~~tracking~~ document must be maintained at the facility for at least three years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on USEPA's WIETS, provided that copies are readily available for viewing and production if requested by any USEPA or authorized state inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS for which the owner or operator of a facility bears no responsibility.

BOARD NOTE: Subsection (b)~~ of this Section~~ is derived from 40 CFR 267.71 (2017)~~(2007)~~.

c) Manifest discrepancies.

1) Manifest discrepancies are differences between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste a facility actually receives. Significant discrepancies in quantity are either of the following:

A) For bulk waste, variations greater than 10 percent in weight; or

B) For batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload. Significant discrepancies in type are obvious differences that can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.

2) Upon discovering a significant discrepancy, the facility owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator must immediately submit to the Agency a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

BOARD NOTE: Subsection (c) ~~of this Section~~ is derived from 40 CFR 267.72 (2017)~~(2007)~~.

d) Retention of information.

1) The facility owner or operator must keep a written operating record at its facility.

2) The facility owner or operator must record the following information, as it becomes available, and maintain the operating record until it closes the facility:

A) A description and the quantity of each type of hazardous waste generated, and the methods and dates of its storage or treatment at the facility as required by Appendix A of 35 Ill. Adm. Code 724;

B) The location of each hazardous waste within the facility and the quantity at each location;

C) Records and results of waste analyses and waste determinations performed as specified in Section 727.110(d) and (h) and 35 Ill. Adm. Code 724.934, 724.963, 724.983, and 728.107;

D) Summary reports and details of all incidents that require the owner or operator to implement the contingency plan as specified in Section 727.150(i)(2));

E) Records and results of inspections as required by Section 727.110(f)(4) (except that the facility owner or operator needs to keep these data for only three years);

F) Monitoring, testing or analytical data, and corrective action when required by Section 727.190, Section 727. 290(b), (d), and (f) and 35 Ill. Adm. Code 724.934(c) through (f), 724.935, 724.963(d) through (i), 724.964, 724.988, 724.989, and 724.990;

G) All closure cost estimates pursuant to Section 727.240(c);

H) The facility owner or operator certification, executed at least annually, that the owner or operator has a program in place to reduce the volume and toxicity of hazardous waste that it generates to the degree that the owner or operator determines to be economically practicable; and that the proposed method of treatment or storage is that practicable method currently available to the owner or operator that minimizes the present and future threat to human health and the environment;

I) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required by the facility owner or operator pursuant to 35 Ill. Adm. Code 728.107;

J) For an on-site storage facility, the information in the notice (except the manifest number), and the certification and demonstration, if applicable, required by the facility owner or operator pursuant to 35 Ill. Adm. Code 728.107;

K) For an off-site treatment facility, a copy of the notice, and the certification and demonstration, if applicable, required by the generator or the facility owner or operator pursuant to 35 Ill. Adm. Code 728.107 or 728.108; and

L) For an off-site storage facility, a copy of the notice, and the certification and demonstration, if applicable, required by the generator or the owner or operator pursuant to 35 Ill. Adm. Code 728.107 or 728.108.

BOARD NOTE: Subsection (d) ~~of this Section~~ is derived from 40 CFR 267.73 (2017)~~(2007)~~.

e) Availability of records.

1) The facility owner or operator must furnish all records, including plans, required pursuant to this Part upon the request of any officer, employee, or representative of the Agency or USEPA and make them available at all reasonable times for inspection.

2) The retention period for all records required pursuant to this Part is extended automatically during the course of any unresolved enforcement action involving the facility or as requested in writing by the Agency.

BOARD NOTE: Any Agency request for extended records retention under this subsection (e)(2) is subject to Board review pursuant to Section 40 of the Act.

BOARD NOTE: Subsection (e) ~~of this Section~~ is derived from 40 CFR 267.74 (2017)~~(2007)~~.

f) Submission of reports. The facility owner or operator must prepare an annual facility activities report and other reports listed in subsection (f)(2) ~~of this Section~~.

1) Annual facility activities report. The facility owner or operator must prepare and submit a single copy of an annual facility activities report to the Agency by March 1 of each year. The annual facility activities report must be submitted on USEPA Form 8700-13B. The report must cover facility activities during the previous calendar year and must include the following information:

BOARD NOTE: Corresponding 40 CFR 267.75(a) (2006) requires biennial reporting. The Board has required annual reporting, since Section 20.1 of the Act ~~[415 ILCS 5/20.1 (2006)]~~ requires the Agency to assemble

annual reports, and only annual facility activity reports will enable the Agency to fulfill this mandate.

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

B) The calendar year covered by the report;

C) The method of treatment or storage for each hazardous waste;

D) The most recent closure cost estimate pursuant to Section 727.240(c);

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

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

G) The certification signed by the owner or operator.

2) Additional reports. In addition to submitting the annual~~biennial~~ reports, the owner or operator must also report the following information to the Agency:

A) Releases, fires, and explosions as specified in Section 727.150(i)(2);

B) Facility closures specified in Section 727.210(h); and

C) Other information as otherwise required by Sections 727.270, 727.290, and 727.900 and Subparts AA, BB, and CC of 35 Ill. Adm. Code 724.

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

address of the foreign generator.

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

BOARD NOTE: Subsection (f) ~~of this Section~~ is derived from 40 CFR 267.75 (2017)~~(2007)~~.

g) Required notifications. Before transferring ownership or operation of a facility during its operating life, the facility owner or operator must notify the new owner or operator in writing of the requirements of this Part and Subpart J of 35 Ill. Adm. Code 703.

BOARD NOTE: Subsection (g) ~~of this Section~~ is derived from 40 CFR 267.76 (2017)~~(2007)~~.

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

**Section 727.190 Releases from Solid Waste Management Units**

a) Applicability of this Section. This Section applies to the owner or operator of a facility that treats or stores hazardous waste under a RCRA standardized permit pursuant to Subpart J of 35 Ill. Adm. Code 703, except as provided in Section 727.100(a)(2), or unless its facility already has a permit that imposes requirements for corrective action pursuant to 35 Ill. Adm. Code 724.201.

BOARD NOTE: Subsection (a) ~~of this Section~~ is derived from 40 CFR 267.90 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

b) This subsection (b) corresponds with 40 CFR 267.91, which USEPA has marked "Reserved~~.~~". This statement maintains structural consistency with the corresponding federal rules.

c) This subsection (c) corresponds with 40 CFR 267.92, which USEPA has marked "Reserved~~.~~". This statement maintains structural consistency with the corresponding federal rules.

d) This subsection (d) corresponds with 40 CFR 267.93, which USEPA has marked

"Reserved.". This statement maintains structural consistency with the corresponding federal rules.

e) This subsection (e) corresponds with 40 CFR 267.94, which USEPA has marked "Reserved.". This statement maintains structural consistency with the corresponding federal rules.

f) This subsection (f) corresponds with 40 CFR 267.95, which USEPA has marked "Reserved.". This statement maintains structural consistency with the corresponding federal rules.

g) This subsection (g) corresponds with 40 CFR 267.96, which USEPA has marked "Reserved.". This statement maintains structural consistency with the corresponding federal rules.

h) This subsection (h) corresponds with 40 CFR 267.97, which USEPA has marked "Reserved.". This statement maintains structural consistency with the corresponding federal rules.

i) This subsection (i) corresponds with 40 CFR 267.98, which USEPA has marked "Reserved.". This statement maintains structural consistency with the corresponding federal rules.

j) This subsection (j) corresponds with 40 CFR 267.99, which USEPA has marked "Reserved.". This statement maintains structural consistency with the corresponding federal rules.

k) This subsection (k) corresponds with 40 CFR 267.100, which USEPA has marked "Reserved.". This statement maintains structural consistency with the corresponding federal rules.

l) Requirements for addressing corrective action for solid waste management units.

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

2) The Agency must specify corrective action in the supplemental portion of

the facility owner's or operator's RCRA standardized permit in accordance with this subsection (l) and Subpart S of 35 Ill. Adm. Code 724. The Agency must include in the supplemental portion of the RCRA standardized permit schedules of compliance for corrective action (where corrective action cannot be completed prior to issuance of the permit) and assurances of financial responsibility for completing corrective action.

3) The facility owner or operator must implement corrective action beyond the facility property boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the satisfaction of the Agency that, despite its best efforts, the owner or operator was unable to obtain the necessary permission to undertake such actions. The owner or operator is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. The owner or operator must provide assurances of financial responsibility for such corrective action.

4) The facility owner or operator of a remediation site does not have to comply with this subsection (m) unless the site is part of a facility that is subject to a permit for treating, storing, or disposing of hazardous wastes that are not remediation wastes.

BOARD NOTE: Subsection (l) ~~of this Section~~ is derived from 40 CFR 267.101 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

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

**Section 727.210 Closure**

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

BOARD NOTE: Subsection (a) ~~of this Section~~ is derived from 40 CFR 267.110 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

b) Required general standards when operations cease. The facility owner or operator

must close the storage and treatment units in a manner that fulfills the following conditions:

1) It minimizes the need for further maintenance;

2) It controls, minimizes, or eliminates, to the extent necessary to protect human health and the environment, the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground, to surface waters, or to the atmosphere; and

3) It meets the closure requirements of this Section and the requirements of Sections 727.270(g), 727.290(l), and 727.900(i). If the facility owner or operator determines that, when applicable, the closure requirements of Section 727.290(l) (tanks) or 727.900(i) (containment buildings) cannot be met, then the owner or operator must close the unit in accordance with the requirements that apply to landfills (35 Ill. Adm. Code 724.410). In addition, for the purposes of post-closure and financial responsibility, such a tank system or containment building is then considered to be a landfill, and the owner or operator must apply for a post-closure care permit in accordance with 35 Ill. Adm. Code 702 and 703.

BOARD NOTE: Subsection (b) ~~of this Section~~ is derived from 40 CFR 267.111 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

c) Closure procedures.

1) To close a facility, the facility owner or operator must follow its approved closure plan, and follow notification requirements.

A) The facility owner or operator must submit its closure plan at the time it submits its Notice of Intent to operate under a RCRA standardized permit. Final issuance of the RCRA standardized permit constitutes approval of the closure plan, and the plan becomes a condition of the RCRA standardized permit.

B) The Agency's approval of the plan must ensure that the approved plan is consistent with Sections 727.210(b) through (f), 727.270(g), 727.290(l), and 727.900(i).

2) Content of closure plan. The closure plan must identify steps necessary to perform partial or final closure of the facility. The closure plan must include at least the following minimum information:

A) A description of how each hazardous waste management unit at the facility subject to this Section will be closed following the requirements of Section 727.210(b);

B) A description of how final closure of the facility will be conducted in accordance with Section 727.210(b). The description must identify the maximum extent of the operations that will be unclosed during the active life of the facility;

C) An estimate of the maximum inventory of hazardous wastes ever on site during the active life of the facility and a detailed description of the methods that the facility owner or operator will use during partial or final closure, such as 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;

D) 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 or final closure. These might include 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;

E) A detailed description of other activities necessary during the closure period to ensure that partial or final closure satisfies the closure performance standards;

F) 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 allow tracking of progress of partial or final closure; and

G) For facilities that use trust funds to establish financial assurance pursuant to Section 727.240(d) and that are expected to close prior to the expiration of the permit, an estimate of the expected year of final closure.

3) The facility owner or operator may submit a written notification to the Agency for a permit modification to amend the closure plan at any time prior to the notification of partial or final closure of the facility, following the applicable procedures in 35 Ill. Adm. Code 705.304.

A) Events leading to a change in the closure plan, and therefore requiring a modification, may include the following:

i) A change in the operating plan or facility design;

ii) A change in the expected year of closure, if applicable; or

iii) In conducting partial or final closure activities, an unexpected event requiring a modification of the approved closure plan.

B) The written notification or request must include a copy of the amended closure plan for review or approval by the Agency. The Agency must approve, disapprove, or modify this amended plan in accordance with the procedures in 35 Ill. Adm. Code 703.353 and 705.304.

4) Notification before final closure.

A) The facility owner or operator must notify the Agency in writing at least 45 days before the date that it expects to begin final closure of a treatment or storage tank, container storage area, or containment building.

B) The date when the owner or operator "expects to begin closure" must be no later than 30 days after the date that any hazardous

waste management unit receives the known final volume of hazardous wastes.

C) If the facility's permit is terminated, or if the facility owner or operator is otherwise ordered, by a federal judicial decree or final order pursuant to section 3008 of RCRA (42 USC 6928), to cease receiving hazardous wastes or to close, then the requirements of this subsection (c)(4) do not apply. However, the owner or operator must close the facility following the deadlines established in subsection (f) of this Section.

BOARD NOTE: Subsection (c) ~~of this Section~~ is derived from 40 CFR 267.112 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

d) Opportunity for public comment on the plan.

1) The Agency must provide the facility owner or operator and the public, when the draft RCRA standardized permit is public noticed, the opportunity to submit written comments on the plan and to the draft permit as allowed by 35 Ill. Adm. Code 705.303(b). The Agency must also, in response to a request or at its own discretion, hold a public hearing whenever it determines that such a hearing might clarify one or more issues concerning the closure plan, and the permit.

2) The Agency must give public notice of the hearing 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.

BOARD NOTE: Subsection (d) ~~of this Section~~ is derived from 40 CFR 267.113 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

e) This subsection (e) corresponds with 40 CFR 267.114, which USEPA has marked "Reserved~~.~~". This statement maintains structural consistency with the corresponding federal rules.

f) Time allowed for closure.

1) Within 90 days after the final volume of hazardous waste is sent to a unit,

the facility owner or operator must treat or remove all hazardous wastes from the unit following the approved closure plan.

2) The facility owner or operator must complete final closure activities in accordance with the approved closure plan within 180 days after the final volume of hazardous wastes is sent to the unit. The Agency may approve an extension of 180 days to the closure period if the owner or operator complies with all applicable requirements for requesting a modification to the permit and demonstrates that the conditions of subsections (f)(2)(A) and (f)(2)(B) ~~of this Section~~ are fulfilled subject to the limitation of subsection (f)(2)(C) ~~of this Section~~:

A) The final closure activities will take longer than 180 days to complete due to circumstances beyond the control of the owner or operator, excluding groundwater contamination; ~~and~~

B) The facility owner or operator has taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed, but not operating hazardous waste management unit or facility, including compliance with all applicable permit requirements; and~~.~~

C) The demonstration of subsections (f)(2)(A) and (f)(2)(B) ~~of this Section~~ must be made at least 30 days prior to the expiration of the initial 180-day period.

3) Nothing in this subsection (f) precludes the facility owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved final closure plan at any time before or after notification of final closure.

BOARD NOTE: Subsection (f) ~~of this Section~~ is derived from 40 CFR 267.115 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

g) Disposition of contaminated equipment, structure, and soils. The facility owner or operator must properly dispose of or decontaminate all contaminated equipment, structures, and soils during the partial and final closure periods. By removing any hazardous wastes or hazardous constituents during partial and final closure, the owner or operator may become a generator of hazardous waste and

must handle that waste following all applicable requirements of 35 Ill. Adm. Code 722.

BOARD NOTE: Subsection (g) ~~of this Section~~ is derived from 40 CFR 267.116 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

h) Certification of closure. Within 60 days after the completion of final closure of each unit under a RCRA standardized permit pursuant to Subpart J of 35 Ill. Adm. Code 705, the facility owner or operator must submit to the Agency, by registered mail, a certification that each hazardous waste management unit or facility, as applicable, has been closed following the specifications in the closure plan. Both the owner or operator and an independent registered professional engineer must sign the certification. The owner or operator must furnish documentation supporting the independent registered professional engineer's certification to the Agency upon request until the Agency releases the owner or operator from the financial assurance requirements for closure pursuant to Section 727.240(d)(10).

BOARD NOTE: Subsection (h) ~~of this Section~~ is derived from 40 CFR 267.117 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

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

**Section 727.240 Financial Requirements**

a) Applicability and substance of the financial requirements.

1) The regulations in this Section apply to owners and operators who treat or store hazardous waste under a RCRA standardized permit, except as provided in Section 727.100(a)(2) or subsection (a)(4) ~~of this Section~~.

2) The facility owner or operator must do each of the following:

A) It must prepare a closure cost estimate as required in subsection (c) ~~of this Section~~;

B) It must demonstrate financial assurance for closure as required in subsection (d) ~~of this Section~~; and

C) It must demonstrate financial assurance for liability as required in

subsection (h) ~~of this Section~~.

3) The owner or operator must notify the Agency if the owner or operator is named as a debtor in a bankruptcy proceeding under Title 11 (Bankruptcy) of the United States Code (see also subsection (i) ~~of this Section~~).

4) States and the federal government are exempt from the requirements of this Section.

BOARD NOTE: Subsection (a) ~~of this Section~~ is derived from 40 CFR 267.140 (2017)~~(2013)~~.

b) Definitions of terms as used in this Section.

1) "Closure plan" means the plan for closure prepared in accordance with the requirements of Section 727.210(c).

2) "Current closure cost estimate" means the most recent of the estimates prepared in accordance with subsections (c)(1), (c)(2), and (c)(3) ~~of this Section~~.

3) This subsection (b)(3) corresponds with 40 CFR 267.141(c), which USEPA has marked "Reserved~~.~~". This statement maintains structural consistency with the corresponding federal rules.

4) "Parent corporation" means a corporation that directly owns at least 50 percent of the voting stock of the corporation which is the facility owner or operator. In this instance, the owned corporation that is the facility owner or operator is deemed a "subsidiary" of the parent corporation.

5) This subsection (b)(5) corresponds with 40 CFR 267.141(e), which USEPA has marked "Reserved~~.~~". This statement maintains structural consistency with the corresponding federal rules.

6) The following terms are used in the specifications for the financial tests for closure and liability coverage. The definitions are intended to assist in the understanding of these regulations and are not intended to limit the meanings of terms in a way that conflicts with generally accepted accounting practices:

"Assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity.

"Current plugging and abandonment cost estimate" means the most recent of the estimates prepared in accordance with 35 Ill. Adm. Code 704.212(a), (b), and (c).

"Independently audited" refers to an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.

"Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

"Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets would not include intangibles such as goodwill and rights to patents or royalties.

7) In the liability insurance requirements, the terms "bodily injury" and "property damage" have the meanings given them by applicable State law. However, these terms do not include those liabilities that, consistent with standard industry practices, are excluded from coverage in liability insurance policies for bodily injury and property damage. The Agency intends the meanings of other terms used in the liability insurance requirements to be consistent with their common meanings within the insurance industry. The definitions given below of several of the terms are intended to assist in the understanding of these regulations and are not intended to limit their meanings in a way that conflicts with general insurance industry usage.

"Accidental occurrence" means an accident, including continuous or repeated exposure to conditions, that results in bodily injury or property damage neither expected nor intended from the standpoint of the insured.

"Legal defense costs" means any expenses that an insurer incurs in

defending against claims of third parties brought under the terms and conditions of an insurance policy.

"Sudden accidental occurrence" means an occurrence that is not continuous or repeated in nature.

8) "Substantial business relationship" means the extent of a business relationship necessary under applicable state law to make a guarantee contract issued incident to that relationship valid and enforceable. A "substantial business relationship" must arise from a pattern of recent or ongoing business transactions, in addition to the guarantee itself, such that the Agency can reasonably determine that a substantial business relationship currently exists between the guarantor and the facility owner or operator that is adequate consideration to support the obligation of the guarantee relating to any liability towards a third-party. "Applicable state law~~;~~", as used in this subsection (b)(8), means the laws of the State of Illinois and those of any sister state that govern the guarantee and the adequacy of the consideration.

BOARD NOTE: Subsection (b)~~ of this Section~~ is derived from 40 CFR 267.141 (2017)~~(2013)~~. Subsection (b)(8) is also derived from the discussion at 53 Fed. Reg. 33938, 41-43 (Sept. 1, 1988). The term "substantial business relationship" is also independently defined in 35 Ill. Adm. Code 724.241(h) and 725.241(h). Any Agency determination that a substantial business relationship exists is subject to Board review pursuant to Section 40 of the Act~~ [415 ILCS 5/40]~~.

c) Cost estimate for closure.

1) The facility owner or operator must have at the facility a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in Section 727.210(b) through (f) and applicable closure requirements in Sections 727.270(g), 727.290(l), and 727.900(i).

A) The estimate must equal the cost of final closure at the point in the facility's active life when the extent and manner of its operation would make closure the most expensive, as indicated by the closure plan (see Section 727.210(c)(2)).

B) The closure cost estimate must be based on the costs to the owner

or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See the definition of parent corporation in subsection (b)(4) ~~of this Section~~.) The owner or operator may use costs for on-site disposal if it can demonstrate that on-site disposal capacity will exist at all times over the life of the facility.

C) The closure cost estimate may not incorporate any salvage value that may be realized with the sale of hazardous wastes, or non-hazardous wastes, facility structures or equipment, land, or other assets associated with the facility at the time of partial or final closure.

D) The facility owner or operator may not incorporate a zero cost for hazardous wastes, or non-hazardous wastes that might have economic value.

2) During the active life of the facility, the facility owner or operator must adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instruments used to comply with subsection (d) ~~of this Section~~. For an owner or operator using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation within 30 days after the close of the guarantor's fiscal year and before submission of updated information to the Agency as specified in subsection (n)(3) ~~of this Section~~. The adjustment may be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factor derived from the most recent Implicit Price Deflator for Gross Domestic Product (Deflator) published by the U.S. Department of Commerce in its Survey of Current Business, as specified in subsections (c)(2)(A) and (c)(2)(B) ~~of this Section~~. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

A) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.

B) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

BOARD NOTE: The table of Deflators is available as Table 1.1.9. in the National Income and Product Account Tables, published by U.S. Department of Commerce, Bureau of Economic Analysis, National Economic Accounts, available on-line at the following web address: www.bea.gov/iTable/iTable.cfm?ReqID=9&step=1#reqid=9&step=3&isuri=1&903=13.

3) During the active life of the facility, the facility owner or operator must revise the closure cost estimate no later than 30 days after the Agency has approved the request to modify the closure plan, if the change in the closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation as specified in subsection (c)(2) ~~of this Section~~.

4) The facility owner or operator must keep the following at the facility during the operating life of the facility: the latest closure cost estimate prepared in accordance with subsections (c)(1) and (c)(3) ~~of this Section~~ and, when this estimate has been adjusted in accordance with subsection (c)(2) ~~of this Section~~, the latest adjusted closure cost estimate.

BOARD NOTE: Subsection (c) ~~of this Section~~ is derived from 40 CFR 267.142 (2017~~2013~~).

d) Financial assurance for closure. The facility owner or operator must establish financial assurance for closure of each storage or treatment unit that it owns or operates. In establishing financial assurance for closure, the owner or operator must choose from among the financial assurance mechanisms in subsections (d)(1) through (d)(7) ~~of this Section~~. The owner or operator can also use a combination of mechanisms for a single facility if the combination meets the requirement in subsection (d)(8) ~~of this Section~~, or it may use a single mechanism for multiple facilities as in subsection (d)(9) ~~of this Section~~. The Agency must release the owner or operator from the requirements of this subsection (d) after the owner or operator meets the criteria pursuant to subsection (d)(10) ~~of this Section~~.

1) Closure trust fund. An owner or operator may use the "closure trust fund" that is specified in 35 Ill. Adm. Code 724.243(a)(1), (a)(2), and (a)(6)

through (a)(11). For purposes of this subsection (d)(1), the following provisions also apply:

A) Payments into the trust fund for a new facility must be made annually by the owner or operator over the remaining operating life of the facility as estimated in the closure plan, or over three years, whichever period is shorter. This period of time is hereafter referred to as the "pay-in period~~.~~".

B) For a new facility, the facility owner or operator must make the first payment into the closure trust fund before the facility may accept the initial storage. A receipt from the trustee must be submitted by the owner or operator to the Agency before this initial storage of waste. The first payment must be at least equal to the current closure cost estimate, divided by the number of years in the pay-in period, except as provided in subsection (d)(8)~~ of this Section~~ for multiple mechanisms. Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The owner or operator determines the amount of each subsequent payment by subtracting the current value of the trust fund from the current closure cost estimate, and dividing this difference by the number of years remaining in the pay-in period. Mathematically, the formula is as follows:

$$NP = \frac{(CCE - CVTF)}{YRPP}$$

Where:

NP = the amount of the next payment

CCE = the current closure cost estimate

CVTF = the current value of the trust fund

YRPP = the years remaining in the pay-in period.

C) The owner or operator of a facility existing on the effective date of this subsection (d)(1) can establish a trust fund to meet the

financial assurance requirements of this subsection (d)(1). If the value of the trust fund is less than the current closure cost estimate when a final approval of the permit is granted for the facility, the owner or operator must pay the difference into the trust fund within 60 days.

D) The facility owner or operator may accelerate payments into the trust fund or deposit the full amount of the closure cost estimate when establishing the trust fund. However, the owner or operator must maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in subsections (d)(1)(B) or (d)(1)(C) ~~of this Section~~.

E) The facility owner or operator must submit a trust agreement with the wording specified by the Agency pursuant to subsection (l)(3) ~~of this Section~~.

2) Surety bond guaranteeing payment into a closure trust fund. An owner or operator may use the "surety bond guaranteeing payment into a closure trust fund~~,~~", as specified in 35 Ill. Adm. Code 724.243(b), including the use of the surety bond instrument designated by the Agency pursuant to subsection (1)(3) ~~of this Section~~, and the standby trust specified at 35 Ill. Adm. Code 724.243(b)(3).

3) Surety bond guaranteeing performance of closure. An owner or operator may use the "surety bond guaranteeing performance of closure~~,~~", as specified in 35 Ill. Adm. Code 724.243(c), the submission and use of the surety bond instrument designated by the Agency pursuant to subsection (1)(3) ~~of this Section~~, and the standby trust specified at 35 Ill. Adm. Code 724.243(c)(3).

4) Closure letter of credit. An owner or operator may use the "closure letter of credit" specified in 35 Ill. Adm. Code 724.243(d), the submission and use of the irrevocable letter of credit instrument designated by the Agency pursuant to subsection (1)(3) ~~of this Section~~, and the standby trust specified in 35 Ill. Adm. Code 724.243(d)(3).

5) Closure insurance. An owner or operator may use "closure insurance~~,~~", as specified in 35 Ill. Adm. Code 724.243(e), utilizing the certificate of

insurance for closure designated by the Agency pursuant to subsection (1)(3) ~~of this Section~~.

6) Corporate financial test. An owner or operator that satisfies the requirements of this subsection (d)(6) may demonstrate financial assurance up to the amount specified in this subsection (d)(6).

A) Financial component. See subsection (m) ~~of this Section~~.

BOARD NOTE: It was necessary for the Board to codify corresponding 40 CFR 267.143(f)(1) as subsection (m) ~~of this Section~~ to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to this subsection (d), (d)(6), or (d)(6)(A) also include added subsection (m) ~~of this Section~~, as applicable.

B) Recordkeeping and reporting requirements. See subsection (n) ~~of this Section~~.

BOARD NOTE: It was necessary for the Board to codify 40 CFR 267.143(f)(2) as subsection (n) ~~of this Section~~ to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to this subsection (d), (d)(6), or (d)(6)(B) also include added subsection (n) ~~of this Section~~, as applicable.

7) Corporate guarantee.

A) A facility owner or operator may meet the requirements of this subsection (d) by obtaining a written guarantee. The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor must meet the requirements for owners or operators in subsection (d)(6) ~~of this Section~~ and must comply with the terms of the guarantee. The wording of the guarantee must be identical to the wording designated by the Agency pursuant to subsection (1)(3) ~~of this Section~~. The certified copy of the guarantee must accompany

the letter from the guarantor's chief financial officer and accountants' opinions. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter from the guarantor's chief financial officer must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee.

B) For a new facility, the guarantee must be effective and the guarantor must submit the items in subsection (d)(7)(A) ~~of this Section~~ and the items specified in subsection (n)(1) ~~of this Section~~ to the Agency at least 60 days before the owner or operator places waste in the facility.

C) The terms of the guarantee must provide as required by subsection (o) ~~of this Section~~.

BOARD NOTE: It was necessary for the Board to codify 40 CFR 267.143(g)(3) as subsection (o) ~~of this Section~~ to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to this subsection (d), (d)(7), or (d)(7)(C) also include added subsection (o) ~~of this Section~~, as applicable.

D) If a corporate guarantor no longer meets the requirements of subsection (d)(6)(A) ~~of this Section~~, the owner or operator must, within 90 days, obtain alternative assurance, and submit the assurance to the Agency for approval. If the owner or operator fails to provide alternate financial assurance within the 90-day period, the guarantor must provide that alternate assurance within the next 30 days, and submit it to the Agency for approval.

E) The guarantor is no longer required to meet the requirements of this subsection (d)(7) when either of the following occurs:

i) The facility owner or operator substitutes alternate financial assurance as specified in this subsection (d); or

ii) The facility owner or operator is released from the requirements of this subsection (d) in accordance with subsection (d)(10) ~~of this Section~~.

8) Use of multiple financial mechanisms. An owner or operator may use more than one mechanism at a particular facility to satisfy the requirements of this subsection (d). The acceptable mechanisms are trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit, insurance, the financial test, and the guarantee, except owners or operators cannot combine the financial test with the guarantee. The mechanisms must be as specified in subsections (d)(1), (d)(2), (d)(4), (d)(5), (d)(6), and (d)(7) ~~of this Section~~, respectively, except it is the combination of mechanisms rather than a single mechanism that must provide assurance for an amount at least equal to the cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or letter of credit, it may use the trust fund as the standby trust for the other mechanisms. A single trust fund can be established for two or more mechanisms. The Agency may use any or all of the mechanisms to provide for closure of the facility.

9) Use of a financial mechanism for multiple facilities. An owner or operator may use a financial mechanism for multiple facilities, as specified in 35 Ill. Adm. Code 724.243(h).

10) Release of the owner or operator from the requirements of this subsection (d). Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that final closure has been completed in accordance with the approved closure plan, the Agency will notify the owner or operator in writing that the owner or operator is no longer required by this subsection (d) to maintain financial assurance for final closure of the facility, unless the Agency has reason to believe that final closure has not been completed in accordance with the approved closure plan. The Agency must provide the owner or operator with a detailed written statement of any such reasons to believe that closure has not been conducted in accordance with the approved closure plan.

BOARD NOTE: Subsection (d) ~~of this Section~~ is derived from 40 CFR 267.143 (2017)~~(2013)~~.

e) This subsection (e) corresponds with 40 CFR 267.144, which USEPA has marked "Reserved~~.~~". This statement maintains structural consistency with the corresponding federal rules.

f) This subsection (f) corresponds with 40 CFR 267.145, which USEPA has marked "Reserved~~.~~". This statement maintains structural consistency with the corresponding federal rules.

g) This subsection (g) corresponds with 40 CFR 267.146, which USEPA has marked "Reserved~~.~~". This statement maintains structural consistency with the corresponding federal rules.

h) Liability requirements.

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

A) Trust fund for liability coverage. The owner or operator may meet the requirements of this subsection (h) by obtaining a trust fund for liability coverage as specified in 35 Ill. Adm. Code 724.247(j).

B) Surety bond for liability coverage. The owner or operator may meet the requirements of this subsection (h) by obtaining a surety bond for liability coverage as specified in 35 Ill. Adm. Code 724.247(i).

C) Letter of credit for liability coverage. The owner or operator may meet the requirements of this subsection (h) by obtaining a letter of credit for liability coverage as specified in 35 Ill. Adm. Code 724.247(h).

D) Insurance for liability coverage. The owner or operator may meet the requirements of this subsection (h) by obtaining liability insurance as specified in 35 Ill. Adm. Code 724.247(a)(1).

E) Financial test for liability coverage. The owner or operator may meet the requirements of this subsection (h) by passing a financial test as specified in subsection (h)(6) ~~of this Section~~.

F) Guarantee for liability coverage. The owner or operator may meet the requirements of this subsection (h) by obtaining a guarantee as specified in subsection (h)(7) ~~of this Section~~.

G) Combination of mechanisms. The owner or operator may demonstrate the required liability coverage through the use of combinations of mechanisms as allowed by 35 Ill. Adm. Code 724.247(a)(6).

H) An owner or operator must notify the Agency in writing within 30 days whenever either of the following occurs:

i) A claim results in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized in subsections (h)(1)(A) through (h)(1)(G) ~~of this Section~~; or

ii) A Certification of Valid Claim for bodily injury or property damages caused by a sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is entered between the owner or operator and third-party claimant for liability coverage pursuant to subsections (h)(1)(A) through (h)(1)(G) ~~of this Section~~; or

iii) A final court order establishing a judgment for bodily injury or property damage caused by a sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is issued against the owner or operator or an instrument that is providing

financial assurance for liability coverage pursuant to subsections (h)(1)(A) through (h)(1)(G) ~~of this Section~~.

2) This subsection (h)(2) corresponds with 40 CFR 267.147(b), which USEPA has marked "Reserved~~.~~". This statement maintains structural consistency with the corresponding federal rules.

3) This subsection (h)(3) corresponds with 40 CFR 267.147(c), which USEPA has marked "Reserved~~.~~". This statement maintains structural consistency with the corresponding federal rules.

4) This subsection (h)(4) corresponds with 40 CFR 267.147(d), which USEPA has marked "Reserved~~.~~". This statement maintains structural consistency with the corresponding federal rules.

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

6) Financial test for liability coverage. A facility owner or operator that satisfies the requirements of this subsection (h)(6) may demonstrate financial assurance for liability up to the amount specified in this subsection (h)(6):

A) Financial component.

i) If using the financial test for only liability coverage, the owner or operator must have tangible net worth greater than the sum of the liability coverage to be demonstrated by this test plus $10 million.

ii) The owner or operator must have assets located in the United States amounting to at least the amount of liability covered by this financial test.

iii) An owner or operator who is demonstrating coverage for liability and any other environmental obligations, including closure pursuant to subsection (d)(6) ~~of this Section~~, through a financial test must meet the requirements of subsection (d)(6) ~~of this Section~~.

B) Recordkeeping and reporting requirements. See subsection (p) ~~of this Section~~.

BOARD NOTE: It was necessary for the Board to codify 40 CFR 267.147(f)(2) as subsection (p) ~~of this Section~~ to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to this subsection (h), (h)(6), or (h)(6)(B) also include added subsection (p) ~~of this Section~~, as applicable.

7) Guarantee for liability coverage.

A) Subject to subsection (h)(7)(B) ~~of this Section~~, a facility owner or operator may meet the requirements of this subsection (h) by obtaining a written guarantee, hereinafter referred to as "guarantee~~.~~". The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor must meet the requirements for owners or operators in subsections (h)(6)(A) and (h)(6)(B) ~~of this Section~~. The wording of the guarantee must be identical to the wording designated by the Agency pursuant to subsection (1)(3) ~~of this Section~~. A certified copy of the guarantee must accompany the items sent to the Agency, as specified in subsection (h)(6)(B) ~~of this Section~~. One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, this letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee.

i) If the facility owner or operator fails to satisfy a judgment based on a determination of liability for bodily injury or property damage to third parties caused by sudden accidental occurrences arising from the operation of facilities covered by this corporate guarantee, or fails to pay an amount agreed to in settlement of claims arising from or alleged to arise from such injury or damage, the guarantor will do so up to the limits of coverage.

ii) This subsection (h)(7)(A)(ii) corresponds with 40 CFR 267.147(g)(1)(ii), which USEPA has marked "Reserved~~.~~". This statement maintains structural consistency with the corresponding federal rules.

B) Foreign Corporations. See subsection (q)~~ of this Section~~.

BOARD NOTE: It was necessary for the Board to codify 40 CFR 267.147(g)(2) as subsection (q)~~ of this Section~~ to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to this subsection (h), (h)(7), or (h)(7)(B) also include added subsection (q)~~ of this Section~~, as applicable. See the further explanation of the differences between subsection (q)~~ of this Section~~ and 40 CFR 267.147(g)(2) in the Board note appended to subsection (q).

BOARD NOTE: Subsection (h)~~ of this Section~~ is derived from 40 CFR 267.147 (2017~~2013~~).

i) Incapacity of owners or operators, guarantors, or financial institutions.

1) The facility owner or operator must notify the Agency by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy) of the United States Code, naming the owner or operator as debtor, within 10 days after commencement of the proceeding. A guarantor of a corporate guarantee as specified in subsections (d)(7) and (h)(7)~~ of this Section~~ must make such a notification if it is named as debtor, as required under the terms of the corporate guarantee designated by the Agency pursuant to subsection (1)(3)~~ of this Section~~.

2) An owner or operator who fulfills the requirements of subsection (d) or (h) ~~of this Section~~ by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The owner or operator must establish other financial assurance or liability coverage within 60 days after such an event.

BOARD NOTE: Subsection (i) ~~of this Section~~ is derived from 40 CFR 267.148 (2017)~~(2013)~~.

j) This subsection (j) corresponds with 40 CFR 267.149, which USEPA has marked "Reserved~~.~~". This statement maintains structural consistency with the corresponding federal rules.

k) State assumption of responsibility.

1) If the State either assumes legal responsibility for an owner's or operator's compliance with the closure care or liability requirements of this Part or assures that funds will be available from State sources to cover those requirements, the owner or operator will be in compliance with the requirements of subsection (d) or (h) ~~of this Section~~ if USEPA Region 5 determines that the State's assumption of responsibility is at least equivalent to the financial mechanisms specified in this Section. USEPA has stated that USEPA Region 5 will evaluate the equivalency of State guarantees principally in terms of the following: the certainty of the availability of funds for the required closure care activities or liability coverage; and the amount of funds that will be made available. USEPA has stated that USEPA Region 5 may also consider other factors as it deems appropriate. The facility owner or operator must submit to USEPA Region 5 a letter from the State describing the nature of the State's assumption of responsibility together with a letter from the owner or operator requesting that the State's assumption of responsibility be considered acceptable for meeting the requirements of this Section. The letter from the State must include, or have attached to it, the following information: the facility's USEPA identification number, the facility name

and address, and the amount of funds for closure care or liability coverage that are guaranteed by the State. USEPA has stated that USEPA Region 5 will notify the owner or operator of its determination regarding the acceptability of the State's guarantee in lieu of financial mechanisms specified in this Section. USEPA has stated that USEPA Region 5 may require the owner or operator to submit additional information as is deemed necessary to make this determination. Pending this determination, the owner or operator will be deemed to be in compliance with the requirements of subsection (d) or (h) ~~of this Section~~, as applicable.

2) If a State's assumption of responsibility is found acceptable as specified in subsection (k)(1) of this Section except for the amount of funds available, the owner or operator may satisfy the requirements of this Section by use of both the State's assurance and additional financial mechanisms as specified in this Section. The amount of funds available through the State and federal mechanisms must at least equal the amount required by this Section.

BOARD NOTE: Subsection (k) ~~of this Section~~ is derived from 40 CFR 267.150 (2017)~~(2013)~~.

l) Wording of the instruments.

1) Forms for using the corporate financial test to demonstrate financial assurance for closure. The chief financial officer of an owner or operator of a facility with a RCRA standardized permit who uses a financial test to demonstrate financial assurance for that facility must complete a letter as specified in subsection (d)(6) ~~of this Section~~. The letter must be worded as designated by the Agency pursuant to subsection (1)(3) ~~of this Section~~.

2) Forms for using the financial test to demonstrate financial assurance for third-party liability. The chief financial officer of an owner or operator of a facility with a RCRA standardized permit who use a financial test to demonstrate financial assurance only for third party liability for that (or other RCRA standardized permit) facility (or those facilities) must complete a letter as specified in subsection (h)(6) ~~of this Section~~. The letter must be worded as designated by the Agency pursuant to subsection (1)(3) ~~of this Section~~.

3) The Agency must designate standardized forms based on 40 CFR 264.151 and 40 CFR 267.151 (Wording of the Instruments), each incorporated by reference in 35 Ill. Adm. Code 720.111(b), with such changes in wording as are necessary under Illinois law. Any owner or operator required to establish financial assurance under this Section must do so only upon the standardized forms promulgated by the Agency. The Agency must reject any financial assurance document that is not submitted on such standardized forms.

BOARD NOTE: Subsection (l) ~~of this Section~~ is derived from 40 CFR 267.151 (2017)~~(2013)~~.

m) Financial component for using the corporate financial test to demonstrate financial assurance for closure.

1) The facility owner or operator must satisfy one of the following three conditions:

A) A current rating for its senior unsecured debt of AAA, AA, A, or BBB, as issued by Standard and Poor's, or Aaa, Aa, A or Baa, as issued by Moody's; or

B) A ratio of less than 1.5 comparing total liabilities to net worth; or

C) A ratio of greater than 0.10 comparing the sum of net income plus depreciation, depletion and amortization, minus $10 million, to total liabilities.

2) The tangible net worth of the owner or operator must be greater than both of the following:

A) The sum of the current environmental obligations (see subsection (n)(1)(A)(i) ~~of this Section~~), including guarantees, covered by a financial test plus $10 million, except as provided in subsection (m)(2)(B) ~~of this Section~~; and

B) $10 million in tangible net worth plus the amount of any guarantees that have not been recognized as liabilities on the financial statements provided all of the environmental obligations

(see subsection (n)(1)(A)(i) ~~of this Section~~) covered by a financial test are recognized as liabilities on the owner's or operator's audited financial statements, and subject to the approval of the Agency.

3) The facility owner or operator must have assets located in the United States amounting to at least the sum of environmental obligations covered by a financial test as described in subsection (n)(1)(A)(i) ~~of this Section~~.

BOARD NOTE: Subsection (m) ~~of this Section~~ is derived from 40 CFR 267.143(f)(1) (2017)~~(2013)~~. The Board moved the corresponding federal provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (d), (d)(6), or (d)(6)(A) ~~of this Section~~ also include this added subsection (m), as applicable.

n) Recordkeeping and reporting requirements for using the corporate financial test to demonstrate financial assurance for closure.

1) The facility owner or operator must submit the following items to the Agency:

A) A letter signed by the owner's or operator's chief financial officer that provides the following information:

i) It lists all the applicable current types, amounts, and sums of environmental obligations covered by a financial test. These obligations include both obligations in the programs that USEPA directly operates and obligations where USEPA has delegated authority to a State or approved a State's program. These obligations include, but are not limited to the information described in subsection (n)(1)(E) ~~of this Section~~.

BOARD NOTE: It was necessary for the Board to codify 40 CFR 267.143(f)(2)(i)(A)(*1*) through (f)(2)(i)(A)(*1*)(*vii*) as subsections~~subsection~~ (n)(1)(E) through (n)(1)(E)(vii) ~~of this Section~~ to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (d), (d)(6), or (d)(6)(B) ~~of~~

~~this Section~~ or to this subsection (n), (n)(1), (n)(1)(A), or (n)(1)(A)(i) also include added subsection (n)(1)(E) through (n)(1)(E)(vii) ~~of this Section~~, as applicable.

ii) It provides evidence demonstrating that the firm meets the conditions of either subsection (m)(1)(A), (m)(1)(B), or (m)(1)(C) ~~of this Section~~ and subsections (m)(2) and (m)(3) ~~of this Section~~.

B) A copy of the independent certified public accountant's unqualified opinion of the owner's or operator's financial statements for the latest completed fiscal year. To be eligible to use the financial test, the owner's or operator's financial statements must receive an unqualified opinion from the independent certified public accountant. An adverse opinion, disclaimer of opinion, or other qualified opinion will be cause for disallowance, with the potential exception for qualified opinions provided in the next sentence. The Agency may evaluate qualified opinions on a case-by-case basis and allow use of the financial test in cases where the Agency deems that the matters that form the basis for the qualification are insufficient to warrant disallowance of the test. If the Agency does not allow use of the test, the owner or operator must provide alternate financial assurance that meets the requirements of this section within 30 days after the notification of disallowance.

C) If the chief financial officer's letter providing evidence of financial assurance includes financial data showing that the owner or operator satisfies subsection (m)(1)(B) or (m)(1)(C) ~~of this Section~~ that are different from data in the audited financial statements referred to in subsection (n)(1)(B) ~~of this Section~~ or any other audited financial statement or data filed with the SEC, then a special report from the owner's or operator's independent certified public accountant to the owner or operator is required. The special report must be based upon an agreed upon procedures engagement in accordance with professional auditing standards and must describe the procedures performed in comparing the data in the chief financial officer's letter derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements, the findings of that

comparison, and the reasons for any differences.

D) If the chief financial officer's letter provides a demonstration that the firm has assured for environmental obligations as provided in subsection (m)(2)(B) ~~of this Section~~, then the letter must include a report from the independent certified public accountant that verifies that all of the environmental obligations covered by a financial test have been recognized as liabilities on the audited financial statements, how these obligations have been measured and reported, and that the tangible net worth of the firm is at least $10 million plus the amount of any guarantees provided.

E) Contents of the letter signed by the chief financial officer (for the purposes of subsection (n)(1)(A)(i) ~~of this Section~~):

i) The liability, closure, post-closure and corrective action cost estimates required for hazardous waste treatment, storage, and disposal facilities pursuant to the applicable provisions of 35 Ill. Adm. Code 724.201, 724.242, 724.244, 724.247, 725.242, 725.244, and 725.247;

ii) The cost estimates required for municipal solid waste management facilities pursuant to the applicable provisions of Subpart G of 35 Ill. Adm. Code 811;

iii) The current plugging cost estimates required for UIC facilities pursuant to 35 Ill. Adm. Code 704.212;

iv) The federally required cost estimates required for petroleum underground storage tank facilities pursuant to 40 CFR 280.93;

v) The federally required cost estimates required for PCB storage facilities pursuant to 40 CFR 761.65;

vi) Any federally required financial assurance required by or as part of an action undertaken pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (42 USC 9601 et seq.); and

vii) Any other environmental obligations that are assured through a financial test.

BOARD NOTE: Subsections (n)(1)(E) through (n)(1)(E)(vi) ~~of this Section~~ are derived from 40 CFR 267.143(f)(2)(i)(A)(*1*) through (f)(2)(i)(A)(*1*)(*vi*) (2017)~~(2013)~~. The Board moved the corresponding federal provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (d), (d)(6), (d)(6)(B), (n), (n)(1), (n)(1)(A), or (n)(1)(A)(i) ~~of this Section~~ also include added subsections (n)(1)(E) through (n)(1)(E)(vi), as applicable.

2) The owner or operator of a new facility must submit the items specified in subsection (n)(1) ~~of this Section~~ to the Agency at least 60 days before placing waste in the facility.

3) After the initial submission of items specified in subsection (n)(1) ~~of this Section~~, the owner or operator must send updated information to the Agency within 90 days following the close of the owner's or operator's fiscal year. The Agency may provide up to an additional 45 days for an owner or operator who can demonstrate that 90 days is insufficient time to acquire audited financial statements. The updated information must consist of all items specified in subsection (n)(1) ~~of this Section~~.

4) The owner or operator is no longer required to submit the items specified in this subsection (n) ~~of this Section~~ or comply with the requirements of subsection (d)(6) ~~of this Section~~ when either of the following occurs:

A) The owner or operator substitutes alternate financial assurance as specified in subsection (d) ~~of this Section~~ that is not subject to these recordkeeping and reporting requirements; or

B) The Agency releases the owner or operator from the requirements of subsection (d) ~~of this Section~~ in accordance with subsection (d)(10) ~~of this Section~~.

5) An owner or operator who no longer meets the requirements of subsection (m) ~~of this Section~~ cannot use the financial test to demonstrate financial

assurance. Instead an owner or operator who no longer meets the requirements of subsection (m) ~~of this Section~~, must do the following:

A) It must send notice to the Agency of intent to establish alternate financial assurance as specified in this section. The owner or operator must send this notice by certified mail within 90 days following the close of the owner's or operator's fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements of this subsection (n) and subsections (d), (m), and (o) ~~of this Section~~; and

B) It must provide alternative financial assurance within 120 days after the end of such fiscal year.

6) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (m) ~~of this Section~~, require at any time the owner or operator to provide reports of its financial condition in addition to or including current financial test documentation as specified in this subsection (n). If the Agency finds that the owner or operator no longer meets the requirements of subsection (m) ~~of this Section~~, the owner or operator must provide alternate financial assurance that meets the requirements of subsection (d) ~~of this Section~~.

BOARD NOTE: Subsection (n) ~~of this Section~~ is derived from 40 CFR 267.143(f)(2) (2017)~~(2013)~~. The Board moved the corresponding federal provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (d), (d)(6), or (d)(6)(B) ~~of this Section~~ also include this added subsection (n), as applicable.

o) The terms of the guarantee for using the corporate guarantee to demonstrate financial assurance for closure must provide as follows:

1) If the facility owner or operator fails to perform closure at a facility covered by the guarantee, the guarantor will accomplish the following:

A) It will perform, or pay a third party to perform closure (performance guarantee); or

B) It will establish a fully funded trust fund as specified in subsection

(d)(1) ~~of this Section~~ in the name of the owner or operator (payment guarantee).

2) The guarantee will remain in force for as long as the facility owner or operator must comply with the applicable financial assurance requirements of this Section unless the guarantor sends prior notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency as evidenced by the return receipts.

3) If notice of cancellation is given, the facility owner or operator must, within 90 days following receipt of the cancellation notice by the owner or operator and the Agency, obtain alternate financial assurance, and submit documentation for that alternate financial assurance to the Agency. If the owner or operator fails to provide alternate financial assurance and obtain the written approval of such alternative assurance from the Agency within the 90-day period, the guarantor must provide that alternate assurance in the name of the owner or operator and submit the necessary documentation for the alternative assurance to the Agency within 120 days after the cancellation notice.

BOARD NOTE: Subsection (o) ~~of this Section~~ is derived from 40 CFR 267.143(g)(3) (2017)~~(2013)~~. The Board moved the corresponding federal provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (d), (d)(7), or (d)(7)(C) ~~of this Section~~ also include this added subsection (o), as applicable.

p) Recordkeeping and reporting requirements.

1) The owner or operator must submit the following items to the Agency:

A) A letter signed by the owner's or operator's chief financial officer that provides evidence demonstrating that the firm meets the conditions of subsections (h)(6)(A)(i) and (h)(6)(A)(ii) ~~of this Section~~. If the firm is providing only liability coverage through a financial test for a facility or facilities with a permit pursuant to this Part 727, the letter should use the wording in subsection (l)(2) ~~of this Section~~. If the firm is providing only liability coverage

through a financial test for facilities regulated pursuant to this Part 727, it should use the letter designated by the Agency pursuant to subsection (1)(3) ~~of this Section~~. If the firm is providing liability coverage through a financial test for a facility or facilities with a permit pursuant to this Part 727, and it assures closure costs or any other environmental obligations through a financial test, it must use the letter in subsection (l)(1) ~~of this Section~~ for the facilities issued a permit pursuant to this Part 727.

B) A copy of the independent certified public accountant's unqualified opinion of the owner's or operator's financial statements for the latest completed fiscal year. To be eligible to use the financial test, the owner's or operator's financial statements must receive an unqualified opinion from the independent certified public accountant. An adverse opinion, disclaimer of opinion, or other qualified opinion will be cause for disallowance, with the potential exception for qualified opinions provided in the next sentence. The Agency may evaluate qualified opinions on a case-by-case basis and allow use of the financial test in cases where the Agency deems that the matters that form the basis for the qualification are insufficient to warrant disallowance of the test. If the Agency does not allow use of the test, the owner or operator must provide alternate financial assurance that meets the requirements of this subsection (h) within 30 days after the notification of disallowance.

C) If the chief financial officer's letter providing evidence of financial assurance includes financial data showing that the owner or operator satisfies subsections (h)(6)(A)(i) and (h)(6)(A)(ii) ~~of this Section~~ that are different from data in the audited financial statements referred to in subsection (p)(1)(B) ~~of this Section~~ or any other audited financial statement or data filed with the SEC, then a special report from the owner's or operator's independent certified public accountant to the owner or operator is required. The special report must be based upon an agreed upon procedures engagement in accordance with professional auditing standards and must describe the procedures performed in comparing the data in the chief financial officer's letter derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements, the findings of that

comparison, and the reasons for any differences.

2) The owner or operator of a new facility must submit the items specified in subsection (p)(1) ~~of this Section~~ to the Agency at least 60 days before placing waste in the facility.

3) After the initial submission of items specified in subsection (p)(1) ~~of this Section~~, the facility owner or operator must send updated information to the Agency within 90 days following the close of the owner's or operator's fiscal year. The Agency may provide up to an additional 45 days for an owner or operator who can demonstrate that 90 days is insufficient time to acquire audited financial statements. The updated information must consist of all items specified in subsection (p)(1) ~~of this Section~~.

4) The owner or operator is no longer required to submit the items specified in this subsection (p) or comply with the requirements of subsection (h)(6) ~~of this Section~~ when either of the following occurs:

A) The facility owner or operator substitutes alternate financial assurance as specified in subsection (h) ~~of this Section~~ that is not subject to these recordkeeping and reporting requirements; or

B) The Agency releases the facility owner or operator from the requirements of subsection (h) ~~of this Section~~ in accordance with subsection (d)(10) ~~of this Section~~.

5) An owner or operator that no longer meets the requirements of subsection (h)(6)(A) ~~of this Section~~ cannot use the financial test to demonstrate financial assurance. An owner or operator who no longer meets the requirements of subsection (h)(6)(A) ~~of this Section~~, must do the following:

A) Send notice to the Agency of intent to establish alternate financial assurance as specified in this section. The facility owner or operator must send this notice by certified mail within 90 days following the close of the owner's or operator's fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements of this Section.

B) Provide alternative financial assurance within 120 days after the end of that fiscal year.

6) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (h)(6)(A) ~~of this Section~~, require at any time the owner or operator to provide reports of its financial condition in addition to or including current financial test documentation as specified in this subsection (p) ~~of this Section~~. If the Agency finds that the owner or operator no longer meets the requirements of subsection (h)(6)(A) ~~of this Section~~, the owner or operator must provide alternate financial assurance that meets the requirements of subsection (h) ~~of this Section~~.

BOARD NOTE: Subsection (p) ~~of this Section~~ is derived from 40 CFR 267.147(f)(2) (2017)~~(2013)~~. The Board moved the corresponding federal provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (h), (h)(6), or (h)(6)(B) ~~of this Section~~ also include this added subsection (p), as applicable.

q) Foreign corporations.

1) The guarantor must execute the guarantee in Illinois. The guarantee must be accompanied by a letter signed by the guarantor that states as follows:

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

B) The guarantee is governed by Illinois law; and

C) The name and address of the guarantor's registered agent for service of process.

2) The guarantor must have a registered agent pursuant to Section 5.05 of the Business Corporation Act of 1983 [805 ILCS 5/5.05] or Section 105.05 of the General Not-for-Profit Corporation Act of 1986 [805 ILCS 105/105.05].

BOARD NOTE: Subsection (q) ~~of this Section~~ is derived from 40 CFR 267.147(g)(2) (2017)~~(2013)~~. The Board moved the corresponding federal

provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (h), (h)(7), or (h)(7)(B) ~~of this Section~~ also includes~~include~~ this added subsection (q), as applicable. The text of 40 CFR 267.147(g)(2) is substantially identical to that of 40 CFR 264.147(g)(2). The Board has substituted the language of 35 Ill. Adm. Code 724.247(g)(2), which corresponds with 40 CFR 264.147(g)(2), for that of 40 CFR 267.147(g)(2).

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

**Section 727.270 Use and Management of Containers**

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

BOARD NOTE: Subsection (a) ~~of this Section~~ is derived from 40 CFR 267.170 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

b) Standards applicable to containers. Standards apply to the condition of containers, to the compatibility of waste with containers, and to the management of containers holding hazardous waste.

1) Condition of containers. If a container holding hazardous waste is not in good condition (for example, it exhibits severe rusting or apparent structural defects) or if it begins to leak, the facility owner or operator must undertake either of the following actions:

A) It must transfer the hazardous waste from the defective container to a container that is in good condition; or

B) It must manage the waste in some other way that complies with the requirements of this Part.

2) Compatibility of waste with containers. To ensure that the ability of the container to contain the waste is not impaired, the facility owner or operator must use a container made of or lined with materials that are compatible and will not react with the hazardous waste to be stored.

3) Management of containers.

A) The facility owner or operator must always keep a container holding hazardous waste closed during storage, except when it adds or removes waste.

B) The facility owner or operator must never open, handle, or store a container holding hazardous waste in a manner that may rupture the container or cause it to leak.

BOARD NOTE: Subsection (b) ~~of this Section~~ is derived from 40 CFR 267.171 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

c) Inspection requirements. At least weekly, the facility owner or operator must inspect areas where it stores containers, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors.

BOARD NOTE: Subsection (c) ~~of this Section~~ is derived from 40 CFR 267.172 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

d) Standards applicable to the container storage areas.

1) The facility owner or operator must design and operate a containment system for its container storage areas according to the requirements in subsection (d)(2) ~~of this Section~~, except as otherwise provided by subsection (d)(3) ~~of this Section~~.

2) The design and operating requirements for a containment system are the following:

A) A base must underlie the containers that is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed;

B) The base must be sloped, or the containment system must be otherwise designed and operated to drain and remove liquids

resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

C) The containment system must have sufficient capacity to contain 10 percent of the volume of all containers placed in it, or the volume of the largest container, whichever is greater. This requirement does not apply to containers that do not contain free liquids;

D) The owner or operator must prevent run-on into the containment system, unless the collection system has sufficient excess capacity to contain the liquid, in addition to that required by subsection (d)(2)(C) ~~of this Section~~; and

E) The owner or operator must remove any spilled or leaked waste and accumulated precipitation from the sump or collection area as promptly as is necessary to prevent overflow of the collection system.

3) Except as provided in subsection (d)(4) ~~of this Section~~, the owner or operator does not need a containment system, as defined in subsection (d)(2) ~~of this Section~~, for storage areas that store containers holding only wastes with no free liquids if either of the following conditions are fulfilled:

A) The storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation; or

B) The containers are elevated or are otherwise protected from contact with accumulated liquid.

4) The facility owner or operator must have a containment system defined by subsection (d)(2) ~~of this Section~~ for storage areas that store containers holding F020, F021, F022, F023, F026, and F027 wastes, even if the wastes do not contain free liquids.

BOARD NOTE: Subsection (d) ~~of this Section~~ is derived from 40 CFR 267.173 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

e) Special requirements for ignitable or reactive waste. The facility owner or operator must locate containers holding ignitable or reactive waste at least 15 meters (50 feet) from its facility property line. The owner or operator must also follow the general requirements for ignitable or reactive wastes that are specified in Section 727.110(h)(1).

BOARD NOTE: Subsection (e) ~~of this Section~~ is derived from 40 CFR 267.174 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

f) Special requirements for incompatible wastes.

1) The facility owner or operator must not place incompatible wastes or incompatible wastes and materials (see appendix V to 40 CFR 264, incorporated by reference in 35 Ill. Adm. Code 720.111(b), for examples) in the same container, unless it complies with Section 727.110(h)(2).

2) The facility owner or operator must not place hazardous waste in an unwashed container that previously held an incompatible waste or material.

3) The facility owner or operator must separate a storage container holding a hazardous waste that is incompatible with any waste or with other materials stored nearby in other containers, piles, open tanks, or surface impoundments from the other materials, or protect the containers by means of a dike, berm, wall, or other device.

BOARD NOTE: Subsection (f) ~~of this Section~~ is derived from 40 CFR 267.175 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

g) Requirements for stopping the use of containers. The facility owner or operator must remove all hazardous waste and hazardous waste residues from the containment system. The owner or operator must decontaminate or remove remaining containers, liners, bases, and soil containing, or contaminated with, hazardous waste or hazardous waste residues.

BOARD NOTE: Subsection (g) ~~of this Section~~ is derived from 40 CFR 267.176 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

h) Air emission standards. The facility owner or operator must manage all hazardous waste placed in a container according to the requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 724. Under a RCRA standardized permit, the following control devices are permissible: a thermal vapor incinerator, a catalytic vapor incinerator, a flame, a boiler, a process heater, a condenser, or a carbon absorption unit.

BOARD NOTE: Subsection (h) ~~of this Section~~ is derived from 40 CFR 267.177 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

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

**Section 727.290 Tank Systems**

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

1) A facility owner or operator does not have to meet the secondary containment requirements in subsection (f) if its tank systems do not contain free liquids and are situated inside a building with an impermeable floor. The owner or operator must demonstrate the absence or presence of free liquids in the stored or treated waste, using Method 9095B (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods~~;~~", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2) The facility owner or operator does not have to meet the secondary containment requirements of subsection (f)(1) if its tank system, including sumps, as defined in 35 Ill. Adm. Code 720.110, is part of a secondary containment system to collect or contain releases of hazardous wastes.

BOARD NOTE: Subsection (a) is derived from 40 CFR 267.190 (2017)~~(2015)~~.

b) Required Design and Construction Standards for New Tank Systems or Components. The facility owner or operator must ensure that the foundation, structural support, seams, connections, and pressure controls (if applicable) are adequately designed and that the tank system has sufficient structural strength,

compatibility with the wastes to be stored or treated, and corrosion protection to ensure that it will not collapse, rupture, or fail. The owner or operator must obtain a written assessment, reviewed and certified by an independent, qualified registered professional engineer, following 35 Ill. Adm. Code 702.126(d), attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste. This assessment must include, at a minimum, the following information:

1) Design standards for the construction of tanks or the ancillary equipment.

2) Hazardous characteristics of the wastes to be handled.

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

   A) Factors affecting the potential for corrosion, such as the following:

      i) Soil moisture content;

      ii) Soil pH;

      iii) Soil sulfides level;

      iv) Soil resistivity;

      v) Structure to soil potential;

      vi) Existence of stray electric current; and

      vii) Existing corrosion-protection measures (for example, coating, cathodic protection, etc.).

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

      i) Corrosion-resistant materials of construction (such as

special alloys, fiberglass reinforced plastic, etc.);

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

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

4) Design considerations to ensure that the following will occur:

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

B) Tank systems will be anchored to prevent flotation or dislodgment where the tank system is placed in a saturated zone, or is located within a seismic fault zone subject to the standards of Section 727.110(i)(1); and

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

BOARD NOTE: Subsection (b) is derived from 40 CFR 267.191 (2017)~~(2015)~~.

c) Handling and Inspection Procedures During Installation of New Tank Systems.

1) The facility owner or operator must ensure that it follows proper handling procedures to prevent damage to a new tank system during installation. Before placing a new tank system or component in use, an independent, qualified installation inspector or an independent, qualified, registered professional engineer, either of whom is trained and experienced in the proper installation of tank systems or components, must inspect the system for the presence of any of the following items:

A) Weld breaks;

B) Punctures;

C) Scrapes of protective coatings;

D) Cracks;

E) Corrosion; or

F) Other structural damage or inadequate construction or installation.

2) The facility owner or operator must remedy all discrepancies before the tank system is placed in use.

BOARD NOTE: Subsection (c) is derived from 40 CFR 267.192 (2017)~~(2015)~~.

d) Testing Requirements. The facility owner or operator must test all new tanks and ancillary equipment for tightness before you place them in use. If the owner or operator finds a tank system that is not tight, it must perform all repairs necessary to remedy the leaks in the system before it covers, encloses, or places the tank system into use.

BOARD NOTE: Subsection (d) is derived from 40 CFR 267.193 (2017)~~(2015)~~.

e) Installation Requirements.

1) The facility owner or operator must support and protect ancillary equipment against physical damage and excessive stress due to settlement, vibration, expansion, or contraction.

2) The facility owner or operator must provide the type and degree of corrosion protection recommended by an independent corrosion expert, based on the information provided pursuant to subsection (b)(3), to ensure the integrity of the tank system during use of the tank system. An independent corrosion expert must supervise the installation of a corrosion protection system that is field fabricated to ensure proper installation.

3) The facility owner or operator must obtain, and keep at the facility, written statements by those persons required to certify the design of the tank system and to supervise the installation of the tank system as required in subsections (c), (d), (e)(1), and (e)(2). The written statement must attest that the tank system was properly designed and installed and that the owner or operator made repairs pursuant to subsections (c) and (d). These written statements must also include the certification statement as required in 35 Ill. Adm. Code 702.126(d).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: Subsection (e) is derived from 40 CFR 267.194 (2017)~~(2015)~~.

f) Secondary Containment Requirements. To prevent the release of hazardous waste or hazardous constituents to the environment, the owner or operator must provide secondary containment that meets the requirements of this subsection (f) for all new and existing tank systems.

1) Secondary containment systems must meet both of the following requirements:

A) It must be designed, installed, and operated to prevent any migration of wastes or accumulated liquid out of the system to any soil, groundwater, or surface water at any time during the use of the tank system; and

B) It must be capable of detecting and collecting releases and accumulated liquids until the collected material is removed.

2) To meet the requirements of subsection (f)(1), secondary containment systems must meet all of the following minimum requirements:

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

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

C) It must be provided with a leak-detection system that is designed and operated so that it will detect the failure of either the primary or secondary containment structure or the presence of any release of hazardous waste or accumulated liquid in the secondary

containment system within 24 hours; and

D) It must be sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. The facility owner or operator must remove spilled or leaked waste and accumulated precipitation from the secondary containment system within 24 hours, or as promptly as possible, to prevent harm to human health and the environment.

BOARD NOTE: Subsection (f) is derived from 40 CFR 267.195 (2017)~~(2015)~~.

g) Required Devices for Secondary Containment and Their Design, Operating, and Installation Requirements.

1) Secondary containment for tanks must include one or more of the following features:

A) A liner (external to the tank);

B) A double-walled tank; and

C) An equivalent device; the owner or operator must maintain documentation of equivalency at the facility.

2) An external liner system must fulfill the following requirements:

A) It must be designed or operated to contain 100 percent of the capacity of the largest tank within its boundary;

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

C) It must be free of cracks or gaps; and

D) It must be designed and installed to surround the tank completely and to cover all surrounding earth likely to come into contact with

the waste if the waste is released from the tanks (that is, it must be capable of preventing lateral as well as vertical migration of the waste).

3) A double-walled tank must fulfill the following requirements:

A) It must be designed as an integral structure (that is, it must be an inner tank completely enveloped within an outer shell) so that any release from the inner tank is contained by the outer shell;

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

C) It must be provided with a built-in continuous leak detection system capable of detecting a release within 24 hours.

BOARD NOTE: Subsection (g) is derived from 40 CFR 267.196 (2017)~~(2015)~~.

h) Requirements for Ancillary Equipment. The facility owner or operator must provide ancillary equipment with secondary containment (for example, trench, jacketing, double-walled piping, etc.) that meets the requirements of subsections (f)(1) and (f)(2), except for the following:

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

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

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

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

BOARD NOTE: Subsection (h) is derived from 40 CFR 267.197 (2017)~~(2015)~~.

i) General Operating Requirements for Tank Systems.

1) The facility owner or operator must not place hazardous wastes or treatment reagents in a tank system if the substances could cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.

2) The facility owner or operator must use appropriate controls and practices to prevent spills and overflows from tank or containment systems. These include the following minimum requirements:

A) Spill prevention controls (for example, check valves, dry disconnect couplings, etc.);

B) Overfill prevention controls (for example, level sensing devices, high level alarms, automatic feed cutoff, or bypass to a standby tank, etc.); and

C) Sufficient freeboard in uncovered tanks to prevent overtopping by wave or wind action or by precipitation.

3) The facility owner or operator must comply with the requirements of subsection (k) if a leak or spill occurs in the tank system.

BOARD NOTE: Subsection (i) is derived from 40 CFR 267.198 (2017)~~(2015)~~.

j) Inspection Requirements. The facility owner or operator must comply with the following requirements for scheduling, conducting, and documenting inspections:

1) It must develop and follow a schedule and procedure for inspecting overfill controls;

2) It must inspect the following at least once each operating day:

A) Aboveground portions of the tank system to detect corrosion or releases of waste;

B) Data gathered from monitoring and leak detection equipment (for

example, pressure or temperature gauges, monitoring wells, etc.) to ensure that the tank system is being operated according to its design; and

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

3) It must inspect cathodic protection systems, if present, according to, at a minimum, the following schedule to ensure that they are functioning properly:

A) It must confirm that the cathodic protection system is operating properly within six months after initial installation and annually thereafter; and

B) It must inspect or test all sources of impressed current, as appropriate, at least every other month; and

4) It must document, in the operating record of the facility, an inspection of those items in subsections (j)(1) through (j)(3).

BOARD NOTE: Subsection (j) is derived from 40 CFR 267.199 (2017)~~(2015)~~.

k) Required Actions in Case of a Leak or a Spill. If there has been a leak or a spill from a tank system or secondary containment system, or if either system is unfit for use, the facility owner or operator must remove the system from service immediately, and it must satisfy the following requirements:

1) It 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;

2) It must remove the waste from the tank system or secondary containment system, as follows:

A) If the release was from the tank system, the owner or operator

must, within 24 hours after detecting 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; or

B) If the material released was to a secondary containment system, the owner or operator must remove all released materials within 24 hours or as quickly as possible to prevent harm to human health and the environment;

3) It must immediately conduct a visual inspection of the release and, based on that inspection, undertake the following actions:

A) It must prevent further migration of the leak or spill to soils or surface water; and

B) It must remove, and properly dispose of, any visible contamination of the soil or surface water;

4) It must report any release to the environment, except as provided in subsection (k)(4)(A), to the Agency within 24 hours after its detection. If the owner or operator has reported the release to USEPA pursuant to federal 40 CFR 302, that report will satisfy this requirement, subject to the following exceptions:

A) The facility owner or operator does not need to report on a leak or spill of hazardous waste if it fulfills the following conditions:

i) The spill was less than or equal to a quantity of one pound (2.2 kg); and

ii) The facility owner or operator immediately contained and cleaned up the spill; and

B) Within 30 days of detection of a release to the environment, the owner or operator must submit a report to the Agency that contains the following information:

i) The likely route of migration of the release;

ii) The characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate, etc.);

iii) 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, the owner or operator must submit these data to the Agency as soon as they become available;

iv) The proximity to downgradient drinking water, surface water, and populated areas; and

v) A description of response actions taken or planned;

5) It must either close the system or make necessary repairs, as follows:

A) Unless the owner or operator satisfies the requirements of subsections (k)(5)(B) and (k)(5)(C), it must close the tank system according to subsection (l);

B) 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 it removes the released waste and makes any necessary repairs; or

C) If the cause of the release was a leak from the primary tank system into the secondary containment system, the owner or operator must repair the system before returning the tank system to service; and

6) If the owner or operator has made extensive repairs to a tank system in accordance with subsection (k)(5) (for example, installation of an internal liner; repair of a ruptured primary containment or secondary containment vessel, etc.), it may not return the tank system to service unless the repair is certified by an independent, qualified, registered, professional engineer in accordance with 35 Ill. Adm. Code 702.126(d), as follows:

A) The engineer must certify that the repaired system is capable of handling hazardous wastes without release for the intended life of

the system; and

B) The facility owner or operator must submit this certification to the Agency within seven days after returning the tank system to use.

BOARD NOTE: Subsection (k) is derived from 40 CFR 267.200 (2017)~~(2015)~~.

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

BOARD NOTE: Subsection (l) is derived from 40 CFR 267.201 (2017)~~(2015)~~.

m) Special Requirements for Ignitable or Reactive Wastes.

1) The facility owner or operator may not place ignitable or reactive waste in tank systems, unless any of the following three conditions are fulfilled:

A) The owner or operator treats, renders, or mixes the waste before or immediately after placement in the tank system so that the following is true:

i) The owner or operator complies with Section 727.110(h)(2); and

ii) The resulting waste, mixture, or dissolved material no longer meets the definition of ignitable or reactive waste pursuant to 35 Ill. Adm. Code 721.121 or 721.123;

B) The owner or operator stores or treats the waste in such a way that it is protected from any material or conditions that may cause the waste to ignite or react; or

C) The facility owner or operator uses the tank system solely for

emergencies.

2) If the facility owner or operator stores or treats ignitable or reactive waste in a tank, it must comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built on, as required in Tables 2-1 through 2-6 of "Flammable and Combustible Liquids Code~~,~~", NFPA 30, incorporated by reference in 35 Ill. Adm. Code 720.111(a)).

BOARD NOTE: Subsection (m) is derived from 40 CFR 267.202 (2017)~~(2015)~~.

n) Special Requirements for Incompatible Wastes.

1) A facility owner or operator may not place incompatible wastes or incompatible wastes and materials in the same tank system, unless it complies with Section 727.110(h)(2).

2) A facility owner or operator may not place hazardous waste in a tank system that has not been decontaminated and that previously held an incompatible waste or material, unless it complies with Section 727.110(h)(2).

BOARD NOTE: Subsection (n) is derived from 40 CFR 267.203 (2017)~~(2015)~~.

o) Air Emission Standards. The facility owner or operator must manage all hazardous waste placed in a tank following the requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 724. Under a RCRA standardized permit, the following control devices are permissible: a thermal vapor incinerator, a catalytic vapor incinerator, a flame, a boiler, a process heater, a condenser, or a carbon absorption unit.

BOARD NOTE: Subsection (o) is derived from 40 CFR 267.204 (2017)~~(2015)~~.

(Source: Amended at 42 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, 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) ~~of this Section~~.

BOARD NOTE: Subsection (a) ~~of this Section~~ is derived from 40 CFR 267.1100 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

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 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, runon, 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) ~~of this Section~~, 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 such 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.

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) ~~of this Section~~; 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) ~~of this Section~~.

BOARD NOTE: Subsection (b) ~~of this Section~~ is derived from 40 CFR 267.1101 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

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;

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) ~~of this Section~~ is derived from 40 CFR 267.1102 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

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;

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 $3 \times 10^{-5}$ $m^2$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) ~~of this Section~~ is derived from 40 CFR 267.1103 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

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:

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) ~~of this Section~~ is derived from 40 CFR 267.1104 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

f) Requirements where the containment building contains areas both with and without 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) ~~of this Section~~;

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) ~~of this Section~~ is derived from 40 CFR 267.1105 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

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 lead 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;

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, make 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) ~~of this Section~~.

BOARD NOTE: Subsection (g) of this Section is derived from 40 CFR 267.1106 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

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 Sections 727.290(f)(1), (f)(2)(A), and (f)(2)(B).

BOARD NOTE: Subsection (h) ~~of this Section~~ is derived from 40 CFR 267.1107 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

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) ~~of this Section~~ is derived from 40 CFR 267.1108 (2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

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

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1) Heading of the Part: Land Disposal Restrictions

2) Code Citation: 35 Ill. Adm. Code 728

3)

| Section Numbers: | Proposed Actions: |
|---|---|
| 728.101 | Amendment |
| 728.102 | Amendment |
| 728.103 | Amendment |
| 728.104 | Amendment |
| 728.106 | Amendment |
| 728.107 | Amendment |
| 728.109 | Amendment |
| 728.120 | Amendment |
| 728.130 | Amendment |
| 728.131 | Amendment |
| 728.132 | Amendment |
| 728.133 | Amendment |
| 728.134 | Amendment |
| 728.135 | Amendment |
| 728.136 | Amendment |
| 728.138 | Amendment |
| 728.139 | Amendment |
| 728.140 | Amendment |
| 728.141 | Amendment |
| 728.142 | Amendment |
| 728.143 | Amendment |
| 728.144 | Amendment |
| 728.145 | Amendment |
| 728.146 | Amendment |
| 728.148 | Amendment |
| 728.149 | Amendment |
| 728.150 | Amendment |
| 728.Appendix D | Amendment |
| 728.Appendix F | Amendment |
| 728.Appendix H | Amendment |
| 728.Appendix I | Amendment |
| 728.Appendix K | Amendment |
| 728.Table A | Amendment |
| 728.Table B | Amendment |

| | |
|---|---|
| 728.Table C | Amendment |
| 728.Table D | Amendment |
| 728.Table E | Amendment |
| 728.Table F | Amendment |
| 728.Table G | Amendment |
| 728.Table H | Amendment |
| 728.Table I | Amendment |
| 728.Table T | Amendment |
| 728.Table U | 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 728 are a single segment of the consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking that also affects 35 Ill. Adm. Code 702 through 705, 720 through 727, 730, 733, 738, 739, and 810 through 812. Due to the extreme volume of the consolidated docket, each Part is covered by a notice in four separate issues of the *Illinois Register*. Included in this issue are 35 Ill. Adm. Code 722, 723, and 726 through 728. To save space, a more detailed description of the subjects and issues involved in the consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 722. A comprehensive description is contained in the Board's opinion and order of March 3, 2016, proposing amendments in docket R16-7, which opinion and order is available from the address below.

Specifically, the amendments to Part 728 incorporate elements of the Generator Improvements Rule. The Board makes several needed corrections in the text of the rules.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R17-14/R17-15/R18-11/R18-31. The tables list the deviations from the literal text of the federal amendments and the several necessary corrections and stylistic revisions not directly derived from USEPA actions. Persons interested in the details of those deviations from the literal text should refer to the Identical-in-Substance Rulemaking Addendum (Proposed) in consolidated docket R17-14/R17-15/R18-11/R18-31.

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Illinois 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

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IAPA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

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

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

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

9) Does this rulemaking contain incorporations by reference? No

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

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

12) Time, Place and Manner in which interested persons may comment on this rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated docket R17-14/R17-15/R18-11/R18-31 and be addressed to:

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

Please direct inquiries to the following person and reference consolidated docket R17-14/R17-15/R18-11/R18-31:

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

312/814-6924

e-mail: michael.mccambridge@illinois.gov

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

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

14) Regulatory Agenda on which this rulemaking was summarized: January 2017 and January 2018.

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

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

PART 728
LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section
728.101 Purpose, Scope, and Applicability
728.102 Definitions
728.103 Dilution Prohibited as a Substitute for Treatment
728.104 Treatment Surface Impoundment Exemption
728.105 Procedures for Case-by-Case Extensions to an Effective Date
728.106 Petitions to Allow Land Disposal of a Waste Prohibited Pursuant to Subpart C
728.107 Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities
728.108 Landfill and Surface Impoundment Disposal Restrictions (Repealed)
728.109 Special Rules for Characteristic Wastes

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

Section
728.110 First Third (Repealed)
728.111 Second Third (Repealed)
728.112 Third Third (Repealed)
728.113 Newly Listed Wastes
728.114 Surface Impoundment Exemptions

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section
728.120 Waste-Specific Prohibitions: Dyes and Pigments Production Wastes
728.130 Waste-Specific Prohibitions: Wood Preserving Wastes
728.131 Waste-Specific Prohibitions: Dioxin-Containing Wastes
728.132 Waste-Specific Prohibitions: Soils Exhibiting the Toxicity Characteristic for

Metals and Containing PCBs
728.133 Waste-Specific Prohibitions: Chlorinated Aliphatic Wastes
728.134 Waste-Specific Prohibitions: Toxicity Characteristic Metal Wastes
728.135 Waste-Specific Prohibitions: Petroleum Refining Wastes
728.136 Waste-Specific Prohibitions: Inorganic Chemical Wastes
728.137 Waste-Specific Prohibitions: Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated
728.138 Waste-Specific Prohibitions: Newly-Identified Organic Toxicity Characteristic Wastes and Newly-Listed Coke By-Product and Chlorotoluene Production Wastes
728.139 Waste-Specific Prohibitions: Spent Aluminum Potliners and Carbamate Wastes

SUBPART D: TREATMENT STANDARDS

Section
728.140 Applicability of Treatment Standards
728.141 Treatment Standards Expressed as Concentrations in Waste Extract
728.142 Treatment Standards Expressed as Specified Technologies
728.143 Treatment Standards Expressed as Waste Concentrations
728.144 USEPA Variance from a Treatment Standard
728.145 Treatment Standards for Hazardous Debris
728.146 Alternative Treatment Standards Based on HTMR
728.148 Universal Treatment Standards
728.149 Alternative LDR Treatment Standards for Contaminated Soil

SUBPART E: PROHIBITIONS ON STORAGE

Section
728.150 Prohibitions on Storage of Restricted Wastes

728.APPENDIX A Toxicity Characteristic Leaching Procedure (TCLP) (Repealed)
728.APPENDIX B Treatment Standards (As concentrations in the Treatment Residual Extract) (Repealed)
728.APPENDIX C List of Halogenated Organic Compounds Regulated under Section 728.132
728.APPENDIX D Wastes Excluded from Lab Packs
728.APPENDIX E Organic Lab Packs (Repealed)
728.APPENDIX F Technologies to Achieve Deactivation of Characteristics
728.APPENDIX G Federal Effective Dates
728.APPENDIX H National Capacity LDR Variances for UIC Wastes

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| | |
|---|---|
| 728.APPENDIX I | EP Toxicity Test Method and Structural Integrity Test |
| 728.APPENDIX J | Recordkeeping, Notification, and Certification Requirements (Repealed) |
| 728.APPENDIX K | Metal-Bearing Wastes Prohibited from Dilution in a Combustion Unit According to Section 728.103(c) |
| 728.TABLE A | Constituent Concentrations in Waste Extract (CCWE) |
| 728.TABLE B | Constituent Concentrations in Wastes (CCW) |
| 728.TABLE C | Technology Codes and Description of Technology-Based Standards |
| 728.TABLE D | Technology-Based Standards by USEPA Hazardous~~RCRA~~ Waste Number~~Code~~ |
| 728.TABLE E | Standards for Radioactive Mixed Waste |
| 728.TABLE F | Alternative Treatment Standards for Hazardous Debris |
| 728.TABLE G | Alternative Treatment Standards Based on HTMR |
| 728.TABLE H | Wastes Excluded from CCW Treatment Standards |
| 728.TABLE I | Generator Paperwork Requirements |
| 728.TABLE T | Treatment Standards for Hazardous Wastes |
| 728.TABLE U | Universal Treatment Standards (UTS) |

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

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R90-11 at 15 Ill. Reg. 11937, effective August 12, 1991; amendment withdrawn at 15 Ill. Reg. 14716, October 11, 1991; amended in R91-13 at 16 Ill. Reg. 9619, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20692, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6799, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12203, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17563, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9660, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11100, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 783, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7685, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17706, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1964, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9204, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9623, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1296, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9181, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26

Ill. Reg. 6687, effective April 22, 2002; amended in R03-18 at 27 Ill. Reg. 13045, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 6049, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3800, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1254, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12840, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1186, effective December 30, 2008; amended in R11-2/R11-16 at 35 Ill. Reg. 18131, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8790, effective June 4, 2012; amended in R13-15 at 37 Ill. Reg. 17951, effective October 24, 2013; amended in R16-7 at 40 Ill. Reg. 12052, effective August 9, 2016; amended in R17-14/R17-15/R18-12 at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

**Section 728.101 Purpose, Scope, and Applicability**

a) This Part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.

b) Except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721, the requirements of this Part apply to persons that generate or transport hazardous waste and to owners and operators of hazardous waste treatment, storage, and disposal facilities.

c) Restricted wastes may continue to be land disposed as follows:

1) Where a person has been granted an extension to the effective date of a prohibition pursuant to Subpart C ~~of this Part~~ or pursuant to Section 728.105, with respect to those wastes covered by the extension;

2) Where a person has been granted an exemption from a prohibition pursuant to a petition pursuant to Section 728.106, with respect to those wastes and units covered by the petition;

3) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and which is otherwise prohibited pursuant to this Part is not prohibited if the following is true of the waste:

A) The waste is disposed into a non-hazardous or hazardous waste

injection well, as defined in 35 Ill. Adm. Code 704.106(a); and

B) The waste does not exhibit any prohibited characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721 at the point of injection.

4) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and which is otherwise prohibited pursuant to this Part is not prohibited if the waste meets any of the following criteria, unless the waste is subject to a specified method of treatment other than DEACT in Section 728.140 or is D003 reactive cyanide:

A) Any of the following is true of either treatment or management of the waste:

i) The waste is managed in a treatment system that subsequently discharges to waters of the United States pursuant to a permit issued pursuant to 35 Ill. Adm. Code 309;

ii) The waste is treated for purposes of the pretreatment requirements of 35 Ill. Adm. Code 307 and 310; or

iii) The waste is managed in a zero discharge system engaged in Clean Water Act (CWA)-equivalent treatment, as defined in Section 728.137(a); and

B) The waste no longer exhibits a prohibited characteristic of hazardous waste at the point of land disposal (i.e., placement in a surface impoundment).

d) This Part does not affect the availability of a waiver pursuant to Section 121(d)(4) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 USC 9621(d)(4)).

e) The following hazardous wastes are not subject to any provision of this Part:

1) Waste generated by a VSQG~~small quantity generators of less than 100 kg of non-acute hazardous waste or less than 1 kg of acute hazardous waste~~

~~per month~~, as defined in 35 Ill. Adm. Code 721.110~~105~~;

2) Waste pesticide that a farmer disposes of pursuant to 35 Ill. Adm. Code 722.170;

3) Waste identified or listed as hazardous after November 8, 1984, for which USEPA has not promulgated a land disposal prohibition or treatment standard; and

4) De minimis losses of waste that exhibits a characteristic of hazardous waste to wastewaters are not considered to be prohibited waste and are defined as losses from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers or leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; rinsate from empty containers or from containers that are rendered empty by that rinsing; and laboratory waste that does not exceed one percent of the total flow of wastewater into the facility's headworks on an annual basis, or with a combined annualized average concentration not exceeding one part per million (ppm) in the headworks of the facility's wastewater treatment or pretreatment facility.

f) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) is exempt from Sections 728.107 and 728.150 for the hazardous wastes listed below. Such a handler or transporter is subject to regulation pursuant to 35 Ill. Adm. Code 733.

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

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

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

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

g) This Part is cumulative with the land disposal restrictions of 35 Ill. Adm. Code

729. The Environmental Protection Agency (Agency) must not issue a wastestream authorization pursuant to 35 Ill. Adm. Code 709 or Section 22.6 or 39(h) of the Environmental Protection Act ~~[415 ILCS 5/22.6 or 39(h)]~~ unless the waste meets the requirements of this Part as well as 35 Ill. Adm. Code 729.

h) Electronic Reporting. The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Subsection (h) is derived from 40 CFR 3, 271.10(b), 271.11(b), and 271.12(h) (2017~~2015~~).

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

**Section 728.102 Definitions**

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

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

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

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

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

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

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

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

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

"Land disposal restriction" or "LDR" is a restriction imposed on the land disposal of a hazardous waste pursuant to this Part or 35 Ill. Adm. Code 738. The land disposal of hazardous waste is generally prohibited, except where the activity constituting land disposal is specifically allowed, pursuant to this Part or 35 Ill. Adm. Code 738.
BOARD NOTE: The Board added this definition based on the preamble discussions at 51 Fed. Reg. 40572, 40573-74 (November 7, 1986) and 53 Fed. Reg. 28118, 28119-20 (July 26, 1988). The USEPA publication "Terms of Environment Glossary, Abbreviations, and Acronyms" (December 1997), USEPA, Communications, Education, and Public Affairs, EPA 175/B-97-001, defines "land disposal restrictions" as follows: "Rules that require hazardous wastes to be treated before disposal on land to destroy or immobilize hazardous constituents that might migrate into soil and ground water."

"Nonwastewaters" are wastes that do not meet the criteria for "wastewaters" in

this Section.

"Polychlorinated biphenyls" or "PCBs" are halogenated organic compounds defined in accordance with federal 40 CFR 761.3 (Definitions), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

"ppm" means parts per million.

"RCRA corrective action" means corrective action taken under 35 Ill. Adm. Code 724.200 or 725.193, federal 40 CFR 264.100 or 265.93, or similar regulations in other states with RCRA programs authorized by USEPA pursuant to 40 CFR 271.

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

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

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

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

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

**Section 728.103  Dilution Prohibited as a Substitute for Treatment**

a) Except as provided in subsection (b) ~~of this Section~~, no generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility must in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with Subpart D ~~of this Part~~, to circumvent the effective date of a prohibition in Subpart C ~~of this Part~~, to otherwise avoid a prohibition in Subpart C ~~of this Part~~, or to circumvent a land disposal restriction imposed by RCRA section 3004 (42 USC 6924).

b) Dilution of waste that is hazardous only because it exhibits a characteristic of hazardous waste in a treatment system that treats wastes subsequently discharged to a water of the State pursuant to an NPDES permit issued under 35 Ill. Adm. Code 309, that treats wastes in a CWA-equivalent treatment system, or that treats wastes for purposes of pretreatment requirements under 35 Ill. Adm. Code 310 is not impermissible dilution for purposes of this Section, unless a method other than DEACT has been specified in Section 728.140 as the treatment standard or unless the waste is a D003 reactive cyanide wastewater or nonwastewater.

c) Combustion of waste designated by any of the USEPA hazardous waste numbers~~codes~~ listed in Appendix J ~~to this Part~~ is prohibited, unless the waste can be demonstrated to comply with one or more of the following criteria at the point of generation or after any bona fide treatment, such as cyanide destruction prior to combustion (unless otherwise specifically prohibited from combustion):

1) The waste contains hazardous organic constituents or cyanide at levels exceeding the constituent-specific treatment standard found in Section 728.148;

2) The waste consists of organic, debris-like materials (e.g., wood, paper, plastic, or cloth) contaminated with an inorganic metal-bearing hazardous waste;

3) The waste has reasonable heating value, such as greater than or equal to 5,000 Btu per pound, at the point of generation;

4) The waste is co-generated with wastes for which combustion is a required method of treatment;

5) The waste is subject to any federal or state requirements necessitating reduction of organics (including biological agents); or

6) The waste contains greater than one percent Total Organic Carbon (TOC).

d) It is a form of impermissible dilution, and therefore prohibited, to add iron filings or other metallic forms of iron to lead-containing hazardous wastes in order to achieve any land disposal restriction treatment standard for lead. Lead-containing wastes include D008 wastes (wastes exhibiting a characteristic due to the presence of lead), all characteristic wastes containing lead as an underlying hazardous constituent, listed wastes containing lead as a regulated constituent, and hazardous media containing any of the aforementioned lead-containing wastes.

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

**Section 728.104 Treatment Surface Impoundment Exemption**

a) Wastes that are otherwise prohibited from land disposal under this Part may be treated in a surface impoundment or series of impoundments provided that all of the following conditions are fulfilled:

1) Treatment of such wastes occurs in the impoundments;

2) The following conditions are met:

A) Sampling and testing. For wastes with treatment standards in Subpart D or prohibition levels in Subpart C, the residues from treatment are analyzed, as specified in Section 728.107 or 728.132, to determine if they meet the applicable treatment standards or, where no treatment standards have been established for the waste, the applicable prohibition levels. The sampling method, specified in the waste analysis plan under 35 Ill. Adm. Code 724.113 or 725.113, must be designed such that representative samples of the sludge and the supernatant are tested separately rather than mixed to form homogeneous samples.

B) Removal. The following treatment residues (including any liquid waste) must be removed at least annually: residues that do not meet the treatment standards promulgated under Subpart D ~~of this Part~~; residues that do not meet the prohibition levels established under Subpart C ~~of this Part~~ or imposed by federal statute (where

no treatment standards have been established); residues that are from the treatment of wastes prohibited from land disposal under Subpart C ~~of this Part~~ (where no treatment standards have been established and no prohibition levels apply); or residues from managing listed wastes that are not delisted under 35 Ill. Adm. Code 720.122. If the volume of liquid flowing through the impoundment or series of impoundments annually is greater than the volume of the impoundment or impoundments, this flow-through constitutes removal of the supernatant for the purpose of this requirement.

C) Subsequent management. Treatment residues must not be placed in any other surface impoundment for subsequent management.

D) Recordkeeping. Sampling, testing, and recordkeeping provisions of 35 Ill. Adm. Code 724.113 or 725.113 apply;

3) The impoundment meets the design requirements of 35 Ill. Adm. Code 724.321(c) or 725.321(a) even though the unit may not be new, expanded or a replacement, and must be in compliance with applicable groundwater monitoring requirements of Subpart F of 35 Ill. Adm. Code 724 or Subpart F of 35 Ill. Adm. Code 725, unless any of the following conditions is fulfilled:

A) The impoundment is exempted pursuant to 35 Ill. Adm. Code 724.321(d) or (e), or to 35 Ill. Adm. Code 725.321(c) or (d);

B) Upon application by the owner or operator, the Agency has by permit provided that the requirements of this Part do not apply on the basis that the surface impoundment fulfills all of the following conditions:

i) The impoundment has at least one liner, for which there is no evidence that such liner is leaking;

ii) The impoundment is located more than one-quarter mile from an underground source of drinking water; and

iii) The impoundment is in compliance with generally

applicable groundwater monitoring requirements for facilities with permits; or

C) Upon application by the owner or operator, the Board has, pursuant to Subpart D of 35 Ill. Adm. Code 104, granted an adjusted standard from the requirements of this Part. The justification for such an adjusted standard must be a demonstration that the surface impoundment is located, designed, and operated so as to assure that there will be no migration of any hazardous constituent into groundwater or surface water at any future time; and

4) The owner or operator submits to the Agency a written certification that the requirements of subsection (a)(3) ~~of this Section~~ have been met. The following certification is required:

I certify under penalty of law that the requirements of 35 Ill. Adm. Code 728.104(a)(3) have been met for all surface impoundments being used to treat restricted wastes. 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.

b) Evaporation of hazardous constituents as the principal means of treatment is not considered to be a treatment for purposes of an exemption under this Section.

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

**Section 728.106 Petitions to Allow Land Disposal of a Waste Prohibited Pursuant to Subpart C**

a) Any person seeking an exemption from a prohibition pursuant to Subpart C for the disposal of a restricted hazardous waste in a particular unit or units must submit a petition to the Board demonstrating, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the disposal unit or injection zone for as long as the wastes remain hazardous. The demonstration must include the following components:

1) An identification of the specific waste and the specific unit for which the demonstration will be made;

2) A waste analysis to describe fully the chemical and physical characteristics of the subject waste;

3) A comprehensive characterization of the disposal unit site including an analysis of background air, soil, and water quality;

4) A monitoring plan that detects migration at the earliest practical time;

5) Sufficient information to assure the Agency that the owner or operator of a land disposal unit receiving restricted wastes will comply with other applicable federal, state, and local laws;

6) Whether the facility is in interim status, or, if a RCRA permit has been issued, the term of the permit.

b) The demonstration referred to in subsection (a) ~~of this Section~~ must meet the following criteria:

1) All waste and environmental sampling, test and analysis data must be accurate and reproducible to the extent that state-of-the-art techniques allow;

2) All sampling, testing and estimation techniques for chemical and physical properties of the waste and all environmental parameters must conform with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods~~,~~", USEPA publication number EPA-530/SW-846, and with "Generic Quality Assurance Project Plan for Land Disposal Restrictions Program~~,~~", USEPA publication number EPA-530/SW-87-011, each incorporated by reference in 35 Ill. Adm. Code 720.111.

3) Simulation models must be calibrated for the specific waste and site conditions, and verified for accuracy by comparison with actual measurements;

4) A quality assurance and quality control plan that addresses all aspects of the demonstration and conforms with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods~~,~~", USEPA publication number EPA-530/SW-846, and with "Generic Quality Assurance Project Plan for Land

Disposal Restrictions Program~~,~~", USEPA publication number EPA-530/SW-87-011; and

5) An analysis must be performed to identify and quantify any aspects of the demonstration that contribute significantly to uncertainty. This analysis must include an evaluation of the consequences of predictable future events, including, but not limited to, earthquakes, floods, severe storm events, droughts, or other natural phenomena.

c) Each petition referred to in subsection (a) ~~of this Section~~ must include the following:

1) A monitoring plan that describes the monitoring program installed at or around the unit to verify continued compliance with the conditions of the adjusted standard. This monitoring plan must provide information on the monitoring of the unit or the environment around the unit. The following specific information must be included in the plan:

A) The media monitored in the cases where monitoring of the environment around the unit is required;

B) The type of monitoring conducted at the unit, in the cases where monitoring of the unit is required;

C) The location of the monitoring stations;

D) The monitoring interval (frequency of monitoring at each station);

E) The specific hazardous constituents to be monitored;

F) The implementation schedule for the monitoring program;

G) The equipment used at the monitoring stations;

H) The sampling and analytical techniques employed; and

I) The data recording and reporting procedures.

2) Where applicable, the monitoring program described in subsection (c)(1)

~~of this Section~~ must be in place for a period of time specified by the Board, as part of its approval of the petition, prior to receipt of prohibited waste at the unit.

3) The monitoring data collected according to the monitoring plan specified pursuant to subsection (c)(1)~~ of this Section~~ must be sent to the Agency according to a format and schedule specified and approved in the monitoring plan.

4) A copy of the monitoring data collected under the monitoring plan specified pursuant to subsection (c)(1)~~ of this Section~~ must be kept on-site at the facility in the operating record.

5) The monitoring program specified pursuant to subsection (c)(1)~~ of this Section~~ must meet the following criteria:

A) All sampling, testing, and analytical data must be approved by the Board and must provide data that is accurate and reproducible;

B) All estimation and monitoring techniques must be approved by the Board; and

C) A quality assurance and quality control plan addressing all aspects of the monitoring program must be provided to and approved by the Board.

d) Each petition must be submitted to the Board as provided in Subpart D of 35 Ill. Adm. Code 104.

e) After a petition has been approved, the owner or operator must report any changes in conditions at the unit or the environment around the unit that significantly depart from the conditions described in the petition and affect the potential for migration of hazardous constituents from the units as follows:

1) If the owner or operator plans to make changes to the unit design, construction, or operation, the owner or operator must do the following at least 90 days prior to making the change:

A) File a petition for modification of or a new petition to amend an

adjusted standard with the Board reflecting the changes; or

B) Demonstrate to the Agency that the change can be made consistent with the conditions of the existing adjusted standard.

2) If the owner or operator discovers that a condition at the site that was modeled or predicted in the petition does not occur as predicted, this change must be reported, in writing, to the Agency within 10 days after discovering the change. The Agency must determine whether the reported change from the terms of the petition requires further action, which may include termination of waste acceptance, a petition for modification of or a new petition for an adjusted standard.

f) If there is migration of hazardous constituents from the unit, as determined by the owner or operator, the owner or operator must do the following:

1) It must immediately suspend receipt of prohibited waste at the unit, and

2) It must notify the Agency, in writing, within 10 days after the determination that a release has occurred.

3) Following receipt of the notification, the Agency must, within 60 days after receiving notification:

A) It must determine whether the owner or operator can continue to receive prohibited waste in the unit under the conditions of the adjusted standard.

B) If modification or vacation of the adjusted standard is necessary, it must file a motion to modify or vacate the adjusted standard with the Board.

C) It must determine whether further examination of any migration is required pursuant to the applicable provisions of 35 Ill. Adm. Code 724 or 725.

g) Each petition must include the following statement signed by the petitioner or an authorized representative:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information. I believe that 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.

h) After receiving a petition, the Board may request any additional information that may be required to evaluate the demonstration.

i) If approved, the petition will apply to land disposal of the specific restricted waste at the individual disposal unit described in the demonstration and will not apply to any other restricted waste at that disposal unit, or to that specific restricted waste at any other disposal unit.

j) The Board will give public notice and provide an opportunity for public comment, as provided in Subpart D of 35 Ill. Adm. Code 104. Notice of a final decision on a petition will be published in the Environmental Register.

k) The term of a petition granted pursuant to this Section will be no longer than the term of the RCRA permit if the disposal unit is operating pursuant to a RCRA permit, or up to a maximum of 10 years from the date of approval provided pursuant to subsection (g) ~~of this Section~~ if the unit is operating under interim status. In either case, the term of the granted petition expires upon the termination or denial of a RCRA permit, or upon the termination of interim status or when the volume limit of waste to be land disposed during the term of petition is reached.

l) Prior to the Board's decision, the applicant must comply with all restrictions on land disposal pursuant to this Part once the effective date for the waste has been reached.

m) The petition granted by the Board does not relieve the petitioner of responsibilities in the management of hazardous waste pursuant to 35 Ill. Adm. Code 702, 703, and 720 through 728, and 738.

n) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm are not eligible for an adjusted standard pursuant to this Section.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

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

a) Requirements for Generators.

1) A generator of a hazardous waste must determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in Section 728.140, 728.145, or 728.149. This determination can be made concurrently with the hazardous waste determination required in 35 Ill. Adm. Code 722.111, in either of two ways: testing the waste or using knowledge of the waste. If the generator tests the waste, testing determines the total concentration of hazardous constituents or the concentration of hazardous constituents in an extract of the waste obtained using Method 1311 (Toxicity Characteristic Leaching Procedure) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods~~,~~", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a), depending on whether the treatment standard for the waste is expressed as a total concentration or concentration of hazardous constituent in the waste extract. (Alternatively, the generator must send the waste to a RCRA-permitted hazardous waste treatment facility, where the waste treatment facility must comply with the requirements of 35 Ill. Adm. Code 724.113 and subsection (b).) In addition, some hazardous wastes must be treated by particular treatment methods before they can be land disposed and some soils are contaminated by such hazardous wastes. These treatment standards are also found in Section 728.140 and Table T~~ of this Part~~, and are described in detail in Table C~~ of this Part~~. These wastes and soils contaminated with such wastes do not need to be tested (however, if they are in a waste mixture, other wastes with concentration level treatment standards must be tested). If a generator determines that it is managing a waste or soil contaminated with a waste that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, the generator must comply with the special requirements of Section 728.109 in addition to any applicable requirements in this Section.

2) If the waste or contaminated soil does not meet the treatment standard or if the generator chooses not to make the determination of whether its waste

must be treated, the generator must send a one-time written notice to each treatment or storage facility receiving the waste with the initial shipment of waste to each treatment or storage facility, and the generator must place a copy of the one-time notice in the file. The notice must include the information in column "728.107(a)(2)" of the Generator Paperwork Requirements Table in Table I ~~of this Part~~. (Alternatively, if the generator chooses not to make the determination of whether the waste must be treated, the notification must include the USEPA hazardous waste numbers and manifest number of the first shipment, and it must include the following statement: "This hazardous waste may or may not be subject to the LDR treatment standards. The treatment facility must make the determination.") No further notification is necessary until such time that the waste or facility changes, in which case a new notification must be sent and a copy placed in the generator's file.

3) If the waste or contaminated soil meets the treatment standard at the original point of generation, the waste generator must do the following:

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

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

B) For contaminated soil, with the initial shipment of wastes to each treatment, storage, or disposal facility, the generator must send a

one-time written notice to each facility receiving the waste and place a copy in the file. The notice must include the information in the column headed "(a)(3)" in Table I ~~of this Part~~.

C) If the waste changes, the generator must send a new notice and certification to the receiving facility and place a copy in its files. A generator of hazardous debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(f) is not subject to these requirements.

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

5) If a generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under 35 Ill. Adm. Code 722.115, 722.116, and 722.117~~722.134~~ to meet applicable LDR treatment standards found at Section 728.140, the generator must develop and follow a written waste analysis plan that describes the procedures it will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Table F ~~of this Part~~, however, are not subject to these waste analysis requirements.) The plan must be kept on site in the generator's records, and the following requirements must be met:

A) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited wastes being treated, and contain all information necessary to treat

the wastes in accordance with the requirements of this Part, including the selected testing frequency;

B) Such plan must be kept in the facility's on-site files and made available to inspectors; and

C) Wastes shipped off-site pursuant to this subsection (a)(5) must comply with the notification requirements of subsection (a)(3).

6) If a generator determines that the waste or contaminated soil is restricted based solely on its knowledge of the waste, all supporting data used to make this determination must be retained on-site in the generator's files. If a generator determines that the waste is restricted based on testing this waste or an extract developed using Method 1311 (Toxicity Characteristic Leaching Procedure) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods~~;~~", USEPA publication number EPA-530/SW-846, all waste analysis data must be retained on-site in the generator's files.

7) If a generator determines that it is managing a prohibited waste that is excluded from the definition of hazardous or solid waste or which is exempt from Subtitle C regulation under 35 Ill. Adm. Code 721.102 through 721.106 subsequent to the point of generation (including deactivated characteristic hazardous wastes that are managed in wastewater treatment systems subject to the CWA, as specified at 35 Ill. Adm. Code 721.104(a)(2); that are CWA-equivalent; or that are managed in an underground injection well regulated under 35 Ill. Adm. Code 730), the generator must place a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from RCRA Subtitle C regulation, and the disposition of the waste in the generating facility's on-site file.

8) A generator must retain a copy of all notices, certifications, waste analysis data, and other documentation produced pursuant to this Section on-site for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by the Agency.

The requirements of this subsection (a)(8) apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under 35 Ill. Adm. Code 721.102 through 721.106, or exempted from RCRA Subtitle C regulation, subsequent to the point of generation.

BOARD NOTE: Any Agency request for extended records retention under this subsection (a)(8) is subject to Board review pursuant to Section 40 of the Act.

9) If a generator is managing a lab pack containing hazardous wastes and wishes to use the alternative treatment standard for lab packs found at Section 728.142(c), the generator must fulfill the following conditions:

A) With the initial shipment of waste to a treatment facility, the generator must submit a notice that provides the information in column "Section 728.107(a)(9)" in the Generator Paperwork Requirements Table of Table I ~~of this Part~~ and the following certification. The certification, which must be signed by an authorized representative and must be placed in the generator's files, must say the following:

> I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack contains only wastes that have not been excluded under Appendix D to 35 Ill. Adm. Code 728 and that this lab pack will be sent to a combustion facility in compliance with the alternative treatment standards for lab packs at 35 Ill. Adm. Code 728.142(c). I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

B) No further notification is necessary until such time as the wastes in the lab pack change, or the receiving facility changes, in which case a new notice and certification must be sent and a copy placed in the generator's file.

C) If the lab pack contains characteristic hazardous wastes (D001-D043), underlying hazardous constituents (as defined in Section

728.102(i)) need not be determined.

D) The generator must also comply with the requirements in subsections (a)(6) and (a)(7).

10) An SQG~~Small quantity generators~~ with tolling agreements pursuant to 35 Ill. Adm. Code 722.120(e) must comply with the applicable notification and certification requirements of subsection (a) for the initial shipment of the waste subject to the agreement. Such generators must retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by the Agency.

BOARD NOTE: Any Agency request for extended records retention under this subsection (a)(10) is subject to Board review pursuant to Section 40 of the Act.

b) The owner or operator of a treatment facility must test its wastes according to the frequency specified in its waste analysis plan, as required by 35 Ill. Adm. Code 724.113 (for permitted TSDs) or 725.113 (for interim status facilities). Such testing must be performed as provided in subsections (b)(1), (b)(2), and (b)(3).

1) For wastes or contaminated soil with treatment standards expressed in the waste extract (TCLP), the owner or operator of the treatment facility must test an extract of the treatment residues using Method 1311 (Toxicity Characteristic Leaching Procedure) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods~~,~~", USEPA publication number EPA-530/SW-846, to assure that the treatment residues extract meets the applicable treatment standards.

2) For wastes or contaminated soil with treatment standards expressed as concentrations in the waste, the owner or operator of the treatment facility must test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards.

3) A one-time notice must be sent with the initial shipment of waste or contaminated soil to the land disposal facility. A copy of the notice must

be placed in the treatment facility's file.

A) No further notification is necessary until such time that the waste or receiving facility changes, in which case a new notice must be sent and a copy placed in the treatment facility's file.

B) The one-time notice must include the following requirements:

i) USEPA hazardous waste number and manifest number of first shipment;

ii) The waste is subject to the LDRs. The constituents of concern for F001 through F005 and F039 waste and underlying hazardous constituents in characteristic wastes, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice;

iii) The notice must include the applicable wastewater/nonwastewater category (see Section 728.102(d) and (f)) and subdivisions made within a USEPA hazardous waste numbers~~code~~ based on waste-specific criteria (such as D003 reactive cyanide);

iv) Waste analysis data (when available);

v) For contaminated soil subject to LDRs as provided in Section 728.149(a), the constituents subject to treatment as described in Section 728.149(d) and the following statement, "this contaminated soil (does/does not) contain listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and (is subject to/complies with) the soil treatment standards as provided by Section 728.149(c)"; and

vi) A certification is needed (see applicable Section for exact wording).

4) The owner or operator of a treatment facility must submit a certification signed by an authorized representative with the initial shipment of waste or treatment residue of a restricted waste to the land disposal facility. The certification must state as follows:

> I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the treatment standards specified in 35 Ill. Adm. Code 728.140 without impermissible dilution of the prohibited waste. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

A certification is also necessary for contaminated soil and it must state as follows:

> I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and believe that it has been maintained and operated properly so as to comply with treatment standards specified in 35 Ill. Adm. Code 728.149 without impermissible dilution of the prohibited wastes. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

A) A copy of the certification must be placed in the treatment facility's on-site files. If the waste or treatment residue changes, or the receiving facility changes, a new certification must be sent to the receiving facility, and a copy placed in the treatment facility's file.

B) Debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(f) (i.e., debris treated by an extraction or destruction technology listed in Table F ~~of this Part~~ and debris that the Agency has determined does not contain hazardous waste) is subject to the notification and certification requirements of subsection (d) rather than the certification requirements of this

subsection (b)(4).

C) For wastes with organic constituents having treatment standards expressed as concentration levels, if compliance with the treatment standards is based in part or in whole on the analytical detection limit alternative specified in Section 728.140(d), the certification must be signed by an authorized representative and must state as follows:

> I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by combustion units as specified in Table C to 35 Ill. Adm. Code 728. I have been unable to detect the nonwastewater organic constituents, despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

D) For characteristic wastes that are subject to the treatment standards in Section 728.140 and Table T ~~of this Part~~ (other than those expressed as a required method of treatment) or Section 728.149 and which contain underlying hazardous constituents, as defined in Section 728.102(i); if these wastes are treated on-site to remove the hazardous characteristic; and that are then sent off-site for treatment of underlying hazardous constituents, the certification must state as follows:

> I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table T of Section 728.149 of that Part to remove the hazardous characteristic. This decharacterized waste contains underlying hazardous constituents that require further treatment to meet treatment standards. I am aware that there are significant penalties

for submitting a false certification, including the possibility of fine and imprisonment.

E) For characteristic wastes that contain underlying hazardous constituents, as defined in Section 728.102(i), that are treated on-site to remove the hazardous characteristic and to treat underlying hazardous constituents to levels in Section 728.148 and Table U ~~of this Part~~ universal treatment standards, the certification must state as follows:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table T of that Part to remove the hazardous characteristic and that underlying hazardous constituents, as defined in 35 Ill. Adm. Code 728.102(i), have been treated on-site to meet the universal treatment standards of 35 Ill. Adm. Code 728.148 and Table U of that Part. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

5) If the waste or treatment residue will be further managed at a different treatment, storage, or disposal facility, the treatment, storage, or disposal facility that sends the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this Section.

6) Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e., the recycler) must, for the initial shipment of waste, prepare a one-time certification described in subsection (b)(4) and a notice that includes the information listed in subsection (b)(3) (except the manifest number). The certification and notification must be placed in the facility's on-site files. If the waste or the receiving facility changes, a new certification and notification must be prepared and placed in the on-site files. In addition, the owner or operator of the recycling facility also must keep records of the name and location of each entity receiving the hazardous waste-derived product.

c) Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 35 Ill. Adm. Code 726.120(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part must do the following:

1) Maintain in its files copies of the notice and certifications specified in subsection (a) or (b).

2) Test the waste or an extract of the waste or treatment residue developed using Method 1311 (Toxicity Characteristic Leaching Procedure in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods~~,~~", USEPA publication number EPA-530/SW-846) to assure that the waste or treatment residue is in compliance with the applicable treatment standards set forth in Subpart D ~~of this Part~~. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by 35 Ill. Adm. Code 724.113 or 35 Ill. Adm. Code 725.113.

3) Where the owner or operator is disposing of any waste that is subject to the prohibitions under Section 728.133(f) but not subject to the prohibitions set forth in Section 728.132, the owner or operator must ensure that such waste is the subject of a certification according to the requirements of Section 728.108 prior to disposal in a landfill or surface impoundment unit, and that such disposal is in accordance with the requirements of Section 728.105(h)(2). The same requirement applies to any waste that is subject to the prohibitions under Section 728.133(f) and also is subject to the statutory prohibitions in the codified prohibitions in Section 728.139 or Section 728.132.

4) Where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the owner or operator is not subject to subsections (c)(1) through (c)(3) with respect to such waste.

d) A generator or treater that first claims that hazardous debris is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(f) (i.e., debris treated by an extraction or destruction technology provided by Table F ~~of this Part~~, and debris that has been delisted) is subject to the following notification and certification requirements:

1) A one-time notification must be submitted to the Agency including the following information:

   A) The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the treated debris;

   B) A description of the hazardous debris as initially generated, including the applicable USEPA hazardous waste numbers; and

   C) For debris excluded under 35 Ill. Adm. Code 721.103(f)(1), the technology from Table F ~~of this Part~~ used to treat the debris.

2) The notification must be updated if the debris is shipped to a different facility and, for debris excluded under 35 Ill. Adm. Code 721.103(f)(1), if a different type of debris is treated or if a different technology is used to treat the debris.

3) For debris excluded under 35 Ill. Adm. Code 721.103(f)(1), the owner or operator of the treatment facility must document and certify compliance with the treatment standards of Table F ~~of this Part~~, as follows:

   A) Records must be kept of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards;

   B) Records must be kept of any data or information the treater obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and

   C) For each shipment of treated debris, a certification of compliance with the treatment standards must be signed by an authorized representative and placed in the facility's files. The certification must state as follows:

      I certify under penalty of law that the debris has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.145. I am aware that there are significant penalties for making a false certification, including the

possibility of fine and imprisonment.

e) A generator or treater that first receives a determination from USEPA or the Agency that a given contaminated soil subject to LDRs, as provided in Section 728.149(a), no longer contains a listed hazardous waste and a generator or treater that first determines that a contaminated soil subject to LDRs, as provided in Section 728.149(a), no longer exhibits a characteristic of hazardous waste must do the following:

1) Prepare a one-time only documentation of these determinations including all supporting information; and

2) Maintain that information in the facility files and other records for a minimum of three years.

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

**Section 728.109 Special Rules for Characteristic Wastes**

a) The initial generator of a solid waste must determine each USEPA hazardous waste number ~~(waste code)~~ applicable to the waste in order to determine the applicable treatment standards under Subpart D ~~of this Part~~. This determination may be made concurrently with the hazardous waste determination required in Section 722.111. For purposes of this Part, the waste must carry the USEPA hazardous waste number~~code~~ for any applicable listing under Subpart D of 35 Ill. Adm. Code 721. In addition, the waste must carry one or more of the USEPA hazardous waste number~~codes~~ under Subpart C of 35 Ill. Adm. Code 721 where the waste exhibits a characteristic, except in the case when the treatment standard for the listed waste operates in lieu of the treatment standard for the characteristic waste, as specified in subsection (b) ~~of this Section~~. If the generator determines that its waste displays a characteristic of hazardous waste (and the waste is not D001 nonwastewaters treated by CMBST, RORGS, or POLYM of Table C ~~to this Part~~), the generator must determine the underlying hazardous constituents (as defined at Section 728.102(i)) in the characteristic waste.

b) Where a prohibited waste is both listed under Subpart D of 35 Ill. Adm. Code 721 and exhibits a characteristic of hazardous waste under Subpart C of 35 Ill. Adm. Code 721, the treatment standard for the USEPA hazardous waste number~~code~~ listed in Subpart D of 35 Ill. Adm. Code 721 will operate in lieu of the standard

for the USEPA hazardous waste numbercode under Subpart C of 35 Ill. Adm. Code 721, provided that the treatment standard for the listed waste includes a treatment standard for the constituent that causes the waste to exhibit the characteristic. Otherwise, the waste must meet the treatment standards for all applicable listed and characteristic USEPA hazardous waste numberscodes.

c) In addition to any applicable standards determined from the initial point of generation, no prohibited waste that exhibits a characteristic under Subpart C of 35 Ill. Adm. Code 721 must be land disposed, unless the waste complies with the treatment standards under Subpart D of this Part.

d) A waste that exhibits a characteristic of hazardous waste under Subpart C of 35 Ill. Adm. Code 721 is also subject to Section 728.107 requirements, except that once the waste is no longer hazardous, a one-time notification and certification must be placed in the generator's or treater's on-site files. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes or if the RCRA Subtitle D (municipal solid waste landfill) facility receiving the waste changes.

1) The notification must include the following information:

A) The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the waste shipment; and

B) A description of the waste as initially generated, including the applicable USEPA hazardous waste numbers, the treatability groups, and the underlying hazardous constituents (as defined in Section 728.102(i)), unless the waste will be treated and monitored for all underlying hazardous constituents. If all underlying hazardous constituents will be treated and monitored, there is no requirement to list any of the underlying hazardous constituents on the notice.

2) The certification must be signed by an authorized representative and must state the language found in Section 728.107(b)(4). If treatment removes the characteristic but does not meet standards applicable to underlying hazardous constituents, then the certification found in Section 728.107(b)(4)(D) applies.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART C: PROHIBITION ON LAND DISPOSAL

**Section 728.120 Waste-Specific Prohibitions: Dyes and Pigments Production Wastes**

a) The waste specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K181, soil and debris contaminated with this waste, radioactive wastes mixed with this waste, and soil and debris contaminated with radioactive wastes mixed with this waste are prohibited from land disposal.

b) The requirements of subsection (a) ~~of this Section~~ do not apply if any of the following conditions are fulfilled:

1) The wastes meet the applicable treatment standards specified in Subpart D ~~of this Part~~;

2) A no-migration exemption has been granted from a prohibition pursuant to a petition under Section 728.106, in which case the requirements of subsection (a) ~~of this Section~~ do not apply with respect to those wastes and units covered by the petition;

3) The wastes meet the applicable treatment standards established pursuant to a petition granted under Section 728.144;

4) Hazardous debris has met the treatment standards in Section 728.140 or the alternative treatment standards in Section 728.145; or

5) USEPA has granted an extension to the effective date of a prohibition pursuant to 40 CFR 268.5, in which case the requirements of subsection (a) ~~of this Section~~ do not apply with respect to these wastes covered by the extension.

c) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract of the waste or the generator may use knowledge of the waste. If the waste contains regulated constituents in excess of the applicable levels set forth in Subpart D ~~of~~

~~this Part~~, the waste is prohibited from land disposal, and all requirements of this Part apply, except as otherwise specified.

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

**Section 728.130 Waste-Specific Prohibitions: Wood Preserving Wastes**

a) The following wastes are prohibited from land disposal: the wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers F032, F034, and F035.

b) The following wastes are prohibited from land disposal: soil and debris contaminated with the wastes specified in 35 Ill. Adm. Code 721 as F032, F034, F035; and radioactive wastes mixed with USEPA hazardous waste numbers F032, F034, and F035.

c) This subsection (c) corresponds with 40 CFR 268.30(c), which expired by its own terms on May 12, 1999. This statement maintains structural consistency with the corresponding federal regulations.

d) The requirements of subsections (a) and (b) ~~of this Section~~ do not apply if any of the following conditions is fulfilled:

1) The wastes meet the applicable treatment standards specified in Subpart D ~~of this Part~~;

2) A person has been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;

3) The wastes meet the applicable alternate treatment standards established pursuant to a petition granted under Section 728.144; or

4) A person has been granted an extension to the effective date of a prohibition by USEPA pursuant to federal 40 CFR 268.5 (see Section 728.105), with respect to those wastes covered by the extension.

e) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140 and Table T ~~to this~~

~~Part~~, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable universal treatment standard levels of Section 728.148 and Table U ~~to this Part~~, the waste is prohibited from land disposal and all requirements of Part 728 are applicable, except as otherwise specified.

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

**Section 728.131 Waste-Specific Prohibitions: Dioxin-Containing Wastes**

a) The dioxin-containing wastes specified in 35 Ill. Adm. Code 721.131 as USEPA Hazardous Waste Numbers F020, F021, F022, F023, F026, F027, and F028 are prohibited from land disposal, unless the following condition applies: the dioxin-containing waste is contaminated soil and debris resulting from CERCLA response or a RCRA corrective action.

b) USEPA Hazardous Waste Numbers F020, F021, F022, F023, F027, and F028, and dioxin-containing waste that is contaminated soil and debris resulting from a CERCLA response or a RCRA corrective action listed in subsection (a) ~~of this Section~~ are prohibited from land disposal.

c) This subsection (c) corresponds with 40 CFR 268.31(c), which expired by its own terms on November 8, 1990. This statement maintains structural consistency with the corresponding federal regulations.

d) The requirements of subsections (a) and (b) ~~of this Section~~ do not apply if any of the following conditions is fulfilled:

1) The wastes meet the standards of Subpart D ~~of this Part~~; or

2) A person has been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition; or

3) A person has been granted an extension from the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes and units covered by the extension.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

**Section 728.132 Waste-Specific Prohibitions: Soils Exhibiting the Toxicity Characteristic for Metals and Containing PCBs**

a) The following wastes are prohibited from land disposal: any volumes of soil exhibiting the toxicity characteristic solely because of the presence of metals (USEPA hazardous waste numbers D004 through D011) and containing PCBs.

b) The requirements of subsection (a) ~~of this Section~~ do not apply if any of the following conditions is fulfilled:

1) Low-halogenated organics waste meeting the treatment standards of Subpart D ~~of this Part~~:

A) The wastes contain halogenated organic compounds in total concentration less than 1,000 mg/kg; and

B) The wastes meet the treatment standards specified in Subpart D ~~of this Part~~ for USEPA hazardous waste numbers D004 through D011, as applicable; or

2) Low-halogenated organics waste meeting alternative treatment standards for contaminated soil:

A) The wastes contain halogenated organic compounds in total concentration less than 1,000 mg/kg; and

B) The wastes meet the alternative treatment standards specified in Section 728.149 for contaminated soil; or

3) A person has been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition; or

4) The wastes meet applicable alternative treatment standards established pursuant to a petition granted under Section 728.144.

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

**Section 728.133 Waste-Specific Prohibitions: Chlorinated Aliphatic Wastes**

a) The wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous wastes numbers K174 and K175, soil and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soil and debris contaminated with radioactive wastes mixed with these wastes are prohibited from land disposal.

b) The requirements of subsection (a) ~~of this Section~~ do not apply if any of the following conditions is fulfilled:

1) The wastes meet the applicable treatment standards specified in Subpart D ~~of this Part~~;

2) A person has been granted an exemption from prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;

3) The wastes meet the applicable treatment standards established pursuant to a petition granted under Section 728.144;

4) Hazardous debris has met the treatment standards in Section 728.140 or the alternative treatment standards in Section 728.145; or

5) A person has been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes covered by the extension.

c) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains regulated constituents in excess of the applicable levels of Subpart D ~~of this Part~~, the waste is prohibited from land disposal, and all requirements of this Part 728 are applicable, except as otherwise specified.

d) Disposal of USEPA hazardous waste number K175 wastes that have complied with all applicable Section 728.140 treatment standards must also be macroencapsulated in accordance with Table F ~~of this Part~~, unless the waste is placed in one of the following:

1) A RCRA Subtitle C monofill containing only K175 wastes that meet all applicable Section 728.140 treatment standards; or

2) A dedicated RCRA Subtitle C landfill cell in which all other wastes being co-disposed are at pH≤6.0.

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

**Section 728.134 Waste-Specific Prohibitions: Toxicity Characteristic Metal Wastes**

a) The following wastes are prohibited from land disposal: the wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers D004 through D011 that are newly identified (i.e., wastes, soil, or debris identified as hazardous by the Toxic Characteristic Leaching Procedure but not the Extraction Procedure), and waste, soil, or debris from mineral processing operations that is identified as hazardous by the specifications at 35 Ill. Adm. Code 721.

b) The following waste is prohibited from land disposal: slag from secondary lead smelting that exhibits the characteristic of toxicity due to the presence of one or more metals.

c) The following wastes are prohibited from land disposal: newly identified characteristic wastes from elemental phosphorus processing; radioactive wastes mixed with USEPA hazardous waste numbers D004 through D011 wastes that are newly identified (i.e., wastes, soil, or debris identified as hazardous by the Toxic Characteristic Leaching Procedure but not the Extraction Procedure); or mixed with newly identified characteristic mineral processing wastes, soil, or debris.

d) This subsection (d) corresponds with 40 CFR 269.34(d), which expired by its own terms on May 26, 2000. This statement maintains structural consistency with the corresponding federal regulations.

e) The requirements of subsections (a) and (b) ~~of this Section~~ do not apply if any of the following applies to the waste:

1) The wastes meet the applicable treatment standards specified in Subpart D ~~of this Part~~;

2) The Board has granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;

3) The wastes meet the applicable alternate treatment standards established pursuant to a petition granted under Section 728.144; or

4) USEPA has granted an extension to the effective date of a prohibition pursuant to federal 40 CFR 268.5, with respect to those wastes covered by the extension.

f) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140 and Table T ~~of this Part~~, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents (including underlying hazardous constituents in characteristic wastes) in excess of the applicable universal treatment standard levels of Section 728.148 and Table U ~~of this Part~~, the waste is prohibited from land disposal, and all requirements of this Part are applicable, except as otherwise specified.

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

**Section 728.135 Waste-Specific Prohibitions: Petroleum Refining Wastes**

a) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous wastes numbers K169, K170, K171, and K172; soils and debris contaminated with these wastes; radioactive wastes mixed with these hazardous wastes; and soils and debris contaminated with these radioactive mixed wastes are prohibited from land disposal.

b) The requirements of subsection (a) ~~of this Section~~ do not apply if any of the following applies to the waste:

1) The wastes meet the applicable treatment standards specified in Subpart D ~~of this Part~~;

2) The Board has granted an adjusted standard that exempts waste from a prohibition pursuant to Section 728.106, with respect to those wastes and units covered by the adjusted standard;

3) The wastes meet an adjusted standard from an applicable treatment standard granted under Section 728.144;

4) The waste is hazardous debris that has met the treatment standards set forth in Section 728.140 and Table T ~~of this Part~~ or the alternative treatment standards in Section 728.145; or

5) USEPA has granted an extension to the effective date of a prohibition pursuant to federal 40 CFR 268.5, with respect to these wastes covered by the extension.

c) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable universal treatment standard levels of Section 728.148 and Table U ~~of this Part~~, the waste is prohibited from land disposal, and all requirements of this Part are applicable, except as otherwise specified.

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

**Section 728.136 Waste-Specific Prohibitions: Inorganic Chemical Wastes**

a) The wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous wastes numbers K176, K177, and K178, and soil and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soil and debris contaminated with radioactive wastes mixed with these wastes are prohibited from land disposal.

b) The requirements of subsection (a) ~~of this Section~~ do not apply if any of the

following applies to the waste:

1) The wastes meet the applicable treatment standards specified in Subpart D ~~of this Part~~;

2) A person has been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;

3) The wastes meet the applicable treatment standards established pursuant to a petition granted under Section 728.144;

4) Hazardous debris has met the treatment standards in Section 728.140 and Table T ~~to this Part~~ or the alternative treatment standards in Section 728.145; or

5) A person has been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to these wastes covered by the extension.

c) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140 and Table T ~~to this Part~~, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains regulated constituents in excess of the applicable levels of Subpart D ~~of this Part~~, the waste is prohibited from land disposal, and all requirements of this part are applicable, except as otherwise specified.

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

**Section 728.138 Waste-Specific Prohibitions: Newly-Identified Organic Toxicity Characteristic Wastes and Newly-Listed Coke By-Product and Chlorotoluene Production Wastes**

a) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste numbers K141, K142, K143, K144, K145, K147, K148, K149, K150, and K151 are prohibited from land disposal. In addition, debris contaminated with USEPA

hazardous waste numbers F037, F038, K107 through K112, K117, K118, K123 through K126, K131, K132, K136, U328, U353, U359 and soil and debris contaminated with D012 through D043, K141 through K145, and K147 through K151 are prohibited from land disposal. The following wastes that are specified in the table at 35 Ill. Adm. Code 721.124(b) as USEPA hazardous waste numbers D012, D013, D014, D015, D016, D017, D018, D019, D020, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D031, D032, D033, D034, D035, D036, D037, D038, D039, D040, D041, D042, and D043 that are not radioactive, that are managed in systems other than those whose discharge is regulated under the federal Clean Water Act (CWA; 33 U.S.C. 1251 et seq.), that are zero dischargers that do not engage in CWA-equivalent treatment before ultimate land disposal, or that are injected in Class I deep wells regulated under the Safe Drinking Water Act (SDWA) are prohibited from land disposal. "CWA-equivalent treatment~~,~~", as used in this Section, means biological treatment for organics, alkaline chlorination or ferrous sulfate precipitation for cyanide, precipitation and sedimentation for metals, reduction for hexavalent chromium, or another treatment technology that can be demonstrated to perform equally to or better than these technologies.

b) Radioactive wastes that are mixed with any of USEPA hazardous waste numbers D018 through D043 waste that are managed in systems other than those whose discharge is regulated under the Clean Water Act (CWA), in systems that inject in Class I deep wells regulated under the Safe Drinking Water Act (SDWA), or in systems that are zero dischargers that engage in CWA-equivalent treatment, as defined in subsection (a)~~ of this Section~~, before ultimate land disposal are prohibited from land disposal. Radioactive wastes mixed with any of USEPA hazardous waste numbers K141 through K145 and K147 through K151 are also prohibited from land disposal. In addition, soil and debris contaminated with these radioactive mixed wastes are prohibited from land disposal.

c) This subsection (c) corresponds with 40 CFR 268.38(c), which expired by its own terms on September 19, 1996. This statement maintains structural consistency with the corresponding federal regulations.

d) The requirements of subsections (a), (b), and (c)~~ of this Section~~ do not apply if any of the following applies to the waste:

1) The wastes meet the applicable treatment standards specified in Subpart D ~~of this Part~~;

2) A person has been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;

3) The wastes meet the applicable alternate treatment standards established pursuant to a petition granted under Section 728.144;

4) A person has been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to these wastes covered by the extension.

e) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140 and Table T ~~to this Part~~, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable levels of Subpart D ~~of this Part~~, the waste is prohibited from land disposal and all requirements of this Part are applicable, except as otherwise specified.

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

**Section 728.139 Waste-Specific Prohibitions: Spent Aluminum Potliners and Carbamate Wastes**

a) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste~~Hazardous Waste~~ numbers K156-K159 and K161; and in 35 Ill. Adm. Code 721.133 as USEPA hazardous waste numbers P127, P128, P185, P188 through P192, P194, P196 through P199, P201 through P205, U271, U278 through U280, U364, U367, U372, U373, U387, U389, U394, U395, U404, and U409 through U411 are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal.

b) The wastes identified in 35 Ill. Adm. Code 721.123 as USEPA hazardous waste number D003 are prohibited from land disposal, other than those that are managed in a system whose discharge is regulated under 35 Ill. Adm. Code: Subtitle C, one that injects hazardous waste in Class I waste injection well

regulated under 35 Ill. Adm. Code 702, 704, and 730, or one that is a zero discharger that engages in federal Clean Water Act (CWA)-equivalent treatment before ultimate land disposal. This prohibition does not apply to unexploded ordnance and other explosive devices that have been the subject of an emergency response. (Such D003 wastes are prohibited unless they meet the treatment standard of DEACT before land disposal (see Section 728.140)).

c) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K088 are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal.

d) Radioactive wastes mixed with waste designated by any of USEPA hazardous waste numbers K088, K156 through K159, K161, P127, P128, P185, P188 through P192, P194, P196 through P199, P201 through P205, U271, U278 through U280, U364, U367, U372, U373, U387, U389, U394, U395, U404, and U409 through U411 are prohibited from land disposal. In addition, soil and debris contaminated with these radioactive mixed wastes are prohibited from land disposal.

e) This subsection corresponds with 40 CFR 268.39(e), which expired by its own terms after April 8, 1998. This statement maintains structural consistency with the corresponding federal regulations.

f) The requirements of subsections (a), (b), (c), and (d) ~~of this Section~~ do not apply if any of the following applies to the waste:

1) The wastes meet the applicable treatment standards specified in Subpart D ~~of this Part~~;

2) The person conducting the disposal has been granted an exemption from a prohibition under a petition pursuant to Section 728.106, with respect to those wastes and units covered by the petition;

3) The wastes meet the applicable alternative treatment standards established pursuant to a petition granted under Section 728.144; or

4) The person conducting the disposal has been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes covered by the extension.

g) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards set forth in Section 728.140, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or in the waste, or the generator may use knowledge of the waste. If a waste contains constituents in excess of the applicable levels of Subpart D ~~of this Part~~, the waste is prohibited from land disposal and all requirements of this Part are applicable to the waste, except as otherwise specified.

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

SUBPART D: TREATMENT STANDARDS

**Section 728.140 Applicability of Treatment Standards**

a) A prohibited waste identified in Table T ~~of this Part~~, "Treatment Standards for Hazardous Wastes~~,~~", may be land disposed only if it meets the requirements found in that Table. For each waste, Table T ~~of this Part~~ identifies one of three types of treatment standard requirements:

1) All hazardous constituents in the waste or in the treatment residue must be at or below the values found in Table T ~~of this Part~~ for that waste (total waste standards);

2) The hazardous constituents in the extract of the waste or in the extract of the treatment residue must be at or below the values found in Table T ~~of this Part~~ (waste extract standards); or

3) The waste must be treated using the technology specified in Table T ~~of this Part~~ (technology standard), which is described in detail in Table C ~~of this Part~~, "Technology Codes and Description of Technology-Based Standards~~.~~".

b) For wastewaters, compliance with concentration level standards is based on maximums for any one day, except for D004 through D011 wastes for which the previously promulgated treatment standards based on grab samples remain in effect. For all nonwastewaters, compliance with concentration level standards is based on grab sampling. For wastes covered by the waste extract standards, the

test Method 1311 (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), must be used to measure compliance. An exception is made for D004 and D008, for which either of two test methods may be used: Method 1311 or Method 1310B (Extraction Procedure Toxicity Test) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods~~,~~", USEPA publication number EPA 530/SW-846. For wastes covered by a technology standard, the wastes may be land disposed after being treated using that specified technology or an equivalent treatment technology approved by the Agency pursuant to Section 728.142(b).

c) When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern.

d) Notwithstanding the prohibitions specified in subsection (a) ~~of this Section~~, treatment and disposal facilities may demonstrate (and certify pursuant to Section 728.107(b)(5)) compliance with the treatment standards for organic constituents specified by a footnote in Table T ~~of this Part~~, provided the following conditions are satisfied:

1) The treatment standards for the organic constituents were established based on incineration in units operated in accordance with the technical requirements of Subpart O of 35 Ill. Adm. Code 724, or based on combustion in fuel substitution units operating in accordance with applicable technical requirements;

2) The treatment or disposal facility has used the methods referenced in subsection (d)(1) ~~of this Section~~ to treat the organic constituents; and

3) The treatment or disposal facility may demonstrate compliance with organic constituents if good-faith analytical efforts achieve detection limits for the regulated organic constituents that do not exceed the treatment standards specified in this Section and Table T ~~of this Part~~ by an order of magnitude.

e) For a characteristic waste (USEPA hazardous waste number D001 through D043) that is subject to treatment standards set forth in Table T ~~of this Part~~, "Treatment

Standards for Hazardous Wastes~~,~~", and the waste is not managed in a wastewater treatment system that is either regulated under the Clean Water Act (CWA) or one that is CWA-equivalent or the waste is injected into a Class I non-hazardous deep injection well, all underlying hazardous constituents (as defined in Section 728.102) must meet the universal treatment standards, set forth in Table U ~~of this Part~~ prior to land disposal, as defined in Section 728.102.

f) The treatment standards for USEPA hazardous waste numbers F001 through F005 nonwastewater constituents carbon disulfide, cyclohexanone, or methanol apply to wastes that contain only one, two, or three of these constituents. Compliance is measured for these constituents in the waste extract from test Method 1311 (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). If the waste contains any of these three constituents along with any of the other 25 constituents found in USEPA hazardous waste numbers F001 through F005, then compliance with treatment standards for carbon disulfide, cyclohexanone, or methanol are not required.

g) This subsection (g) corresponds with 40 CFR 268.40(g), which expired by its own terms on March 4, 1999. This statement maintains structural consistency with the corresponding federal rules.

h) Prohibited USEPA hazardous waste numbers D004 through D011, mixed radioactive wastes, and mixed radioactive listed wastes containing metal constituents that were previously treated by stabilization to the treatment standards in effect at that time and then put into storage do not have to be re-treated to meet treatment standards in this Section prior to land disposal.

i) This subsection (i) corresponds with 40 CFR 268.40(i), which USEPA has removed and marked "reserved~~.~~". This statement maintains structural consistency with the corresponding federal regulations.

j) The treatment standards for the wastes specified in 35 Ill. Adm. Code 721.133 as USEPA hazardous waste numbers P185, P191, P192, P197, U364, U394, and U395 may be satisfied by either meeting the constituent concentrations presented in Table T ~~of this Part~~, "Treatment Standards for Hazardous Wastes~~,~~", or by treating the waste by the following technologies: combustion, as defined by the technology code CMBST at Table C, for nonwastewaters; biodegradation, as

defined by the technology code BIODG; carbon adsorption, as defined by the technology code CARBN; chemical oxidation, as defined by the technology code CHOXD; or combustion, as defined as technology code CMBST at Table C, for wastewaters.

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

**Section 728.141 Treatment Standards Expressed as Concentrations in Waste Extract**

For the requirements previously found in this Section and for treatment standards in Table A ~~to this Part~~, "Table CCWE-Constituent Concentrations in Waste Extracts~~,~~", refer to Section 728.140 and Table T ~~to this Part~~, "Treatment Standards for Hazardous Wastes~~.~~".

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

**Section 728.142 Treatment Standards Expressed as Specified Technologies**

a) The following wastes listed in Table T ~~of this Part~~, "Treatment Standards for Hazardous Wastes~~,~~", for which standards are expressed as a treatment method rather than as a concentration level, must be treated using the technology or technologies specified in Table C ~~of this Part~~.

1) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm but less than 500 ppm must be incinerated in accordance with the technical requirements of 40 CFR 761.70 (Incineration), incorporated by reference in 35 Ill. Adm. Code 720.111(b), or burned in high efficiency boilers in accordance with the technical requirements of 40 CFR 761.60 (Disposal Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b). Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm must be incinerated in accordance with the technical requirements of 40 CFR 761.70. Thermal treatment in accordance with this Section must be in compliance with applicable regulations in 35 Ill. Adm. Code 724, 725, and 726.

2) Nonliquid hazardous wastes containing halogenated organic compounds (HOCs) in total concentrations greater than or equal to 1,000mg/kg and liquid HOC-containing wastes that are prohibited pursuant to Section 728.132(e)(1) must be incinerated in accordance with the requirements of

Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725. These treatment standards do not apply where the waste is subject to a treatment standard codified in Subpart C ~~of this Part~~ for a specific HOC (such as a hazardous waste chlorinated solvent for which a treatment standard is established pursuant to Section 728.141(a)).

3) A mixture consisting of wastewater, the discharge of which is subject to regulation pursuant to 35 Ill. Adm. Code 309 or 310, and de minimis losses of materials from manufacturing operations in which these materials are used as raw materials or are produced as products in the manufacturing process that meet the criteria of the D001 ignitable liquids containing greater than 10 percent total organic constituents (TOC) subcategory are subject to the DEACT treatment standard described in Table C ~~of this Part~~. For purposes of this subsection (a)(3), "de minimis losses" include the following:

A) Those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, or leaks from pipes, valves, or other devices used to transfer materials);

B) Minor leaks from process equipment, storage tanks, or containers;

C) Leaks from well-maintained pump packings and seals;

D) Sample purgings; and

E) Relief device discharges.

b) Any person may submit an application to the Agency demonstrating that an alternative treatment method can achieve a level of performance equivalent to that achievable by methods specified in subsections (a), (c), and (d) ~~of this Section~~ for wastes or specified in Table F ~~of this Part~~ for hazardous debris. The applicant must submit information demonstrating that the applicant's treatment method is in compliance with federal and state requirements, including this Part; 35 Ill. Adm. Code 709, 724, 725, 726, and 729; and Sections 22.6 and 39(h) of the Environmental Protection Act ~~[415 ILCS 5/22.6 and 39(h)]~~ and that the treatment method adequately protects human health and the environment. On the basis of such information and any other available information, the Agency must approve

the use of the alternative treatment method if the Agency finds that the alternative treatment method provides a measure of performance equivalent to that achieved by methods specified in subsections (a), (c), and (d) ~~of this Section~~ and in Table F ~~of this Part~~, for hazardous debris. Any approval must be stated in writing and may contain such provisions and conditions as the Agency determines to be appropriate. The person to whom such approval is issued must comply with all limitations contained in such determination.

c) As an alternative to the otherwise applicable treatment standards of Subpart D ~~of this Part~~, lab packs are eligible for land disposal provided the following requirements are met:

1) The lab packs comply with the applicable provisions of 35 Ill. Adm. Code 724.416 and 725.416;

BOARD NOTE: 35 Ill. Adm. Code 729.301 and 729.312 include additional restrictions on the use of lab packs.

2) The lab pack does not contain any of the wastes listed in Appendix D ~~of this Part~~;

3) The lab packs are incinerated in accordance with the requirements of Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725; and

4) Any incinerator residues from lab packs containing D004, D005, D006, D007, D008, D010, and D011 are treated in compliance with the applicable treatment standards specified for such wastes in Subpart D ~~of this Part~~.

d) Radioactive hazardous mixed wastes are subject to the treatment standards in Section 728.140 and Table T ~~of this Part~~. Where treatment standards are specified for radioactive mixed wastes in Table T ~~of this Part~~, "Table of Treatment Standards~~,~~", those treatment standards will govern. Where there is no specific treatment standard for radioactive mixed waste, the treatment standard for the hazardous waste (as designated by USEPA hazardous waste number~~code~~) applies. Hazardous debris containing radioactive waste is subject to the treatment standards specified in Section 728.145.

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

**Section 728.143 Treatment Standards Expressed as Waste Concentrations**

For the requirements previously found in this Section and for treatment standards in Table A ~~to this Part~~, "CCW-Constituent Concentrations in Wastes~~,~~", refer to Section 728.140 and Table T ~~to this Part~~, "Treatment Standards for Hazardous Wastes~~.~~".

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

**Section 728.144 USEPA Variance from a Treatment Standard**

a) Based on a petition filed by a generator or treater of hazardous waste, USEPA has stated that it may approve a variance from an applicable treatment standard if the petitioner can demonstrate that either of the following applies to treatment of the waste:

1) It is not physically possible to treat the waste to the level specified in the treatment standard, or by the method specified as the treatment standard. To show that this is the case, the petitioner must demonstrate that because the physical or chemical properties of the waste differ significantly from waste analyzed in developing the treatment standard, the waste cannot be treated to the specified level or by the specified method; or

2) It is inappropriate to require the waste to be treated to the level specified in the treatment standard or by the method specified as the treatment standard, even though such treatment is technically possible. To show that this is the case, the petitioner must demonstrate that either of the following applies to treatment of the waste:

A) Treatment to the specified level or by the specified method is technically inappropriate (for example, resulting in combustion of large amounts of mildly contaminated environmental media); or

B) For remediation waste only, treatment to the specified level or by the specified method is environmentally inappropriate because it would likely discourage aggressive remediation.

BOARD NOTE: A variance from a treatment standard is available only from

USEPA. USEPA has reserved to itself the authority to grant a variance from a treatment standard.

b) Each petition must be submitted in accordance with the procedures in 40 CFR 260.20.

c) Each petition must include the following statement signed by the petitioner or an authorized representative:

> I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition 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.

d) After receiving a petition for an adjusted treatment standard, USEPA has stated that it may request any additional information or samples that are necessary to evaluate the petition. Additional copies of the complete petition may be requested as needed to send to affected states and Regional Offices.

e) USEPA has stated that it will give public notice in the Federal Register of the intent to approve or deny a petition and provide an opportunity for public comment. USEPA has stated that the final decision on a variance from a treatment standard will be published in the Federal Register.

f) A generator, treatment facility or disposal facility that is managing a waste covered by an adjusted treatment standard must comply with the waste analysis requirements for restricted wastes found under Section 728.107.

g) During the petition review process, the applicant is required to comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.

h) Based on a petition filed by a generator or treater of hazardous waste, USEPA has stated that it may approve a site-specific variance from an applicable treatment standard if the petitioner can demonstrate that either of the following applies to treatment of the waste:

1) It is not physically possible to treat the waste to the level specified in the treatment standard, or by the method specified as the treatment standard. To show that this is the case, the petitioner must demonstrate that because the physical or chemical properties of the waste differ significantly from waste analyzed in developing the treatment standard, the waste cannot be treated to the specified level or by the specified method; or

2) It is inappropriate to require the waste to be treated to the level specified in the treatment standard or by the method specified as the treatment standard, even though such treatment is technically possible. To show that this is the case, the petitioner must demonstrate that either of the following applies to treatment of the waste:

   A) Treatment to the specified level or by the specified method is technically inappropriate (for example, resulting in combustion of large amounts of mildly contaminated environmental media where the treatment standard is not based on combustion of such media); or

   B) For remediation waste only, treatment to the specified level or by the specified method is environmentally inappropriate because it would likely discourage aggressive remediation.

3) For contaminated soil only, treatment to the level or by the method specified in the soil treatment standards would result in concentrations of hazardous constituents that are below (i.e., lower than) the concentrations necessary to minimize short- and long-term threats to human health and the environment. USEPA has stated that a treatment variance granted under 40 CFR 268.44(h)(3) will include the following features:

   A) At a minimum, USEPA has stated that a treatment variance approved under 40 CFR 268.44(h)(3) will impose an alternative land disposal restriction treatment standard that will achieve the following, using a reasonable maximum exposure scenario:

      i) For carcinogens, it will achieve constituent concentrations that result in the total excess risk to an individual exposed over a lifetime, generally falling within a range from $10^{-4}$ to

$10^{-6}$; and

ii) For constituents with non-carcinogenic effects, it will achieve constituent concentrations that an individual could be exposed to on a daily basis without appreciable risk of deleterious effect during a lifetime.

B) USEPA has stated that a treatment variance approved under 40 CFR 268.44(h)(3) will not consider post-land-disposal controls.

4) For contaminated soil only, treatment to the level or by the method specified in the soil treatment standards would result in concentrations of hazardous constituents that are below (i.e., lower than) natural background concentrations at the site where the contaminated soil will be land disposed.

5) USEPA has stated that public notice and a reasonable opportunity for public comment must be provided before granting or denying a petition.

i) Each petition for site-specific variance from a treatment standard must include the information in 40 CFR 260.20(b)(1) through (b)(4).

j) After receiving an application for a site-specific variance from a treatment standard, USEPA may request any additional information or samples that USEPA determines are necessary to evaluate the petition.

k) A generator, treatment facility, or disposal facility that is managing a waste covered by a site-specific variance from a treatment standard must comply with the waste analysis requirements for restricted wastes in Section 728.107.

l) During the petition review process, the petitioner for a site-specific variance must comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.

m) For any variance from a treatment standard, the petitioner must also demonstrate that compliance with the requested variance is sufficient to minimize threats to human health and the environment posed by land disposal of the waste. In evaluating this demonstration, USEPA has stated that it will take into account whether the treatment variance should be granted if the subject waste is to be used

in a manner constituting disposal pursuant to 40 CFR 266.20 through 266.23.

n) This subsection (n) corresponds with 40 CFR 268.44(n), marked "reserved" by USEPA. This statement maintains structural consistency with corresponding federal regulations.

o) The facilities listed in Table H ~~of this Part~~ are excluded from the treatment standards under Section 728.143(a) and Table B ~~of this Part~~, and are subject to the constituent concentrations listed in Table H ~~of this Part~~.

p) After USEPA grants a treatability exception by regulatory action pursuant to 40 CFR 268.44 and a person demonstrates that the treatability exception needs to be adopted as part of the Illinois RCRA program because the waste is generated or managed in Illinois, the Board will adopt the treatability exception by identical in substance rulemaking pursuant to Section 22.4(a) of the Environmental Protection Act ~~[415 ILCS 5/22.4(a)]~~.

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

**Section 728.145 Treatment Standards for Hazardous Debris**

a) Treatment standards. Hazardous debris must be treated prior to land disposal as follows, unless the Agency has determined, under 35 Ill. Adm. Code 721.103(f)(2), that the debris is no longer contaminated with hazardous waste or the debris is treated to the waste-specific treatment standard provided in this Subpart D for the waste contaminating the debris:

1) General. Hazardous debris must be treated for each "contaminant subject to treatment~~,~~", defined by subsection (b) ~~of this Section~~, using the technology or technologies identified in Table F ~~of this Part~~.

2) Characteristic debris. Hazardous debris that exhibits the characteristic of ignitability, corrosivity, or reactivity identified under 35 Ill. Adm. Code 721.121, 721.122, or 721.123, respectively, must be deactivated by treatment using one of the technologies identified in Table F ~~of this Part~~.

3) Mixtures of debris types. The treatment standards of Table F ~~of this Part~~ must be achieved for each type of debris contained in a mixture of debris types. If an immobilization technology is used in a treatment train, it must

be the last treatment technology used.

4) Mixtures of contaminant types. Debris that is contaminated with two or more contaminants subject to treatment identified under subsection (b) ~~of this Section~~ must be treated for each contaminant using one or more treatment technologies identified in Table F ~~of this Part~~. If an immobilization technology is used in a treatment train, it must be the last treatment technology used.

5) Waste PCBs. Hazardous debris that is also a waste PCB under 40 CFR 761 (Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions), incorporated by reference in 35 Ill. Adm. Code 720.111(b), is subject to the requirements of either 40 CFR 761 or the requirements of this Section, whichever are more stringent.

b) Contaminants subject to treatment. Hazardous debris must be treated for each "contaminant subject to treatment~~.~~". The contaminants subject to treatment must be determined as follows:

1) Toxicity characteristic debris. The contaminants subject to treatment for debris that exhibits the Toxicity Characteristic (TC) by 35 Ill. Adm. Code 721.124 are those EP constituents for which the debris exhibits the TC toxicity characteristic.

2) Debris contaminated with listed waste. The contaminants subject to treatment for debris that is contaminated with a prohibited listed hazardous waste are those constituents or wastes for which treatment standards are established for the waste under Section 728.140 and Table T ~~of this Part~~.

3) Cyanide reactive debris. Hazardous debris that is reactive because of cyanide must be treated for cyanide.

c) Conditioned exclusion of treated debris. Hazardous debris that has been treated using one of the specified extraction or destruction technologies in Table F ~~of this Part~~ and that does not exhibit a characteristic of hazardous waste identified under Subpart C of 35 Ill. Adm. Code 721 after treatment is not a hazardous waste and need not be managed in a subtitle C facility. Hazardous debris contaminated with a listed waste that is treated by an immobilization technology specified in Table F

~~of this Part~~ is a hazardous waste and must be managed in a RCRA Subtitle C treatment, storage, or disposal facility.

d) Treatment residuals.

1) General requirements. Except as provided by subsections (d)(2) and (d)(4) ~~of this Section~~:

A) Residue from the treatment of hazardous debris must be separated from the treated debris using simple physical or mechanical means; and

B) Residue from the treatment of hazardous debris is subject to the waste-specific treatment standards provided by Subpart D ~~of this Part~~ for the waste contaminating the debris.

2) Nontoxic debris. Residue from the deactivation of ignitable, corrosive, or reactive characteristic hazardous debris (other than cyanide-reactive) that is not contaminated with a contaminant subject to treatment defined by subsection (b) ~~of this Section~~, must be deactivated prior to land disposal and is not subject to the waste-specific treatment standards of Subpart D ~~of this Part~~.

3) Cyanide-reactive debris. Residue from the treatment of debris that is reactive because of cyanide must meet the standards for USEPA hazardous waste number D003 under Section 728.140 and Table T ~~of this Part~~.

4) Ignitable nonwastewater residue. Ignitable nonwastewater residue containing equal to or greater than 10 percent total organic carbon is subject to the technology specified in the treatment standard for USEPA hazardous waste number D001: Ignitable Liquids.

5) Residue from spalling. Layers of debris removed by spalling are hazardous debris that remains subject to the treatment standards of this Section.

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

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**Section 728.146 Alternative Treatment Standards Based on HTMR**

For the treatment standards previously found in Table G ~~to this Part~~, as formerly referenced in this Section, refer to Section 728.140 and Table T ~~to this Part~~, "Treatment Standards for Hazardous Wastes~~.~~".

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

**Section 728.148 Universal Treatment Standards**

Table U ~~to this Part~~, "Universal Treatment Standards (UTS)~~,~~", identifies the hazardous constituents, along with the nonwastewater and wastewater treatment standard levels, that are used to regulate most prohibited hazardous wastes with numerical limits. For determining compliance with treatment standards for underlying hazardous constituents, as defined in Section 728.102(i), these treatment standards may not be exceeded. Compliance with these treatment standards is measured by an analysis of grab samples, unless otherwise noted in Table U ~~to this Part~~.

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

**Section 728.149 Alternative LDR Treatment Standards for Contaminated Soil**

a) Applicability. An owner or operator must comply with LDRs prior to placing soil that exhibits a characteristic of hazardous waste or which exhibited a characteristic of hazardous waste at the time it was generated into a land disposal unit. The following chart describes whether an owner or operator must comply with LDRs prior to placing soil contaminated by listed hazardous waste into a land disposal unit:

| If the LDRs | And if the LDRs | And if | Then the owner or operator |
|---|---|---|---|
| Applied to the listed waste when it contaminated the soil*. | Apply to the listed waste now. | – | Must comply with LDRs. |
| Did not apply to the listed waste when it contaminated the soil*. | Apply to the listed waste now. | The soil is determined to contain the listed waste when the | Must comply with LDRs. |

| | | | |
|---|---|---|---|
| | | soil is first generated. | |
| Did not apply to the listed waste when it contaminated the soil*. | Apply to the listed waste now. | The soil is determined not to contain the listed waste when the soil is first generated. | Needs not comply with LDRs. |
| Did not apply to the listed waste when it contaminated the soil*. | Do not apply to the listed waste now. | – | Needs not comply with LDRs. |

* For dates of LDR applicability, see Appendix G ~~of this Part~~. To determine the date any given listed hazardous waste contaminated any given volume of soil, use the last date any given listed hazardous waste was placed into any given land disposal unit or, in the case of an accidental spill, the date of the spill.

b) Prior to land disposal, contaminated soil identified by subsection (a) ~~of this Section~~ as needing to comply with LDRs must be treated according to the applicable treatment standards specified in subsection (c) ~~of this Section~~ or according to the universal treatment standards specified in Section 728.148 and Table U ~~of this Part~~ applicable to the contaminating listed hazardous waste or the applicable characteristic of hazardous waste if the soil is characteristic. The treatment standards specified in subsection (c) ~~of this Section~~ and the universal treatment standards may be modified through a treatment variance approved in accordance with Section 728.144.

c) Treatment standards for contaminated soils. Prior to land disposal, contaminated soil identified by subsection (a) ~~of this Section~~ as needing to comply with LDRs must be treated according to all the standards specified in this subsection (c) or according to the universal treatment standards specified in Section 728.148 and Table U ~~of this Part~~.

1) All soils. Prior to land disposal, all constituents subject to treatment must be treated as follows:

A) For non-metals except carbon disulfide, cyclohexanone, and methanol, treatment must achieve 90 percent reduction in total

constituent concentrations, except as provided by subsection (c)(1)(C) ~~of this Section~~.

B) For metals and carbon disulfide, cyclohexanone, and methanol, treatment must achieve 90 percent reduction in constituent concentrations as measured in leachate from the treated media (tested according to the TCLP) or 90 percent reduction in total constituent concentrations (when a metal removal treatment technology is used), except as provided by subsection (c)(1)(C) ~~of this Section~~.

C) When treatment of any constituent subject to treatment to a 90 percent reduction standard would result in a concentration less than 10 times the universal treatment standard for that constituent, treatment to achieve constituent concentrations less than 10 times the universal treatment standard is not required. The universal treatment standards are identified in Table U ~~of this Part~~.

2) Soils that exhibit the characteristic of ignitability, corrosivity or reactivity. In addition to the treatment required by subsection (c)(1) ~~of this Section~~, prior to land disposal, soils that exhibit the characteristic of ignitability, corrosivity, or reactivity must be treated to eliminate these characteristics.

3) Soils that contain nonanalyzable constituents. In addition to the treatment requirements of subsections (c)(1) and (c)(2) ~~of this Section~~, prior to land disposal, the following treatment is required for soils that contain nonanalyzable constituents:

A) For soil that contains only analyzable and nonanalyzable organic constituents, treatment of the analyzable organic constituents to the levels specified in subsections (c)(1) and (c)(2) ~~of this Section~~; or

B) For soil that contains only nonanalyzable constituents, treatment by the methods specified in Section 728.142 for the waste contained in the soil.

d) Constituents subject to treatment. When applying the soil treatment standards in subsection (c) ~~of this Section~~, constituents subject to treatment are any constituents listed in Table U ~~of this Part~~, entitled "Universal Treatment

Standards~~,~~", that are reasonably expected to be present in any given volume of contaminated soil, except fluoride, selenium, sulfides, vanadium, zinc, and that are present at concentrations greater than ten times the universal treatment standard. PCBs are not constituents subject to treatment in any given volume of soil that exhibits the toxicity characteristic solely because of the presence of metals.

e) Management of treatment residuals. Treatment residuals from treating contaminated soil identified by subsection (a) ~~of this Section~~ as needing to comply with LDRs must be managed as follows:

1) Soil residuals are subject to the treatment standards of this Section;

2) Non-soil residuals are subject to the following requirements:

A) For soils contaminated by listed hazardous waste, the RCRA Subtitle C standards applicable to the listed hazardous waste; and

B) For soils that exhibit a characteristic of hazardous waste, if the non-soil residual also exhibits a characteristic of hazardous waste, the treatment standards applicable to the characteristic hazardous waste.

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

SUBPART E: PROHIBITIONS ON STORAGE

**Section 728.150 Prohibitions on Storage of Restricted Wastes**

a) Except as provided in this Section, the storage of hazardous wastes restricted from land disposal under Subpart C ~~of this Part~~ is prohibited, unless the following conditions are met:

1) A generator stores such wastes in tanks, containers, or containment buildings on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and the generator complies with the requirements in 35 Ill. Adm. Code 722.116 and 722.117~~722.134~~ and 35 Ill. Adm. Code 724 and 725. (A generator that is in existence on the effective date of a

regulation under this Part and which must store hazardous wastes for longer than 90 days due to the regulations under this Part becomes an owner or operator of a storage facility and must obtain a RCRA permit, as required by 35 Ill. Adm. Code 703. Such a facility may qualify for interim status upon compliance with the regulations governing interim status under 35 Ill. Adm. Code 703.153.)

2) An owner or operator of a hazardous waste treatment, storage, or disposal facility stores such wastes in tanks, containers, or containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and each of the following conditions are fulfilled:

A) Each container is clearly marked to identify with the following:~~its contents and the date each period of accumulation begins; and~~

i) The words "Hazardous Waste";

ii) The applicable USEPA hazardous waste numbers in Subparts C and D of 35 Ill. Adm. Code 721; or use a nationally recognized electronic system, such as bar coding, to identify the USEPA hazardous waste numbers;

iii) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with subpart E (Labeling) or subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200, incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111); and

iv) The date each period of accumulation begins.

B) Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received and the date each period of accumulation begins, or such information is recorded and

maintained in the operating record at the facility. Regardless of whether the tank itself is marked, the owner and operator must comply with the operating record requirements of 35 Ill. Adm. Code 724.173 or 725.173.

3) A transporter stores manifested shipments of such wastes at a transfer facility for 10 days or less.

b) An owner or operator of a treatment, storage, or disposal facility may store such wastes for up to one year unless the Agency can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

c) An owner or operator of a treatment, storage, or disposal facility may store wastes beyond one year; however, the owner or operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

d) If a generator's waste is exempt from a prohibition on the type of land disposal utilized for the waste (for example, because of an approved case-by-case extension granted by USEPA pursuant to 40 CFR 268.5, an approved Section 728.106 petition or a national capacity variance granted by USEPA pursuant to subpart C of 40 CFR 268), the prohibition in subsection (a) does not apply during the period of such exemption.

e) The prohibition in subsection (a) ~~of this Section~~ does not apply to hazardous wastes that meet the treatment standards specified under Sections 728.141, 728.142, and 728.143 or the adjusted treatment standards specified under Section 728.144, or, where treatment standards have not been specified, the waste is in compliance with the applicable prohibitions specified in Section 728.132 or 728.139.

f) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm must be stored at a facility that meets the requirements of federal 40 CFR 761.65(b) (Storage for Disposal), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and must be removed from storage and treated or disposed as required by the Part within one year of the date when such wastes are first placed into storage. The provisions of subsection (c) ~~of this Section~~ do not apply to such

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PCB wastes prohibited under Section 728.132.

g) The prohibition and requirements in this Section do not apply to hazardous remediation wastes stored in a staging pile approved pursuant to 35 Ill. Adm. Code 724.654.

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

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**Section 728.APPENDIX~~Appendix~~ D Wastes Excluded from Lab Packs**

Hazardous waste with the following USEPA hazardous waste numbers~~codes~~ may not be placed in lab packs under the alternative lab pack treatment standards of Section 728.142(c): D009, F019, K003, K004, K005, K006, K062, K071, K100, K106, P010, P011, P012, P076, P078, U134, and U151.

BOARD NOTE: 35 Ill. Adm. Code 729.301 and 729.312 include additional limitations on the use of lab packs.

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

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**Section 728.APPENDIX~~Appendix~~ F Technologies to Achieve Deactivation of Characteristics**

The treatment standard for many characteristic wastes is stated in Table T ~~of this Part~~, entitled "Treatment Standards for Hazardous Wastes~~,~~", as "DEACT and meet Section 728.148 standards~~.~~". USEPA has determined that many technologies, when used alone or in combination, can achieve the deactivation portion of the treatment standard. Characteristic wastes that are not managed in a facility regulated by the CWA or in a CWA-equivalent facility, and that also contain underlying hazardous constituents (see Section 728.102(i)) must be treated not only by a "deactivating" technology to remove the characteristic, but also to achieve the universal treatment standards (UTS) for underlying hazardous constituents. This Appendix F presents a partial list of technologies, utilizing the five letter technology codes established in Table C ~~of this Part~~, that may be useful in meeting the treatment standard. Use of these specific technologies is not mandatory and does not preclude direct reuse, recovery or the use of other pretreatment technologies, provided deactivation is achieved and underlying hazardous constituents are treated to achieve the UTS.

| USEPA hazardous waste number~~Waste code~~/subcategory | Nonwastewaters | Wastewaters |
|---|---|---|
| D001 Ignitable Liquids based on 35 Ill. Adm. Code 721.121(a)(1) – Low TOC Nonwastewater Subcategory (containing one percent to <10 percent TOC) | RORGS<br>WETOX<br>INCIN<br>CHOXD<br>BIODG | n.a. |
| D001 Ignitable Liquids based on 35 Ill. Adm. Code 721.121(a)(1) – Ignitable Wastewater Subcategory (containing <one percent TOC) | n.a. | WETOX<br>RORGS<br>INCIN<br>CHOXD<br>BIODG |
| D001 Compressed Gases based on 35 Ill. Adm. Code 721.121(a)(3) | RCGAS<br>FSUBS<br>INCIN<br>ADGAS fb.<br>INCIN<br>ADGAS fb.<br>(CHOXD; or | n.a. |

| | | |
|---|---|---|
| | CHRED) | |
| D001 Ignitable Reactives based on 35 Ill. Adm. Code 721.121(a)(2) | WTRRX<br>CHOXD<br>CHRED<br>STABL<br>INCIN | n.a. |
| D001 Ignitable Oxidizers based on 35 Ill. Adm. Code 721.121(a)(4) | CHRED<br>INCIN | CHRED<br>INCIN |
| D002 Acid Subcategory based on 35 Ill. Adm. Code 721.122(a)(1) with pH less than or equal to two | RCORR<br>NEUTR<br>INCIN | NEUTR<br>INCIN |
| D002 Alkaline Subcategory based on 35 Ill. Adm. Code 721.122(a)(1) with pH greater than or equal to 12.5 | NEUTR<br>INCIN | NEUTR<br>INCIN |
| D002 Other Corrosives based on 35 Ill. Adm. Code 721.122(a)(2) | CHOXD<br>CHRED<br>INCIN<br>STABL | CHOXD<br>CHRED<br>INCIN |
| D003 Water Reactives based on 35 Ill. Adm. Code 721.123(a)(2), (a)(3), and (a)(4) | INCIN<br>WTRRX<br>CHOXD<br>CHRED | n.a. |
| D003 Reactive Sulfides based on 35 Ill. Adm. Code 721.123(a)(5) | CHOXD<br>CHRED<br>INCIN<br>STABL | CHOXD<br>CHRED<br>BIODG<br>INCIN |
| D003 Explosives based on 35 Ill. Adm. Code 721.123(a)(6), (a)(7), and (a)(8) | INCIN<br>CHOXD<br>CHRED | INCIN<br>CHOXD<br>CHRED<br>BIODG<br>CARBN |

| | | |
|---|---|---|
| D003 Other Reactives based on 35 Ill. Adm. Code 721.123(a)(1) | INCIN<br>CHOXD<br>CHRED | INCIN<br>CHOXD<br>CHRED<br>BIODG<br>CARBN |
| K044 Wastewater treatment sludges from the manufacturing and processing of explosives | CHOXD<br>CHRED<br>INCIN | CHOXD<br>CHRED<br>BIODG<br>CARBN<br>INCIN |
| K045 Spent carbon from the treatment of wastewaters containing explosives | CHOXD<br>CHRED<br>INCIN | CHOXD<br>CHRED<br>BIODG<br>CARBN<br>INCIN |
| K047 Pink/red water from TNT operations | CHOXD<br>CHRED<br>INCIN | CHOXD<br>CHRED<br>BIODG<br>CARBN<br>INCIN |

Note: "n.a." stands for "not applicable~~.~~".

"fb." stands~~Stands~~ for "followed by~~.~~".

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

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**Section 728.APPENDIX~~Appendix~~ H National Capacity LDR Variances for UIC Wastes**

See Note[a]

| USEPA hazardous waste number~~Waste code~~ | Waste category | Effective date |
|---|---|---|
| D001 (except High TOC Ignitable Liquids Subcategory)[c] | All | February 10, 1994 |
| D001 (High TOC Ignitable Characteristic Liquids Subcategory) | Nonwastewater | September 19, 1995 |
| D002[b] | All | May 8, 1992 |
| D002[c] | All | February 10, 1994 |
| D003 (cyanides) | All | May 8, 1992 |
| D003 (sulfides) | All | May 8, 1992 |
| D003 (explosives, reactives) | All | May 8, 1992 |
| D007 | All | May 8, 1992 |
| D009 | Nonwastewater | May 8, 1992 |
| D012 | All | September 19, 1995 |
| D013 | All | September 19, 1995 |
| D014 | All | September 19, 1995 |
| D015 | All | September 19, 1995 |
| D016 | All | September 19, 1995 |
| D017 | All | September 19, 1995 |
| D018 | All, including mixed with radioactive wastes | April 8, 1998 |
| D019 | All, including mixed with radioactive wastes | April 8, 1998 |
| D020 | All, including mixed with radioactive wastes | April 8, 1998 |
| D021 | All, including mixed with radioactive wastes | April 8, 1998 |
| D022 | All, including mixed with radioactive wastes | April 8, 1998 |

| | | |
|---|---|---|
| D023 | All, including mixed with radioactive wastes | April 8, 1998 |
| D024 | All, including mixed with radioactive wastes | April 8, 1998 |
| D025 | All, including mixed with radioactive wastes | April 8, 1998 |
| D026 | All, including mixed with radioactive wastes | April 8, 1998 |
| D027 | All, including mixed with radioactive wastes | April 8, 1998 |
| D028 | All, including mixed with radioactive wastes | April 8, 1998 |
| D029 | All, including mixed with radioactive wastes | April 8, 1998 |
| D030 | All, including mixed with radioactive wastes | April 8, 1998 |
| D031 | All, including mixed with radioactive wastes | April 8, 1998 |
| D032 | All, including mixed with radioactive wastes | April 8, 1998 |
| D033 | All, including mixed with radioactive wastes | April 8, 1998 |
| D034 | All, including mixed with radioactive wastes | April 8, 1998 |
| D035 | All, including mixed with radioactive wastes | April 8, 1998 |
| D036 | All, including mixed with radioactive wastes | April 8, 1998 |
| D037 | All, including mixed with radioactive wastes | April 8, 1998 |
| D038 | All, including mixed with radioactive wastes | April 8, 1998 |
| D039 | All, including mixed with radioactive wastes | April 8, 1998 |
| D040 | All, including mixed with radioactive wastes | April 8, 1998 |
| D041 | All, including mixed with radioactive wastes | April 8, 1998 |
| D042 | All, including mixed with radioactive wastes | April 8, 1998 |
| D043 | All, including mixed with radioactive wastes | April 8, 1998 |
| F001-F005 | All spent F001-F005 solvent containing less than 1 percent total F001-F005 solvent constituents | August 8, 1990 |
| F007 | All | June 8, 1991 |
| F032 | All, including mixed with radioactive wastes | May 12, 1999 |
| F034 | All, including mixed with radioactive wastes | May 12,1999 |
| F035 | All, including mixed with radioactive wastes | May 12, 1999 |
| F037 | All | November 8, 1992 |
| F038 | All | November 8, 1992 |
| F039 | Wastewater | May 8, 1992 |
| K009 | Wastewater | June 8, 1991 |
| K011 | Nonwastewater | June 8, 1991 |
| K011 | Wastewater | May 8, 1992 |
| K013 | Nonwastewater | June 8, 1991 |
| K013 | Wastewater | May 8, 1992 |
| K014 | All | May 8, 1992 |
| K016 (dilute) | All | June 8, 1991 |

| | | |
|---|---|---|
| K049 | All | August 8, 1990 |
| K050 | All | August 8, 1990 |
| K051 | All | August 8, 1990 |
| K052 | All | August 8, 1990 |
| K062 | All | August 8, 1990 |
| K071 | All | August 8, 1990 |
| K088 | All | January 8, 1997 |
| K104 | All | August 8, 1990 |
| K107 | All | November 8, 1992 |
| K108 | All | November 9, 1992 |
| K109 | All | November 9, 1992 |
| K110 | All | November 9, 1992 |
| K111 | All | November 9, 1992 |
| K112 | All | November 9, 1992 |
| K117 | All | June 30, 1995 |
| K118 | All | June 30, 1995 |
| K123 | All | November 9, 1992 |
| K124 | All | November 9, 1992 |
| K125 | All | November 9, 1992 |
| K126 | All | November 9, 1992 |
| K131 | All | June 30, 1995 |
| K132 | All | June 30, 1995 |
| K136 | All | November 9, 1992 |
| K141 | All | December 19, 1994 |
| K142 | All | December 19, 1994 |

| | | |
|---|---|---|
| K143 | All | December 19, 1994 |
| K144 | All | December 19, 1994 |
| K145 | All | December 19, 1994 |
| K147 | All | December 19, 1994 |
| K148 | All | December 19, 1994 |
| K149 | All | December 19, 1994 |
| K150 | All | December 19, 1994 |
| K151 | All | December 19, 1994 |
| K156 | All | July 8, 1996 |
| K157 | All | July 8, 1996 |
| K158 | All | July 8, 1996 |
| K159 | All | July 8, 1996 |
| K160 | All | July 8, 1996 |
| K161 | All | July 8, 1996 |
| NA | Newly identified mineral processing wastes from titanium dioxide production and mixed radioactive/newly identified D004-D011 characteristic wastes and mineral processing wastes | May 26, 2000 |
| P127 | All | July 8, 1996 |
| P128 | All | July 8, 1996 |
| P185 | All | July 8, 1996 |
| P188 | All | July 8, 1996 |
| P189 | All | July 8, 1996 |
| P190 | All | July 8, 1996 |
| P191 | All | July 8, 1996 |
| P192 | All | July 8, 1996 |
| P194 | All | July 8, 1996 |
| P196 | All | July 8, 1996 |
| P197 | All | July 8, 1996 |
| P198 | All | July 8, 1996 |
| P199 | All | July 8, 1996 |

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| | | |
|---|---|---|
| P201 | All | July 8, 1996 |
| P202 | All | July 8, 1996 |
| P203 | All | July 8, 1996 |
| P204 | All | July 8, 1996 |
| P205 | All | July 8, 1996 |
| U271 | All | July 8, 1996 |
| U277 | All | July 8, 1996 |
| U278 | All | July 8, 1996 |
| U279 | All | July 8, 1996 |
| U280 | All | July 8, 1996 |
| U328 | All | November 9, 1992 |
| U353 | All | November 9, 1992 |
| U359 | All | November 9, 1992 |
| U364 | All | July 8, 1996 |
| U365 | All | July 8, 1996 |
| U366 | All | July 8, 1996 |
| U367 | All | July 8, 1996 |
| U372 | All | July 8, 1996 |
| U373 | All | July 8, 1996 |
| U375 | All | July 8, 1996 |
| U376 | All | July 8, 1996 |
| U377 | All | July 8, 1996 |
| U378 | All | July 8, 1996 |
| U379 | All | July 8, 1996 |
| U381 | All | July 8, 1996 |
| U382 | All | July 8, 1996 |
| U383 | All | July 8, 1996 |
| U384 | All | July 8, 1996 |
| U385 | All | July 8, 1996 |
| U386 | All | July 8, 1996 |
| U387 | All | July 8, 1996 |
| U389 | All | July 8, 1996 |
| U390 | All | July 8, 1996 |
| U391 | All | July 8, 1996 |
| U392 | All | July 8, 1996 |
| U395 | All | July 8, 1996 |

| | | |
|---|---|---|
| U396 | All | July 8, 1996 |
| U400 | All | July 8, 1996 |
| U401 | All | July 8, 1996 |
| U402 | All | July 8, 1996 |
| U403 | All | July 8, 1996 |
| U404 | All | July 8, 1996 |
| U407 | All | July 8, 1996 |
| U409 | All | July 8, 1996 |
| U410 | All | July 8, 1996 |
| U411 | All | July 8, 1996 |

[a] Wastes that are deep well disposed on-site receive a six-month variance, with restrictions, effective in November 1990.

[b] Deep well injected D002 liquids with a pH less than two must meet the California List treatment standards on August 8, 1990.

[c] Managed in systems defined in 35 Ill. Adm. Code 730.105(e) as Class V injection wells that do not engage in CWA-equivalent treatment before injection.

BOARD NOTE: This table is provided for the convenience of the reader.

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

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**Section 728.APPENDIX~~Appendix~~ I EP Toxicity Test Method and Structural Integrity Test**

BOARD NOTE: Method 1310B (Extraction Procedure Toxicity Test) is published 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).

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

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**Section 728.APPENDIX~~Appendix~~ K Metal-Bearing Wastes Prohibited from Dilution in a Combustion Unit According to Section 728.103(c)**

BOARD NOTE: A combustion unit is defined as any thermal technology subject to Subpart O of 35 Ill. Adm. Code 724, Subpart O of 35 Ill. Adm. Code 725, or Subpart H of 35 Ill. Adm. Code 726.

| USEPA hazardous waste number~~Waste code~~ | Waste description |
|---|---|
| D004 | Toxicity Characteristic for Arsenic. |
| D005 | Toxicity Characteristic for Barium. |
| D006 | Toxicity Characteristic for Cadmium. |
| D007 | Toxicity Characteristic for Chromium. |
| D008 | Toxicity Characteristic for Lead. |
| D009 | Toxicity Characteristic for Mercury. |
| D010 | Toxicity Characteristic for Selenium. |
| D011 | Toxicity Characteristic for Silver. |
| F006 | Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating carbon steel; (3) zinc plating basis on carbon steel; (4) aluminum or zinc-plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. |
| F007 | Spent cyanide plating bath solutions from electroplating operations. |
| F008 | Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process. |

| | |
|---|---|
| F009 | Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process. |
| F010 | Quenching bath residues from oil baths from metal treating operations where cyanides are used in the process. |
| F011 | Spent cyanide solutions from salt bath pot cleaning from metal heat-treating operations. |
| F012 | Quenching waste water treatment sludges from metal heat-treating operations where cyanides are used in the process. |
| F019 | Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum car washing when such phosphating is an exclusive conversion coating process. |
| K002 | Wastewater treatment sludge from the production of chrome yellow and orange pigments. |
| K003 | Wastewater treatment sludge from the production of molybdate orange pigments. |
| K004 | Wastewater treatment sludge from the production of zinc yellow pigments. |
| K005 | Wastewater treatment sludge from the production of chrome green pigments. |
| K006 | Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated). |
| K007 | Wastewater treatment sludge from the production of iron blue pigments. |
| K008 | Oven residue from the production of chrome oxide green pigments. |
| K061 | Emission control dust/sludge from the primary production of steel in electric furnaces. |
| K069 | Emission control dust/sludge from secondary lead smelting. |

| | |
|---|---|
| K071 | Brine purification muds from the mercury cell processes in chlorine production, where separately prepurified brine is not used. |
| K100 | Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting. |
| K106 | Sludges from the mercury cell processes for making chlorine. |
| P010 | Arsenic acid $H_3AsO_4$. |
| P011 | Arsenic oxide $As_2O_5$. |
| P012 | Arsenic trioxide. |
| P013 | Barium cyanide. |
| P015 | Beryllium. |
| P029 | Copper (I) cyanide Cu(CN). |
| P074 | Nickel (II) cyanide $Ni(CN)_2$. |
| P087 | Osmium (VIII) tetroxide $OsO_4$. |
| P099 | Potassium silver cyanide $KAg(CN)_2$. |
| P104 | Silver cyanide AgCN. |
| P113 | Thallic (III) oxide $Tl_2O_3$. |
| P114 | Thallium (I) selenite $Tl_2SeO_3$. |
| P115 | Thallium (I) sulfate $Tl_2SO_4$. |
| P119 | Ammonium (V) vanadate $NH_3VO_3$. |
| P120 | Vanadium (V) oxide $V_2O_5$. |

| | |
|---|---|
| P121 | Zinc cyanide ZnCN. |
| U032 | Calcium chromate $CaCrO_4$. |
| U145 | Lead phosphate. |
| U151 | Mercury. |
| U204 | Selenous acid $H_2SeO_3$. |
| U205 | Selenium (IV) disulfide $SeS_2$. |
| U216 | Thallium (I) chloride TlCl. |
| U217 | Thallium (I) nitrate $TlNO_3$. |

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

**Section 728.TABLE~~Table~~ A Constituent Concentrations in Waste Extract (CCWE)**

For the requirements previously found in this Section and Section 728.141, refer to Section 728.140 and Table T ~~to this Part~~, "Treatment Standards for Hazardous Wastes~~.~~".

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

**Section 728.TABLE~~Table~~ B Constituent Concentrations in Wastes (CCW)**

For the requirements previously found in this Section and for treatment standards in Section 728.143, "Constituent Concentrations in Wastes (CCW)~~;~~", refer to Section 728.140 and Table T ~~to this Part~~, "Treatment Standards for Hazardous Wastes~~.~~".

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

**Section 728.TABLE~~Table~~ C Technology Codes and Description of Technology-Based Standards**

| Technology Code | Description of Technology-Based Standard |
|---|---|
| ADGAS | Venting of compressed gases into an absorbing or reacting media (i.e., solid or liquid) − venting can be accomplished through physical release utilizing valves or piping; physical penetration of the container; or penetration through detonation. |
| AMLGM | Amalgamation of liquid, elemental mercury contaminated with radioactive materials utilizing inorganic reagents such as copper, zinc, nickel, gold, and sulfur that result in a nonliquid, semi-solid amalgam and thereby reducing potential emissions of elemental mercury vapors to the air. |
| BIODG | Biodegradation of organics or non-metallic inorganics (i.e., degradable inorganics that contain the elements of phosphorus, nitrogen, and sulfur) in units operated under either aerobic or anaerobic conditions such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the biodegradation of many organic constituents that cannot be directly analyzed in wastewater residues). |
| CARBN | Carbon adsorption (granulated or powdered) of non-metallic inorganics, organo-metallics, or organic constituents, operated so that a surrogate compound or indicator parameter has not undergone breakthrough (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the adsorption of many organic constituents that cannot be directly analyzed in wastewater residues). Breakthrough occurs when the carbon has become saturated with the constituent (or indicator parameter) and substantial change in adsorption rate associated with that constituent occurs. |
| CHOXD | Chemical or electrolytic oxidation utilizing the following oxidation reagents (or waste reagents) or combinations or reagents:<br>1) hypochlorite (e.g., bleach);<br>2) chlorine; |

3) chlorine dioxide;

4) ozone or UV (ultraviolet light) assisted ozone;

5) peroxides;

6) persulfates;

7) perchlorates;

8) permanganates; or

9) other oxidizing reagents of equivalent efficiency, performed in units operated so that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the oxidation of many organic constituents that cannot be directly analyzed in wastewater residues). Chemical oxidation specifically includes what is commonly referred to as alkaline chlorination.

CHRED Chemical reduction utilizing the following reducing reagents (or waste reagents) or combinations of reagents:

1) sulfur dioxide;

2) sodium, potassium, or alkali salts of sulfites, bisulfites, metabisulfites, and polyethylene glycols (e.g., NaPEG and KPEG);

3) sodium hydrosulfide;

4) ferrous salts; or

5) other reducing reagents of equivalent efficiency, performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic halogens (TOX) can often be used as an indicator parameter for the reduction of many halogenated organic constituents that cannot be directly analyzed in wastewater residues). Chemical reduction is commonly used for the reduction of hexavalent chromium to the trivalent state.

| | |
|---|---|
| CMBST | High temperature organic destruction technologies, such as combustion in incinerators, boilers, or industrial furnaces operated in accordance with the applicable requirements of Subpart O of 35 Ill. Adm. Code 724, Subpart O of 35 Ill. Adm. Code 725, or Subpart H of 35 Ill. Adm. Code 726, and in other units operated in accordance with applicable technical operating requirements; and certain non-combustive technologies, such as the Catalytic Extraction Process. |
| DEACT | Deactivation to remove the hazardous characteristics of a waste due to its ignitability, corrosivity, or reactivity. |
| FSUBS | Fuel substitution in units operated in accordance with applicable technical operating requirements. |
| HLVIT | Vitrification of high-level mixed radioactive wastes in units in compliance with all applicable radioactive protection requirements under control of the federal Nuclear Regulatory Commission. |
| IMERC | Incineration of wastes containing organics and mercury in units operated in accordance with the technical operating requirements of Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725. All wastewater and nonwastewater residues derived from this process must then comply with the corresponding treatment standards per USEPA hazardous waste number~~code~~ with consideration of any applicable subcategories (e.g., high or low mercury sub-categories). |
| INCIN | Incineration in units operated in accordance with the technical operating requirements of Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725. |
| LLEXT | Liquid-liquid extraction (often referred to as solvent extraction) of organics from liquid wastes into an immiscible solvent for which the hazardous constituents have a greater solvent affinity, resulting in an extract high in organics that must undergo either incineration, reuse as a fuel, or other recovery or reuse and a raffinate (extracted liquid waste) proportionately low in organics that must undergo further treatment as specified in the standard. |
| MACRO | Macroencapsulation with surface coating materials such as polymeric organics (e.g., resins and plastics) or with a jacket of inert inorganic materials to |

substantially reduce surface exposure to potential leaching media. Macroencapsulation specifically does not include any material that would be classified as a tank or container according to 35 Ill. Adm. Code 720.110.

NEUTR Neutralization with the following reagents (or waste reagents) or combinations of reagents:

1) acids;

2) bases; or

3) water (including wastewaters) resulting in a pH greater than two but less than 12.5 as measured in the aqueous residuals.

NLDBR No land disposal based on recycling.

POLYM Formation of complex high-molecular weight solids through polymerization of monomers in high-TOC D001 nonwastewaters that are chemical components in the manufacture of plastics.

PRECP Chemical precipitation of metals and other inorganics as insoluble precipitates of oxides, hydroxides, carbonates, sulfides, sulfates, chlorides, fluorides, or phosphates. The following reagents (or waste reagents) are typically used alone or in combination:

1) lime (i.e., containing oxides or hydroxides of calcium or magnesium);

2) caustic (i.e., sodium or potassium hydroxides);

3) soda ash (i.e., sodium carbonate);

4) sodium sulfide;

5) ferric sulfate or ferric chloride;

6) alum; or

7) sodium sulfate. Additional flocculating, coagulation, or similar reagents or processes that enhance sludge dewatering characteristics are not precluded from use.

RBERY Thermal recovery of beryllium.

RCGAS Recovery or reuse of compressed gases including techniques such as reprocessing of the gases for reuse or resale; filtering or adsorption of impurities; remixing for direct reuse or resale; and use of the gas as a fuel source.

RCORR Recovery of acids or bases utilizing one or more of the following recovery technologies:

1) distillation (i.e., thermal concentration);

2) ion exchange;

3) resin or solid adsorption;

4) reverse osmosis; or

5) incineration for the recovery of acid

Note: this does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RLEAD Thermal recovery of lead in secondary lead smelters.

RMERC Retorting or roasting in a thermal processing unit capable of volatilizing mercury and subsequently condensing the volatilized mercury for recovery. The retorting or roasting unit (or facility) must be subject to one or more of the following:

a) A federal national emissions standard for hazardous air pollutants (NESHAP) for mercury (subpart E of 40 CFR 61);

b) A best available control technology (BACT) or a lowest achievable emission rate (LAER) standard for mercury imposed pursuant to a

prevention of significant deterioration (PSD) permit (including 35 Ill. Adm. Code 201 through 203); or

c) A state permit that establishes emission limitations (within meaning of Section 302 of the Clean Air Act) for mercury, including a permit issued pursuant to 35 Ill. Adm. Code 201. All wastewater and nonwastewater residues derived from this process must then comply with the corresponding treatment standards per USEPA hazardous waste number~~code~~ with consideration of any applicable subcategories (e.g., high or low mercury subcategories).

RMETL Recovery of metals or inorganics utilizing one or more of the following direct physical or removal technologies:

1) ion exchange;

2) resin or solid (i.e., zeolites) adsorption;

3) reverse osmosis;

4) chelation or solvent extraction;

5) freeze crystallization;

6) ultrafiltration; or

7) simple precipitation (i.e., crystallization)

Note: this does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RORGS Recovery of organics utilizing one or more of the following technologies:

1) Distillation;

2) thin film evaporation;

3) steam stripping;

4) carbon adsorption;

5) critical fluid extraction;

6) liquid-liquid extraction;

7) precipitation or crystallization (including freeze crystallization); or

8) chemical phase separation techniques (i.e., addition of acids, bases, demulsifiers, or similar chemicals).

Note: This does not preclude the use of other physical phase separation techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RTHRM Thermal recovery of metals or inorganics from nonwastewaters in units defined as cement kilns, blast furnaces, smelting, melting and refining furnaces, combustion devices used to recover sulfur values from spent sulfuric acid and "other devices" determined by the Agency pursuant to 35 Ill. Adm. Code 720.110, the definition of "industrial furnace~~:~~".

RZINC Resmelting in high temperature metal recovery units for the purpose of recovery of zinc.

STABL Stabilization with the following reagents (or waste reagents) or combinations of reagents:

1) Portland cement; or

2) lime or pozzolans (e.g., fly ash and cement kiln dust) – this does not preclude the addition of reagents (e.g., iron salts, silicates, and clays) designed to enhance the set or cure time or compressive strength, or to overall reduce the leachability of the metal or inorganic.

SSTRP Steam stripping of organics from liquid wastes utilizing direct application of steam to the wastes operated such that liquid and vapor flow rates, as well as

temperature and pressure ranges, have been optimized, monitored, and maintained. These operating parameters are dependent upon the design parameters of the unit, such as, the number of separation stages and the internal column design. Thus resulting in a condensed extract high in organics that must undergo either incineration, reuse as a fuel, or other recovery or reuse and an extracted wastewater that must undergo further treatment as specified in the standard.

WETOX Wet air oxidation performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the oxidation of many organic constituents that cannot be directly analyzed in wastewater residues).

WTRRX Controlled reaction with water for highly reactive inorganic or organic chemicals with precautionary controls for protection of workers from potential violent reactions as well as precautionary controls for potential emissions of toxic or ignitable levels of gases released during the reaction.

Note 1: When a combination of these technologies (i.e., a treatment train) is specified as a single treatment standard, the order of application is specified in Table T ~~to this Part~~ by indicating the five letter technology code that must be applied first, then the designation "fb." (an abbreviation for "followed by"), then the five letter technology code for the technology that must be applied next, and so on.

Note 2: When more than one technology (or treatment train) are specified as alternative treatment standards, the five letter technology codes (or the treatment trains) are separated by a semicolon (;) with the last technology preceded by the word "OR~~.~~". This indicates that any one of these BDAT technologies or treatment trains can be used for compliance with the standard.

BOARD NOTE: Derived from Table 1 in 40 CFR 268.42 (2017~~2015~~).

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

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**Section 728.TABLE~~Table~~ D Technology-Based Standards by USEPA Hazardous~~RCRA~~ Waste Number~~Code~~**

BOARD NOTE: For the requirements previously found in this Section, refer to Section 728.140 and Table T ~~to this Part~~.

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

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NOTICE OF PROPOSED AMENDMENTS

**Section 728.TABLE~~Table E~~ Standards for Radioactive Mixed Waste**

BOARD NOTE: For the requirements previously found in this Section, refer to Section 728.140 and Table T~~ to this Part~~.

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

**Section 728.TABLE~~Table~~ F Alternative Treatment Standards For Hazardous Debris**

a) Hazardous debris must be treated by either the standards indicated in this Table F or by the waste-specific treatment standards for the waste contaminating the debris. The treatment standards must be met for each type of debris contained in a mixture of debris types, unless the debris is converted into treatment residue as a result of the treatment process. Debris treatment residuals are subject to the waste-specific treatment standards for the waste contaminating the debris.

b) Definitions. For the purposes of this Table F, the following terms are defined as follows:

"Clean debris surface" means the surface, when viewed without magnification, must be free of all visible contaminated soil and hazardous waste except that residual staining from soil and waste consisting of light shadows, slight streaks, or minor discolorations, and soil and waste in cracks, crevices, and pits may be present provided that such staining and waste and soil in cracks, crevices, and pits must be limited to no more than five percent of each square inch of surface area.

"Contaminant restriction" means that the technology is not BDAT for that contaminant. If debris containing a restricted contaminant is treated by the technology, the contaminant must be subsequently treated by a technology for which it is not restricted in order to be land disposed (and excluded from Subtitle C regulation).

"Dioxin-listed wastes" means wastes having any of USEPA hazardous waste numbers FO20, FO21, FO22, FO23, FO26, or FO27.

c) Notes. In this Table F, the following text is to be read in conjunction with the tabulated text where the appropriate notations appear:

[1] Acids, solvents, and chemical reagents may react with some debris and contaminants to form hazardous compounds. For example, acid washing of cyanide-contaminated debris could result in the formation of hydrogen cyanide. Some acids may also react violently with some debris and contaminants, depending on the concentration of the acid and the type of debris and contaminants. Debris treaters should refer to the safety precautions specified in Material Safety Data Sheets for various acids to

avoid applying an incompatible acid to a particular debris/contaminant combination. For example, concentrated sulfuric acid may react violently with certain organic compounds, such as acrylonitrile.

[2] If reducing the particle size of debris to meet the treatment standards results in material that no longer meets the 60 mm minimum particle size limit for debris, such material is subject to the waste-specific treatment standards for the waste contaminating the material, unless the debris has been cleaned and separated from contaminated soil and waste prior to size reduction. At a minimum, simple physical or mechanical means must be used to provide such cleaning and separation of nondebris materials to ensure that the debris surface is free of caked soil, waste, or other nondebris material.

[3] Thermal desorption is distinguished from thermal destruction in that the primary purpose of thermal desorption is to volatilize contaminants and to remove them from the treatment chamber for subsequent destruction or other treatment.

[4] The demonstration of "equivalent technology" pursuant to Section 728.142(b) must document that the technology treats contaminants subject to treatment to a level equivalent to that required by the performance and design and operating standards for other technologies in this table such that residual levels of hazardous contaminants will not pose a hazard to human health and the environment absent management controls.

[5] Any soil, waste, and other nondebris material that remains on the debris surface (or remains mixed with the debris) after treatment is considered a treatment residual that must be separated from the debris using, at a minimum, simple physical or mechanical means. Examples of simple physical or mechanical means are vibratory or trommel screening or water washing. The debris surface need not be cleaned to a "clean debris surface" as defined in subsection (b) ~~of this Section~~ when separating treated debris from residue; rather, the surface must be free of caked soil, waste, or other nondebris material. Treatment residuals are subject to the waste-specific treatment standards for the waste contaminating the debris.

| Technology description | Performance or design and operating standard | Contaminant restrictions |
|---|---|---|

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A. Extraction Technologies:

1. Physical Extraction

| | | |
|---|---|---|
| a. Abrasive Blasting: Removal of contaminated debris surface layers using water or air pressure to propel a solid media (e.g., steel shot, aluminum oxide grit, plastic beads). | Glass, Metal, Plastic, Rubber: Treatment to a clean debris surface.<br>Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Removal of at least 0.6 cm of the surface layer; treatment to a clean debris surface. | All Debris: None. |
| b. Scarification, Grinding, and Planing: Process utilizing striking piston heads, saws, or rotating grinding wheels such that contaminated debris surface layers are removed. | Same as above | Same as above |
| c. Spalling: Drilling or chipping holes at appropriate locations and depth in the contaminated debris surface and applying a tool that exerts a force on the sides of those holes such that the surface layer is removed. The surface layer removed remains hazardous debris subject to the debris treatment standards. | Same as above | Same as above |
| d. Vibratory Finishing: Process utilizing scrubbing media, flushing fluid, and oscillating energy such that hazardous contaminants or contaminated debris surface layers are | Same as above | Same as above |

removed.[1]

| | | |
|---|---|---|
| e. High Pressure Steam and Water Sprays: Application of water or steam sprays of sufficient temperature, pressure, residence time, agitation, surfactants, and detergents to remove hazardous contaminants from debris surfaces or to remove contaminated debris surface layers | Same as above | Same as above. |
| 2. Chemical Extraction | | |
| a. Water Washing and Spraying: Application of water sprays or water baths of sufficient temperature, pressure, residence time, agitation, surfactants, acids, bases, and detergents to remove hazardous contaminants from debris surfaces and surface pores or to remove contaminated debris surface layers. | All Debris: Treatment to a clean debris surface; Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Debris must be no more than 1.2 cm (½ inch) in one dimension (i.e., thickness limit,[2] except that this thickness limit may be waived under an "Equivalent Technology" approval pursuant to Section 728.142(b);[4] debris surfaces must be in contact with water solution for at least 15 minutes | Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Contaminant must be soluble to at least five percent by weight in water solution or five percent by weight in emulsion; if debris is contaminated with a dioxin-listed waste,[3] an "Equivalent Technology" approval pursuant to Section 728.142(b) must be obtained.[4] |
| b. Liquid Phase Solvent Extraction: Removal of hazardous contaminants from debris surfaces and surface pores by applying a nonaqueous liquid or liquid solution that causes the hazardous contaminants to enter the liquid phase and be flushed away from the debris along with the liquid | Same as above | Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Same as above, except that contaminant must be soluble to at least five percent by weight in the solvent. |

| | | |
|---|---|---|
| or liquid solution while using appropriate agitation, temperature, and residence time.[1] | | |
| c. Vapor Phase Solvent Extraction: Application of an organic vapor using sufficient agitation, residence time, and temperature to cause hazardous contaminants on contaminated debris surfaces and surface pores to enter the vapor phase and be flushed away with the organic vapor.[1] | Same as above, except that brick, cloth, concrete, paper, pavement, rock and wood surfaces must be in contact with the organic vapor for at least 60 minutes. | Same as above. |
| 3. Thermal Extraction | | |
| a. High Temperature Metals Recovery: Application of sufficient heat, residence time, mixing, fluxing agents, or carbon in a smelting, melting, or refining furnace to separate metals from debris. | For refining furnaces, treated debris must be separated from treatment residuals using simple physical or mechanical means,[5] and, prior to further treatment, such residuals must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris. | Debris contaminated with a dioxin-listed waste:[2] Obtain an "Equivalent Technology" approval pursuant to Section 728.142(b).[4] |
| b. Thermal Desorption: Heating in an enclosed chamber under either oxidizing or nonoxidizing atmospheres at sufficient temperature and residence time to vaporize hazardous contaminants from contaminated surfaces and surface pores and to remove the contaminants from the heating | All Debris: Obtain an "Equivalent Technology" approval pursuant to Section 728.142(b);[4] treated debris must be separated from treatment residuals using simple physical or mechanical means,[5] and, prior to further treatment, such residue must meet the waste-specific treatment standards for | All Debris: Metals other than mercury. |

| | | |
|---|---|---|
| chamber in a gaseous exhaust gas.[3] | organic compounds in the waste contaminating the debris. Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Debris must be no more than 10 cm (4 inches) in one dimension (i.e., thickness limit),[2] except that this thickness limit may be waived under the "Equivalent Technology" approval | |
| B. Destruction Technologies: | | |
| 1. Biological Destruction (Biodegradation): Removal of hazardous contaminants from debris surfaces and surface pores in an aqueous solution and biodegradation of organic or nonmetallic inorganic compounds (i.e., inorganics that contain phosphorus, nitrogen, or sulfur) in units operated under either aerobic or anaerobic conditions. | All Debris: Obtain an "Equivalent Technology" approval pursuant to Section 728.142(b);[4] treated debris must be separated from treatment residuals using simple physical or mechanical means,[5] and, prior to further treatment, such residue must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris. Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Debris must be no more than 1.2 cm (½ inch) in one dimension (i.e., thickness limit),[2] except that this thickness limit may be waived under the "Equivalent Technology" approval | All Debris: Metal contaminants. |
| 2. Chemical Destruction | | |
| a. Chemical Oxidation: Chemical or electrolytic oxidation utilizing the following | All Debris: Obtain an "Equivalent Technology" approval pursuant to 35 Ill. | All Debris: Metal contaminants. |

| | | |
|---|---|---|
| oxidation reagents (or waste reagents) or combination of reagents: (1) hypochlorite (e.g., bleach); (2) chlorine; (3) chlorine dioxide; (4) ozone or UV (ultraviolet light) assisted ozone; (5) peroxides; (6) persulfates; (7) perchlorates; (8) permanganates; or (9) other oxidizing reagents of equivalent destruction efficiency.[1] Chemical oxidation specifically includes what is referred to as alkaline chlorination. | Adm. Code.142(b);[4] treated debris must be separated from treatment residuals using simple physical or mechanical means,[5] and, prior to further treatment, such residue must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris. Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Debris must be no more than 1.2 cm (½ inch) in one dimension (i.e., thickness limit),[2] except that this thickness limit may be waived under the "Equivalent Technology" approval | |
| b. Chemical Reduction: Chemical reaction utilizing the following reducing reagents (or waste reagents) or combination of reagents: (1) sulfur dioxide; (2) sodium, potassium, or alkali salts of sulfites, bisulfites, and metabisulfites, and polyethylene glycols (e.g., NaPEG and KPEG); (3) sodium hydrosulfide; (4) ferrous salts; or (5) other reducing reagents of equivalent efficiency.[1] | Same as above | Same as above. |
| 3. Thermal Destruction: Treatment in an incinerator operating in accordance with Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725; a boiler or | Treated debris must be separated from treatment residuals using simple physical or mechanical means,[5] and, prior to further treatment, such residue must meet the waste- | Brick, Concrete, Glass, Metal, Pavement, Rock, Metal: Metals other than mercury, except that there are no metal restrictions for vitrification. Debris contaminated with a |

| | | |
|---|---|---|
| industrial furnace operating in accordance with Subpart H of 35 Ill. Adm. Code 726, or other thermal treatment unit operated in accordance with Subpart X of 35 Ill. Adm. Code 724, or Subpart P of 35 Ill. Adm. Code 725, but excluding for purposes of these debris treatment standards Thermal Desorption units. | specific treatment standards for organic compounds in the waste contaminating the debris. | dioxin-listed waste.[3] Obtain an "Equivalent Technology" approval pursuant to Section 728.142(b),[4] except that this requirement does not apply to vitrification. |
| C. Immobilization Technologies: | | |
| 1. Macroencapsulation: Application of surface coating materials such as polymeric organics (e.g., resins and plastics) or use of a jacket of inert inorganic materials to substantially reduce surface exposure to potential leaching media. | Encapsulating material must completely encapsulate debris and be resistant to degradation by the debris and its contaminants and materials into which it may come into contact after placement (leachate, other waste, microbes). | None. |
| 2. Microencapsulation: Stabilization of the debris with the following reagents (or waste reagents) such that the leachability of the hazardous contaminants is reduced: (1) Portland cement; or (2) lime/ pozzolans (e.g., fly ash and cement kiln dust). Reagents (e.g., iron salts, silicates, and clays) may be added to enhance the set/cure time or compressive strength, or to reduce the leachability of the hazardous | Leachability of the hazardous contaminants must be reduced. | None. |

constituents.[2]

| | | |
|---|---|---|
| 3. Sealing: Application of an appropriate material that adheres tightly to the debris surface to avoid exposure of the surface to potential leaching media. When necessary to effectively seal the surface, sealing entails pretreatment of the debris surface to remove foreign matter and to clean and roughen the surface. Sealing materials include epoxy, silicone, and urethane compounds, but paint may not be used as a sealant | Sealing must avoid exposure of the debris surface to potential leaching media and sealant must be resistant to degradation by the debris and its contaminants and materials into which it may come into contact after placement (leachate, other waste, microbes). | None. |

BOARD NOTE: Derived from Table 1 to 40 CFR 268.45 (2017~~2005~~).

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

POLLUTION CONTROL BOARD

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**Section 728.TABLE~~Table~~ G Alternative Treatment Standards Based on HTMR**

For the treatment standards previously found in this Section and Section 728.146, refer to Section 728.140 and Table T ~~to this Part~~, "Treatment Standards for Hazardous Wastes~~.~~".

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

**Section 728.TABLE~~Table~~ H Wastes Excluded from CCW Treatment Standards**

The following facilities are excluded from the treatment standard under Section 728.143(a) and Table B ~~to this Part~~, and are subject to the following constituent concentrations. These facilities have received a treatability exception by regulatory action from USEPA pursuant to 40 CFR 268.44, and have demonstrated that the Board needs to adopt the treatability exception as part of the Illinois RCRA program. The Board may also grant an "adjusted treatment standard" pursuant to Section 728.144.

| Facility name and address | USEPA Hazardous Waste Number~~Code~~ | See Also | Regulated hazardous constituent | Wastewaters Concentration (mg/ℓ) | Notes | Nonwastewaters Concentration (mg/kg) | Notes |
|---|---|---|---|---|---|---|---|
| Craftsman Plating and Tinning Corp., Chicago, IL | F006 | Section 728.140 | Cyanides (Total) | 1.2 | B | 1,800 | D |
| | | | Cyanides (amenable) | 0.86 | B and C | 30 | D |
| | | | Cadmium | 1.6 | | NA | |
| | | | Chromium | 0.32 | | NA | |
| | | | Lead | 0.40 | | NA | |
| | | | Nickel | 0.44 | | NA | |
| Northwestern Plating Works, Inc., Chicago, IL | F006 | Section 728.140 | Cyanides (Total) | 1.2 | B | 970 | D |
| | | | Cyanides (amenable) | 0.86 | B and C | 30 | D |
| | | | Cadmium | 1.6 | | NA | |
| | | | Chromium | 0.32 | | NA | |
| | | | Lead | 0.40 | | NA | |
| | | | Nickel | 0.44 | | NA | |

Notes:

A An owner or operator may certify compliance with these treatment standards according to the provisions of Section 728.107.

B Cyanide wastewater standards for F006 are based on analysis of composite samples.

C These owners and operators must comply with 0.86 mg/ℓ for amenable cyanides in the wastewater exiting the alkaline chlorination system. These owners and operators must also comply with Section 728.107(a)(4) for appropriate monitoring frequency consistent with the facilities' waste analysis plan.

D Cyanide nonwastewaters are analyzed using Method 9010C (Total and Amenable Cyanide: Distillation) or 9012B (Total and Amenable Cyanide (Automated Colorimetric, with Off-Line Distillation)) 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(b), with a sample size 10 g, distillation time one hour and fifteen minutes.

NA Not applicable.

BOARD NOTE: Derived from table to 40 CFR 268.44(o) (2017~~2005~~).

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

**Section 728.TABLE~~Table~~ I Generator Paperwork Requirements**

| Required information | Subsection of Section 728.107 under Which the Paperwork is Required: (a)(2) | (a)(3) | (a)(4) | (a)(9) |
|---|---|---|---|---|
| 1. USEPA hazardous waste numbers and manifest number of first shipment | ✓ | ✓ | ✓ | ✓ |
| 2. Statement: this waste is not prohibited from land disposal | | | ✓ | |
| 3. The waste is subject to the LDRs. The constituents of concern for USEPA hazardous waste numbers F001 through F005 and F039 waste, and underlying hazardous constituents in characteristic waste, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice | ✓ | ✓ | | |
| 4. The notice must include the applicable wastewater/nonwastewater category (see Section 728.102(d) and (f)) and subdivisions made within a USEPA hazardous waste number~~code~~ based on waste-specific criteria (such as D003 reactive cyanide) | ✓ | ✓ | | |
| 5. Waste analysis data (when available) | ✓ | ✓ | ✓ | |
| 6. Date the waste is subject to the prohibition | | | ✓ | |
| 7. For hazardous debris, when treating with the alternative treatment technologies provided by Section 728.145: the contaminants subject to treatment, as described in Section 728.145(b); and an indication that these contaminants are being treated to comply with Section 728.145 | ✓ | | ✓ | |

| | | | |
|---|---|---|---|
| 8. For contaminated soil subject to LDRs as provided in Section 728.149(a), the constituents subject to treatment as described in Section 728.149(d), and the following statement: This contaminated soil (does/does not) contain listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and (is subject to/complies with) the soil treatment standards as provided by Section 728.149(c) or the universal treatment standards | ✓ | ✓ | |
| 9. A certification is needed (see applicable subsection for exact wording) | | ✓ | ✓ |

BOARD NOTE: Derived from Table 1 to 40 CFR 268.7(a)(4) (2017~~2002~~).

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

POLLUTION CONTROL BOARD

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**Section 728.TABLE T Treatment Standards for Hazardous Wastes**

Note: The treatment standards that heretofore appeared in tables in Sections 728.141, 728.142, and 728.143 have been consolidated into this table.

| USEPA Hazardous Waste Number~~Code~~<br>Waste Description and Treatment or Regulatory Subcategory[1]<br>Regulated Hazardous Constituent<br>Common Name | CAS[2] Number | Wastewaters<br>Concentration[3] in mg/ℓ; or<br>Technology Code[4] | Nonwastewaters<br>Concentration[5] in mg/kg unless noted as "mg/ℓ TCLP"; or Technology Code[4] |
|---|---|---|---|
| D001[9]<br><br>Ignitable Characteristic Wastes, except for the 35 Ill. Adm. Code 721.121(a)(1) High TOC Subcategory. | | | |
| NA | NA | DEACT and meet Section 728.148 standards[8]; or RORGS; or CMBST | DEACT and meet Section 728.148 standards[8]; or RORGS; or CMBST |
| D001[9]<br><br>High TOC Ignitable Characteristic Liquids Subcategory based on 35 Ill. Adm. Code 721.121(a)(1) – Greater than or equal to 10 percent total organic carbon.<br><br>(Note: This subcategory consists of nonwastewaters only.) | | | |
| NA | NA | NA | RORGS; CMBST; or POLYM |
| D002[9]<br><br>Corrosive Characteristic Wastes. | | | |

| | | | |
|---|---|---|---|
| NA | NA | DEACT and meet Section 728.148 standards[8] | DEACT and meet Section 728.148 standards[8] |

D002, D004, D005, D006, D007, D008, D009, D010, D011

Radioactive high level wastes generated during the reprocessing of fuel rods.

(Note: This subcategory consists of nonwastewaters only.)

| | | | |
|---|---|---|---|
| Corrosivity (pH) | NA | NA | HLVIT |
| Arsenic | 7440-38-2 | NA | HLVIT |
| Barium | 7440-39-3 | NA | HLVIT |
| Cadmium | 7440-43-9 | NA | HLVIT |
| Chromium (Total) | 7440-47-3 | NA | HLVIT |
| Lead | 7439-92-1 | NA | HLVIT |
| Mercury | 7439-97-6 | NA | HLVIT |
| Selenium | 7782-49-2 | NA | HLVIT |
| Silver | 7440-22-4 | NA | HLVIT |

D003[9]

Reactive Sulfides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).

| | | | |
|---|---|---|---|
| NA | NA | DEACT | DEACT |

D003[9]

Explosive subcategory based on 35 Ill. Adm. Code 721.123(a)(6), (a)(7), and (a)(8).

| | | | |
|---|---|---|---|
| NA | NA | DEACT and meet Section 728.148 standards[8] | DEACT and meet Section 728.148 standards[8] |

D003[9]

Unexploded ordnance and other explosive devices that have been the subject of an emergency response.

| | | | |
|---|---|---|---|
| NA | NA | DEACT | DEACT |

D003[9]

Other Reactives Subcategory based on 35 Ill. Adm. Code 721.123(a)(1).

| | | | |
|---|---|---|---|
| NA | NA | DEACT and meet Section 728.148 standards[8] | DEACT and meet Section 728.148 standards[8] |

D003[9]

Water Reactive Subcategory based on 35 Ill. Adm. Code 721.123(a)(2), (a)(3), and (a)(4).

(Note: This subcategory consists of nonwastewaters only.)

| | | | |
|---|---|---|---|
| NA | NA | NA | DEACT and meet Section 728.148 standards[8] |

D003[9]

Reactive Cyanides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).

| | | | |
|---|---|---|---|
| Cyanides (Total)[7] | 57-12-5 | – | 590 |
| Cyanides (Amenable)[7] | 57-12-5 | 0.86 | 30 |

D004[9]

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for arsenic based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Arsenic | 7440-38-2 | 1.4 and meet Section 728.148 standards[8] | 5.0 mg/ℓ TCLP and meet Section 728.148 standards[8] |

D005[9]

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for barium based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Barium | 7440-39-3 | 1.2 and meet Section 728.148 standards[8] | 21 mg/ℓ TCLP and meet Section 728.148 standards[8] |

D006[9]

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for cadmium based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Cadmium | 7440-43-9 | 0.69 and meet Section 728.148 standards[8] | 0.11 mg/ℓ TCLP and meet Section 728.148 standards[8] |

D006[9]

Cadmium-Containing Batteries Subcategory.

(Note: This subcategory consists of nonwastewaters only.)

| | | | |
|---|---|---|---|
| Cadmium | 7440-43-9 | NA | RTHRM |

D006[9]

Radioactively contaminated cadmium-containing batteries.

(Note: This subcategory consists of nonwastewaters only.)

| | | | |
|---|---|---|---|
| Cadmium | 7440-43-9 | NA | Macroencapsulation in accordance with Section 728.145 |

D007[9]

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for chromium based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Chromium (Total) | 7440-47-3 | 2.77 and meet Section 728.148 standards[8] | 0.60 mg/ℓ TCLP and meet Section 728.148 standards[8] |

D008[9]

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for lead based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Lead | 7439-92-1 | 0.69 and meet Section 728.148 standards[8] | 0.75 mg/ℓ TCLP and meet Section 728.148 standards[8] |

D008[9]

Lead Acid Batteries Subcategory

(Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of this Part or exempted under other regulations (see 35 Ill. Adm. Code 726.180). This subcategory consists of nonwastewaters only.)

| | | | |
|---|---|---|---|
| Lead | 7439-92-1 | NA | RLEAD |

D008[9]

Radioactive Lead Solids Subcategory

(Note: These lead solids include, but are not limited to, all forms of lead shielding and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide

sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozzolanic stabilization, nor do they include organo-lead materials that can be incinerated and stabilized as ash. This subcategory consists of nonwastewaters only.)

| | | | |
|---|---|---|---|
| Lead | 7439-92-1 | NA | MACRO |

D009[9]

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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); and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues. (High Mercury-Organic Subcategory)

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | NA | IMERC; or RMERC |

D009[9]

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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); and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RMERC. (High Mercury-Inorganic Subcategory)

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | NA | RMERC |

D009[9]

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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); and contain less than 260 mg/kg total mercury. (Low Mercury Subcategory)

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | NA | 0.20 mg/ℓ TCLP and meet Section 728.148 standards[8] |

D009[9]

All other nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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); and contain less than 260 mg/kg total mercury and that are not residues from RMERC. (Low Mercury Subcategory)

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | NA | 0.025 mg/ℓ TCLP and meet Section 728.148 standards[8] |

D009[9]

All D009 wastewaters.

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | 0.15 and meet Section 728.148 standards[8] | NA |

D009[9]

Elemental mercury contaminated with radioactive materials.

(Note: This subcategory consists of nonwastewaters only.)

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | NA | AMLGM |

D009[9]

Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory.

(Note: This subcategory consists of nonwastewaters only.)

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | NA | IMERC |

D009[9]

Radioactively contaminated mercury-containing batteries.

(Note: This subcategory consists of nonwastewaters only.)

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | NA | Macroencapsulation in accordance with Section 728.145 |

D010[9]

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for selenium based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Selenium | 7782-49-2 | 0.82 and meet Section 728.148 standards[8] | 5.7 mg/ℓ TCLP and meet Section 728.148 standards[8] |

D011[9]

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Silver | 7440-22-4 | 0.43 | 0.14 mg/ℓ TCLP and meet Section 728.148 standards[8] |

D011[9]

Radioactively contaminated silver-containing batteries.

(Note: This subcategory consists of nonwastewaters only.)

| | | | |
|---|---|---|---|
| Silver | 7440-22-4 | NA | Macroencapsulation in accordance with Section 728.145 |

D012[9]

Wastes that are TC for endrin based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Endrin | 72-20-8 | BIODG; or CMBST | 0.13 and meet Section 728.148 standards[8] |
| Endrin aldehyde | 7421-93-4 | BIODG; or CMBST | 0.13 and meet Section 728.148 standards[8] |

D013[9]

Wastes that are TC for lindane based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| α-BHC | 319-84-6 | CARBN; or CMBST | 0.066 and meet Section 728.148 standards[8] |
| β-BHC | 319-85-7 | CARBN; or CMBST | 0.066 and meet Section 728.148 standards[8] |
| δ-BHC | 319-86-8 | CARBN; or CMBST | 0.066 and meet Section 728.148 standards[8] |
| γ-BHC (Lindane) | 58-89-9 | CARBN; or CMBST | 0.066 and meet Section 728.148 standards[8] |

D014[9]

Wastes that are TC for methoxychlor based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Methoxychlor | 72-43-5 | WETOX or CMBST | 0.18 and meet Section 728.148 standards[8] |

D015[9]

Wastes that are TC for toxaphene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Toxaphene | 8001-35-2 | BIODG or CMBST | 2.6 and meet Section 728.148 standards[8] |

D016[9]

Wastes that are TC for 2,4-D (2,4-dichlorophenoxyacetic acid) based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| 2,4-D (2,4-dichlorophenoxyacetic acid) | 94-75-7 | CHOXD; BIODG; or CMBST | 10 and meet Section 728.148 standards[8] |

D017[9]

Wastes that are TC for 2,4,5-TP (Silvex) based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| 2,4,5-TP (Silvex) | 93-72-1 | CHOXD or CMBST | 7.9 and meet Section 728.148 standards[8] |

D018[9]

Wastes that are TC for benzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Benzene | 71-43-2 | 0.14 and meet Section 728.148 standards[8] | 10 and meet Section 728.148 standards[8] |

D019[9]

Wastes that are TC for carbon tetrachloride based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Carbon tetrachloride | 56-23-5 | 0.057 and meet Section 728.148 standards[8] | 6.0 and meet Section 728.148 standards[8] |

D020[9]

Wastes that are TC for chlordane based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Chlordane ($\alpha$ and $\chi$ isomers) | 57-74-9 | 0.0033 and meet Section 728.148 standards[8] | 0.26 and meet Section 728.148 standards[8] |

D021[9]

Wastes that are TC for chlorobenzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Chlorobenzene | 108-90-7 | 0.057 and meet Section 728.148 standards[8] | 6.0 and meet Section 728.148 standards[8] |

D022[9]

Wastes that are TC for chloroform based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Chloroform | 67-66-3 | 0.046 and meet Section 728.148 standards[8] | 6.0 and meet Section 728.148 standards[8] |

D023[9]

Wastes that are TC for o-cresol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| o-Cresol | 95-48-7 | 0.11 and meet Section 728.148 standards[8] | 5.6 and meet Section 728.148 standards[8] |

D024[9]

Wastes that are TC for m-cresol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| m-Cresol (difficult to distinguish from p-cresol) | 108-39-4 | 0.77 and meet Section 728.148 standards[8] | 5.6 and meet Section 728.148 standards[8] |

D025[9]

Wastes that are TC for p-cresol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| p-Cresol (difficult to distinguish from m-cresol) | 106-44-5 | 0.77 and meet Section 728.148 standards[8] | 5.6 and meet Section 728.148 standards[8] |

D026[9]

Wastes that are TC for cresols (total) based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations) | 1319-77-3 | 0.88 and meet Section 728.148 standards[8] | 11.2 and meet Section 728.148 standards[8] |

D027[9]

Wastes that are TC for p-dichlorobenzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| p-Dichlorobenzene (1,4-Dichlorobenzene) | 106-46-7 | 0.090 and meet Section 728.148 standards[8] | 6.0 and meet Section 728.148 standards[8] |

D028[9]

Wastes that are TC for 1,2-dichloroethane based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| 1,2-Dichloroethane | 107-06-2 | 0.21 and meet Section 728.148 standards[8] | 6.0 and meet Section 728.148 standards[8] |

D029[9]

Wastes that are TC for 1,1-dichloroethylene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| 1,1-Dichloroethylene | 75-35-4 | 0.025 and meet Section 728.148 standards[8] | 6.0 and meet Section 728.148 standards[8] |

D030[9]

Wastes that are TC for 2,4-dinitrotoluene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| 2,4-Dinitrotoluene | 121-14-2 | 0.32 and meet Section 728.148 standards[8] | 140 and meet Section 728.148 standards[8] |

D031[9]

Wastes that are TC for heptachlor based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Heptachlor | 76-44-8 | 0.0012 and meet Section 728.148 standards[8] | 0.066 and meet Section 728.148 standards[8] |
| Heptachlor epoxide | 1024-57-3 | 0.016 and meet Section 728.148 standards[8] | 0.066 and meet Section 728.148 standards[8] |

D032[9]

Wastes that are TC for hexachlorobenzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Hexachlorobenzene | 118-74-1 | 0.055 and meet Section 728.148 standards[8] | 10 and meet Section 728.148 standards[8] |

D033[9]

Wastes that are TC for hexachlorobutadiene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Hexachlorobutadiene | 87-68-3 | 0.055 and meet Section 728.148 standards[8] | 5.6 and meet Section 728.148 standards[8] |

D034[9]

Wastes that are TC for hexachloroethane based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Hexachloroethane | 67-72-1 | 0.055 and meet Section 728.148 standards[8] | 30 and meet Section 728.148 standards[8] |

D035[9]

Wastes that are TC for methyl ethyl ketone based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Methyl ethyl ketone | 78-93-3 | 0.28 and meet Section 728.148 standards[8] | 36 and meet Section 728.148 standards[8] |

D036[9]

Wastes that are TC for nitrobenzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Nitrobenzene | 98-95-3 | 0.068 and meet Section 728.148 standards[8] | 14 and meet Section 728.148 standards[8] |

D037[9]

Wastes that are TC for pentachlorophenol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Pentachlorophenol | 87-86-5 | 0.089 and meet Section 728.148 standards[8] | 7.4 and meet Section 728.148 standards[8] |

D038[9]

Wastes that are TC for pyridine based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Pyridine | 110-86-1 | 0.014 and meet Section 728.148 standards[8] | 16 and meet Section 728.148 standards[8] |

D039[9]

Wastes that are TC for tetrachloroethylene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Tetrachloroethylene | 127-18-4 | 0.056 and meet Section 728.148 standards[8] | 6.0 and meet Section 728.148 standards[8] |

D040[9]

Wastes that are TC for trichloroethylene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Trichloroethylene | 79-01-6 | 0.054 and meet Section 728.148 standards[8] | 6.0 and meet Section 728.148 standards[8] |

D041[9]

Wastes that are TC for 2,4,5-trichlorophenol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| 2,4,5-Trichlorophenol | 95-95-4 | 0.18 and meet Section 728.148 standards[8] | 7.4 and meet Section 728.148 standards[8] |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

D042[9]

Wastes that are TC for 2,4,6-trichlorophenol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| 2,4,6-Trichlorophenol | 88-06-2 | 0.035 and meet Section 728.148 standards[8] | 7.4 and meet Section 728.148 standards[8] |

D043[9]

Wastes that are TC for vinyl chloride based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) 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).

| | | | |
|---|---|---|---|
| Vinyl chloride | 75-01-4 | 0.27 and meet Section 728.148 standards[8] | 6.0 and meet Section 728.148 standards[8] |

F001, F002, F003, F004 & F005

F001, F002, F003, F004, or F005 solvent wastes that contain any combination of one or more of the following spent solvents: acetone, benzene, n-butyl alcohol, carbon disulfide, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, p-cresol, cyclohexanone, o-dichlorobenzene, 2-ethoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloro-1,2,2-trifluoroethane, trichloroethylene, trichloromonofluoromethane, or xylenes (except as specifically noted in other subcategories). See further details of these listings in 35 Ill. Adm. Code 721.131.

| | | | |
|---|---|---|---|
| Acetone | 67-64-1 | 0.28 | 160 |
| Benzene | 71-43-2 | 0.14 | 10 |
| n-Butyl alcohol | 71-36-3 | 5.6 | 2.6 |
| Carbon disulfide | 75-15-0 | 3.8 | NA |

| | | | |
|---|---|---|---|
| Carbon tetrachloride | 56-23-5 | 0.057 | 6.0 |
| Chlorobenzene | 108-90-7 | 0.057 | 6.0 |
| o-Cresol | 95-48-7 | 0.11 | 5.6 |
| m-Cresol (difficult to distinguish from p-cresol) | 108-39-4 | 0.77 | 5.6 |
| p-Cresol (difficult to distinguish from m-cresol) | 106-44-5 | 0.77 | 5.6 |
| Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations) | 1319-77-3 | 0.88 | 11.2 |
| Cyclohexanone | 108-94-1 | 0.36 | NA |
| o-Dichlorobenzene | 95-50-1 | 0.088 | 6.0 |
| Ethyl acetate | 141-78-6 | 0.34 | 33 |
| Ethyl benzene | 100-41-4 | 0.057 | 10 |
| Ethyl ether | 60-29-7 | 0.12 | 160 |
| Isobutyl alcohol | 78-83-1 | 5.6 | 170 |
| Methanol | 67-56-1 | 5.6 | NA |
| Methylene chloride | 75-9-2 | 0.089 | 30 |
| Methyl ethyl ketone | 78-93-3 | 0.28 | 36 |
| Methyl isobutyl ketone | 108-10-1 | 0.14 | 33 |
| Nitrobenzene | 98-95-3 | 0.068 | 14 |
| Pyridine | 110-86-1 | 0.014 | 16 |
| Tetrachloroethylene | 127-18-4 | 0.056 | 6.0 |
| Toluene | 108-88-3 | 0.080 | 10 |
| 1,1,1-Trichloroethane | 71-55-6 | 0.054 | 6.0 |
| 1,1,2-Trichloroethane | 79-00-5 | 0.054 | 6.0 |
| 1,1,2-Trichloro-1,2,2-trifluoroethane | 76-13-1 | 0.057 | 30 |
| Trichloroethylene | 79-01-6 | 0.054 | 6.0 |
| Trichloromonofluoromethane | 75-69-4 | 0.020 | 30 |
| Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations) | 1330-20-7 | 0.32 | 30 |

F001, F002, F003, F004 & F005

F003 and F005 solvent wastes that contain any combination of one or more of the following three solvents as the only listed F001 through F005 solvents: carbon disulfide, cyclohexanone, or methanol. (Formerly Section 728.141(c)).

| | | | |
|---|---|---|---|
| Carbon disulfide | 75-15-0 | 3.8 | 4.8 mg/ℓ TCLP |
| Cyclohexanone | 108-94-1 | 0.36 | 0.75 mg/ℓ TCLP |
| Methanol | 67-56-1 | 5.6 | 0.75 mg/ℓ TCLP |

F001, F002, F003, F004 & F005

F005 solvent waste containing 2-Nitropropane as the only listed F001 through F005 solvent.

| | | | |
|---|---|---|---|
| 2-Nitropropane | 79-46-9 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

F001, F002, F003, F004 & F005

F005 solvent waste containing 2-Ethoxyethanol as the only listed F001 through F005 solvent.

| | | | |
|---|---|---|---|
| 2-Ethoxyethanol | 110-80-5 | BIODG; or CMBST | CMBST |

F006

Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning or stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

| | | | |
|---|---|---|---|
| Cadmium | 7440-43-9 | 0.69 | 0.11 mg/ℓ TCLP |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)[7] | 57-12-5 | 0.86 | 30 |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |
| Nickel | 7440-02-0 | 3.98 | 11 mg/ℓ TCLP |
| Silver | 7440-22-4 | NA | 0.14 mg/ℓ TCLP |

F007

Spent cyanide plating bath solutions from electroplating operations.

| | | | |
|---|---|---|---|
| Cadmium | 7440-43-9 | NA | 0.11 mg/ℓ TCLP |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)[7] | 57-12-5 | 0.86 | 30 |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |
| Nickel | 7440-02-0 | 3.98 | 11 mg/ℓ TCLP |
| Silver | 7440-22-4 | NA | 0.14 mg/ℓ TCLP |

F008

Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.

| | | | |
|---|---|---|---|
| Cadmium | 7440-43-9 | NA | 0.11 mg/ℓ TCLP |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)[7] | 57-12-5 | 0.86 | 30 |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |
| Nickel | 7440-02-0 | 3.98 | 11 mg/ℓ TCLP |
| Silver | 7440-22-4 | NA | 0.14 mg/ℓ TCLP |

F009

Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

| | | | |
|---|---|---|---|
| Cadmium | 7440-43-9 | NA | 0.11 mg/ℓ TCLP |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)[7] | 57-12-5 | 0.86 | 30 |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |
| Nickel | 7440-02-0 | 3.98 | 11 mg/ℓ TCLP |
| Silver | 7440-22-4 | NA | 0.14 mg/ℓ TCLP |

F010

Quenching bath residues from oil baths from metal heat-treating operations where cyanides are used in the process.

| | | | |
|---|---|---|---|
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)[7] | 57-12-5 | 0.86 | NA |

F011

Spent cyanide solutions from salt bath pot cleaning from metal heat-treating operations.

| | | | |
|---|---|---|---|
| Cadmium | 7440-43-9 | NA | 0.11 mg/ℓ TCLP |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)[7] | 57-12-5 | 0.86 | 30 |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |
| Nickel | 7440-02-0 | 3.98 | 11 mg/ℓ TCLP |
| Silver | 7440-22-4 | NA | 0.14 mg/ℓ TCLP |

F012

Quenching wastewater treatment sludges from metal heat-treating operations where cyanides are used in the process.

| | | | |
|---|---|---|---|
| Cadmium | 7440-43-9 | NA | 0.11 mg/ℓ TCLP |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)[7] | 57-12-5 | 0.86 | 30 |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |
| Nickel | 7440-02-0 | 3.98 | 11 mg/ℓ TCLP |
| Silver | 7440-22-4 | NA | 0.14 mg/ℓ TCLP |

F019

Wastewater treatment sludges from the chemical conversion coating of aluminum, except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.

| | | | |
|---|---|---|---|
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)[7] | 57-12-5 | 0.86 | 30 |

F020, F021, F022, F023, F026

Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives, excluding wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (i.e., F020); (2) pentachlorophenol, or of intermediates used to produce its derivatives (i.e., F021); (3) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F022) and wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenols, excluding wastes from equipment used only for the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (F023) or (2) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F026).

| | | | |
|---|---|---|---|
| HxCDDs (All Hexachlorodibenzo-p-dioxins) | NA | 0.000063 | 0.001 |
| HxCDFs (All Hexachlorodibenzofurans) | 55684-94-1 | 0.000063 | 0.001 |
| PeCDDs (All Pentachlorodibenzo-p-dioxins) | 36088-22-9 | 0.000063 | 0.001 |
| PeCDFs (All Pentachlorodibenzofurans) | 30402-15-4 | 0.000035 | 0.001 |
| Pentachlorophenol | 87-86-5 | 0.089 | 7.4 |
| TCDDs (All Tetrachlorodibenzo-p-dioxins) | 41903-57-5 | 0.000063 | 0.001 |
| TCDFs (All Tetrachlorodibenzofurans) | 55722-27-5 | 0.000063 | 0.001 |
| 2,4,5-Trichlorophenol | 95-95-4 | 0.18 | 7.4 |
| 2,4,6-Trichlorophenol | 88-06-2 | 0.035 | 7.4 |
| 2,3,4,6-Tetrachlorophenol | 58-90-2 | 0.030 | 7.4 |

F024

Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in 35 Ill. Adm. Code 721.131 or 721.132.)

| | | | |
|---|---|---|---|
| All F024 wastes | NA | CMBST[11] | CMBST[11] |
| 2-Chloro-1,3-butadiene | 126-99-8 | 0.057 | 0.28 |
| 3-Chloropropylene | 107-05-1 | 0.036 | 30 |
| 1,1-Dichloroethane | 75-34-3 | 0.059 | 6.0 |
| 1,2-Dichloroethane | 107-06-2 | 0.21 | 6.0 |
| 1,2-Dichloropropane | 78-87-5 | 0.85 | 18 |
| cis-1,3-Dichloropropylene | 10061-01-5 | 0.036 | 18 |
| trans-1,3-Dichloropropylene | 10061-02-6 | 0.036 | 18 |
| bis(2-Ethylhexyl) phthalate | 117-81-7 | 0.28 | 28 |
| Hexachloroethane | 67-72-1 | 0.055 | 30 |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Nickel | 7440-02-0 | 3.98 | 11 mg/ℓ TCLP |

F025

Condensed light ends from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one up to and including five, with varying amounts and positions of chlorine substitution. F025 – Light Ends Subcategory.

| | | | |
|---|---|---|---|
| Carbon tetrachloride | 56-23-5 | 0.057 | 6.0 |
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| 1,2-Dichloroethane | 107-06-2 | 0.21 | 6.0 |
| 1,1-Dichloroethylene | 75-35-4 | 0.025 | 6.0 |
| Methylene chloride | 75-9-2 | 0.089 | 30 |
| 1,1,2-Trichloroethane | 79-00-5 | 0.054 | 6.0 |
| Trichloroethylene | 79-01-6 | 0.054 | 6.0 |
| Vinyl chloride | 75-01-4 | 0.27 | 6.0 |

F025

Spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. F025 – Spent Filters/Aids and Desiccants Subcategory.

| | | | |
|---|---|---|---|
| Carbon tetrachloride | 56-23-5 | 0.057 | 6.0 |
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| Hexachlorobenzene | 118-74-1 | 0.055 | 10 |
| Hexachlorobutadiene | 87-68-3 | 0.055 | 5.6 |
| Hexachloroethane | 67-72-1 | 0.055 | 30 |
| Methylene chloride | 75-9-2 | 0.089 | 30 |
| 1,1,2-Trichloroethane | 79-00-5 | 0.054 | 6.0 |
| Trichloroethylene | 79-01-6 | 0.054 | 6.0 |
| Vinyl chloride | 75-01-4 | 0.27 | 6.0 |

F027

Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)

| | | | |
|---|---|---|---|
| HxCDDs (All Hexachlorodibenzo-p-dioxins) | NA | 0.000063 | 0.001 |
| HxCDFs (All Hexachlorodibenzofurans) | 55684-94-1 | 0.000063 | 0.001 |
| PeCDDs (All Pentachlorodibenzo-p-dioxins) | 36088-22-9 | 0.000063 | 0.001 |
| PeCDFs (All Pentachlorodibenzofurans) | 30402-15-4 | 0.000035 | 0.001 |
| Pentachlorophenol | 87-86-5 | 0.089 | 7.4 |
| TCDDs (All Tetrachlorodibenzo-p-dioxins) | 41903-57-5 | 0.000063 | 0.001 |
| TCDFs (All Tetrachlorodibenzofurans) | 55722-27-5 | 0.000063 | 0.001 |
| 2,4,5-Trichlorophenol | 95-95-4 | 0.18 | 7.4 |
| 2,4,6-Trichlorophenol | 88-06-2 | 0.035 | 7.4 |
| 2,3,4,6-Tetrachlorophenol | 58-90-2 | 0.030 | 7.4 |

F028

Residues resulting from the incineration or thermal treatment of soil contaminated with USEPA hazardous waste numbers F020, F021, F023, F026, and F027.

| | | | |
|---|---|---|---|
| HxCDDs (All Hexachlorodibenzo-p-dioxins) | NA | 0.000063 | 0.001 |
| HxCDFs (All Hexachlorodibenzofurans) | 55684-94-1 | 0.000063 | 0.001 |
| PeCDDs (All Pentachlorodibenzo-p-dioxins) | 36088-22-9 | 0.000063 | 0.001 |
| PeCDFs (All Pentachlorodibenzofurans) | 30402-15-4 | 0.000035 | 0.001 |
| Pentachlorophenol | 87-86-5 | 0.089 | 7.4 |
| TCDDs (All Tetrachlorodibenzo-p-dioxins) | 41903-57-5 | 0.000063 | 0.001 |
| TCDFs (All Tetrachlorodibenzofurans) | 55722-27-5 | 0.000063 | 0.001 |
| 2,4,5-Trichlorophenol | 95-95-4 | 0.18 | 7.4 |
| 2,4,6-Trichlorophenol | 88-06-2 | 0.035 | 7.4 |
| 2,3,4,6-Tetrachlorophenol | 58-90-2 | 0.030 | 7.4 |

F032

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 USEPA hazardous waste number~~code~~ deleted in accordance with 35 Ill. Adm. Code 721.135 or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or penta-chlorophenol.

| | | | |
|---|---|---|---|
| Acenaphthene | 83-32-9 | 0.059 | 3.4 |
| Anthracene | 120-12-7 | 0.059 | 3.4 |
| Benz(a)anthracene | 56-55-3 | 0.059 | 3.4 |

| | | | |
|---|---|---|---|
| Benzo(b)fluoranthene (difficult to distinguish from benzo(k) fluoranthene) | 205-99-2 | 0.11 | 6.8 |
| Benzo(k)fluoranthene (difficult to distinguish from benzo(b) fluoranthene) | 207-08-9 | 0.11 | 6.8 |
| Benzo(a)pyrene | 50-32-8 | 0.061 | 3.4 |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| Dibenz(a,h)anthracene | 53-70-3 | 0.055 | 8.2 |
| 2-4-Dimethyl phenol | 105-67-9 | 0.036 | 14 |
| Fluorene | 86-73-7 | 0.059 | 3.4 |
| Hexachlorodibenzo-p-dioxins | NA | 0.000063 or CMBST[11] | 0.001 or CMBST[11] |
| Hexachlorodibenzofurans | NA | 0.000063 or CMBST[11] | 0.001 or CMBST[11] |
| Indeno (1,2,3-c,d) pyrene | 193-39-5 | 0.0055 | 3.4 |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Pentachlorodibenzo-p-dioxins | NA | 0.000063 or CMBST[11] | 0.001 or CMBST[11] |
| Pentachlorodibenzofurans | NA | 0.000035 or CMBST[11] | 0.001 or CMBST[11] |
| Pentachlorophenol | 87-86-5 | 0.089 | 7.4 |
| Phenanthrene | 85-01-8 | 0.059 | 5.6 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| Pyrene | 129-00-0 | 0.067 | 8.2 |
| Tetrachlorodibenzo-p-dioxins | NA | 0.000063 or CMBST[11] | 0.001 or CMBST[11] |
| Tetrachlorodibenzofurans | NA | 0.000063 or CMBST[11] | 0.001 or CMBST[11] |
| 2,3,4,6-Tetrachlorophenol | 58-90-2 | 0.030 | 7.4 |
| 2,4,6-Trichlorophenol | 88-06-2 | 0.035 | 7.4 |
| Arsenic | 7440-38-2 | 1.4 | 5.0 mg/ℓ TCLP |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |

F034

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom

sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

| | | | |
|---|---|---|---|
| Acenaphthene | 83-32-9 | 0.059 | 3.4 |
| Anthracene | 120-12-7 | 0.059 | 3.4 |
| Benz(a)anthracene | 56-55-3 | 0.059 | 3.4 |
| Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene) | 205-99-2 | 0.11 | 6.8 |
| Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene) | 207-08-9 | 0.11 | 6.8 |
| Benzo(a)pyrene | 50-32-8 | 0.061 | 3.4 |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| Dibenz(a,h)anthracene | 53-70-3 | 0.055 | 8.2 |
| Fluorene | 86-73-7 | 0.059 | 3.4 |
| Indeno (1,2,3-c,d) pyrene | 193-39-5 | 0.0055 | 3.4 |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Phenanthrene | 85-01-8 | 0.059 | 5.6 |
| Pyrene | 129-00-0 | 0.067 | 8.2 |
| Arsenic | 7440-38-2 | 1.4 | 5.0 mg/ℓ TCLP |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |

F035

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes that are generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

| | | | |
|---|---|---|---|
| Arsenic | 7440-38-2 | 1.4 | 5.0 mg/ℓ TCLP |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |

F037

Petroleum refinery primary oil/water/solids separation sludge – any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited

to, those generated in: oil/water/solids separators; tanks, and impoundments; ditches, and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.

| | | | |
|---|---|---|---|
| Acenaphthene | 83-32-9 | 0.059 | NA |
| Anthracene | 120-12-7 | 0.059 | 3.4 |
| Benzene | 71-43-2 | 0.14 | 10 |
| Benz(a)anthracene | 56-55-3 | 0.059 | 3.4 |
| Benzo(a)pyrene | 50-32-8 | 0.061 | 3.4 |
| bis(2-Ethylhexyl) phthalate | 117-81-7 | 0.28 | 28 |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| Di-n-butyl phthalate | 84-74-2 | 0.057 | 28 |
| Ethylbenzene | 100-41-4 | 0.057 | 10 |
| Fluorene | 86-73-7 | 0.059 | NA |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Phenanthrene | 85-01-8 | 0.059 | 5.6 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| Pyrene | 129-00-0 | 0.067 | 8.2 |
| Toluene | 108-88-3 | 0.080 | 10 |
| Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations) | 1330-20-7 | 0.32 | 30 |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Lead | 7439-92-1 | 0.69 | NA |
| Nickel | 7440-02-0 | NA | 11 mg/ℓ TCLP |

F038

Petroleum refinery secondary (emulsified) oil/water/solids separation sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air floatation (IAF) units, tanks, and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive

dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges, and floats generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological units) and F037, K048, and K051 are not included in this listing.

| | | | |
|---|---|---|---|
| Benzene | 71-43-2 | 0.14 | 10 |
| Benzo(a)pyrene | 50-32-8 | 0.061 | 3.4 |
| bis(2-Ethylhexyl) phthalate | 117-81-7 | 0.28 | 28 |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| Di-n-butyl phthalate | 84-74-2 | 0.057 | 28 |
| Ethylbenzene | 100-41-4 | 0.057 | 10 |
| Fluorene | 86-73-7 | 0.059 | NA |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Phenanthrene | 85-01-8 | 0.059 | 5.6 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| Pyrene | 129-00-0 | 0.067 | 8.2 |
| Toluene | 108-88-3 | 0.080 | 10 |
| Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations) | 1330-20-7 | 0.32 | 30 |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Lead | 7439-92-1 | 0.69 | NA |
| Nickel | 7440-02-0 | NA | 11 mg/ℓ TCLP |

F039

Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under Subpart D ~~of this Part~~. (Leachate resulting from the disposal of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its USEPA hazardous waste numbers: F020, F021, F022, F026, F027, or F028.).

| | | | |
|---|---|---|---|
| Acenaphthylene | 208-96-8 | 0.059 | 3.4 |
| Acenaphthene | 83-32-9 | 0.059 | 3.4 |
| Acetone | 67-64-1 | 0.28 | 160 |
| Acetonitrile | 75-05-8 | 5.6 | NA |
| Acetophenone | 96-86-2 | 0.010 | 9.7 |

| | | | |
|---|---|---|---|
| 2-Acetylaminofluorene | 53-96-3 | 0.059 | 140 |
| Acrolein | 107-02-8 | 0.29 | NA |
| Acrylonitrile | 107-13-1 | 0.24 | 84 |
| Aldrin | 309-00-2 | 0.021 | 0.066 |
| 4-Aminobiphenyl | 92-67-1 | 0.13 | NA |
| Aniline | 62-53-3 | 0.81 | 14 |
| o-Anisidine (2-methoxyaniline) | 90-04-0 | 0.010 | 0.66 |
| Anthracene | 120-12-7 | 0.059 | 3.4 |
| Aramite | 140-57-8 | 0.36 | NA |
| $\alpha$-BHC | 319-84-6 | 0.00014 | 0.066 |
| $\beta$-BHC | 319-85-7 | 0.00014 | 0.066 |
| $\delta$-BHC | 319-86-8 | 0.023 | 0.066 |
| $\gamma$-BHC | 58-89-9 | 0.0017 | 0.066 |
| Benzene | 71-43-2 | 0.14 | 10 |
| Benz(a)anthracene | 56-55-3 | 0.059 | 3.4 |
| Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene) | 205-99-2 | 0.11 | 6.8 |
| Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene) | 207-08-9 | 0.11 | 6.8 |
| Benzo(g,h,i)perylene | 191-24-2 | 0.0055 | 1.8 |
| Benzo(a)pyrene | 50-32-8 | 0.061 | 3.4 |
| Bromodichloromethane | 75-27-4 | 0.35 | 15 |
| Methyl bromide (Bromomethane) | 74-83-9 | 0.11 | 15 |
| 4-Bromophenyl phenyl ether | 101-55-3 | 0.055 | 15 |
| n-Butyl alcohol | 71-36-3 | 5.6 | 2.6 |
| Butyl benzyl phthalate | 85-68-7 | 0.017 | 28 |
| 2-sec-Butyl-4,6-dinitrophenol (Dinoseb) | 88-85-7 | 0.066 | 2.5 |
| Carbon disulfide | 75-15-0 | 3.8 | NA |
| Carbon tetrachloride | 56-23-5 | 0.057 | 6.0 |
| Chlordane ($\alpha$ and $\chi$ isomers) | 57-74-9 | 0.0033 | 0.26 |
| p-Chloroaniline | 106-47-8 | 0.46 | 16 |
| Chlorobenzene | 108-90-7 | 0.057 | 6.0 |
| Chlorobenzilate | 510-15-6 | 0.10 | NA |
| 2-Chloro-1,3-butadiene | 126-99-8 | 0.057 | NA |
| Chlorodibromomethane | 124-48-1 | 0.057 | 15 |

| | | | |
|---|---|---|---|
| Chloroethane | 75-00-3 | 0.27 | 6.0 |
| bis(2-Chloroethoxy)methane | 111-91-1 | 0.036 | 7.2 |
| bis(2-Chloroethyl)ether | 111-44-4 | 0.033 | 6.0 |
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| bis(2-Chloroisopropyl)ether | 39638-32-9 | 0.055 | 7.2 |
| p-Chloro-m-cresol | 59-50-7 | 0.018 | 14 |
| Chloromethane (Methyl chloride) | 74-87-3 | 0.19 | 30 |
| 2-Chloronaphthalene | 91-58-7 | 0.055 | 5.6 |
| 2-Chlorophenol | 95-57-8 | 0.044 | 5.7 |
| 3-Chloropropylene | 107-05-1 | 0.036 | 30 |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| p-Cresidine | 120-71-8 | 0.010 | 0.66 |
| o-Cresol | 95-48-7 | 0.11 | 5.6 |
| m-Cresol (difficult to distinguish from p-cresol) | 108-39-4 | 0.77 | 5.6 |
| p-Cresol (difficult to distinguish from m-cresol) | 106-44-5 | 0.77 | 5.6 |
| Cyclohexanone | 108-94-1 | 0.36 | NA |
| 1,2-Dibromo-3-chloropropane | 96-12-8 | 0.11 | 15 |
| Ethylene dibromide (1,2-Dibromoethane) | 106-93-4 | 0.028 | 15 |
| Dibromomethane | 74-95-3 | 0.11 | 15 |
| 2,4-D (2,4-Dichlorophenoxyacetic acid) | 94-75-7 | 0.72 | 10 |
| o,p'-DDD | 53-19-0 | 0.023 | 0.087 |
| p,p'-DDD | 72-54-8 | 0.023 | 0.087 |
| o,p'-DDE | 3424-82-6 | 0.031 | 0.087 |
| p,p'-DDE | 72-55-9 | 0.031 | 0.087 |
| o,p'-DDT | 789-02-6 | 0.0039 | 0.087 |
| p,p'-DDT | 50-29-3 | 0.0039 | 0.087 |
| Dibenz(a,h)anthracene | 53-70-3 | 0.055 | 8.2 |
| Dibenz(a,e)pyrene | 192-65-4 | 0.061 | NA |
| m-Dichlorobenzene | 541-73-1 | 0.036 | 6.0 |
| o-Dichlorobenzene | 95-50-1 | 0.088 | 6.0 |
| p-Dichlorobenzene | 106-46-7 | 0.090 | 6.0 |
| Dichlorodifluoromethane | 75-71-8 | 0.23 | 7.2 |

| | | | |
|---|---|---|---|
| 1,1-Dichloroethane | 75-34-3 | 0.059 | 6.0 |
| 1,2-Dichloroethane | 107-06-2 | 0.21 | 6.0 |
| 1,1-Dichloroethylene | 75-35-4 | 0.025 | 6.0 |
| trans-1,2-Dichloroethylene | 156-60-5 | 0.054 | 30 |
| 2,4-Dichlorophenol | 120-83-2 | 0.044 | 14 |
| 2,6-Dichlorophenol | 87-65-0 | 0.044 | 14 |
| 1,2-Dichloropropane | 78-87-5 | 0.85 | 18 |
| cis-1,3-Dichloropropylene | 10061-01-5 | 0.036 | 18 |
| trans-1,3-Dichloropropylene | 10061-02-6 | 0.036 | 18 |
| Dieldrin | 60-57-1 | 0.017 | 0.13 |
| 2,4-Dimethylaniline (2,4-xylidine) | 95-68-1 | 0.010 | 0.66 |
| Diethyl phthalate | 84-66-2 | 0.20 | 28 |
| 2-4-Dimethyl phenol | 105-67-9 | 0.036 | 14 |
| Dimethyl phthalate | 131-11-3 | 0.047 | 28 |
| Di-n-butyl phthalate | 84-74-2 | 0.057 | 28 |
| 1,4-Dinitrobenzene | 100-25-4 | 0.32 | 2.3 |
| 4,6-Dinitro-o-cresol | 534-52-1 | 0.28 | 160 |
| 2,4-Dinitrophenol | 51-28-5 | 0.12 | 160 |
| 2,4-Dinitrotoluene | 121-14-2 | 0.32 | 140 |
| 2,6-Dinitrotoluene | 606-20-2 | 0.55 | 28 |
| Di-n-octyl phthalate | 117-84-0 | 0.017 | 28 |
| Di-n-propylnitrosamine | 621-64-7 | 0.40 | 14 |
| 1,4-Dioxane | 123-91-1 | 12.0 | 170 |
| Diphenylamine (difficult to distinguish from diphenylnitrosamine) | 122-39-4 | 0.92 | NA |
| Diphenylnitrosamine (difficult to distinguish from diphenylamine) | 86-30-6 | 0.92 | NA |
| 1,2-Diphenylhydrazine | 122-66-7 | 0.087 | NA |
| Disulfoton | 298-04-4 | 0.017 | 6.2 |
| Endosulfan I | 939-98-8 | 0.023 | 0.066 |
| Endosulfan II | 33213-6-5 | 0.029 | 0.13 |
| Endosulfan sulfate | 1031-07-8 | 0.029 | 0.13 |
| Endrin | 72-20-8 | 0.0028 | 0.13 |
| Endrin aldehyde | 7421-93-4 | 0.025 | 0.13 |
| Ethyl acetate | 141-78-6 | 0.34 | 33 |
| Ethyl cyanide (Propanenitrile) | 107-12-0 | 0.24 | 360 |

| | | | |
|---|---|---|---|
| Ethyl benzene | 100-41-4 | 0.057 | 10 |
| Ethyl ether | 60-29-7 | 0.12 | 160 |
| bis(2-Ethylhexyl) phthalate | 117-81-7 | 0.28 | 28 |
| Ethyl methacrylate | 97-63-2 | 0.14 | 160 |
| Ethylene oxide | 75-21-8 | 0.12 | NA |
| Famphur | 52-85-7 | 0.017 | 15 |
| Fluoranthene | 206-44-0 | 0.068 | 3.4 |
| Fluorene | 86-73-7 | 0.059 | 3.4 |
| Heptachlor | 76-44-8 | 0.0012 | 0.066 |
| 1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD) | 35822-46-9 | 0.000035 | 0.0025 |
| 1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF) | 67562-39-4 | 0.000035 | 0.0025 |
| 1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF) | 55673-89-7 | 0.000035 | 0.0025 |
| Heptachlor epoxide | 1024-57-3 | 0.016 | 0.066 |
| Hexachlorobenzene | 118-74-1 | 0.055 | 10 |
| Hexachlorobutadiene | 87-68-3 | 0.055 | 5.6 |
| Hexachlorocyclopentadiene | 77-47-4 | 0.057 | 2.4 |
| HxCDDs (All Hexachlorodibenzo-p-dioxins) | NA | 0.000063 | 0.001 |
| HxCDFs (All Hexachlorodibenzofurans) | 55684-94-1 | 0.000063 | 0.001 |
| Hexachloroethane | 67-72-1 | 0.055 | 30 |
| Hexachloropropylene | 1888-71-7 | 0.035 | 30 |
| Indeno (1,2,3-c,d) pyrene | 193-39-5 | 0.0055 | 3.4 |
| Iodomethane | 74-88-4 | 0.19 | 65 |
| Isobutyl alcohol | 78-83-1 | 5.6 | 170 |
| Isodrin | 465-73-6 | 0.021 | 0.066 |
| Isosafrole | 120-58-1 | 0.081 | 2.6 |
| Kepone | 143-50-8 | 0.0011 | 0.13 |
| Methacrylonitrile | 126-98-7 | 0.24 | 84 |
| Methanol | 67-56-1 | 5.6 | NA |
| Methapyrilene | 91-80-5 | 0.081 | 1.5 |
| Methoxychlor | 72-43-5 | 0.25 | 0.18 |
| 3-Methylcholanthrene | 56-49-5 | 0.0055 | 15 |

| | | | |
|---|---|---|---|
| 4,4-Methylene bis(2-chloroaniline) | 101-14-4 | 0.50 | 30 |
| Methylene chloride | 75-09-2 | 0.089 | 30 |
| Methyl ethyl ketone | 78-93-3 | 0.28 | 36 |
| Methyl isobutyl ketone | 108-10-1 | 0.14 | 33 |
| Methyl methacrylate | 80-62-6 | 0.14 | 160 |
| Methyl methansulfonate | 66-27-3 | 0.018 | NA |
| Methyl parathion | 298-00-0 | 0.014 | 4.6 |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| 2-Naphthylamine | 91-59-8 | 0.52 | NA |
| p-Nitroaniline | 100-01-6 | 0.028 | 28 |
| Nitrobenzene | 98-95-3 | 0.068 | 14 |
| 5-Nitro-o-toluidine | 99-55-8 | 0.32 | 28 |
| p-Nitrophenol | 100-02-7 | 0.12 | 29 |
| N-Nitrosodiethylamine | 55-18-5 | 0.40 | 28 |
| N-Nitrosodimethylamine | 62-75-9 | 0.40 | NA |
| N-Nitroso-di-n-butylamine | 924-16-3 | 0.40 | 17 |
| N-Nitrosomethylethylamine | 10595-95-6 | 0.40 | 2.3 |
| N-Nitrosomorpholine | 59-89-2 | 0.40 | 2.3 |
| N-Nitrosopiperidine | 100-75-4 | 0.013 | 35 |
| N-Nitrosopyrrolidine | 930-55-2 | 0.013 | 35 |
| 1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD) | 3268-87-9 | 0.000063 | 0.0025 |
| 1,2,3,4,6,7,8,9-Octachlorodibenzofuran (OCDF) | 39001-02-0 | 0.000063 | 0.005 |
| Parathion | 56-38-2 | 0.014 | 4.6 |
| Total PCBs (sum of all PCB isomers, or all Aroclors) | 1336-36-3 | 0.10 | 10 |
| Pentachlorobenzene | 608-93-5 | 0.055 | 10 |
| PeCDDs (All Pentachlorodibenzo-p-dioxins) | 36088-22-9 | 0.000063 | 0.001 |
| PeCDFs (All Pentachlorodibenzofurans) | 30402-15-4 | 0.000035 | 0.001 |
| Pentachloronitrobenzene | 82-68-8 | 0.055 | 4.8 |
| Pentachlorophenol | 87-86-5 | 0.089 | 7.4 |
| Phenacetin | 62-44-2 | 0.081 | 16 |

| | | | |
|---|---|---|---|
| Phenanthrene | 85-01-8 | 0.059 | 5.6 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| 1,3-Phenylenediamine | 108-45-2 | 0.010 | 0.66 |
| Phorate | 298-02-2 | 0.021 | 4.6 |
| Phthalic anhydride | 85-44-9 | 0.055 | NA |
| Pronamide | 23950-58-5 | 0.093 | 1.5 |
| Pyrene | 129-00-0 | 0.067 | 8.2 |
| Pyridine | 110-86-1 | 0.014 | 16 |
| Safrole | 94-59-7 | 0.081 | 22 |
| Silvex (2,4,5-TP) | 93-72-1 | 0.72 | 7.9 |
| 2,4,5-T | 93-76-5 | 0.72 | 7.9 |
| 1,2,4,5-Tetrachlorobenzene | 95-94-3 | 0.055 | 14 |
| TCDDs (All Tetrachlorodibenzo-p-dioxins) | 41903-57-5 | 0.000063 | 0.001 |
| TCDFs (All Tetrachlorodibenzofurans) | 55722-27-5 | 0.000063 | 0.001 |
| 1,1,1,2-Tetrachloroethane | 630-20-6 | 0.057 | 6.0 |
| 1,1,2,2-Tetrachloroethane | 79-34-6 | 0.057 | 6.0 |
| Tetrachloroethylene | 127-18-4 | 0.056 | 6.0 |
| 2,3,4,6-Tetrachlorophenol | 58-90-2 | 0.030 | 7.4 |
| Toluene | 108-88-3 | 0.080 | 10 |
| Toxaphene | 8001-35-2 | 0.0095 | 2.6 |
| Bromoform (Tribromomethane) | 75-25-2 | 0.63 | 15 |
| 1,2,4-Trichlorobenzene | 120-82-1 | 0.055 | 19 |
| 1,1,1-Trichloroethane | 71-55-6 | 0.054 | 6.0 |
| 1,1,2-Trichloroethane | 79-00-5 | 0.054 | 6.0 |
| Trichloroethylene | 79-01-6 | 0.054 | 6.0 |
| Trichloromonofluoromethane | 75-69-4 | 0.020 | 30 |
| 2,4,5-Trichlorophenol | 95-95-4 | 0.18 | 7.4 |
| 2,4,6-Trichlorophenol | 88-06-2 | 0.035 | 7.4 |
| 1,2,3-Trichloropropane | 96-18-4 | 0.85 | 30 |
| 1,1,2-Trichloro-1,2,2-trifluoroethane | 76-13-1 | 0.057 | 30 |
| tris(2,3-Dibromopropyl) phosphate | 126-72-7 | 0.11 | NA |
| Vinyl chloride | 75-01-4 | 0.27 | 6.0 |
| Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations) | 1330-20-7 | 0.32 | 30 |

| | | | |
|---|---|---|---|
| Antimony | 7440-36-0 | 1.9 | 1.15 mg/ℓ TCLP |
| Arsenic | 7440-38-2 | 1.4 | 5.0 mg/ℓ TCLP |
| Barium | 7440-39-3 | 1.2 | 21 mg/ℓ TCLP |
| Beryllium | 7440-41-7 | 0.82 | NA |
| Cadmium | 7440-43-9 | 0.69 | 0.11 mg/ℓ TCLP |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)[7] | 57-12-5 | 0.86 | NA |
| Fluoride | 16964-48-8 | 35 | NA |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |
| Mercury | 7439-97-6 | 0.15 | 0.025 mg/ℓ TCLP |
| Nickel | 7440-02-0 | 3.98 | 11 mg/ℓ TCLP |
| Selenium | 7782-49-2 | 0.82 | 5.7 mg/ℓ TCLP |
| Silver | 7440-22-4 | 0.43 | 0.14 mg/ℓ TCLP |
| Sulfide | 8496-25-8 | 14 | NA |
| Thallium | 7440-28-0 | 1.4 | NA |
| Vanadium | 7440-62-2 | 4.3 | NA |

K001

Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol.

| | | | |
|---|---|---|---|
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Pentachlorophenol | 87-86-5 | 0.089 | 7.4 |
| Phenanthrene | 85-01-8 | 0.059 | 5.6 |
| Pyrene | 129-00-0 | 0.067 | 8.2 |
| Toluene | 108-88-3 | 0.080 | 10 |
| Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations) | 1330-20-7 | 0.32 | 30 |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |

K002

Wastewater treatment sludge from the production of chrome yellow and orange pigments.

| | | | |
|---|---|---|---|
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |

K003

Wastewater treatment sludge from the production of molybdate orange pigments.

| | | | |
|---|---|---|---|
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |

K004

Wastewater treatment sludge from the production of zinc yellow pigments.

| | | | |
|---|---|---|---|
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |

K005

Wastewater treatment sludge from the production of chrome green pigments.

| | | | |
|---|---|---|---|
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |

K006

Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous).

| | | | |
|---|---|---|---|
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |

K006

Wastewater treatment sludge from the production of chrome oxide green pigments (hydrated).

| | | | |
|---|---|---|---|
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Lead | 7439-92-1 | 0.69 | NA |

K007

Wastewater treatment sludge from the production of iron blue pigments.

| | | | |
|---|---|---|---|
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |

K008

Oven residue from the production of chrome oxide green pigments.

| | | | |
|---|---|---|---|
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |

K009

Distillation bottoms from the production of acetaldehyde from ethylene.

| | | | |
|---|---|---|---|
| Chloroform | 67-66-3 | 0.046 | 6.0 |

K010

Distillation side cuts from the production of acetaldehyde from ethylene.

| | | | |
|---|---|---|---|
| Chloroform | 67-66-3 | 0.046 | 6.0 |

K011

Bottom stream from the wastewater stripper in the production of acrylonitrile.

| | | | |
|---|---|---|---|
| Acetonitrile | 75-05-8 | 5.6 | 38 |
| Acrylonitrile | 107-13-1 | 0.24 | 84 |
| Acrylamide | 79-06-1 | 19 | 23 |
| Benzene | 71-43-2 | 0.14 | 10 |
| Cyanide (Total) | 57-12-5 | 1.2 | 590 |

K013

Bottom stream from the acetonitrile column in the production of acrylonitrile.

| | | | |
|---|---|---|---|
| Acetonitrile | 75-05-8 | 5.6 | 38 |
| Acrylonitrile | 107-13-1 | 0.24 | 84 |
| Acrylamide | 79-06-1 | 19 | 23 |
| Benzene | 71-43-2 | 0.14 | 10 |
| Cyanide (Total) | 57-12-5 | 1.2 | 590 |

K014

Bottoms from the acetonitrile purification column in the production of acrylonitrile.

| | | | |
|---|---|---|---|
| Acetonitrile | 75-05-8 | 5.6 | 38 |
| Acrylonitrile | 107-13-1 | 0.24 | 84 |
| Acrylamide | 79-06-1 | 19 | 23 |
| Benzene | 71-43-2 | 0.14 | 10 |
| Cyanide (Total) | 57-12-5 | 1.2 | 590 |

K015

Still bottoms from the distillation of benzyl chloride.

| | | | |
|---|---|---|---|
| Anthracene | 120-12-7 | 0.059 | 3.4 |
| Benzal chloride | 98-87-3 | 0.055 | 6.0 |
| Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene) | 205-99-2 | 0.11 | 6.8 |
| Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene) | 207-08-9 | 0.11 | 6.8 |
| Phenanthrene | 85-01-8 | 0.059 | 5.6 |
| Toluene | 108-88-3 | 0.080 | 10 |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Nickel | 7440-02-0 | 3.98 | 11 mg/ℓ TCLP |

K016

Heavy ends or distillation residues from the production of carbon tetrachloride.

| | | | |
|---|---|---|---|
| Hexachlorobenzene | 118-74-1 | 0.055 | 10 |
| Hexachlorobutadiene | 87-68-3 | 0.055 | 5.6 |

| | | | |
|---|---|---|---|
| Hexachlorocyclopentadiene | 77-47-4 | 0.057 | 2.4 |
| Hexachloroethane | 67-72-1 | 0.055 | 30 |
| Tetrachloroethylene | 127-18-4 | 0.056 | 6.0 |

K017

Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.

| | | | |
|---|---|---|---|
| bis(2-Chloroethyl)ether | 111-44-4 | 0.033 | 6.0 |
| 1,2-Dichloropropane | 78-87-5 | 0.85 | 18 |
| 1,2,3-Trichloropropane | 96-18-4 | 0.85 | 30 |

K018

Heavy ends from the fractionation column in ethyl chloride production.

| | | | |
|---|---|---|---|
| Chloroethane | 75-00-3 | 0.27 | 6.0 |
| Chloromethane | 74-87-3 | 0.19 | NA |
| 1,1-Dichloroethane | 75-34-3 | 0.059 | 6.0 |
| 1,2-Dichloroethane | 107-06-2 | 0.21 | 6.0 |
| Hexachlorobenzene | 118-74-1 | 0.055 | 10 |
| Hexachlorobutadiene | 87-68-3 | 0.055 | 5.6 |
| Hexachloroethane | 67-72-1 | 0.055 | 30 |
| Pentachloroethane | 76-01-7 | NA | 6.0 |
| 1,1,1-Trichloroethane | 71-55-6 | 0.054 | 6.0 |

K019

Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.

| | | | |
|---|---|---|---|
| bis(2-Chloroethyl)ether | 111-44-4 | 0.033 | 6.0 |
| Chlorobenzene | 108-90-7 | 0.057 | 6.0 |
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| p-Dichlorobenzene | 106-46-7 | 0.090 | NA |
| 1,2-Dichloroethane | 107-06-2 | 0.21 | 6.0 |
| Fluorene | 86-73-7 | 0.059 | NA |
| Hexachloroethane | 67-72-1 | 0.055 | 30 |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Phenanthrene | 85-01-8 | 0.059 | 5.6 |

| | | | |
|---|---|---|---|
| 1,2,4,5-Tetrachlorobenzene | 95-94-3 | 0.055 | NA |
| Tetrachloroethylene | 127-18-4 | 0.056 | 6.0 |
| 1,2,4-Trichlorobenzene | 120-82-1 | 0.055 | 19 |
| 1,1,1-Trichloroethane | 71-55-6 | 0.054 | 6.0 |

K020

Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.

| | | | |
|---|---|---|---|
| 1,2-Dichloroethane | 107-06-2 | 0.21 | 6.0 |
| 1,1,2,2-Tetrachloroethane | 79-34-6 | 0.057 | 6.0 |
| Tetrachloroethylene | 127-18-4 | 0.056 | 6.0 |

K021

Aqueous spent antimony catalyst waste from fluoromethanes production.

| | | | |
|---|---|---|---|
| Carbon tetrachloride | 56-23-5 | 0.057 | 6.0 |
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| Antimony | 7440-36-0 | 1.9 | 1.15 mg/ℓ TCLP |

K022

Distillation bottom tars from the production of phenol or acetone from cumene.

| | | | |
|---|---|---|---|
| Toluene | 108-88-3 | 0.080 | 10 |
| Acetophenone | 96-86-2 | 0.010 | 9.7 |
| Diphenylamine (difficult to distinguish from diphenylnitrosamine) | 122-39-4 | 0.92 | 13 |
| Diphenylnitrosamine (difficult to distinguish from diphenylamine) | 86-30-6 | 0.92 | 13 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Nickel | 7440-02-0 | 3.98 | 11 mg/ℓ TCLP |

K023

Distillation light ends from the production of phthalic anhydride from naphthalene.

| | | | |
|---|---|---|---|
| Phthalic anhydride (measured as Phthalic acid or Terephthalic acid) | 100-21-0 | 0.055 | 28 |
| Phthalic anhydride (measured as Phthalic acid or Terephthalic acid) | 85-44-9 | 0.055 | 28 |

K024

Distillation bottoms from the production of phthalic anhydride from naphthalene.

| | | | |
|---|---|---|---|
| Phthalic anhydride (measured as Phthalic acid or Terephthalic acid) | 100-21-0 | 0.055 | 28 |
| Phthalic anhydride (measured as Phthalic acid or Terephthalic acid) | 85-44-9 | 0.055 | 28 |

K025

Distillation bottoms from the production of nitrobenzene by the nitration of benzene.

| | | | |
|---|---|---|---|
| NA | NA | LLEXT fb SSTRP fb CARBN; or CMBST | CMBST |

K026

Stripping still tails from the production of methyl ethyl pyridines.

| | | | |
|---|---|---|---|
| NA | NA | CMBST | CMBST |

K027

Centrifuge and distillation residues from toluene diisocyanate production.

| | | | |
|---|---|---|---|
| NA | NA | CARBN; or CMBST | CMBST |

K028

Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.

| | | | |
|---|---|---|---|
| 1,1-Dichloroethane | 75-34-3 | 0.059 | 6.0 |
| trans-1,2-Dichloroethylene | 156-60-5 | 0.054 | 30 |
| Hexachlorobutadiene | 87-68-3 | 0.055 | 5.6 |
| Hexachloroethane | 67-72-1 | 0.055 | 30 |
| Pentachloroethane | 76-01-7 | NA | 6.0 |
| 1,1,1,2-Tetrachloroethane | 630-20-6 | 0.057 | 6.0 |
| 1,1,2,2-Tetrachloroethane | 79-34-6 | 0.057 | 6.0 |
| Tetrachloroethylene | 127-18-4 | 0.056 | 6.0 |
| 1,1,1-Trichloroethane | 71-55-6 | 0.054 | 6.0 |
| 1,1,2-Trichloroethane | 79-00-5 | 0.054 | 6.0 |
| Cadmium | 7440-43-9 | 0.69 | NA |
| Chromium(Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |
| Nickel | 7440-02-0 | 3.98 | 11 mg/ℓ TCLP |

K029

Waste from the product steam stripper in the production of 1,1,1-trichloroethane.

| | | | |
|---|---|---|---|
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| 1,2-Dichloroethane | 107-06-2 | 0.21 | 6.0 |
| 1,1-Dichloroethylene | 75-35-4 | 0.025 | 6.0 |
| 1,1,1-Trichloroethane | 71-55-6 | 0.054 | 6.0 |
| Vinyl chloride | 75-01-4 | 0.27 | 6.0 |

K030

Column bodies or heavy ends from the combined production of trichloroethylene and perchloroethylene.

| | | | |
|---|---|---|---|
| o-Dichlorobenzene | 95-50-1 | 0.088 | NA |
| p-Dichlorobenzene | 106-46-7 | 0.090 | NA |

| | | | |
|---|---|---|---|
| Hexachlorobutadiene | 87-68-3 | 0.055 | 5.6 |
| Hexachloroethane | 67-72-1 | 0.055 | 30 |
| Hexachloropropylene | 1888-71-7 | NA | 30 |
| Pentachlorobenzene | 608-93-5 | NA | 10 |
| Pentachloroethane | 76-01-7 | NA | 6.0 |
| 1,2,4,5-Tetrachlorobenzene | 95-94-3 | 0.055 | 14 |
| Tetrachloroethylene | 127-18-4 | 0.056 | 6.0 |
| 1,2,4-Trichlorobenzene | 120-82-1 | 0.055 | 19 |

K031

By-product salts generated in the production of MSMA and cacodylic acid.

| | | | |
|---|---|---|---|
| Arsenic | 7440-38-2 | 1.4 | 5.0 mg/ℓ TCLP |

K032

Wastewater treatment sludge from the production of chlordane.

| | | | |
|---|---|---|---|
| Hexachlorocyclopentadiene | 77-47-4 | 0.057 | 2.4 |
| Chlordane ($\alpha$ and $\gamma$ isomers) | 57-74-9 | 0.0033 | 0.26 |
| Heptachlor | 76-44-8 | 0.0012 | 0.066 |
| Heptachlor epoxide | 1024-57-3 | 0.016 | 0.066 |

K033

Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.

| | | | |
|---|---|---|---|
| Hexachlorocyclopentadiene | 77-47-4 | 0.057 | 2.4 |

K034

Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.

| | | | |
|---|---|---|---|
| Hexachlorocyclopentadiene | 77-47-4 | 0.057 | 2.4 |

K035

Wastewater treatment sludges generated in the production of creosote.

| | | | |
|---|---|---|---|
| Acenaphthene | 83-32-9 | NA | 3.4 |
| Anthracene | 120-12-7 | NA | 3.4 |
| Benz(a)anthracene | 56-55-3 | 0.059 | 3.4 |
| Benzo(a)pyrene | 50-32-8 | 0.061 | 3.4 |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| o-Cresol | 95-48-7 | 0.11 | 5.6 |
| m-Cresol (difficult to distinguish from p-cresol) | 108-39-4 | 0.77 | 5.6 |
| p-Cresol (difficult to distinguish from m-cresol) | 106-44-5 | 0.77 | 5.6 |
| Dibenz(a,h)anthracene | 53-70-3 | NA | 8.2 |
| Fluoranthene | 206-44-0 | 0.068 | 3.4 |
| Fluorene | 86-73-7 | NA | 3.4 |
| Indeno(1,2,3-cd)pyrene | 193-39-5 | NA | 3.4 |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Phenanthrene | 85-01-8 | 0.059 | 5.6 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| Pyrene | 129-00-0 | 0.067 | 8.2 |

K036

Still bottoms from toluene reclamation distillation in the production of disulfoton.

| | | | |
|---|---|---|---|
| Disulfoton | 298-04-4 | 0.017 | 6.2 |

K037

Wastewater treatment sludges from the production of disulfoton.

| | | | |
|---|---|---|---|
| Disulfoton | 298-04-4 | 0.017 | 6.2 |
| Toluene | 108-88-3 | 0.080 | 10 |

K038

Wastewater from the washing and stripping of phorate production.

| | | | |
|---|---|---|---|
| Phorate | 298-02-2 | 0.021 | 4.6 |

K039

Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.

| | | | |
|---|---|---|---|
| NA | NA | CARBN; or CMBST | CMBST |

K040

Wastewater treatment sludge from the production of phorate.

| | | | |
|---|---|---|---|
| Phorate | 298-02-2 | 0.021 | 4.6 |

K041

Wastewater treatment sludge from the production of toxaphene.

| | | | |
|---|---|---|---|
| Toxaphene | 8001-35-2 | 0.0095 | 2.6 |

K042

Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.

| | | | |
|---|---|---|---|
| o-Dichlorobenzene | 95-50-1 | 0.088 | 6.0 |
| p-Dichlorobenzene | 106-46-7 | 0.090 | 6.0 |
| Pentachlorobenzene | 608-93-5 | 0.055 | 10 |
| 1,2,4,5-Tetrachlorobenzene | 95-94-3 | 0.055 | 14 |
| 1,2,4-Trichlorobenzene | 120-82-1 | 0.055 | 19 |

K043

2,6-Dichlorophenol waste from the production of 2,4-D.

| | | | |
|---|---|---|---|
| 2,4-Dichlorophenol | 120-83-2 | 0.044 | 14 |
| 2,6-Dichlorophenol | 187-65-0 | 0.044 | 14 |

| | | | |
|---|---|---|---|
| 2,4,5-Trichlorophenol | 95-95-4 | 0.18 | 7.4 |
| 2,4,6-Trichlorophenol | 88-06-2 | 0.035 | 7.4 |
| 2,3,4,6-Tetrachlorophenol | 58-90-2 | 0.030 | 7.4 |
| Pentachlorophenol | 87-86-5 | 0.089 | 7.4 |
| Tetrachloroethylene | 127-18-4 | 0.056 | 6.0 |
| HxCDDs (All Hexachlorodibenzo-p-dioxins) | NA | 0.000063 | 0.001 |
| HxCDFs (All Hexachlorodibenzofurans) | 55684-94-1 | 0.000063 | 0.001 |
| PeCDDs (All Pentachlorodibenzo-p-dioxins) | 36088-22-9 | 0.000063 | 0.001 |
| PeCDFs (All Pentachlorodibenzofurans) | 30402-15-4 | 0.000035 | 0.001 |
| TCDDs (All Tetrachlorodibenzo-p-dioxins) | 41903-57-5 | 0.000063 | 0.001 |
| TCDFs (All Tetrachlorodibenzofurans) | 55722-27-5 | 0.000063 | 0.001 |

K044

Wastewater treatment sludges from the manufacturing and processing of explosives.

| | | | |
|---|---|---|---|
| NA | NA | DEACT | DEACT |

K045

Spent carbon from the treatment of wastewater containing explosives.

| | | | |
|---|---|---|---|
| NA | NA | DEACT | DEACT |

K046

Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.

| | | | |
|---|---|---|---|
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |

K047

Pink or red water from TNT operations.

| | | | |
|---|---|---|---|
| NA | NA | DEACT | DEACT |

K048

Dissolved air flotation (DAF) float from the petroleum refining industry.

| | | | |
|---|---|---|---|
| Benzene | 71-43-2 | 0.14 | 10 |
| Benzo(a)pyrene | 50-32-8 | 0.061 | 3.4 |
| bis(2-Ethylhexyl) phthalate | 117-81-7 | 0.28 | 28 |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| Di-n-butyl phthalate | 84-74-2 | 0.057 | 28 |
| Ethylbenzene | 100-41-4 | 0.057 | 10 |
| Fluorene | 86-73-7 | 0.059 | NA |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Phenanthrene | 85-01-8 | 0.059 | 5.6 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| Pyrene | 129-00-0 | 0.067 | 8.2 |
| Toluene | 108-88-33 | 0.080 | 10 |
| Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations) | 1330-20-7 | 0.32 | 30 |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Lead | 7439-92-1 | 0.69 | NA |
| Nickel | 7440-02-0 | NA | 11 mg/ℓ TCLP |

K049

Slop oil emulsion solids from the petroleum refining industry.

| | | | |
|---|---|---|---|
| Anthracene | 120-12-7 | 0.059 | 3.4 |
| Benzene | 71-43-2 | 0.14 | 10 |
| Benzo(a)pyrene | 50-32-8 | 0.061 | 3.4 |
| bis(2-Ethylhexyl) phthalate | 117-81-7 | 0.28 | 28 |
| Carbon disulfide | 75-15-0 | 3.8 | NA |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| 2,4-Dimethylphenol | 105-67-9 | 0.036 | NA |

| | | | |
|---|---|---|---|
| Ethylbenzene | 100-41-4 | 0.057 | 10 |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Phenanthrene | 85-01-8 | 0.059 | 5.6 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| Pyrene | 129-00-0 | 0.067 | 8.2 |
| Toluene | 108-88-3 | 0.080 | 10 |
| Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations) | 1330-20-7 | 0.32 | 30 |
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Lead | 7439-92-1 | 0.69 | NA |
| Nickel | 7440-02-0 | NA | 11 mg/ℓ TCLP |

K050

Heat exchanger bundle cleaning sludge from the petroleum refining industry.

| | | | |
|---|---|---|---|
| Benzo(a)pyrene | 50-32-8 | 0.061 | 3.4 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Lead | 7439-92-1 | 0.69 | NA |
| Nickel | 7440-02-0 | NA | 11 mg/ℓ TCLP |

K051

API separator sludge from the petroleum refining industry.

| | | | |
|---|---|---|---|
| Acenaphthene | 83-32-9 | 0.059 | NA |
| Anthracene | 120-12-7 | 0.059 | 3.4 |
| Benz(a)anthracene | 56-55-3 | 0.059 | 3.4 |
| Benzene | 71-43-2 | 0.14 | 10 |
| Benzo(a)pyrene | 50-32-8 | 0.061 | 3.4 |
| bis(2-Ethylhexyl) phthalate | 117-81-7 | 0.28 | 28 |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| Di-n-butyl phthalate | 105-67-9 | 0.057 | 28 |
| Ethylbenzene | 100-41-4 | 0.057 | 10 |
| Fluorene | 86-73-7 | 0.059 | NA |

| | | | |
|---|---|---|---|
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Phenanthrene | 85-01-8 | 0.059 | 5.6 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| Pyrene | 129-00-0 | 0.067 | 8.2 |
| Toluene | 108-88-3 | 0.08 | 10 |
| Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations) | 1330-20-7 | 0.32 | 30 |
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Lead | 7439-92-1 | 0.69 | NA |
| Nickel | 7440-02-0 | NA | 11 mg/ℓ TCLP |

K052

Tank bottoms (leaded) from the petroleum refining industry.

| | | | |
|---|---|---|---|
| Benzene | 71-43-2 | 0.14 | 10 |
| Benzo(a)pyrene | 50-32-8 | 0.061 | 3.4 |
| o-Cresol | 95-48-7 | 0.11 | 5.6 |
| m-Cresol (difficult to distinguish from p-cresol) | 108-39-4 | 0.77 | 5.6 |
| p-Cresol (difficult to distinguish from m-cresol) | 106-44-5 | 0.77 | 5.6 |
| 2,4-Dimethylphenol | 105-67-9 | 0.036 | NA |
| Ethylbenzene | 100-41-4 | 0.057 | 10 |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Phenanthrene | 85-01-8 | 0.059 | 5.6 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| Toluene | 108-88-3 | 0.08 | 10 |
| Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations) | 1330-20-7 | 0.32 | 30 |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Lead | 7439-92-1 | 0.69 | NA |
| Nickel | 7440-02-0 | NA | 11 mg/ℓ TCLP |

K060

Ammonia still lime sludge from coking operations.

| | | | |
|---|---|---|---|
| Benzene | 71-43-2 | 0.14 | 10 |
| Benzo(a)pyrene | 50-32-8 | 0.061 | 3.4 |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |

K061

Emission control dust or sludge from the primary production of steel in electric furnaces.

| | | | |
|---|---|---|---|
| Antimony | 7440-36-0 | NA | 1.15 mg/ℓ TCLP |
| Arsenic | 7440-38-2 | NA | 5.0 mg/ℓ TCLP |
| Barium | 7440-39-3 | NA | 21 mg/ℓ TCLP |
| Beryllium | 7440-41-7 | NA | 1.22 mg/ℓ TCLP |
| Cadmium | 7440-43-9 | 0.69 | 0.11 mg/ℓ TCLP |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |
| Mercury | 7439-97-6 | NA | 0.025 mg/ℓ TCLP |
| Nickel | 7440-02-0 | 3.98 | 11 mg/ℓ TCLP |
| Selenium | 7782-49-2 | NA | 5.7 mg/ℓ TCLP |
| Silver | 7440-22-4 | NA | 0.14 mg/ℓ TCLP |
| Thallium | 7440-28-0 | NA | 0.20 mg/ℓ TCLP |
| Zinc | 7440-66-6 | NA | 4.3 mg/ℓ TCLP |

K062

Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).

| | | | |
|---|---|---|---|
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |
| Nickel | 7440-02-0 | 3.98 | NA |

K069

Emission control dust or sludge from secondary lead smelting-Calcium sulfate (Low Lead) Subcategory.

| | | | |
|---|---|---|---|
| Cadmium | 7440-43-9 | 0.69 | 0.11 mg/ℓ TCLP |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |

K069

Emission control dust or sludge from secondary lead smelting-Non-Calcium sulfate (High Lead) Subcategory.

| | | | |
|---|---|---|---|
| NA | NA | NA | RLEAD |

K071

K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are residues from RMERC.

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | NA | 0.20 mg/ℓ TCLP |

K071

K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are not residues from RMERC.

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | NA | 0.025 mg/ℓ TCLP |

K071

All K071 wastewaters.

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | 0.15 | NA |

K073

Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.

| | | | |
|---|---|---|---|
| Carbon tetrachloride | 56-23-5 | 0.057 | 6.0 |
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| Hexachloroethane | 67-72-1 | 0.055 | 30 |
| Tetrachloroethylene | 127-18-4 | 0.056 | 6.0 |
| 1,1,1-Trichloroethane | 71-55-6 | 0.054 | 6.0 |

K083

Distillation bottoms from aniline production.

| | | | |
|---|---|---|---|
| Aniline | 62-53-3 | 0.81 | 14 |
| Benzene | 71-43-2 | 0.14 | 10 |
| Cyclohexanone | 108-94-1 | 0.36 | NA |
| Diphenylamine (difficult to distinguish from diphenylnitrosamine) | 122-39-4 | 0.92 | 13 |
| Diphenylnitrosamine (difficult to distinguish from diphenylamine) | 86-30-6 | 0.92 | 13 |
| Nitrobenzene | 98-95-3 | 0.068 | 14 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| Nickel | 7440-02-0 | 3.98 | 11 mg/ℓ TCLP |

K084

Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

| | | | |
|---|---|---|---|
| Arsenic | 7440-38-2 | 1.4 | 5.0 mg/ℓ TCLP |

K085

Distillation or fractionation column bottoms from the production of chlorobenzenes.

| | | | |
|---|---|---|---|
| Benzene | 71-43-2 | 0.14 | 10 |
| Chlorobenzene | 108-90-7 | 0.057 | 6.0 |
| m-Dichlorobenzene | 541-73-1 | 0.036 | 6.0 |
| o-Dichlorobenzene | 95-50-1 | 0.088 | 6.0 |
| p-Dichlorobenzene | 106-46-7 | 0.090 | 6.0 |

| | | | |
|---|---|---|---|
| Hexachlorobenzene | 118-74-1 | 0.055 | 10 |
| Total PCBs (sum of all PCB isomers, or all Aroclors) | 1336-36-3 | 0.10 | 10 |
| Pentachlorobenzene | 608-93-5 | 0.055 | 10 |
| 1,2,4,5-Tetrachlorobenzene | 95-94-3 | 0.055 | 14 |
| 1,2,4-Trichlorobenzene | 120-82-1 | 0.055 | 19 |

K086

Solvent wastes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.

| | | | |
|---|---|---|---|
| Acetone | 67-64-1 | 0.28 | 160 |
| Acetophenone | 96-86-2 | 0.010 | 9.7 |
| bis(2-Ethylhexyl) phthalate | 117-81-7 | 0.28 | 28 |
| n-Butyl alcohol | 71-36-3 | 5.6 | 2.6 |
| Butylbenzyl phthalate | 85-68-7 | 0.017 | 28 |
| Cyclohexanone | 108-94-1 | 0.36 | NA |
| o-Dichlorobenzene | 95-50-1 | 0.088 | 6.0 |
| Diethyl phthalate | 84-66-2 | 0.20 | 28 |
| Dimethyl phthalate | 131-11-3 | 0.047 | 28 |
| Di-n-butyl phthalate | 84-74-2 | 0.057 | 28 |
| Di-n-octyl phthalate | 117-84-0 | 0.017 | 28 |
| Ethyl acetate | 141-78-6 | 0.34 | 33 |
| Ethylbenzene | 100-41-4 | 0.057 | 10 |
| Methanol | 67-56-1 | 5.6 | NA |
| Methyl ethyl ketone | 78-93-3 | 0.28 | 36 |
| Methyl isobutyl ketone | 108-10-1 | 0.14 | 33 |
| Methylene chloride | 75-09-2 | 0.089 | 30 |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Nitrobenzene | 98-95-3 | 0.068 | 14 |
| Toluene | 108-88-3 | 0.080 | 10 |
| 1,1,1-Trichloroethane | 71-55-6 | 0.054 | 6.0 |
| Trichloroethylene | 79-01-6 | 0.054 | 6.0 |
| Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations) | 1330-20-7 | 0.32 | 30 |

| | | | |
|---|---|---|---|
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |

K087

Decanter tank tar sludge from coking operations.

| | | | |
|---|---|---|---|
| Acenaphthylene | 208-96-8 | 0.059 | 3.4 |
| Benzene | 71-43-2 | 0.14 | 10 |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| Fluoranthene | 206-44-0 | 0.068 | 3.4 |
| Indeno(1,2,3-cd)pyrene | 193-39-5 | 0.0055 | 3.4 |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Phenanthrene | 85-01-8 | 0.059 | 5.6 |
| Toluene | 108-88-3 | 0.080 | 10 |
| Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations) | 1330-20-7 | 0.32 | 30 |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |

K088

Spent potliners from primary aluminum reduction.

| | | | |
|---|---|---|---|
| Acenaphthene | 83-32-9 | 0.059 | 3.4 |
| Anthracene | 120-12-7 | 0.059 | 3.4 |
| Benz(a)anthracene | 56-55-3 | 0.059 | 3.4 |
| Benzo(a)pyrene | 50-32-8 | 0.061 | 3.4 |
| Benzo(b)fluoranthene | 205-99-2 | 0.11 | 6.8 |
| Benzo(k)fluoranthene | 207-08-9 | 0.11 | 6.8 |
| Benzo(g,h,i)perylene | 191-24-2 | 0.0055 | 1.8 |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| Dibenz(a,h)anthracene | 53-70-3 | 0.055 | 8.2 |
| Fluoranthene | 206-44-0 | 0.068 | 3.4 |
| Indeno(1,2,3-cd)pyrene | 193-39-5 | 0.0055 | 3.4 |
| Phenanthrene | 85-01-8 | 0.059 | 5.6 |
| Pyrene | 129-00-0 | 0.067 | 8.2 |

| | | | |
|---|---|---|---|
| Antimony | 7440-36-0 | 1.9 | 1.15 mg/ℓ TCLP |
| Arsenic | 7440-38-2 | 1.4 | 26.1 mg/ℓ |
| Barium | 7440-39-3 | 1.2 | 21 mg/ℓ TCLP |
| Beryllium | 7440-41-7 | 0.82 | 1.22 mg/ℓ TCLP |
| Cadmium | 7440-43-9 | 0.69 | 0.11 mg/ℓ TCLP |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |
| Mercury | 7439-97-6 | 0.15 | 0.025 mg/ℓ TCLP |
| Nickel | 7440-02-0 | 3.98 | 11 mg/ℓ TCLP |
| Selenium | 7782-49-2 | 0.82 | 5.7 mg/ℓ TCLP |
| Silver | 7440-22-4 | 0.43 | 0.14 mg/ℓ TCLP |
| Cyanide (Total)[7] | 57-12-5 | 1.2 | 590 |
| Cyanide (Amenable)[7] | 57-12-5 | 0.86 | 30 |
| Fluoride | 16984-48-8 | 35 | NA |

K093

Distillation light ends from the production of phthalic anhydride from ortho-xylene.

| | | | |
|---|---|---|---|
| Phthalic anhydride (measured as Phthalic acid or Terephthalic acid) | 100-21-0 | 0.055 | 28 |
| Phthalic anhydride (measured as Phthalic acid or Terephthalic acid) | 85-44-9 | 0.055 | 28 |

K094

Distillation bottoms from the production of phthalic anhydride from ortho-xylene.

| | | | |
|---|---|---|---|
| Phthalic anhydride (measured as Phthalic acid or Terephthalic acid) | 100-21-0 | 0.055 | 28 |
| Phthalic anhydride (measured as Phthalic acid or Terephthalic acid) | 85-44-9 | 0.055 | 28 |

K095

Distillation bottoms from the production of 1,1,1-trichloroethane.

| | | | |
|---|---|---|---|
| Hexachloroethane | 67-72-1 | 0.055 | 30 |
| Pentachloroethane | 76-01-7 | 0.055 | 6.0 |
| 1,1,1,2-Tetrachloroethane | 630-20-6 | 0.057 | 6.0 |
| 1,1,2,2-Tetrachloroethane | 79-34-6 | 0.057 | 6.0 |
| Tetrachloroethylene | 127-18-4 | 0.056 | 6.0 |
| 1,1,2-Trichloroethane | 79-00-5 | 0.054 | 6.0 |
| Trichloroethylene | 79-01-6 | 0.054 | 6.0 |

K096

Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.

| | | | |
|---|---|---|---|
| m-Dichlorobenzene | 541-73-1 | 0.036 | 6.0 |
| Pentachloroethane | 76-01-7 | 0.055 | 6.0 |
| 1,1,1,2-Tetrachloroethane | 630-20-6 | 0.057 | 6.0 |
| 1,1,2,2-Tetrachloroethane | 79-34-6 | 0.057 | 6.0 |
| Tetrachloroethylene | 127-18-4 | 0.056 | 6.0 |
| 1,2,4-Trichlorobenzene | 120-82-1 | 0.055 | 19 |
| 1,1,2-Trichloroethane | 79-00-5 | 0.054 | 6.0 |
| Trichloroethylene | 79-01-6 | 0.054 | 6.0 |

K097

Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.

| | | | |
|---|---|---|---|
| Chlordane ($\alpha$ and $\chi$ isomers) | 57-74-9 | 0.0033 | 0.26 |
| Heptachlor | 76-44-8 | 0.0012 | 0.066 |
| Heptachlor epoxide | 1024-57-3 | 0.016 | 0.066 |
| Hexachlorocyclopentadiene | 77-47-4 | 0.057 | 2.4 |

K098

Untreated process wastewater from the production of toxaphene.

| | | | |
|---|---|---|---|
| Toxaphene | 8001-35-2 | 0.0095 | 2.6 |

K099

Untreated wastewater from the production of 2,4-D.

| | | | |
|---|---|---|---|
| 2,4-Dichlorophenoxyacetic acid | 94-75-7 | 0.72 | 10 |
| HxCDDs (All Hexachlorodibenzo-p-dioxins) | NA | 0.000063 | 0.001 |
| HxCDFs (All Hexachlorodibenzofurans) | 55684-94-1 | 0.000063 | 0.001 |
| PeCDDs (All Pentachlorodibenzo-p-dioxins) | 36088-22-9 | 0.000063 | 0.001 |
| PeCDFs (All Pentachlorodibenzofurans) | 30402-15-4 | 0.000035 | 0.001 |
| TCDDs (All Tetrachlorodibenzo-p-dioxins) | 41903-57-5 | 0.000063 | 0.001 |
| TCDFs (All Tetrachlorodibenzofurans) | 55722-27-5 | 0.000063 | 0.001 |

K100

Waste leaching solution from acid leaching of emission control dust or sludge from secondary lead smelting.

| | | | |
|---|---|---|---|
| Cadmium | 7440-43-9 | 0.69 | 0.11 mg/ℓ TCLP |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |

K101

Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

| | | | |
|---|---|---|---|
| o-Nitroaniline | 88-74-4 | 0.27 | 14 |
| Arsenic | 7440-38-2 | 1.4 | 5.0 mg/ℓ TCLP |
| Cadmium | 7440-43-9 | 0.69 | NA |
| Lead | 7439-92-1 | 0.69 | NA |
| Mercury | 7439-97-6 | 0.15 | NA |

K102

Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

| | | | |
|---|---|---|---|
| o-Nitrophenol | 88-75-5 | 0.028 | 13 |
| Arsenic | 7440-38-2 | 1.4 | 5.0 mg/ℓ TCLP |
| Cadmium | 7440-43-9 | 0.69 | NA |
| Lead | 7439-92-1 | 0.69 | NA |
| Mercury | 7439-97-6 | 0.15 | NA |

K103

Process residues from aniline extraction from the production of aniline.

| | | | |
|---|---|---|---|
| Aniline | 62-53-3 | 0.81 | 14 |
| Benzene | 71-43-2 | 0.14 | 10 |
| 2,4-Dinitrophenol | 51-28-5 | 0.12 | 160 |
| Nitrobenzene | 98-95-3 | 0.068 | 14 |
| Phenol | 108-95-2 | 0.039 | 6.2 |

K104

Combined wastewater streams generated from nitrobenzene or aniline production.

| | | | |
|---|---|---|---|
| Aniline | 62-53-3 | 0.81 | 14 |
| Benzene | 71-43-2 | 0.14 | 10 |
| 2,4-Dinitrophenol | 51-28-5 | 0.12 | 160 |
| Nitrobenzene | 98-95-3 | 0.068 | 14 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |

K105

Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.

| | | | |
|---|---|---|---|
| Benzene | 71-43-2 | 0.14 | 10 |
| Chlorobenzene | 108-90-7 | 0.057 | 6.0 |
| 2-Chlorophenol | 95-57-8 | 0.044 | 5.7 |
| o-Dichlorobenzene | 95-50-1 | 0.088 | 6.0 |

| | | | |
|---|---|---|---|
| p-Dichlorobenzene | 106-46-7 | 0.090 | 6.0 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| 2,4,5-Trichlorophenol | 95-95-4 | 0.18 | 7.4 |
| 2,4,6-Trichlorophenol | 88-06-2 | 0.035 | 7.4 |

K106

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | NA | RMERC |

K106

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain less than 260 mg/kg total mercury that are residues from RMERC.

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | NA | 0.20 mg/ℓ TCLP |

K106

Other K106 nonwastewaters that contain less than 260 mg/kg total mercury and are not residues from RMERC.

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | NA | 0.025 mg/ℓ TCLP |

K106

All K106 wastewaters.

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | 0.15 | NA |

K107

Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

| | | | |
|---|---|---|---|
| NA | NA | CMBST; or<br>CHOXD fb<br>CARBN; or<br>BIODG fb<br>CARBN | CMBST |

K108

Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

| | | | |
|---|---|---|---|
| NA | NA | CMBST; or<br>CHOXD fb<br>CARBN; or<br>BIODG fb<br>CARBN | CMBST |

K109

Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

| | | | |
|---|---|---|---|
| NA | NA | CMBST; or<br>CHOXD fb<br>CARBN; or<br>BIODG fb<br>CARBN | CMBST |

K110

Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

| | | | |
|---|---|---|---|
| NA | NA | CMBST; or<br>CHOXD fb<br>CARBN; or<br>BIODG fb<br>CARBN | CMBST |

POLLUTION CONTROL BOARD

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K111

Product washwaters from the production of dinitrotoluene via nitration of toluene.

| | | | |
|---|---|---|---|
| 2,4-Dinitrotoluene | 121-14-2 | 0.32 | 140 |
| 2,6-Dinitrotoluene | 606-20-2 | 0.55 | 28 |

K112

Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.

| | | | |
|---|---|---|---|
| NA | NA | CMBST; or<br>CHOXD fb<br>CARBN; or<br>BIODG fb<br>CARBN | CMBST |

K113

Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.

| | | | |
|---|---|---|---|
| NA | NA | CARBN; or<br>CMBST | CMBST |

K114

Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.

| | | | |
|---|---|---|---|
| NA | NA | CARBN; or<br>CMBST | CMBST |

K115

Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.

| | | | |
|---|---|---|---|
| Nickel | 7440-02-0 | 3.98 | 11 mg/ℓ TCLP |
| NA | NA | CARBN; or CMBST | CMBST |

K116

Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.

| | | | |
|---|---|---|---|
| NA | NA | CARBN; or CMBST | CMBST |

K117

Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.

| | | | |
|---|---|---|---|
| Methyl bromide (Bromomethane) | 74-83-9 | 0.11 | 15 |
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| Ethylene dibromide (1,2-Dibromoethane) | 106-93-4 | 0.028 | 15 |

K118

Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.

| | | | |
|---|---|---|---|
| Methyl bromide (Bromomethane) | 74-83-9 | 0.11 | 15 |
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| Ethylene dibromide (1,2-Dibromoethane) | 106-93-4 | 0.028 | 15 |

K123

Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.

| | | | |
|---|---|---|---|
| NA | NA | CMBST; or CHOXD fb (BIODG or CARBN) | CMBST |

K124

Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.

| | | | |
|---|---|---|---|
| NA | NA | CMBST; or CHOXD fb (BIODG or CARBN) | CMBST |

K125

Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.

| | | | |
|---|---|---|---|
| NA | NA | CMBST; or CHOXD fb (BIODG or CARBN) | CMBST |

K126

Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.

| | | | |
|---|---|---|---|
| NA | NA | CMBST; or CHOXD fb (BIODG or CARBN) | CMBST |

K131

Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.

| | | | |
|---|---|---|---|
| Methyl bromide (Bromomethane) | 74-83-9 | 0.11 | 15 |

K132

Spent absorbent and wastewater separator solids from the production of methyl bromide.

| | | | |
|---|---|---|---|
| Methyl bromide (Bromomethane) | 74-83-9 | 0.11 | 15 |

K136

Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.

| | | | |
|---|---|---|---|
| Methyl bromide (Bromomethane) | 74-83-9 | 0.11 | 15 |
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| Ethylene dibromide (1,2-Dibromoethane) | 106-93-4 | 0.028 | 15 |

K141

Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludge from coking operations).

| | | | |
|---|---|---|---|
| Benzene | 71-43-2 | 0.14 | 10 |
| Benz(a)anthracene | 56-55-3 | 0.059 | 3.4 |
| Benzo(a)pyrene | 50-2-8 | 0.061 | 3.4 |
| Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene) | 205-99-2 | 0.11 | 6.8 |
| Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene) | 207-08-9 | 0.11 | 6.8 |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| Dibenz(a,h)anthracene | 53-70-3 | 0.055 | 8.2 |

| | | | |
|---|---|---|---|
| Indeno(1,2,3-cd)pyrene | 193-39-5 | 0.0055 | 3.4 |

K142

Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.

| | | | |
|---|---|---|---|
| Benzene | 71-43-2 | 0.14 | 10 |
| Benz(a)anthracene | 56-55-3 | 0.059 | 3.4 |
| Benzo(a)pyrene | 50-32-8 | 0.061 | 3.4 |
| Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene) | 205-99-2 | 0.11 | 6.8 |
| Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene) | 207-08-9 | 0.11 | 6.8 |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| Dibenz(a,h)anthracene | 53-70-3 | 0.055 | 8.2 |
| Indeno(1,2,3-cd)pyrene | 193-39-5 | 0.0055 | 3.4 |

K143

Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.

| | | | |
|---|---|---|---|
| Benzene | 71-43-2 | 0.14 | 10 |
| Benz(a)anthracene | 56-55-3 | 0.059 | 3.4 |
| Benzo(a)pyrene | 50-32-8 | 0.061 | 3.4 |
| Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene) | 205-99-2 | 0.11 | 6.8 |
| Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene) | 207-08-9 | 0.11 | 6.8 |
| Chrysene | 218-01-9 | 0.059 | 3.4 |

K144

Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.

| | | | |
|---|---|---|---|
| Benzene | 71-43-2 | 0.14 | 10 |
| Benz(a)anthracene | 56-55-3 | 0.059 | 3.4 |
| Benzo(a)pyrene | 50-32-8 | 0.061 | 3.4 |
| Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene) | 205-99-2 | 0.11 | 6.8 |
| Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene) | 207-08-9 | 0.11 | 6.8 |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| Dibenz(a,h)anthracene | 53-70-3 | 0.055 | 8.2 |

K145

Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.

| | | | |
|---|---|---|---|
| Benzene | 71-43-2 | 0.14 | 10 |
| Benz(a)anthracene | 56-55-3 | 0.059 | 3.4 |
| Benzo(a)pyrene | 50-32-8 | 0.061 | 3.4 |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| Dibenz(a,h)anthracene | 53-70-3 | 0.055 | 8.2 |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |

K147

Tar storage tank residues from coal tar refining.

| | | | |
|---|---|---|---|
| Benzene | 71-43-2 | 0.14 | 10 |
| Benz(a)anthracene | 56-55-3 | 0.059 | 3.4 |
| Benzo(a)pyrene | 50-32-8 | 0.061 | 3.4 |
| Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene) | 205-99-2 | 0.11 | 6.8 |

| | | | |
|---|---|---|---|
| Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene) | 207-08-9 | 0.11 | 6.8 |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| Dibenz(a,h)anthracene | 53-70-3 | 0.055 | 8.2 |
| Indeno(1,2,3-cd)pyrene | 193-39-5 | 0.0055 | 3.4 |

K148

Residues from coal tar distillation, including, but not limited to, still bottoms.

| | | | |
|---|---|---|---|
| Benz(a)anthracene | 56-55-3 | 0.059 | 3.4 |
| Benzo(a)pyrene | 50-32-8 | 0.061 | 3.4 |
| Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene) | 205-99-2 | 0.11 | 6.8 |
| Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene) | 207-08-9 | 0.11 | 6.8 |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| Dibenz(a,h)anthracene | 53-70-3 | 0.055 | 8.2 |
| Indeno(1,2,3-cd)pyrene | 193-39-5 | 0.0055 | 3.4 |

K149

Distillation bottoms from the production of $\alpha$- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillations of benzyl chloride.)

| | | | |
|---|---|---|---|
| Chlorobenzene | 108-90-7 | 0.057 | 6.0 |
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| Chloromethane | 74-87-3 | 0.19 | 30 |
| p-Dichlorobenzene | 106-46-7 | 0.090 | 6.0 |
| Hexachlorobenzene | 118-74-1 | 0.055 | 10 |
| Pentachlorobenzene | 608-93-5 | 0.055 | 10 |
| 1,2,4,5-Tetrachlorobenzene | 95-94-3 | 0.055 | 14 |
| Toluene | 108-88-3 | 0.080 | 10 |

K150

Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of α- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

| | | | |
|---|---|---|---|
| Carbon tetrachloride | 56-23-5 | 0.057 | 6.0 |
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| Chloromethane | 74-87-3 | 0.19 | 30 |
| p-Dichlorobenzene | 106-46-7 | 0.090 | 6.0 |
| Hexachlorobenzene | 118-74-1 | 0.055 | 10 |
| Pentachlorobenzene | 608-93-5 | 0.055 | 10 |
| 1,2,4,5-Tetrachlorobenzene | 95-94-3 | 0.055 | 14 |
| 1,1,2,2- Tetrachloroethane | 79-34-5 | 0.057 | 6.0 |
| Tetrachloroethylene | 127-18-4 | 0.056 | 6.0 |
| 1,2,4-Trichlorobenzene | 120-82-1 | 0.055 | 19 |

K151

Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of α- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

| | | | |
|---|---|---|---|
| Benzene | 71-43-2 | 0.14 | 10 |
| Carbon tetrachloride | 56-23-5 | 0.057 | 6.0 |
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| Hexachlorobenzene | 118-74-1 | 0.055 | 10 |
| Pentachlorobenzene | 608-93-5 | 0.055 | 10 |
| 1,2,4,5-Tetrachlorobenzene | 95-94-3 | 0.055 | 14 |
| Tetrachloroethylene | 127-18-4 | 0.056 | 6.0 |
| Toluene | 108-88-3 | 0.080 | 10 |

K156

Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes.

| | | | |
|---|---|---|---|
| Acetonitrile | 75-05-8 | 5.6 | 1.8 |
| Acetophenone | 98-86-2 | 0.010 | 9.7 |

| | | | |
|---|---|---|---|
| Aniline | 62-53-3 | 0.81 | 14 |
| Benomyl[10] | 17804-35-2 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |
| Benzene | 71-43-2 | 0.14 | 10 |
| Carbaryl[10] | 63-25-2 | 0.006; or CMBST, CHOXD, BIODG or CARBN | 0.14; or CMBST |
| Carbenzadim[10] | 10605-21-7 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |
| Carbofuran[10] | 1563-66-2 | 0.006; or CMBST, CHOXD, BIODG or CARBN | 0.14; or CMBST |
| Carbosulfan[10] | 55285-14-8 | 0.028; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |
| Chlorobenzene | 108-90-7 | 0.057 | 6.0 |
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| o-Dichlorobenzene | 95-50-1 | 0.088 | 6.0 |
| Methomyl[10] | 16752-77-5 | 0.028; or CMBST, CHOXD, BIODG or CARBN | 0.14; or CMBST |
| Methylene chloride | 75-09-2 | 0.089 | 30 |
| Methyl ethyl ketone | 78-93-3 | 0.28 | 36 |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| Pyridine | 110-86-1 | 0.014 | 16 |
| Toluene | 108-88-3 | 0.080 | 10 |
| Triethylamine | 121-44-8 | 0.081; or CMBST, CHOXD, BIODG or CARBN | 1.5; or CMBST |

K157

Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes.

| | | | |
|---|---|---|---|
| Carbon tetrachloride | 56-23-5 | 0.057 | 6.0 |
| Chloroform | 67-66-3 | 0.046 | 6.0 |

| | | | |
|---|---|---|---|
| Chloromethane | 74-87-3 | 0.19 | 30 |
| Methomyl[10] | 16752-77-5 | 0.028; or CMBST, CHOXD, BIODG or CARBN | 0.14; or CMBST |
| Methylene chloride | 75-09-2 | 0.089 | 30 |
| Methyl ethyl ketone | 78-93-3 | 0.28 | 36 |
| Pyridine | 110-86-1 | 0.014 | 16 |
| Triethylamine | 121-44-8 | 0.081; or CMBST, CHOXD, BIODG or CARBN | 1.5; or CMBST |

K158

Baghouse dusts and filter/separation solids from the production of carbamates and carbamoyl oximes.

| | | | |
|---|---|---|---|
| Benomyl[10] | 17804-35-2 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBSTP |
| Benzene | 71-43-2 | 0.14 | 10 |
| Carbenzadim[10] | 10605-21-7 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |
| Carbofuran[10] | 1563-66-2 | 0.006; or CMBST, CHOXD, BIODG or CARBN | 0.14; or CMBST |
| Carbosulfan[10] | 55285-14-8 | 0.028; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| Methylene chloride | 75-09-2 | 0.089 | 30 |
| Phenol | 108-95-2 | 0.039 | 6.2 |

K159

Organics from the treatment of thiocarbamate wastes.[10]

| | | | |
|---|---|---|---|
| Benzene | 71-43-2 | 0.14 | 10 |

| | | | |
|---|---|---|---|
| Butylate[10] | 2008-41-5 | 0.042; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |
| EPTC (Eptam)[10] | 759-94-4 | 0.042; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |
| Molinate[10] | 2212-67-1 | 0.042; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |
| Pebulate[10] | 1114-71-2 | 0.042; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |
| Vernolate[10] | 1929-77-7 | 0.042; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |

K161

Purification solids (including filtration, evaporation, and centrifugation solids), baghouse dust, and floor sweepings from the production of dithiocarbamate acids and their salts.

| | | | |
|---|---|---|---|
| Antimony | 7440-36-0 | 1.9 | 1.15[11] |
| Arsenic | 7440-38-2 | 1.4 | 5.0[11] |
| Carbon disulfide | 75-15-0 | 3.8 | 4.8[11] |
| Dithiocarbamates (total)[10] | 137-30-4 | 0.028; or CMBST, CHOXD, BIODG or CARBN | 28; or CMBST |
| Lead | 7439-92-1 | 0.69 | 0.75[11] |
| Nickel | 7440-02-0 | 3.98 | 11[11] |
| Selenium | 7782-49-2 | 0.82 | 5.7[11] |

K169

Crude oil tank sediment from petroleum refining operations.

| | | | |
|---|---|---|---|
| Benz(a)anthracene | 56-55-3 | 0.059 | 3.4 |
| Benzene | 71-43-2 | 0.14 | 10 |
| Benzo(g,h,i)perylene | 191-24-2 | 0.0055 | 1.8 |
| Chrysene | 218-01-9 | 0.059 | 3.4 |

| | | | |
|---|---|---|---|
| Ethyl benzene | 100-41-4 | 0.057 | 10 |
| Fluorene | 86-73-7 | 0.059 | 3.4 |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Phenanthrene | 81-05-8 | 0.059 | 5.6 |
| Pyrene | 129-00-0 | 0.067 | 8.2 |
| Toluene (Methyl Benzene) | 108-88-3 | 0.080 | 10 |
| Xylenes (Total) | 1330-20-7 | 0.32 | 30 |

K170

Clarified slurry oil sediment from petroleum refining operations.

| | | | |
|---|---|---|---|
| Benz(a)anthracene | 56-55-3 | 0.059 | 3.4 |
| Benzene | 71-43-2 | 0.14 | 10 |
| Benzo(g,h,i)perylene | 191-24-2 | 0.0055 | 1.8 |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| Dibenz(a,h)anthracene | 53-70-3 | 0.055 | 8.2 |
| Ethyl benzene | 100-41-4 | 0.057 | 10 |
| Fluorene | 86-73-7 | 0.059 | 3.4 |
| Indeno(1,2,3,-cd)pyrene | 193-39-5 | 0.0055 | 3.4 |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Phenanthrene | 81-05-8 | 0.059 | 5.6 |
| Pyrene | 129-00-0 | 0.067 | 8.2 |
| Toluene (Methyl Benzene) | 108-88-3 | 0.080 | 10 |
| Xylenes (Total | 1330-20-7 | 0.32 | 30 |

K171

Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)

| | | | |
|---|---|---|---|
| Benz(a)anthracene | 56-55-3 | 0.059 | 3.4 |
| Benzene | 71-43-2 | 0.14 | 10 |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| Ethyl benzene | 100-41-4 | 0.057 | 10 |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Phenanthrene | 81-05-8 | 0.059 | 5.6 |
| Pyrene | 129-00-0 | 0.067 | 8.2 |
| Toluene (Methyl Benzene) | 108-88-3 | 0.080 | 10 |

| | | | |
|---|---|---|---|
| Xylenes (Total) | 1330-20-7 | 0.32 | 30 |
| Arsenic | 7740-38-2 | 1.4 | 5 mg/ℓ TCLP |
| Nickel | 7440-02-0 | 3.98 | 11.0 mg/ℓ TCLP |
| Vanadium | 7440-62-2 | 4.3 | 1.6 mg/ℓ TCLP |
| Reactive sulfides | NA | DEACT | DEACT |

K172

Spent hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)

| | | | |
|---|---|---|---|
| Benzene | 71-43-2 | 0.14 | 10 |
| Ethyl benzene | 100-41-4 | 0.057 | 10 |
| Toluene (Methyl Benzene) | 108-88-3 | 0.080 | 10 |
| Xylenes (Total) | 1330-20-7 | 0.32 | 30 |
| Antimony | 7740-36-0 | 1.9 | 1.15 mg/ℓ TCLP |
| Arsenic | 7740-38-2 | 1.4 | 5 mg/ℓ TCLP |
| Nickel | 7440-02-0 | 3.98 | 11.0 mg/ℓ TCLP |
| Vanadium | 7440-62-2 | 4.3 | 1.6 mg/ℓ TCLP |
| Reactive Sulfides | NA | DEACT | DEACT |

K174

Wastewater treatment sludge from the production of ethylene dicholoride or vinyl choloride monomer.

| | | | |
|---|---|---|---|
| 1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD) | 35822-46-9 | 0.000035 or CMBST[11] | 0.0025 or CMBST[11] |
| 1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF) | 67562-39-4 | 0.000035 or CMBST[11] | 0.0025 or CMBST[11] |
| 1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF) | 55673-89-7 | 0.000035 or CMBST[11] | 0.0025 or CMBST[11] |
| All hexachlorodibenzo-p-dioxins (HxCDDs) | 34465-46-8 | 0.000063 or CMBST[11] | 0.001 or CMBST[11] |
| All hexachlorodibenzofurans (HxCDFs) | 55684-94-1 | 0.000063 or CMBST[11] | 0.001 or CMBST[11] |

| | | | |
|---|---|---|---|
| 1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD) | 3268-87-9 | 0.000063 or CMBST[11] | 0.005 or CMBST[11] |
| 1,2,3,4,6,7,8,9-Octachlorodibenzofuran (1,2,3,4,6,7,8,9-OCDF) | 39001-02-0 | 0.000063 or CMBST[11] | 0.005 or CMBST[11] |
| All pentachlorodibenzo-p-dioxins (PeCDDs) | 36088-22-9 | 0.000063 or CMBST[11] | 0.001 or CMBST[11] |
| All pentachlorodibenzofurans (PeCDFs) | 30402-15-4 | 0.000035 or CMBST[11] | 0.001 or CMBST[11] |
| All tetrachlorodibenzo-p-dioxins (TCDDs) | 41903-57-5 | 0.000063 or CMBST[11] | 0.001 or CMBST[11] |
| All tetrachlorodibenzofurans (TCDFs) | 55722-27-5 | 0.000063 or CMBST[11] | 0.001 or CMBST[11] |
| Arsenic | 7440-36-0 | 1.4 | 5.0 mg/ℓ TCLP |

K175

Wastewater treatment sludge from the production of vinyl choloride monomer using mercuric chloride catalyst in an acetylene-based process.

| | | | |
|---|---|---|---|
| Mercury[12] | 7439-97-6 | NA | 0.025 mg/ℓ TCLP |
| PH[12] | | NA | pH ≤ 6.0 |

K175

All K175 wastewaters.

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | 0.15 | NA |

K176

Baghouse filters from the production of antimony oxide, including filters from the production of intermediates e.g., antimony metal or crude antimony oxide).

| | | | |
|---|---|---|---|
| Antimony | 7440-36-0 | 1.9 | 1.15 mg/ℓ TCLP |
| Arsenic | 7440-38-2 | 1.4 | 5.0 mg/ℓ TCLP |
| Cadmium | 7440-43-9 | 0.69 | 0.11 mg/ℓ TCLP |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | 0.15 | 0.025 mg/ℓ TCLP |

K177

Slag from the production of antimony oxide that is speculatively accumulated or disposed, including slag from the production of intermediates (e.g., antimony metal or crude antimony oxide).

| | | | |
|---|---|---|---|
| Antimony | 7440-36-0 | 1.9 | 1.15 mg/ℓ TCLP |
| Arsenic | 7440-38-2 | 1.4 | 5.0 mg/ℓ TCLP |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |

K178

Residues from manufacturing and manufacturing-site storage of ferric chloride from acids formed during the production of titanium dioxide using the chloride-ilmenite process.

| | | | |
|---|---|---|---|
| 1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD) | 35822-46-9 | 0.000035 or CMBST[11] | 0.0025 or CMBST[11] |
| 1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF) | 67562-39-4 | 0.000035 or CMBST[11] | 0.0025 or CMBST[11] |
| 1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF) | 55673-89-7 | 0.000035 or CMBST[11] | 0.0025 or CMBST[11] |
| HxCDDs (All Hexachlorodibenzo-p-dioxins) | 34465-46-8 | 0.000063 or CMBST[11] | 0.001 or CMBST[11] |
| HxCDFs (All Hexachlorodibenzofurans) | 55684-94-1 | 0.000063 or CMBST[11] | 0.001 or CMBST[11] |
| 1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD) | 3268-87-9 | 0.000063 or CMBST[11] | 0.005 or CMBST[11] |
| 1,2,3,4,6,7,8,9-Octachlorodibenzofuran (OCDF) | 39001-02-0 | 0.000063 or CMBST[11] | 0.005 or CMBST[11] |
| PeCDDs (All Pentachlorodibenzo-p-dioxins) | 36088-22-9 | 0.000063 or CMBST[11] | 0.001 or CMBST[11] |

| | | | |
|---|---|---|---|
| PeCDFs (All Pentachlorodibenzofurans) | 30402-15-4 | 0.000035 or CMBST[11] | 0.001 or CMBST[11] |
| TCDDs (All Tetrachlorodibenzo-p-dioxins) | 41903-57-5 | 0.000063 or CMBST[11] | 0.001 or CMBST[11] |
| TCDFs (All Tetrachlorodibenzofurans) | 55722-27-5 | 0.000063 or CMBST[11] | 0.001 or CMBST[11] |
| Thallium | 7440-28-0 | 1.4 | 0.20 mg/ℓ TCLP |

K181

Nonwastewaters from the production of dyes or pigments (including nonwastewaters commingled at the point of generation with nonwastewaters from other processes) that, at the point of generation, contain mass loadings of any of the constituents identified in Section 721.132(c) which are equal to or greater than the corresponding Section 721.132(c) levels, as determined on a calendar-year basis.

| | | | |
|---|---|---|---|
| Aniline | 62-53-3 | 0.81 | 14 |
| o-Anisidine (2-methoxyaniline) | 90-04-0 | 0.010 | 0.66 |
| 4-Chloroaniline | 106-47-8 | 0.46 | 16 |
| p-Cresidine | 120-71-8 | 0.010 | 0.66 |
| 2,4-Dimethylaniline (2,4-xylidine) | 95-68-1 | 0.010 | 0.66 |
| 1,2-Phenylenediamine | 95-54-5 | CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN | CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN |
| 1,3-Phenylenediamine | 108-45-2 | 0.010 | 0.66 |

P001

Warfarin, & salts, when present at concentrations greater than 0.3 percent.

| | | | |
|---|---|---|---|
| Warfarin | 81-81-2 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P002

1-Acetyl-2-thiourea.

| | | | |
|---|---|---|---|
| 1-Acetyl-2-thiourea | 591-08-2 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P003

Acrolein.

| | | | |
|---|---|---|---|
| Acrolein | 107-02-8 | 0.29 | CMBST |

P004

Aldrin.

| | | | |
|---|---|---|---|
| Aldrin | 309-00-2 | 0.021 | 0.066 |

P005

Allyl alcohol.

| | | | |
|---|---|---|---|
| Allyl alcohol | 107-18-6 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P006

Aluminum phosphide.

| | | | |
|---|---|---|---|
| Aluminum phosphide | 20859-73-8 | CHOXD; CHRED; or CMBST | CHOXD; CHRED; or CMBST |

P007

5-Aminomethyl-3-isoxazolol.

| | | | |
|---|---|---|---|
| 5-Aminomethyl-3-isoxazolol | 2763-96-4 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P008

4-Aminopyridine.

| | | | |
|---|---|---|---|
| 4-Aminopyridine | 504-24-5 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P009

Ammonium picrate.

| | | | |
|---|---|---|---|
| Ammonium picrate | 131-74-8 | CHOXD; CHRED; CARBN; BIODG; or CMBST | CHOXD; CHRED; or CMBST |

P010

Arsenic acid.

| | | | |
|---|---|---|---|
| Arsenic | 7440-38-2 | 1.4 | 5.0 mg/ℓ TCLP |

P011

Arsenic pentoxide.

| | | | |
|---|---|---|---|
| Arsenic | 7440-38-2 | 1.4 | 5.0 mg/ℓ TCLP |

P012

Arsenic trioxide.

| | | | |
|---|---|---|---|
| Arsenic | 7440-38-2 | 1.4 | 5.0 mg/ℓ TCLP |

P013

Barium cyanide.

| | | | |
|---|---|---|---|
| Barium | 7440-39-3 | NA | 21 mg/ℓ TCLP |
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)[7] | 57-12-5 | 0.86 | 30 |

P014

Thiophenol (Benzene thiol).

| | | | |
|---|---|---|---|
| Thiophenol (Benzene thiol) | 108-98-5 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P015

Beryllium dust.

| | | | |
|---|---|---|---|
| Beryllium | 7440-41-7 | RMETL;or RTHRM | RMETL; or RTHRM |

P016

Dichloromethyl ether (Bis(chloromethyl)ether).

| | | | |
|---|---|---|---|
| Dichloromethyl ether | 542-88-1 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P017

Bromoacetone.

| | | | |
|---|---|---|---|
| Bromoacetone | 598-31-2 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P018

Brucine.

| | | | |
|---|---|---|---|
| Brucine | 357-57-3 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P020

2-sec-Butyl-4,6-dinitrophenol (Dinoseb).

| | | | |
|---|---|---|---|
| 2-sec-Butyl-4,6-dinitrophenol (Dinoseb) | 88-85-7 | 0.066 | 2.5 |

P021

Calcium cyanide.

| | | | |
|---|---|---|---|
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)[7] | 57-12-5 | 0.86 | 30 |

P022

Carbon disulfide.

| | | | |
|---|---|---|---|
| Carbon disulfide | 75-15-0 | 3.8 | CMBST |
| Carbon disulfide; alternate[6] standard for nonwastewaters only | 75-15-0 | NA | 4.8 mg/ℓ TCLP |

P023

Chloroacetaldehyde.

| | | | |
|---|---|---|---|
| Chloroacetaldehyde | 107-20-0 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P024

p-Chloroaniline.

| | | | |
|---|---|---|---|
| p-Chloroaniline | 106-47-8 | 0.46 | 16 |

P026

1-(o-Chlorophenyl)thiourea.

| | | | |
|---|---|---|---|
| 1-(o-Chlorophenyl)thiourea | 5344-82-1 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P027

3-Chloropropionitrile.

| | | | |
|---|---|---|---|
| 3-Chloropropionitrile | 542-76-7 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P028

Benzyl chloride.

| | | | |
|---|---|---|---|
| Benzyl chloride | 100-44-7 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P029

Copper cyanide.

| | | | |
|---|---|---|---|
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)[7] | 57-12-5 | 0.86 | 30 |

P030

Cyanides (soluble salts and complexes).

| | | | |
|---|---|---|---|
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)[7] | 57-12-5 | 0.86 | 30 |

P031

Cyanogen.

| | | | |
|---|---|---|---|
| Cyanogen | 460-19-5 | CHOXD; WETOX; or CMBST | CHOXD; WETOX; or CMBST |

P033

Cyanogen chloride.

| | | | |
|---|---|---|---|
| Cyanogen chloride | 506-77-4 | CHOXD; WETOX; or CMBST | CHOXD; WETOX; or CMBST |

P034

2-Cyclohexyl-4,6-dinitrophenol.

| | | | |
|---|---|---|---|
| 2-Cyclohexyl-4,6-dinitrophenol | 131-89-5 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P036

Dichlorophenylarsine.

| | | | |
|---|---|---|---|
| Arsenic | 7440-38-2 | 1.4 | 5.0 mg/ℓ TCLP |

P037

Dieldrin.

| | | | |
|---|---|---|---|
| Dieldrin | 60-57-1 | 0.017 | 0.13 |

P038

Diethylarsine.

| | | | |
|---|---|---|---|
| Arsenic | 7440-38-2 | 1.4 | 5.0 mg/ℓ TCLP |

P039

Disulfoton.

| | | | |
|---|---|---|---|
| Disulfoton | 298-04-4 | 0.017 | 6.2 |

P040

O,O-Diethyl-O-pyrazinyl-phosphorothioate.

| | | | |
|---|---|---|---|
| O,O-Diethyl-O-pyrazinylphosphorothioate | 297-97-2 | CARBN; or CMBST | CMBST |

P041

Diethyl-p-nitrophenyl phosphate.

| | | | |
|---|---|---|---|
| Diethyl-p-nitrophenyl phosphate | 311-45-5 | CARBN; or CMBST | CMBST |

P042

Epinephrine.

| | | | |
|---|---|---|---|
| Epinephrine | 51-43-4 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P043

Diisopropylfluorophosphate (DFP).

| | | | |
|---|---|---|---|
| Diisopropylfluorophosphate (DFP) | 55-91-4 | CARBN; or CMBST | CMBST |

P044

Dimethoate.

| | | | |
|---|---|---|---|
| Dimethoate | 60-51-5 | CARBN; or CMBST | CMBST |

P045

Thiofanox.

| | | | |
|---|---|---|---|
| Thiofanox | 39196-18-4 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P046

α,α-Dimethylphenethylamine.

| | | | |
|---|---|---|---|
| α,α-Dimethylphenethylamine | 122-09-8 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P047

4,6-Dinitro-o-cresol.

| | | | |
|---|---|---|---|
| 4,6-Dinitro-o-cresol | 543-52-1 | 0.28 | 160 |

P047

4,6-Dinitro-o-cresol salts.

| | | | |
|---|---|---|---|
| NA | NA | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P048

2,4-Dinitrophenol.

| | | | |
|---|---|---|---|
| 2,4-Dinitrophenol | 51-28-5 | 0.12 | 160 |

P049

Dithiobiuret.

| | | | |
|---|---|---|---|
| Dithiobiuret | 541-53-7 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P050

Endosulfan.

| | | | |
|---|---|---|---|
| Endosulfan I | 939-98-8 | 0.023 | 0.066 |
| Endosulfan II | 33213-6-5 | 0.029 | 0.13 |
| Endosulfan sulfate | 1031-07-8 | 0.029 | 0.13 |

P051

Endrin.

| | | | |
|---|---|---|---|
| Endrin | 72-20-8 | 0.0028 | 0.13 |
| Endrin aldehyde | 7421-93-4 | 0.025 | 0.13 |

P054

Aziridine.

| | | | |
|---|---|---|---|
| Aziridine | 151-56-4 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P056

Fluorine.

| | | | |
|---|---|---|---|
| Fluoride (measured in wastewaters only) | 16984-48-8 | 35 | ADGAS fb NEUTR |

P057

Fluoroacetamide.

| | | | |
|---|---|---|---|
| Fluoroacetamide | 640-19-7 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P058

Fluoroacetic acid, sodium salt.

| | | | |
|---|---|---|---|
| Fluoroacetic acid, sodium salt | 62-74-8 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P059

Heptachlor.

| | | | |
|---|---|---|---|
| Heptachlor | 76-44-8 | 0.0012 | 0.066 |
| Heptachlor epoxide | 1024-57-3 | 0.016 | 0.066 |

P060

Isodrin.

| | | | |
|---|---|---|---|
| Isodrin | 465-73-6 | 0.021 | 0.066 |

P062

Hexaethyl tetraphosphate.

| | | | |
|---|---|---|---|
| Hexaethyl tetraphosphate | 757-58-4 | CARBN; or CMBST | CMBST |

P063

Hydrogen cyanide.

| | | | |
|---|---|---|---|
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)[7] | 57-12-5 | 0.86 | 30 |

P064

Isocyanic acid, ethyl ester.

| | | | |
|---|---|---|---|
| Isocyanic acid, ethyl ester | 624-83-9 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P065

P065 (mercury fulminate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | NA | IMERC |

P065

P065 (mercury fulminate) nonwastewaters that are either incinerator residues or are residues from RMERC; and contain greater than or equal to 260 mg/kg total mercury.

| | | | |
|---|---|---|---|
| Mercury | 7339-97-6 | NA | RMERC |

P065

P065 (mercury fulminate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | NA | 0.20 mg/ℓ TCLP |

P065

P065 (mercury fulminate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | NA | 0.025 mg/ℓ TCLP |

P065

All P065 (mercury fulminate) wastewaters.

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | 0.15 | NA |

P066

Methomyl.

| | | | |
|---|---|---|---|
| Methomyl | 16752-77-5 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P067

2-Methyl-aziridine.

| | | | |
|---|---|---|---|
| 2-Methyl-aziridine | 75-55-8 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P068

Methyl hydrazine.

| | | | |
|---|---|---|---|
| Methyl hydrazine | 60-34-4 | CHOXD; CHRED; CARBN; BIODG; or CMBST | CHOXD; CHRED, or CMBST |

P069

2-Methyllactonitrile.

| | | | |
|---|---|---|---|
| 2-Methyllactonitrile | 75-86-5 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P070

Aldicarb.

| | | | |
|---|---|---|---|
| Aldicarb | 116-06-3 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P071

Methyl parathion.

| | | | |
|---|---|---|---|
| Methyl parathion | 298-00-0 | 0.014 | 4.6 |

P072

1-Naphthyl-2-thiourea.

| | | | |
|---|---|---|---|
| 1-Naphthyl-2-thiourea | 86-88-4 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P073

Nickel carbonyl.

| | | | |
|---|---|---|---|
| Nickel | 7440-02-0 | 3.98 | 11 mg/ℓ TCLP |

P074

Nickel cyanide.

| | | | |
|---|---|---|---|
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)[7] | 57-12-5 | 0.86 | 30 |
| Nickel | 7440-02-0 | 3.98 | 11 mg/ℓ TCLP |

P075

Nicotine and salts.

| | | | |
|---|---|---|---|
| Nicotine and salts | 54-11-5 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |
| P076 | | | |
| Nitric oxide. | | | |
| Nitric oxide | 10102-43-9 | ADGAS | ADGAS |
| P077 | | | |
| p-Nitroaniline. | | | |
| p-Nitroaniline | 100-01-6 | 0.028 | 28 |
| P078 | | | |
| Nitrogen dioxide. | | | |
| Nitrogen dioxide | 10102-44-0 | ADGAS | ADGAS |
| P081 | | | |
| Nitroglycerin. | | | |
| Nitroglycerin | 55-63-0 | CHOXD; CHRED; CARBN; BIODG or CMBST | CHOXD; CHRED; or CMBST |
| P082 | | | |
| N-Nitrosodimethylamine. | | | |
| N-Nitrosodimethylamine | 62-75-9 | 0.40 | 2.3 |
| P084 | | | |

N-Nitrosomethylvinylamine.

| | | | |
|---|---|---|---|
| N-Nitrosomethylvinylamine | 4549-40-0 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P085

Octamethylpyrophosphoramide.

| | | | |
|---|---|---|---|
| Octamethylpyrophosphoramide | 152-16-9 | CARBN; or CMBST | CMBST |

P087

Osmium tetroxide.

| | | | |
|---|---|---|---|
| Osmium tetroxide | 20816-12-0 | RMETL; or RTHRM | RMETL; or RTHRM |

P088

Endothall.

| | | | |
|---|---|---|---|
| Endothall | 145-73-3 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P089

Parathion.

| | | | |
|---|---|---|---|
| Parathion | 56-38-2 | 0.014 | 4.6 |

P092

P092 (phenyl mercuric acetate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | NA | IMERC; or RMERC |

P092

P092 (phenyl mercuric acetate) nonwastewaters that are either incinerator residues or are residues from RMERC; and still contain greater than or equal to 260 mg/kg total mercury.

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | NA | RMERC |

P092

P092 (phenyl mercuric acetate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | NA | 0.20 mg/ℓ TCLP |

P092

P092 (phenyl mercuric acetate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | NA | 0.025 mg/ℓ TCLP |

P092

All P092 (phenyl mercuric acetate) wastewaters.

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | 0.15 | NA |

P093

Phenylthiourea.

| | | | |
|---|---|---|---|
| Phenylthiourea | 103-85-5 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |
| P094 | | | |
| Phorate. | | | |
| Phorate | 298-02-2 | 0.021 | 4.6 |
| P095 | | | |
| Phosgene. | | | |
| Phosgene | 75-44-5 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |
| P096 | | | |
| Phosphine. | | | |
| Phosphine | 7803-51-2 | CHOXD; CHRED; or CMBST | CHOXD; CHRED; or CMBST |
| P097 | | | |
| Famphur. | | | |
| Famphur | 52-85-7 | 0.017 | 15 |
| P098 | | | |
| Potassium cyanide. | | | |
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)[7] | 57-12-5 | 0.86 | 30 |

P099

Potassium silver cyanide.

| | | | |
|---|---|---|---|
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)[7] | 57-12-5 | 0.86 | 30 |
| Silver | 7440-22-4 | 0.43 | 0.14 mg/ℓ TCLP |

P101

Ethyl cyanide (Propanenitrile).

| | | | |
|---|---|---|---|
| Ethyl cyanide (Propanenitrile) | 107-12-0 | 0.24 | 360 |

P102

Propargyl alcohol.

| | | | |
|---|---|---|---|
| Propargyl alcohol | 107-19-7 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P103

Selenourea.

| | | | |
|---|---|---|---|
| Selenium | 7782-49-2 | 0.82 | 5.7 mg/ℓ TCLP |

P104

Silver cyanide.

| | | | |
|---|---|---|---|
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)[7] | 57-12-5 | 0.86 | 30 |
| Silver | 7440-22-4 | 0.43 | 0.14 mg/ℓ TCLP |

P105

Sodium azide.

| | | | |
|---|---|---|---|
| Sodium azide | 26628-22-8 | CHOXD; CHRED; CARBN; BIODG; or CMBST | CHOXD; CHRED; or CMBST |

P106

Sodium cyanide.

| | | | |
|---|---|---|---|
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)[7] | 57-12-5 | 0.86 | 30 |

P108

Strychnine and salts.

| | | | |
|---|---|---|---|
| Strychnine and salts | 57-24-9 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P109

Tetraethyldithiopyrophosphate.

| | | | |
|---|---|---|---|
| Tetraethyldithiopyrophosphate | 3689-24-5 | CARBN; or CMBST | CMBST |

P110

Tetraethyl lead.

| | | | |
|---|---|---|---|
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |

P111

Tetraethylpyrophosphate.

| | | | |
|---|---|---|---|
| Tetraethylpyrophosphate | 107-49-3 | CARBN; or CMBST | CMBST |

P112

Tetranitromethane.

| | | | |
|---|---|---|---|
| Tetranitromethane | 509-14-8 | CHOXD; CHRED; CARBN; BIODG; or CMBST | CHOXD; CHRED; or CMBST |

P113

Thallic oxide.

| | | | |
|---|---|---|---|
| Thallium (measured in wastewaters only) | 7440-28-0 | 1.4 | RTHRM; or STABL |

P114

Thallium selenite.

| | | | |
|---|---|---|---|
| Selenium | 7782-49-2 | 0.82 | 5.7 mg/ℓ TCLP |

P115

Thallium (I) sulfate.

| | | | |
|---|---|---|---|
| Thallium (measured in wastewaters only) | 7440-28-0 | 1.4 | RTHRM; or STABL |

P116

Thiosemicarbazide.

| | | | |
|---|---|---|---|
| Thiosemicarbazide | 79-19-6 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P118

Trichloromethanethiol.

| | | | |
|---|---|---|---|
| Trichloromethanethiol | 75-70-7 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

P119

Ammonium vanadate.

| | | | |
|---|---|---|---|
| Vanadium (measured in wastewaters only) | 7440-62-2 | 4.3 | STABL |

P120

Vanadium pentoxide.

| | | | |
|---|---|---|---|
| Vanadium (measured in wastewaters only) | 7440-62-2 | 4.3 | STABL |

P121

Zinc cyanide.

| | | | |
|---|---|---|---|
| Cyanides (Total)[7] | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)[7] | 57-12-5 | 0.86 | 30 |

P122

Zinc phosphide $Zn_3P_2$, when present at concentrations greater than 10 percent.

| | | | |
|---|---|---|---|
| Zinc Phosphide | 1314-84-7 | CHOXD; CHRED; or CMBST | CHOXD; CHRED; or CMBST |

P123

Toxaphene.

| | | | |
|---|---|---|---|
| Toxaphene | 8001-35-2 | 0.0095 | 2.6 |

P127

Carbofuran.[10]

| | | | |
|---|---|---|---|
| Carbofuran | 1563-66-2 | 0.006; or CMBST, CHOXD, BIODG or CARBN | 0.14; or CMBST |

P128

Mexacarbate.[10]

| | | | |
|---|---|---|---|
| Mexacarbate | 315-18-4 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |

P185

Tirpate.[10]

| | | | |
|---|---|---|---|
| Tirpate | 26419-73-8 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 0.28; or CMBST |

P188

Physostigimine salicylate.[10]

| | | | |
|---|---|---|---|
| Physostigmine salicylate | 57-64-7 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |

P189

Carbosulfan.[10]

| | | | |
|---|---|---|---|
| Carbosulfan | 55285-14-8 | 0.028; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |

P190

Metolcarb.[10]

| | | | |
|---|---|---|---|
| Metolcarb | 1129-41-5 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |

P191

Dimetilan.[10]

| | | | |
|---|---|---|---|
| Dimetilan | 644-64-4 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |

P192

Isolan.[10]

| | | | |
|---|---|---|---|
| Isolan | 119-38-0 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |

P194

Oxamyl.[10]

| | | | |
|---|---|---|---|
| Oxamyl | 23135-22-0 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 0.28; or CMBST |

P196

Manganese dimethyldithiocarbamates (total).[10]

| | | | |
|---|---|---|---|
| Dithiocarbamates (total) | NA | 0.028; or CMBST, CHOXD, BIODG or CARBN | 28; or CMBST |

P197

Formparanate.[10]

| | | | |
|---|---|---|---|
| Formparanate | 17702-57-7 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |

P198

Formetanate hydrochloride.[10]

| | | | |
|---|---|---|---|
| Formetanate hydrochloride | 23422-53-9 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |

P199

Methiocarb.[10]

| | | | |
|---|---|---|---|
| Methiocarb | 2032-65-7 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |

P201

Promecarb.[10]

| | | | |
|---|---|---|---|
| Promecarb | 2631-37-0 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |

P202

m-Cumenyl methylcarbamate.[10]

| | | | |
|---|---|---|---|
| m-Cumenyl methylcarbamate | 64-00-6 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |

P203

Aldicarb sulfone.[10]

| | | | |
|---|---|---|---|
| Aldicarb sulfone | 1646-88-4 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 0.28; or CMBST |

P204

Physostigmine.[10]

| | | | |
|---|---|---|---|
| Physostigmine | 57-47-6 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |

P205

Ziram.[10]

| | | | |
|---|---|---|---|
| Dithiocarbamates (total) | NA | 0.028; or CMBST, CHOXD, BIODG or CARBN | 28; or CMBST |

U001

Acetaldehyde.

| | | | |
|---|---|---|---|
| Acetaldehyde | 75-07-0 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U002

Acetone.

| | | | |
|---|---|---|---|
| Acetone | 67-64-1 | 0.28 | 160 |

U003

Acetonitrile.

| | | | |
|---|---|---|---|
| Acetonitrile | 75-05-8 | 5.6 | CMBST |
| Acetonitrile; alternate[6] standard for nonwastewaters only | 75-05-8 | NA | 38 |

U004

Acetophenone.

| | | | |
|---|---|---|---|
| Acetophenone | 98-86-2 | 0.010 | 9.7 |

U005

2-Acetylaminofluorene.

| | | | |
|---|---|---|---|
| 2-Acetylaminofluorene | 53-96-3 | 0.059 | 140 |

U006

Acetyl chloride.

| | | | |
|---|---|---|---|
| Acetyl chloride | 75-36-5 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U007

Acrylamide.

| | | | |
|---|---|---|---|
| Acrylamide | 79-06-1 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U008

Acrylic acid.

| | | | |
|---|---|---|---|
| Acrylic acid | 79-10-7 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U009

Acrylonitrile.

| | | | |
|---|---|---|---|
| Acrylonitrile | 107-13-1 | 0.24 | 84 |

U010

Mitomycin C.

| | | | |
|---|---|---|---|
| Mitomycin C | 50-07-7 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U011

Amitrole.

| | | | |
|---|---|---|---|
| Amitrole | 61-82-5 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U012

Aniline.

| | | | |
|---|---|---|---|
| Aniline | 62-53-3 | 0.81 | 14 |

U014

Auramine.

| | | | |
|---|---|---|---|
| Auramine | 492-80-8 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U015

Azaserine.

| | | | |
|---|---|---|---|
| Azaserine | 115-02-6 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U016

Benz(c)acridine.

| | | | |
|---|---|---|---|
| Benz(c)acridine | 225-51-4 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U017

Benzal chloride.

| | | | |
|---|---|---|---|
| Benzal chloride | 98-87-3 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U018

Benz(a)anthracene.

| | | | |
|---|---|---|---|
| Benz(a)anthracene | 56-55-3 | 0.059 | 3.4 |

U019

Benzene.

| | | | |
|---|---|---|---|
| Benzene | 71-43-2 | 0.14 | 10 |

U020

Benzenesulfonyl chloride.

| | | | |
|---|---|---|---|
| Benzenesulfonyl chloride | 98-09-9 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U021

Benzidine.

| | | | |
|---|---|---|---|
| Benzidine | 92-87-5 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U022

Benzo(a)pyrene.

| | | | |
|---|---|---|---|
| Benzo(a)pyrene | 50-32-8 | 0.061 | 3.4 |

U023

Benzotrichloride.

| | | | |
|---|---|---|---|
| Benzotrichloride | 98-07-7 | CHOXD; CHRED; CARBN; BIODG; or CMBST | CHOXD; CHRED; or CMBST |

U024

bis(2-Chloroethoxy)methane.

| | | | |
|---|---|---|---|
| bis(2-Chloroethoxy)methane | 111-91-1 | 0.036 | 7.2 |

U025

bis(2-Chloroethyl)ether.

| | | | |
|---|---|---|---|
| bis(2-Chloroethyl)ether | 111-44-4 | 0.033 | 6.0 |

U026

Chlornaphazine.

| | | | |
|---|---|---|---|
| Chlornaphazine | 494-03-1 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U027

bis(2-Chloroisopropyl)ether.

| | | | |
|---|---|---|---|
| bis(2-Chloroisopropyl)ether | 39638-32-9 | 0.055 | 7.2 |

U028

bis(2-Ethylhexyl)phthalate.

| | | | |
|---|---|---|---|
| bis(2-Ethylhexyl)phthalate | 117-81-7 | 0.28 | 28 |

U029

Methyl bromide (Bromomethane).

| | | | |
|---|---|---|---|
| Methyl bromide (Bromomethane) | 74-83-9 | 0.11 | 15 |

U030

4-Bromophenyl phenyl ether.

| | | | |
|---|---|---|---|
| 4-Bromophenyl phenyl ether | 101-55-3 | 0.055 | 15 |

U031

n-Butyl alcohol.

| | | | |
|---|---|---|---|
| n-Butyl alcohol | 71-36-3 | 5.6 | 2.6 |

U032

Calcium chromate.

| | | | |
|---|---|---|---|
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |

U033

Carbon oxyfluoride.

| | | | |
|---|---|---|---|
| Carbon oxyfluoride | 353-50-4 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U034

Trichloroacetaldehyde (Chloral).

| | | | |
|---|---|---|---|
| Trichloroacetaldehyde (Chloral) | 75-87-6 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U035

Chlorambucil.

| | | | |
|---|---|---|---|
| Chlorambucil | 305-03-3 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U036

Chlordane.

| | | | |
|---|---|---|---|
| Chlordane ($\alpha$ and $\chi$ isomers) | 57-74-9 | 0.0033 | 0.26 |

U037

Chlorobenzene.

| | | | |
|---|---|---|---|
| Chlorobenzene | 108-90-7 | 0.057 | 6.0 |

U038

Chlorobenzilate.

| | | | |
|---|---|---|---|
| Chlorobenzilate | 510-15-6 | 0.10 | CMBST |

U039

p-Chloro-m-cresol.

| | | | |
|---|---|---|---|
| p-Chloro-m-cresol | 59-50-7 | 0.018 | 14 |

U041

Epichlorohydrin (1-Chloro-2,3-epoxypropane).

| | | | |
|---|---|---|---|
| Epichlorohydrin (1-Chloro-2,3-epoxypropane) | 106-89-8 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U042

2-Chloroethyl vinyl ether.

| | | | |
|---|---|---|---|
| 2-Chloroethyl vinyl ether | 110-75-8 | 0.062 | CMBST |

U043

Vinyl chloride.

| | | | |
|---|---|---|---|
| Vinyl chloride | 75-01-4 | 0.27 | 6.0 |

U044

Chloroform.

| | | | |
|---|---|---|---|
| Chloroform | 67-66-3 | 0.046 | 6.0 |

U045

Chloromethane (Methyl chloride).

| | | | |
|---|---|---|---|
| Chloromethane (Methyl chloride) | 74-87-3 | 0.19 | 30 |

U046

Chloromethyl methyl ether.

| | | | |
|---|---|---|---|
| Chloromethyl methyl ether | 107-30-2 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U047

2-Chloronaphthalene.

| | | | |
|---|---|---|---|
| 2-Chloronaphthalene | 91-58-7 | 0.055 | 5.6 |

U048

2-Chlorophenol.

| | | | |
|---|---|---|---|
| 2-Chlorophenol | 95-57-8 | 0.044 | 5.7 |

U049

4-Chloro-o-toluidine hydrochloride.

| | | | |
|---|---|---|---|
| 4-Chloro-o-toluidine hydrochloride | 3165-93-3 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U050

Chrysene.

| | | | |
|---|---|---|---|
| Chrysene | 218-01-9 | 0.059 | 3.4 |

U051

Creosote.

| | | | |
|---|---|---|---|
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Pentachlorophenol | 87-86-5 | 0.089 | 7.4 |
| Phenanthrene | 85-01-8 | 0.059 | 5.6 |
| Pyrene | 129-00-0 | 0.067 | 8.2 |
| Toluene | 108-88-3 | 0.080 | 10 |
| Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations) | 1330-20-7 | 0.32 | 30 |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |

U052

Cresols (Cresylic acid).

| | | | |
|---|---|---|---|
| o-Cresol | 95-48-7 | 0.11 | 5.6 |
| m-Cresol (difficult to distinguish from p-cresol) | 108-39-4 | 0.77 | 5.6 |
| p-Cresol (difficult to distinguish from m-cresol) | 106-44-5 | 0.77 | 5.6 |
| Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations) | 1319-77-3 | 0.88 | 11.2 |

U053

Crotonaldehyde.

| | | | |
|---|---|---|---|
| Crotonaldehyde | 4170-30-3 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U055

Cumene.

| | | | |
|---|---|---|---|
| Cumene | 98-82-8 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U056

Cyclohexane.

| | | | |
|---|---|---|---|
| Cyclohexane | 110-82-7 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U057

Cyclohexanone.

| | | | |
|---|---|---|---|
| Cyclohexanone | 108-94-1 | 0.36 | CMBST |
| Cyclohexanone; alternate[6] standard for nonwastewaters only | 108-94-1 | NA | 0.75 mg/ℓ TCLP |

U058

Cyclophosphamide.

| | | | |
|---|---|---|---|
| Cyclophosphamide | 50-18-0 | CARBN; or CMBST | CMBST |

U059

Daunomycin.

| | | | |
|---|---|---|---|
| Daunomycin | 20830-81-3 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U060

DDD.

| | | | |
|---|---|---|---|
| o,p'-DDD | 53-19-0 | 0.023 | 0.087 |
| p,p'-DDD | 72-54-8 | 0.023 | 0.087 |

U061

DDT.

| | | | |
|---|---|---|---|
| o,p'-DDT | 789-02-6 | 0.0039 | 0.087 |
| p,p'-DDT | 50-29-3 | 0.0039 | 0.087 |
| o,p'-DDD | 53-19-0 | 0.023 | 0.087 |
| p,p'-DDD | 72-54-8 | 0.023 | 0.087 |
| o,p'-DDE | 3424-82-6 | 0.031 | 0.087 |
| p,p'-DDE | 72-55-9 | 0.031 | 0.087 |

U062

Diallate.

| | | | |
|---|---|---|---|
| Diallate | 2303-16-4 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U063

Dibenz(a,h)anthracene.

| | | | |
|---|---|---|---|
| Dibenz(a,h)anthracene | 53-70-3 | 0.055 | 8.2 |

U064

Dibenz(a,i)pyrene.

| | | | |
|---|---|---|---|
| Dibenz(a,i)pyrene | 189-55-9 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U066

1,2-Dibromo-3-chloropropane.

| | | | |
|---|---|---|---|
| 1,2-Dibromo-3-chloropropane | 96-12-8 | 0.11 | 15 |

U067

Ethylene dibromide (1,2-Dibromoethane).

| | | | |
|---|---|---|---|
| Ethylene dibromide (1,2-Dibromoethane) | 106-93-4 | 0.028 | 15 |

U068

Dibromomethane.

| | | | |
|---|---|---|---|
| Dibromomethane | 74-95-3 | 0.11 | 15 |

U069

Di-n-butyl phthalate.

| | | | |
|---|---|---|---|
| Di-n-butyl phthalate | 84-74-2 | 0.057 | 28 |

U070

o-Dichlorobenzene.

| | | | |
|---|---|---|---|
| o-Dichlorobenzene | 95-50-1 | 0.088 | 6.0 |

U071

m-Dichlorobenzene.

| | | | |
|---|---|---|---|
| m-Dichlorobenzene | 541-73-1 | 0.036 | 6.0 |

U072

p-Dichlorobenzene.

| | | | |
|---|---|---|---|
| p-Dichlorobenzene | 106-46-7 | 0.090 | 6.0 |

U073

3,3'-Dichlorobenzidine.

| | | | |
|---|---|---|---|
| 3,3'-Dichlorobenzidine | 91-94-1 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U074

1,4-Dichloro-2-butene.

| | | | |
|---|---|---|---|
| cis-1,4-Dichloro-2-butene | 1476-11-5 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |
| trans-1,4-Dichloro-2-butene | 764-41-0 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U075

Dichlorodifluoromethane.

| | | | |
|---|---|---|---|
| Dichlorodifluoromethane | 75-71-8 | 0.23 | 7.2 |

U076

1,1-Dichloroethane.

| | | | |
|---|---|---|---|
| 1,1-Dichloroethane | 75-34-3 | 0.059 | 6.0 |

U077

1,2-Dichloroethane.

| | | | |
|---|---|---|---|
| 1,2-Dichloroethane | 107-06-2 | 0.21 | 6.0 |

U078

1,1-Dichloroethylene.

| | | | |
|---|---|---|---|
| 1,1-Dichloroethylene | 75-35-4 | 0.025 | 6.0 |

U079

1,2-Dichloroethylene.

| | | | |
|---|---|---|---|
| trans-1,2-Dichloroethylene | 156-60-5 | 0.054 | 30 |

U080

Methylene chloride.

| | | | |
|---|---|---|---|
| Methylene chloride | 75-09-2 | 0.089 | 30 |

U081

2,4-Dichlorophenol.

| | | | |
|---|---|---|---|
| 2,4-Dichlorophenol | 120-83-2 | 0.044 | 14 |

U082

2,6-Dichlorophenol.

| | | | |
|---|---|---|---|
| 2,6-Dichlorophenol | 87-65-0 | 0.044 | 14 |

U083

1,2-Dichloropropane.

| | | | |
|---|---|---|---|
| 1,2-Dichloropropane | 78-87-5 | 0.85 | 18 |

U084

1,3-Dichloropropylene.

| | | | |
|---|---|---|---|
| cis-1,3-Dichloropropylene | 10061-01-5 | 0.036 | 18 |
| trans-1,3-Dichloropropylene | 10061-02-6 | 0.036 | 18 |

U085

1,2,3,4-Diepoxybutane.

| | | | |
|---|---|---|---|
| 1,2,3,4-Diepoxybutane | 1464-53-5 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U086

N,N'-Diethylhydrazine.

| | | | |
|---|---|---|---|
| N,N'-Diethylhydrazine | 1615-80-1 | CHOXD; CHRED; CARBN; BIODG; or CMBST | CHOXD; CHRED; or CMBST |

U087

O,O-Diethyl-S-methyldithiophosphate.

| | | | |
|---|---|---|---|
| O,O-Diethyl-S-methyldithiophosphate | 3288-58-2 | CARBN; or CMBST | CMBST |

U088

Diethyl phthalate.

| | | | |
|---|---|---|---|
| Diethyl phthalate | 84-66-2 | 0.20 | 28 |

U089

Diethyl stilbestrol.

| | | | |
|---|---|---|---|
| Diethyl stilbestrol | 56-53-1 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U090

Dihydrosafrole.

| | | | |
|---|---|---|---|
| Dihydrosafrole | 94-58-6 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U091

3,3'-Dimethoxybenzidine.

| | | | |
|---|---|---|---|
| 3,3'-Dimethoxybenzidine | 119-90-4 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U092

Dimethylamine.

| | | | |
|---|---|---|---|
| Dimethylamine | 124-40-3 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U093

p-Dimethylaminoazobenzene.

| | | | |
|---|---|---|---|
| p-Dimethylaminoazobenzene | 60-11-7 | 0.13 | CMBST |

U094

7,12-Dimethylbenz(a)anthracene.

| | | | |
|---|---|---|---|
| 7,12-Dimethylbenz(a)anthracene | 57-97-6 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U095

3,3'-Dimethylbenzidine.

| | | | |
|---|---|---|---|
| 3,3'-Dimethylbenzidine | 119-93-7 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U096

α, α-Dimethyl benzyl hydroperoxide.

| | | | |
|---|---|---|---|
| α, α-Dimethyl benzyl hydroperoxide | 80-15-9 | CHOXD; CHRED; CARBN; BIODG; or CMBST | CHOXD; CHRED; or CMBST |

U097

Dimethylcarbamoyl chloride.

| | | | |
|---|---|---|---|
| Dimethylcarbamoyl chloride | 79-44-7 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U098

1,1-Dimethylhydrazine.

| | | | |
|---|---|---|---|
| 1,1-Dimethylhydrazine | 57-14-7 | CHOXD; CHRED; CARBN; BIODG; or CMBST | CHOXD; CHRED; or CMBST |

U099

1,2-Dimethylhydrazine.

| | | | |
|---|---|---|---|
| 1,2-Dimethylhydrazine | 540-73-8 | CHOXD; CHRED; CARBN; BIODG; or CMBST | CHOXD; CHRED; or CMBST |

U101

2,4-Dimethylphenol.

| | | | |
|---|---|---|---|
| 2,4-Dimethylphenol | 105-67-9 | 0.036 | 14 |

U102

Dimethyl phthalate.

| | | | |
|---|---|---|---|
| Dimethyl phthalate | 131-11-3 | 0.047 | 28 |

U103

Dimethyl sulfate.

| | | | |
|---|---|---|---|
| Dimethyl sulfate | 77-78-1 | CHOXD; CHRED; CARBN; BIODG; or CMBST | CHOXD; CHRED; or CMBST |
| U105 | | | |
| 2,4-Dinitrotoluene. | | | |
| 2,4-Dinitrotoluene | 121-14-2 | 0.32 | 140 |
| U106 | | | |
| 2,6-Dinitrotoluene. | | | |
| 2,6-Dinitrotoluene | 606-20-2 | 0.55 | 28 |
| U107 | | | |
| Di-n-octyl phthalate. | | | |
| Di-n-octyl phthalate | 117-84-0 | 0.017 | 28 |
| U108 | | | |
| 1,4-Dioxane. | | | |
| 1,4-Dioxane | 123-91-1 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |
| 1,4-Dioxane; alternate[6] standard for nonwastewaters only | 123-91-1 | 12.0 | 170 |
| U109 | | | |
| 1,2-Diphenylhydrazine. | | | |

| | | | |
|---|---|---|---|
| 1,2-Diphenylhydrazine | 122-66-7 | CHOXD; CHRED; CARBN; BIODG; or CMBST | CHOXD; CHRED; or CMBST |
| 1,2-Diphenylhydrazine; alternate[6] standard for wastewaters only | 122-66-7 | 0.087 | NA |

U110

Dipropylamine.

| | | | |
|---|---|---|---|
| Dipropylamine | 142-84-7 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U111

Di-n-propylnitrosamine.

| | | | |
|---|---|---|---|
| Di-n-propylnitrosamine | 621-64-7 | 0.40 | 14 |

U112

Ethyl acetate.

| | | | |
|---|---|---|---|
| Ethyl acetate | 141-78-6 | 0.34 | 33 |

U113

Ethyl acrylate.

| | | | |
|---|---|---|---|
| Ethyl acrylate | 140-88-5 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U114

Ethylenebisdithiocarbamic acid salts and esters.

| | | | |
|---|---|---|---|
| Ethylenebisdithiocarbamic acid | 111-54-6 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U115

Ethylene oxide.

| | | | |
|---|---|---|---|
| Ethylene oxide | 75-21-8 | (WETOX or CHOXD) fb CARBN; or CMBST | CHOXD; or CMBST |
| Ethylene oxide; alternate[6] standard for wastewaters only | 75-21-8 | 0.12 | NA |

U116

Ethylene thiourea.

| | | | |
|---|---|---|---|
| Ethylene thiourea | 96-45-7 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U117

Ethyl ether.

| | | | |
|---|---|---|---|
| Ethyl ether | 60-29-7 | 0.12 | 160 |

U118

Ethyl methacrylate.

| | | | |
|---|---|---|---|
| Ethyl methacrylate | 97-63-2 | 0.14 | 160 |

U119

Ethyl methane sulfonate.

| | | | |
|---|---|---|---|
| Ethyl methane sulfonate | 62-50-0 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U120

Fluoranthene.

| | | | |
|---|---|---|---|
| Fluoranthene | 206-44-0 | 0.068 | 3.4 |

U121

Trichloromonofluoromethane.

| | | | |
|---|---|---|---|
| Trichloromonofluoromethane | 75-69-4 | 0.020 | 30 |

U122

Formaldehyde.

| | | | |
|---|---|---|---|
| Formaldehyde | 50-00-0 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U123

Formic acid.

| | | | |
|---|---|---|---|
| Formic acid | 64-18-6 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U124

Furan.

| | | | |
|---|---|---|---|
| Furan | 110-00-9 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U125

Furfural.

| | | | |
|---|---|---|---|
| Furfural | 98-01-1 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U126

Glycidylaldehyde.

| | | | |
|---|---|---|---|
| Glycidylaldehyde | 765-34-4 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U127

Hexachlorobenzene.

| | | | |
|---|---|---|---|
| Hexachlorobenzene | 118-74-1 | 0.055 | 10 |

U128

Hexachlorobutadiene.

| | | | |
|---|---|---|---|
| Hexachlorobutadiene | 87-68-3 | 0.055 | 5.6 |

U129

Lindane.

| | | | |
|---|---|---|---|
| α-BHC | 319-84-6 | 0.00014 | 0.066 |
| β-BHC | 319-85-7 | 0.00014 | 0.066 |
| δ-BHC | 319-86-8 | 0.023 | 0.066 |
| γ-BHC (Lindane) | 58-89-9 | 0.0017 | 0.066 |

U130

Hexachlorocyclopentadiene.

| | | | |
|---|---|---|---|
| Hexachlorocyclopentadiene | 77-47-4 | 0.057 | 2.4 |

U131

Hexachloroethane.

| | | | |
|---|---|---|---|
| Hexachloroethane | 67-72-1 | 0.055 | 30 |

U132

Hexachlorophene.

| | | | |
|---|---|---|---|
| Hexachlorophene | 70-30-4 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U133

Hydrazine.

| | | | |
|---|---|---|---|
| Hydrazine | 302-01-2 | CHOXD; CHRED; CARBN; BIODG; or CMBST | CHOXD; CHRED; or CMBST |

U134

Hydrogen fluoride.

| | | | |
|---|---|---|---|
| Fluoride (measured in wastewaters only) | 7664-39-3 | 35 | ADGAS fb NEUTR; or NEUTR |

U135

Hydrogen sulfide.

| | | | |
|---|---|---|---|
| Hydrogen sulfide | 7783-06-4 | CHOXD; CHRED; or CMBST | CHOXD; CHRED; or CMBST |

U136

Cacodylic acid.

| | | | |
|---|---|---|---|
| Arsenic | 7440-38-2 | 1.4 | 5.0 mg/ℓ TCLP |

U137

Indeno(1,2,3-cd)pyrene.

| | | | |
|---|---|---|---|
| Indeno(1,2,3-cd)pyrene | 193-39-5 | 0.0055 | 3.4 |

U138

Iodomethane.

| | | | |
|---|---|---|---|
| Iodomethane | 74-88-4 | 0.19 | 65 |

U140

Isobutyl alcohol.

| | | | |
|---|---|---|---|
| Isobutyl alcohol | 78-83-1 | 5.6 | 170 |

| | | | |
|---|---|---|---|
| U141 | | | |
| Isosafrole. | | | |
| Isosafrole | 120-58-1 | 0.081 | 2.6 |
| U142 | | | |
| Kepone. | | | |
| Kepone | 143-50-8 | 0.0011 | 0.13 |
| U143 | | | |
| Lasiocarpine. | | | |
| Lasiocarpine | 303-34-4 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |
| U144 | | | |
| Lead acetate. | | | |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |
| U145 | | | |
| Lead phosphate. | | | |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |
| U146 | | | |
| Lead subacetate. | | | |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |

U147

Maleic anhydride.

| | | | |
|---|---|---|---|
| Maleic anhydride | 108-31-6 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U148

Maleic hydrazide.

| | | | |
|---|---|---|---|
| Maleic hydrazide | 123-33-1 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U149

Malononitrile.

| | | | |
|---|---|---|---|
| Malononitrile | 109-77-3 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U150

Melphalan.

| | | | |
|---|---|---|---|
| Melphalan | 148-82-3 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U151

U151 (mercury) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | NA | RMERC |

U151

U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are residues from RMERC only.

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | NA | 0.20 mg/ℓ TCLP |

U151

U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are not residues from RMERC only.

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | NA | 0.025 mg/ℓ TCLP |

U151

All U151 (mercury) wastewater.

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | 0.15 | NA |

U151

Elemental Mercury Contaminated with Radioactive Materials.

| | | | |
|---|---|---|---|
| Mercury | 7439-97-6 | NA | AMLGM |

U152

Methacrylonitrile.

| | | | |
|---|---|---|---|
| Methacrylonitrile | 126-98-7 | 0.24 | 84 |

U153

Methanethiol.

| | | | |
|---|---|---|---|
| Methanethiol | 74-93-1 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U154

Methanol.

| | | | |
|---|---|---|---|
| Methanol | 67-56-1 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |
| Methanol; alternate[6] set of standards for both wastewaters and nonwastewaters | 67-56-1 | 5.6 | 0.75 mg/ℓ TCLP |

U155

Methapyrilene.

| | | | |
|---|---|---|---|
| Methapyrilene | 91-80-5 | 0.081 | 1.5 |

U156

Methyl chlorocarbonate.

| | | | |
|---|---|---|---|
| Methyl chlorocarbonate | 79-22-1 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U157

3-Methylcholanthrene.

| | | | |
|---|---|---|---|
| 3-Methylcholanthrene | 56-49-5 | 0.0055 | 15 |

U158

4,4'-Methylene bis(2-chloroaniline).

| | | | |
|---|---|---|---|
| 4,4'-Methylene bis(2-chloroaniline) | 101-14-4 | 0.50 | 30 |

U159

Methyl ethyl ketone.

| | | | |
|---|---|---|---|
| Methyl ethyl ketone | 78-93-3 | 0.28 | 36 |

U160

Methyl ethyl ketone peroxide.

| | | | |
|---|---|---|---|
| Methyl ethyl ketone peroxide | 1338-23-4 | CHOXD; CHRED; CARBN; BIODG; or CMBST | CHOXD; CHRED; or CMBST |

U161

Methyl isobutyl ketone.

| | | | |
|---|---|---|---|
| Methyl isobutyl ketone | 108-10-1 | 0.14 | 33 |

U162

Methyl methacrylate.

| | | | |
|---|---|---|---|
| Methyl methacrylate | 80-62-6 | 0.14 | 160 |

U163

N-Methyl-N'-nitro-N-nitrosoguanidine.

| | | | |
|---|---|---|---|
| N-Methyl-N'-nitro-N-nitrosoguanidine | 70-25-7 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U164

Methylthiouracil.

| | | | |
|---|---|---|---|
| Methylthiouracil | 56-04-2 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U165

Naphthalene.

| | | | |
|---|---|---|---|
| Naphthalene | 91-20-3 | 0.059 | 5.6 |

U166

1,4-Naphthoquinone.

| | | | |
|---|---|---|---|
| 1,4-Naphthoquinone | 130-15-4 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U167

1-Naphthylamine.

| | | | |
|---|---|---|---|
| 1-Naphthylamine | 134-32-7 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U168

| | | | |
|---|---|---|---|
| 2-Naphthylamine. | | | |
| 2-Naphthylamine | 91-59-8 | 0.52 | CMBST |
| U169 | | | |
| Nitrobenzene. | | | |
| Nitrobenzene | 98-95-3 | 0.068 | 14 |
| U170 | | | |
| p-Nitrophenol. | | | |
| p-Nitrophenol | 100-02-7 | 0.12 | 29 |
| U171 | | | |
| 2-Nitropropane. | | | |
| 2-Nitropropane | 79-46-9 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |
| U172 | | | |
| N-Nitrosodi-n-butylamine. | | | |
| N-Nitrosodi-n-butylamine | 924-16-3 | 0.40 | 17 |
| U173 | | | |
| N-Nitrosodiethanolamine. | | | |

| | | | |
|---|---|---|---|
| N-Nitrosodiethanolamine | 1116-54-7 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U174

N-Nitrosodiethylamine.

| | | | |
|---|---|---|---|
| N-Nitrosodiethylamine | 55-18-5 | 0.40 | 28 |

U176

N-Nitroso-N-ethylurea.

| | | | |
|---|---|---|---|
| N-Nitroso-N-ethylurea | 759-73-9 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U177

N-Nitroso-N-methylurea.

| | | | |
|---|---|---|---|
| N-Nitroso-N-methylurea | 684-93-5 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U178

N-Nitroso-N-methylurethane.

| | | | |
|---|---|---|---|
| N-Nitroso-N-methylurethane | 615-53-2 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U179

N-Nitrosopiperidine.

| | | | |
|---|---|---|---|
| N-Nitrosopiperidine | 100-75-4 | 0.013 | 35 |

U180

N-Nitrosopyrrolidine.

| | | | |
|---|---|---|---|
| N-Nitrosopyrrolidine | 930-55-2 | 0.013 | 35 |

U181

5-Nitro-o-toluidine.

| | | | |
|---|---|---|---|
| 5-Nitro-o-toluidine | 99-55-8 | 0.32 | 28 |

U182

Paraldehyde.

| | | | |
|---|---|---|---|
| Paraldehyde | 123-63-7 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U183

Pentachlorobenzene.

| | | | |
|---|---|---|---|
| Pentachlorobenzene | 608-93-5 | 0.055 | 10 |

U184

Pentachloroethane.

| | | | |
|---|---|---|---|
| Pentachloroethane | 76-01-7 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |
| Pentachloroethane; alternate[6] standards for both wastewaters and nonwastewaters | 76-01-7 | 0.055 | 6.0 |

U185

Pentachloronitrobenzene.

| | | | |
|---|---|---|---|
| Pentachloronitrobenzene | 82-68-8 | 0.055 | 4.8 |

U186

1,3-Pentadiene.

| | | | |
|---|---|---|---|
| 1,3-Pentadiene | 504-60-9 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U187

Phenacetin.

| | | | |
|---|---|---|---|
| Phenacetin | 62-44-2 | 0.081 | 16 |

U188

Phenol.

| | | | |
|---|---|---|---|
| Phenol | 108-95-2 | 0.039 | 6.2 |

U189

Phosphorus sulfide.

| | | | |
|---|---|---|---|
| Phosphorus sulfide | 1314-80-3 | CHOXD; CHRED; or CMBST | CHOXD; CHRED; or CMBST |

U190

Phthalic anhydride.

| | | | |
|---|---|---|---|
| Phthalic anhydride (measured as Phthalic acid or Terephthalic acid) | 100-21-0 | 0.055 | 28 |
| Phthalic anhydride (measured as Phthalic acid or Terephthalic acid) | 85-44-9 | 0.055 | 28 |

U191

2-Picoline.

| | | | |
|---|---|---|---|
| 2-Picoline | 109-06-8 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U192

Pronamide.

| | | | |
|---|---|---|---|
| Pronamide | 23950-58-5 | 0.093 | 1.5 |

U193

1,3-Propane sultone.

| | | | |
|---|---|---|---|
| 1,3-Propane sultone | 1120-71-4 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U194

n-Propylamine.

| | | | |
|---|---|---|---|
| n-Propylamine | 107-10-8 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U196

Pyridine.

| | | | |
|---|---|---|---|
| Pyridine | 110-86-1 | 0.014 | 16 |

U197

p-Benzoquinone.

| | | | |
|---|---|---|---|
| p-Benzoquinone | 106-51-4 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U200

Reserpine.

| | | | |
|---|---|---|---|
| Reserpine | 50-55-5 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U201

Resorcinol.

| | | | |
|---|---|---|---|
| Resorcinol | 108-46-3 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U203

Safrole.

| | | | |
|---|---|---|---|
| Safrole | 94-59-7 | 0.081 | 22 |

U204

Selenium dioxide.

| | | | |
|---|---|---|---|
| Selenium | 7782-49-2 | 0.82 | 5.7 mg/ℓ TCLP |

U205

Selenium sulfide.

| | | | |
|---|---|---|---|
| Selenium | 7782-49-2 | 0.82 | 5.7 mg/ℓ TCLP |

U206

Streptozotocin.

| | | | |
|---|---|---|---|
| Streptozotocin | 18883-66-4 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U207

1,2,4,5-Tetrachlorobenzene.

| | | | |
|---|---|---|---|
| 1,2,4,5-Tetrachlorobenzene | 95-94-3 | 0.055 | 14 |

U208

| | | | |
|---|---|---|---|
| 1,1,1,2-Tetrachloroethane. | | | |
| 1,1,1,2-Tetrachloroethane | 630-20-6 | 0.057 | 6.0 |
| U209 | | | |
| 1,1,2,2-Tetrachloroethane. | | | |
| 1,1,2,2-Tetrachloroethane | 79-34-5 | 0.057 | 6.0 |
| U210 | | | |
| Tetrachloroethylene. | | | |
| Tetrachloroethylene | 127-18-4 | 0.056 | 6.0 |
| U211 | | | |
| Carbon tetrachloride. | | | |
| Carbon tetrachloride | 56-23-5 | 0.057 | 6.0 |
| U213 | | | |
| Tetrahydrofuran. | | | |
| Tetrahydrofuran | 109-99-9 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |
| U214 | | | |
| Thallium (I) acetate. | | | |
| Thallium (measured in wastewaters only) | 7440-28-0 | 1.4 | RTHRM; or STABL |

U215

Thallium (I) carbonate.

| | | | |
|---|---|---|---|
| Thallium (measured in wastewaters only) | 7440-28-0 | 1.4 | RTHRM; or STABL |

U216

Thallium (I) chloride.

| | | | |
|---|---|---|---|
| Thallium (measured in wastewaters only) | 7440-28-0 | 1.4 | RTHRM; or STABL |

U217

Thallium (I) nitrate.

| | | | |
|---|---|---|---|
| Thallium (measured in wastewaters only) | 7440-28-0 | 1.4 | RTHRM; or STABL |

U218

Thioacetamide.

| | | | |
|---|---|---|---|
| Thioacetamide | 62-55-5 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U219

Thiourea.

| | | | |
|---|---|---|---|
| Thiourea | 62-56-6 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U220

Toluene.

| | | | |
|---|---|---|---|
| Toluene | 108-88-3 | 0.080 | 10 |

U221

Toluenediamine.

| | | | |
|---|---|---|---|
| Toluenediamine | 25376-45-8 | CARBN; or CMBST | CMBST |

U222

o-Toluidine hydrochloride.

| | | | |
|---|---|---|---|
| o-Toluidine hydrochloride | 636-21-5 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U223

Toluene diisocyanate.

| | | | |
|---|---|---|---|
| Toluene diisocyanate | 26471-62-5 | CARBN; or CMBST | CMBST |

U225

Bromoform (Tribromomethane).

| | | | |
|---|---|---|---|
| Bromoform (Tribromomethane) | 75-25-2 | 0.63 | 15 |

U226
1,1,1-Trichloroethane.

| | | | |
|---|---|---|---|
| 1,1,1-Trichloroethane | 71-55-6 | 0.054 | 6.0 |

U227

1,1,2-Trichloroethane.

| | | | |
|---|---|---|---|
| 1,1,2-Trichloroethane | 79-00-5 | 0.054 | 6.0 |

U228

Trichloroethylene.

| | | | |
|---|---|---|---|
| Trichloroethylene | 79-01-6 | 0.054 | 6.0 |

U234

1,3,5-Trinitrobenzene.

| | | | |
|---|---|---|---|
| 1,3,5-Trinitrobenzene | 99-35-4 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U235

tris-(2,3-Dibromopropyl)-phosphate.

| | | | |
|---|---|---|---|
| tris-(2,3-Dibromopropyl)-phosphate | 126-72-7 | 0.11 | 0.10 |

U236

Trypan Blue.

| | | | |
|---|---|---|---|
| Trypan Blue | 72-57-1 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U237

Uracil mustard.

| | | | |
|---|---|---|---|
| Uracil mustard | 66-75-1 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U238

Urethane (Ethyl carbamate).

| | | | |
|---|---|---|---|
| Urethane (Ethyl carbamate) | 51-79-6 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U239

Xylenes.

| | | | |
|---|---|---|---|
| Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations) | 1330-20-7 | 0.32 | 30 |

U240

2,4-D (2,4-Dichlorophenoxyacetic acid).

| | | | |
|---|---|---|---|
| 2,4-D (2,4-Dichlorophenoxyacetic acid) | 94-75-7 | 0.72 | 10 |
| 2,4-D (2,4-Dichlorophenoxyacetic acid) salts and esters | NA | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U243

Hexachloropropylene.

| | | | |
|---|---|---|---|
| Hexachloropropylene | 1888-71-7 | 0.035 | 30 |

U244

Thiram.

| | | | |
|---|---|---|---|
| Thiram | 137-26-8 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U246

Cyanogen bromide.

| | | | |
|---|---|---|---|
| Cyanogen bromide | 506-68-3 | CHOXD; WETOX; or CMBST | CHOXD; WETOX; or CMBST |

U247

Methoxychlor.

| | | | |
|---|---|---|---|
| Methoxychlor | 72-43-5 | 0.25 | 0.18 |

U248

Warfarin, & salts, when present at concentrations of 0.3 percent or less.

| | | | |
|---|---|---|---|
| Warfarin | 81-81-2 | (WETOX or CHOXD) fb CARBN; or CMBST | CMBST |

U249

Zinc phosphide, $Zn_3P_2$, when present at concentrations of 10 percent or less.

| | | | |
|---|---|---|---|
| Zinc Phosphide | 1314-84-7 | CHOXD; CHRED; or CMBST | CHOXD; CHRED; or CMBST |
| U271 | | | |
| Benomyl.[10] | | | |
| Benomyl | 17804-35-2 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |
| U278 | | | |
| Bendiocarb.[10] | | | |
| Bendiocarb | 22781-23-3 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |
| U279 | | | |
| Carbaryl.[10] | | | |
| Carbaryl | 63-25-2 | 0.006; or CMBST, CHOXD, BIODG or CARBN | 0.14; or CMBST |
| U280 | | | |
| Barban.[10] | | | |
| Barban | 101-27-9 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |
| U328 | | | |
| o-Toluidine. | | | |

| | | | |
|---|---|---|---|
| o-Toluidine | 95-53-4 | CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN | CMBST |

U353

p-Toluidine.

| | | | |
|---|---|---|---|
| p-Toluidine | 106-49-0 | CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN | CMBST |

U359

2-Ethoxyethanol.

| | | | |
|---|---|---|---|
| 2-Ethoxyethanol | 110-80-5 | CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN | CMBST |

U364

Bendiocarb phenol.[10]

| | | | |
|---|---|---|---|
| Bendiocarb phenol | 22961-82-6 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |

U367

Carbofuran phenol.[10]

| | | | |
|---|---|---|---|
| Carbofuran phenol | 1563-38-8 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |

U372
Carbendazim.[10]

| | | | |
|---|---|---|---|
| Carbendazim | 10605-21-7 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |

U373

Propham.[10]

| | | | |
|---|---|---|---|
| Propham | 122-42-9 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |

U387

Prosulfocarb.[10]

| | | | |
|---|---|---|---|
| Prosulfocarb | 52888-80-9 | 0.042; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |

U389

Triallate.[10]

| | | | |
|---|---|---|---|
| Triallate | 2303-17-5 | 0.042; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |

U394

A2213.[10]

| | | | |
|---|---|---|---|
| A2213 | 30558-43-1 | 0.042; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |

U395

Diethylene glycol, dicarbamate.[10]

| | | | |
|---|---|---|---|
| Diethylene glycol, dicarbamate | 5952-26-1 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |

U404

Triethylamine.[10]

| | | | |
|---|---|---|---|
| Triethylamine | 121-44-8 | 0.081; or CMBST, CHOXD, BIODG or CARBN | 1.5; or CMBST |

U409

Thiophanate-methyl.[10]

| | | | |
|---|---|---|---|
| Thiophanate-methyl | 23564-05-8 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |

U410

Thiodicarb.[10]

| | | | |
|---|---|---|---|
| Thiodicarb | 59669-26-0 | 0.019; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |

U411

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Propoxur.[10]

| | | | |
|---|---|---|---|
| Propoxur | 114-26-1 | 0.056; or CMBST, CHOXD, BIODG or CARBN | 1.4; or CMBST |

Notes:

1 The waste descriptions provided in this table do not replace waste descriptions in 35 Ill. Adm. Code 721. Descriptions of Treatment or Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.

2 CAS means Chemical Abstract Services. When the USEPA hazardous waste numbercode or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.

3 Concentration standards for wastewaters are expressed in mg/ℓ and are based on analysis of composite samples.

4 All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in Table C of this Part, "Technology Codes and Descriptions of Technology-Based Standards.". "fb" inserted between USEPA hazardous waste numberscodes denotes "followed by,", so that the first-listed treatment is followed by the second-listed treatment. A semicolon (;) separates alternative treatment schemes.

5 Except for Metals (EP or TCLP) and Cyanides (Total and Amenable), the nonwastewater treatment standards expressed as a concentration were established, in part, based on incineration in units operated in accordance with the technical requirements of Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725 or based on combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in Section 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

6 Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment or Regulatory Subcategory or physical form (i.e., wastewater or nonwastewater) specified for that alternate standard.

7 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010C or 9012B, in "Test Methods for Evaluating Solid Waste, Physical/ChemicalPhysical or Chemical Methods,", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a), with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

8 These wastes, when rendered non-hazardous and then subsequently managed in CWA or CWA-equivalent systems, are not subject to treatment standards. (See Section 728.101(c)(3) and (c)(4).)

9 These wastes, when rendered non-hazardous and then subsequently injected in a Class I SDWA well, are not subject to treatment standards. (See 35 Ill. Adm. Code 738.101(d).)

10 The treatment standard for this waste may be satisfied by either meeting the constituent concentrations in the table in this Section or by treating the waste by the specified technologies: combustion, as defined by the technology code CMBST at Table C for nonwastewaters; and biodegradation, as defined by the technology code BIODG; carbon adsorption, as defined by the technology code CARBN; chemical oxidation, as defined by the technology code CHOXD; or combustion, as defined as technology code CMBST, at Table C, for wastewaters.

11 For these wastes, the definition of CMBST is limited to any of the following that have obtained a determination of equivalent treatment under Section 728.142(b): (1) combustion units operating under 35 Ill. Adm. Code 726, (2) combustion units permitted under Subpart O of 35 Ill. Adm. Code 724, or (3) combustion units operating under Subpart O of 35 Ill. Adm. Code 725.

12 Disposal of USEPA hazardous waste number K175 waste that has complied with all applicable Section 728.140 treatment standards must also be macroencapsulated in accordance with Table F of this Part, unless the waste is placed in either of the following types of facilities:

a) A RCRA Subtitle C monofill containing only K175 wastes that meet all applicable 40 CFR 268.40 treatment standards; or

b) A dedicated RCRA Subtitle C landfill cell in which all other wastes being co-disposed are at pH≤6.0.

POLLUTION CONTROL BOARD

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BOARD NOTE: Derived from table to 40 CFR 268.40 (2017~~2015~~).

NA means not applicable.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

**Section 728.TABLE~~Table~~ U Universal Treatment Standards (UTS)**

| Regulated Constituent-Common Name | CAS[1] No. | Wastewater Standard Concentration[2] (in mg/ℓ ) | Nonwastewater Standard Concentration[3] (in mg/kg unless noted as "mg/ℓ TCLP") |
|---|---|---|---|
| Acenaphthylene | 208-96-8 | 0.059 | 3.4 |
| Acenaphthene | 83-32-9 | 0.059 | 3.4 |
| Acetone | 67-64-1 | 0.28 | 160 |
| Acetonitrile | 75-05-8 | 5.6 | 38 |
| Acetophenone | 96-86-2 | 0.010 | 9.7 |
| 2-Acetylaminofluorene | 53-96-3 | 0.059 | 140 |
| Acrolein | 107-02-8 | 0.29 | NA |
| Acrylamide | 79-06-1 | 19 | 23 |
| Acrylonitrile | 107-13-1 | 0.24 | 84 |
| Aldrin | 309-00-2 | 0.021 | 0.066 |
| 4-Aminobiphenyl | 92-67-1 | 0.13 | NA |
| Aniline | 62-53-3 | 0.81 | 14 |
| o-Anisidine (2-methoxyaniline) | 90-04-0 | 0.010 | 0.66 |
| Anthracene | 120-12-7 | 0.059 | 3.4 |
| Aramite | 140-57-8 | 0.36 | NA |
| α-BHC | 319-84-6 | 0.00014 | 0.066 |
| β-BHC | 319-85-7 | 0.00014 | 0.066 |
| δ-BHC | 319-86-8 | 0.023 | 0.066 |
| γ-BHC | 58-89-9 | 0.0017 | 0.066 |
| Benz(a)anthracene | 56-55-3 | 0.059 | 3.4 |
| Benzal chloride | 98-87-3 | 0.055 | 6.0 |
| Benzene | 71-43-2 | 0.14 | 10 |
| Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene) | 205-99-2 | 0.11 | 6.8 |
| Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene) | 207-08-9 | 0.11 | 6.8 |

| | | | |
|---|---|---|---|
| Benzo(g,h,i)perylene | 191-24-2 | 0.0055 | 1.8 |
| Benzo(a)pyrene | 50-32-8 | 0.061 | 3.4 |
| Bromodichloromethane | 75-27-4 | 0.35 | 15 |
| Methyl bromide (Bromomethane) | 74-83-9 | 0.11 | 15 |
| 4-Bromophenyl phenyl ether | 101-55-3 | 0.055 | 15 |
| n-Butyl alcohol | 71-36-3 | 5.6 | 2.6 |
| Butyl benzyl phthalate | 85-68-7 | 0.017 | 28 |
| 2-sec-Butyl-4,6-dinitrophenol (Dinoseb) | 88-85-7 | 0.066 | 2.5 |
| Carbon disulfide | 75-15-0 | 3.8 | 4.8 mg/ℓ TCLP |
| Carbon tetrachloride | 56-23-5 | 0.057 | 6.0 |
| Chlordane ($\alpha$ and $\gamma$ isomers) | 57-74-9 | 0.0033 | 0.26 |
| p-Chloroaniline | 106-47-8 | 0.46 | 16 |
| Chlorobenzene | 108-90-7 | 0.057 | 6.0 |
| Chlorobenzilate | 510-15-6 | 0.10 | NA |
| 2-Chloro-1,3-butadiene | 126-99-8 | 0.057 | 0.28 |
| p-Chloro-m-cresol | 59-50-7 | 0.018 | 14 |
| Chlorodibromomethane | 124-48-1 | 0.057 | 15 |
| Chloroethane | 75-00-3 | 0.27 | 6.0 |
| bis(2-Chloroethoxy)methane | 111-91-1 | 0.036 | 7.2 |
| bis(2-Chloroethyl)ether | 111-44-4 | 0.033 | 6.0 |
| 2-Chloroethyl vinyl ether | 110-75-8 | 0.062 | NA |
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| bis(2-Chloroisopropyl)ether | 39638-32-9 | 0.055 | 7.2 |
| Chloromethane (Methyl chloride) | 74-87-3 | 0.19 | 30 |
| 2-Chloronaphthalene | 91-58-7 | 0.055 | 5.6 |
| 2-Chlorophenol | 95-57-8 | 0.044 | 5.7 |
| 3-Chloropropylene | 107-05-1 | 0.036 | 30 |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| p-Cresidine | 120-71-8 | 0.010 | 0.66 |
| o-Cresol | 95-48-7 | 0.11 | 5.6 |
| m-Cresol (difficult to distinguish from p-cresol) | 108-39-4 | 0.77 | 5.6 |
| p-Cresol (difficult to distinguish from m-cresol) | 106-44-5 | 0.77 | 5.6 |
| Cyclohexanone | 108-94-1 | 0.36 | 0.75 mg/ℓ TCLP |

| | | | |
|---|---|---|---|
| o,p'-DDD | 53-19-0 | 0.023 | 0.087 |
| p,p'-DDD | 72-54-8 | 0.023 | 0.087 |
| o,p'-DDE | 3424-82-6 | 0.031 | 0.087 |
| p,p'-DDE | 72-55-9 | 0.031 | 0.087 |
| o,p'-DDT | 789-02-6 | 0.0039 | 0.087 |
| p,p'-DDT | 50-29-3 | 0.0039 | 0.087 |
| Dibenz(a,h)anthracene | 53-70-3 | 0.055 | 8.2 |
| Dibenz(a,e)pyrene | 192-65-4 | 0.061 | NA |
| 1,2-Dibromo-3-chloropropane | 96-12-8 | 0.11 | 15 |
| 1,2-Dibromoethane/Ethylene dibromide | 106-93-4 | 0.028 | 15 |
| Dibromomethane | 74-95-3 | 0.11 | 15 |
| m-Dichlorobenzene | 541-73-1 | 0.036 | 6.0 |
| o-Dichlorobenzene | 95-50-1 | 0.088 | 6.0 |
| p-Dichlorobenzene | 106-46-7 | 0.090 | 6.0 |
| Dichlorodifluoromethane | 75-71-8 | 0.23 | 7.2 |
| 1,1-Dichloroethane | 75-34-3 | 0.059 | 6.0 |
| 1,2-Dichloroethane | 107-06-2 | 0.21 | 6.0 |
| 1,1-Dichloroethylene | 75-35-4 | 0.025 | 6.0 |
| trans-1,2-Dichloroethylene | 156-60-5 | 0.054 | 30 |
| 2,4-Dichlorophenol | 120-83-2 | 0.044 | 14 |
| 2,6-Dichlorophenol | 87-65-0 | 0.044 | 14 |
| 2,4-Dichlorophenoxyacetic acid/2,4-D | 94-75-7 | 0.72 | 10 |
| 1,2-Dichloropropane | 78-87-5 | 0.85 | 18 |
| cis-1,3-Dichloropropylene | 10061-01-5 | 0.036 | 18 |
| trans-1,3-Dichloropropylene | 10061-02-6 | 0.036 | 18 |
| Dieldrin | 60-57-1 | 0.017 | 0.13 |
| Diethyl phthalate | 84-66-2 | 0.20 | 28 |
| p-Dimethylaminoazobenzene | 60-11-7 | 0.13 | NA |
| 2,4-Dimethylaniline (2,4-xylidine) | 95-68-1 | 0.010 | 0.66 |
| 2,4-Dimethyl phenol | 105-67-9 | 0.036 | 14 |
| Dimethyl phthalate | 131-11-3 | 0.047 | 28 |
| Di-n-butyl phthalate | 84-74-2 | 0.057 | 28 |
| 1,4-Dinitrobenzene | 100-25-4 | 0.32 | 2.3 |
| 4,6-Dinitro-o-cresol | 534-52-1 | 0.28 | 160 |
| 2,4-Dinitrophenol | 51-28-5 | 0.12 | 160 |
| 2,4-Dinitrotoluene | 121-14-2 | 0.32 | 140 |

| | | | |
|---|---|---|---|
| 2,6-Dinitrotoluene | 606-20-2 | 0.55 | 28 |
| Di-n-octyl phthalate | 117-84-0 | 0.017 | 28 |
| Di-n-propylnitrosamine | 621-64-7 | 0.40 | 14 |
| 1,4-Dioxane | 123-91-1 | 12.0 | 170 |
| Diphenylamine (difficult to distinguish from diphenylnitrosamine) | 122-39-4 | 0.92 | 13 |
| Diphenylnitrosamine (difficult to distinguish from diphenylamine) | 86-30-6 | 0.92 | 13 |
| 1,2-Diphenylhydrazine | 122-66-7 | 0.087 | NA |
| Disulfoton | 298-04-4 | 0.017 | 6.2 |
| Endosulfan I | 959-98-8 | 0.023 | 0.066 |
| Endosulfan II | 33213-65-9 | 0.029 | 0.13 |
| Endosulfan sulfate | 1031-07-8 | 0.029 | 0.13 |
| Endrin | 72-20-8 | 0.0028 | 0.13 |
| Endrin aldehyde | 7421-93-4 | 0.025 | 0.13 |
| Ethyl acetate | 141-78-6 | 0.34 | 33 |
| Ethyl benzene | 100-41-4 | 0.057 | 10 |
| Ethyl cyanide (Propanenitrile) | 107-12-0 | 0.24 | 360 |
| Ethylene oxide | 75-21-8 | 0.12 | NA |
| Ethyl ether | 60-29-7 | 0.12 | 160 |
| bis(2-Ethylhexyl) phthalate | 117-81-7 | 0.28 | 28 |
| Ethyl methacrylate | 97-63-2 | 0.14 | 160 |
| Famphur | 52-85-7 | 0.017 | 15 |
| Fluoranthene | 206-44-0 | 0.068 | 3.4 |
| Fluorene | 86-73-7 | 0.059 | 3.4 |
| Heptachlor | 76-44-8 | 0.0012 | 0.066 |
| 1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD) | 35822-46-9 | 0.000035 | 0.0025 |
| 1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF) | 67562-39-4 | 0.000035 | 0.0025 |
| 1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF) | 55673-89-7 | 0.000035 | 0.0025 |
| Heptachlor epoxide | 1024-57-3 | 0.016 | 0.066 |
| Hexachlorobenzene | 118-74-1 | 0.055 | 10 |

| | | | |
|---|---|---|---|
| Hexachlorobutadiene | 87-68-3 | 0.055 | 5.6 |
| Hexachlorocyclopentadiene | 77-47-4 | 0.057 | 2.4 |
| HxCDDs (All Hexachlorodibenzo-p-dioxins) | NA | 0.000063 | 0.001 |
| HxCDFs (All Hexachlorodibenzofurans) | 55684-94-1 | 0.000063 | 0.001 |
| Hexachloroethane | 67-72-1 | 0.055 | 30 |
| Hexachloropropylene | 1888-71-7 | 0.035 | 30 |
| Indeno (1,2,3-c,d) pyrene | 193-39-5 | 0.0055 | 3.4 |
| Iodomethane | 74-88-4 | 0.19 | 65 |
| Isobutyl alcohol | 78-83-1 | 5.6 | 170 |
| Isodrin | 465-73-6 | 0.021 | 0.066 |
| Isosafrole | 120-58-1 | 0.081 | 2.6 |
| Kepone | 143-50-0 | 0.0011 | 0.13 |
| Methacrylonitrile | 126-98-7 | 0.24 | 84 |
| Methanol | 67-56-1 | 5.6 | 0.75 mg/ℓ TCLP |
| Methapyrilene | 91-80-5 | 0.081 | 1.5 |
| Methoxychlor | 72-43-5 | 0.25 | 0.18 |
| 3-Methylcholanthrene | 56-49-5 | 0.0055 | 15 |
| 4,4-Methylene bis(2-chloroaniline) | 101-14-4 | 0.50 | 30 |
| Methylene chloride | 75-09-2 | 0.089 | 30 |
| Methyl ethyl ketone | 78-93-3 | 0.28 | 36 |
| Methyl isobutyl ketone | 108-10-1 | 0.14 | 33 |
| Methyl methacrylate | 80-62-6 | 0.14 | 160 |
| Methyl methansulfonate | 66-27-3 | 0.018 | NA |
| Methyl parathion | 298-00-0 | 0.014 | 4.6 |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| 2-Naphthylamine | 91-59-8 | 0.52 | NA |
| o-Nitroaniline | 88-74-4 | 0.27 | 14 |
| p-Nitroaniline | 100-01-6 | 0.028 | 28 |
| Nitrobenzene | 98-95-3 | 0.068 | 14 |
| 5-Nitro-o-toluidine | 99-55-8 | 0.32 | 28 |
| o-Nitrophenol | 88-75-5 | 0.028 | 13 |
| p-Nitrophenol | 100-02-7 | 0.12 | 29 |
| N-Nitrosodiethylamine | 55-18-5 | 0.40 | 28 |
| N-Nitrosodimethylamine | 62-75-9 | 0.40 | 2.3 |
| N-Nitroso-di-n-butylamine | 924-16-3 | 0.40 | 17 |

| | | | |
|---|---|---|---|
| N-Nitrosomethylethylamine | 10595-95-6 | 0.40 | 2.3 |
| N-Nitrosomorpholine | 59-89-2 | 0.40 | 2.3 |
| N-Nitrosopiperidine | 100-75-4 | 0.013 | 35 |
| N-Nitrosopyrrolidine | 930-55-2 | 0.013 | 35 |
| 1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD) | 3268-87-9 | 0.000063 | 0.005 |
| 1,2,3,4,6,7,8,9-Octachlorodibenzofuran (1,2,3,4,6,7,8,9-OCDF) | 39001-02-0 | 0.000063 | 0.005 |
| Parathion | 56-38-2 | 0.014 | 4.6 |
| Total PCBs (sum of all PCB isomers, or all Aroclors)[8] | 1336-36-3 | 0.10 | 10 |
| Pentachlorobenzene | 608-93-5 | 0.055 | 10 |
| PeCDDs (All Pentachlorodibenzo-p-dioxins) | 36088-22-9 | 0.000063 | 0.001 |
| PeCDFs (All Pentachlorodibenzofurans) | 30402-15-4 | 0.000035 | 0.001 |
| Pentachloroethane | 76-01-7 | 0.055 | 6.0 |
| Pentachloronitrobenzene | 82-68-8 | 0.055 | 4.8 |
| Pentachlorophenol | 87-86-5 | 0.089 | 7.4 |
| Phenacetin | 62-44-2 | 0.081 | 16 |
| Phenanthrene | 85-01-8 | 0.059 | 5.6 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| 1,3-Phenylenediamine | 108-45-2 | 0.010 | 0.66 |
| Phorate | 298-02-2 | 0.021 | 4.6 |
| Phthalic acid | 100-21-0 | 0.055 | 28 |
| Phthalic anhydride | 85-44-9 | 0.055 | 28 |
| Pronamide | 23950-58-5 | 0.093 | 1.5 |
| Pyrene | 129-00-0 | 0.067 | 8.2 |
| Pyridine | 110-86-1 | 0.014 | 16 |
| Safrole | 94-59-7 | 0.081 | 22 |
| Silvex (2,4,5-TP) | 93-72-1 | 0.72 | 7.9 |
| 1,2,4,5-Tetrachlorobenzene | 95-94-3 | 0.055 | 14 |
| TCDDs (All Tetrachlorodibenzo-p-dioxins) | 41903-57-5 | 0.000063 | 0.001 |

| | | | |
|---|---|---|---|
| TCDFs (All Tetrachlorodibenzofurans) | 55722-27-5 | 0.000063 | 0.001 |
| 1,1,1,2-Tetrachloroethane | 630-20-6 | 0.057 | 6.0 |
| 1,1,2,2-Tetrachloroethane | 79-34-5 | 0.057 | 6.0 |
| Tetrachloroethylene | 127-18-4 | 0.056 | 6.0 |
| 2,3,4,6-Tetrachlorophenol | 58-90-2 | 0.030 | 7.4 |
| Toluene | 108-88-3 | 0.080 | 10 |
| Toxaphene | 8001-35-2 | 0.0095 | 2.6 |
| Tribromomethane (Bromoform) | 75-25-2 | 0.63 | 15 |
| 1,2,4-Trichlorobenzene | 120-82-1 | 0.055 | 19 |
| 1,1,1-Trichloroethane | 71-55-6 | 0.054 | 6.0 |
| 1,1,2-Trichloroethane | 79-00-5 | 0.054 | 6.0 |
| Trichloroethylene | 79-01-6 | 0.054 | 6.0 |
| Trichloromonofluoromethane | 75-69-4 | 0.020 | 30 |
| 2,4,5-Trichlorophenol | 95-95-4 | 0.18 | 7.4 |
| 2,4,6-Trichlorophenol | 88-06-2 | 0.035 | 7.4 |
| 2,4,5-Trichlorophenoxyacetic acid/2,4,5-T | 93-76-5 | 0.72 | 7.9 |
| 1,2,3-Trichloropropane | 96-18-4 | 0.85 | 30 |
| 1,1,2-Trichloro-1,2,2-trifluoroethane | 76-13-1 | 0.057 | 30 |
| tris-(2,3-Dibromopropyl) phosphate | 126-72-7 | 0.11 | 0.10 |
| Vinyl chloride | 75-01-4 | 0.27 | 6.0 |
| Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations) | 1330-20-7 | 0.32 | 30 |
| Antimony | 7440-36-0 | 1.9 | 1.15 mg/ℓ TCLP |
| Arsenic | 7440-38-2 | 1.4 | 5.0 mg/ℓ TCLP |
| Barium | 7440-39-3 | 1.2 | 21 mg/ℓ TCLP |
| Beryllium | 7440-41-7 | 0.82 | 1.22 mg/ℓ TCLP |
| Cadmium | 7440-43-9 | 0.69 | 0.11 mg/ℓ TCLP |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.60 mg/ℓ TCLP |
| Cyanides (Total)[4] | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)[4] | 57-12-5 | 0.86 | 30 |
| Fluoride[5] | 16984-48-8 | 35 | NA |
| Lead | 7439-92-1 | 0.69 | 0.75 mg/ℓ TCLP |

| | | | |
|---|---|---|---|
| Mercury-Nonwastewater from Retort | 7439-97-6 | NA | 0.20 mg/ℓ TCLP |
| Mercury-All Others | 7439-97-6 | 0.15 | 0.025 mg/ℓ TCLP |
| Nickel | 7440-02-0 | 3.98 | 11 mg/ℓ TCLP |
| Selenium[7] | 7782-49-2 | 0.82 | 5.7 mg/ℓ TCLP |
| Silver | 7440-22-4 | 0.43 | 0.14 mg/ℓ TCLP |
| Sulfide | 18496-25-8 | 14 | NA |
| Thallium | 7440-28-0 | 1.4 | 0.20 mg/ℓ TCLP |
| Vanadium[5] | 7440-62-2 | 4.3 | 1.6 mg/ℓ TCLP |
| Zinc[5] | 7440-66-6 | 2.61 | 4.3 mg/ℓ TCLP |

[1] CAS means Chemical Abstract Services. When the USEPA hazardous waste numbercode or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.

[2] Concentration standards for wastewaters are expressed in mg/ℓ are based on analysis of composite samples.

[3] Except for metals (EP or TCLP) and cyanides (total and amenable), the nonwastewater treatment standards expressed as a concentration were established, in part, based on incineration in units operated in accordance with the technical requirements of Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725 or on combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in Section 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

[4] Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010C or 9012B, 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), with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

[5] These constituents are not "underlying hazardous constituents" in characteristic wastes, according to the definition at Section 728.102(i).

[6] This footnote corresponds with footnote 6 to the table to 40 CFR 268.48(a), which USEPA has removed and marked "reserved.". This statement maintains structural consistency with the corresponding federal regulations.

[7] This constituent is not an underlying hazardous constituent, as defined at Section 728.102(i), because its UTS level is greater than its TC level. Thus, a treated selenium waste would always be characteristically hazardous unless it is treated to below its characteristic level.

[8] This standard is temporarily deferred for soil exhibiting a hazardous characteristic due to USEPA hazardous waste numbers D004 through D011 only.

Note: NA means not applicable.

BOARD NOTE: Derived from table to 40 CFR 268.48(a) (2017~~2011~~).

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3) Section Number: 1030.92 — Adopted Action: Amendment

4) Statutory Authority: 625 ILCS 5/2-104

5) Effective Date of Rule: June 8, 2018

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Department's Division of Driver's Services, and is available for public inspection.

9) Notice of Proposed published in *Illinois Register*: 42 Ill. Reg. 3113; February 16, 2018

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Differences between Proposal and Final Version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Amendment: To date, when the Secretary of State has issued a driver's license to a person who is temporarily out of the State of Illinois, the newly issued driver's license did not contain a photograph of the holder. Due to upgrades in technology, we can now issue the driver's license with a photograph of the holder. This proposal eliminates language that indicates the driver's license would not contain a photograph.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

16) Information and questions regarding this adopted rule shall be directed to:

Jennifer Egizii
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield IL 62723

217/557-4462

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1030
ISSUANCE OF LICENSES

Section

1030.1 Definitions
1030.5 Procedure for Obtaining a Driver's License
1030.6 Procedure for Obtaining a Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a)
1030.7 Procedure for Obtaining a Non-Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a-5)
1030.10 What Persons Shall Not be Licensed or Granted Permits
1030.11 Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License (Renumbered)
1030.12 Identification Cards for the Homeless
1030.13 Denial of License or Permit
1030.14 Emergency Contact Database
1030.15 Cite for Re-testing
1030.16 Physical and Mental Evaluation
1030.17 Errors in Issuance of Driver's License/Cancellation
1030.18 Medical Criteria Affecting Driver Performance
1030.20 Classification of Drivers – References (Repealed)
1030.22 Medical Examiner's Certificate − CLP or CDL Holders
1030.25 Safe Driver License Renewals
1030.26 Identification Cards for IDOC/IDJJ Applicants
1030.27 Identification Cards for Youth in Care
1030.30 Classification Standards
1030.40 Fifth Wheel Equipped Trucks
1030.50 Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60 Third-Party Certification Program
1030.63 Religious Exemption for Social Security Numbers (Repealed)
1030.65 Instruction Permits
1030.66 Adult Driver Education
1030.70 Driver's License Testing/Vision Screening
1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

| | |
|---|---|
| 1030.80 | Driver's License Testing/Written Test |
| 1030.81 | Endorsements |
| 1030.82 | Charter Bus Driver Endorsement Requirements |
| 1030.83 | Hazardous Material Endorsement |
| 1030.84 | Vehicle Inspection |
| 1030.85 | Driver's License Testing/Road Test |
| 1030.86 | Multiple Attempts − Written and/or Road Tests |
| 1030.88 | Exemption of Facility Administered Road Test |
| 1030.89 | Temporary Driver's Licenses and Temporary Instruction Permits |
| 1030.90 | Requirement for Photograph and Signature of Licensee on Driver's License |
| 1030.91 | Person with a Disability Identification Card |
| 1030.92 | Restrictions |
| 1030.93 | Restricted Local Licenses |
| 1030.94 | Duplicate or Corrected Driver's License or Instruction Permit |
| 1030.95 | Consular Licenses (Repealed) |
| 1030.96 | Seasonal Restricted Commercial Driver's License |
| 1030.97 | Invalidation of a Driver's License, Permit and/or Driving Privilege |
| 1030.98 | School Bus Endorsement or Learner's Permit |
| 1030.100 | Anatomical Gift Donor (Repealed) |
| 1030.110 | Emergency Medical Information Card |
| 1030.115 | Change-of-Address |
| 1030.120 | Issuance of a Probationary License |
| 1030.130 | Grounds for Cancellation of a Probationary License |
| 1030.140 | Use of Captured Images |
| 1030.150 | Veteran Designation on Driver's License or Identification Card |

| | |
|---|---|
| 1030.APPENDIX A | Questions Asked of a Driver's License Applicant |
| 1030.APPENDIX B | Acceptable Identification Documents – Applicants for a Driver's License, Instruction Permit, Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) or Visa Status Temporary Visitor's Instruction Permit |
| 1030.APPENDIX C | Acceptable Identification Documents – Applicants for a Non-Visa Status Temporary Visitor's Driver's License or Non-Visa Status Temporary Visitor's Instruction Permit Pursuant to IVC Section 6-105.1(a-5) |

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August

10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23, 2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. 14755, effective September 18, 2012; amended at 37 Ill. Reg. 7776, effective May 22, 2013; amended at 37 Ill. Reg. 14176, effective September 1, 2013; amended at 37 Ill. Reg. 19342, effective November 28, 2013; amended at 38 Ill. Reg. 7946, effective March 28, 2014; emergency amendment at 38 Ill. Reg. 8429, effective April 4,

2014, for a maximum of 150 days; amended at 38 Ill. Reg. 12515, effective July 1, 2014; amended at 38 Ill. Reg. 16366, effective July 21, 2014; amended at 38 Ill. Reg. 20039, effective October 1, 2014; amended at 39 Ill. Reg. 1182, effective January 5, 2015; amended at 39 Ill. Reg. 5083, effective March 23, 2015; amended at 39 Ill. Reg. 8028, effective May 21, 2015; amended at 39 Ill. Reg. 11531, effective July 28, 2015; amended at 39 Ill. Reg. 14930, effective October 29, 2015; amended at 40 Ill. Reg. 1882, effective January 12, 2016; amended at 40 Ill. Reg. 7330, effective May 2, 2016; amended at 40 Ill. Reg. 13637, effective September 19, 2016; amended at 40 Ill. Reg. 15397, effective October 26, 2016; amended at 41 Ill. Reg. 438, December 29, 2016; amended at 41 Ill. Reg. 3009, effective February 24, 2017; amended at 41 Ill. Reg. 13665, effective October 30, 2017; amended at 42 Ill. Reg. 1886, effective January 3, 2018; amended at 42 Ill. Reg. 2891, effective January 29, 2018; amended at 42 Ill. Reg. 4969, effective March 5, 2018; amended at 42 Ill. Reg. 11499, effective June 8, 2018.

**Section 1030.92 Restrictions**

a) A driver services facility representative shall have the authority to determine license restrictions. No restriction shall be added until the driving test, if required, is given unless the restriction is due to a vision or hearing defect.

b) If a change in a person's physical and/or visual condition is discovered by a facility representative, the representative has the authority to add, delete or change the restrictions.

c) A Type B restriction requires corrective eye lenses. This restriction is added when a person needs corrective eye lenses to meet visual acuity standards as provided in Section 1030.70. This restriction includes eye glasses and contact lenses in one or both eyes, pursuant to Section 1030.75.

d) A Type C restriction requires the driver to use one or more mechanical aids (e.g., hand operated brake, gearshift extension, shoulder harness, or foot operated steering wheel) to assist with the proper and safe operation of the vehicle.

e) A Type D restriction requires the driver to use one or more prosthetic aids (e.g., artificial legs, artificial hands, hook on right or left arm, or brace on each leg) while operating a motor vehicle.

f) A Type E restriction requires automatic transmission. An automatic transmission restriction is added when a driver of a commercial motor vehicle uses an automatic transmission during the pre-trip, skills and road portions of a

commercial driver's license test as provided in FMCSR (49 CFR 383.95(c); October 1, 2014).

g) A Type F restriction requires left and right outside rearview mirrors when a driver is hearing impaired, has a monocular visual acuity reading of 20/100 or worse in either eye, requires a right outside rearview mirror because of problems turning the head while backing, cannot meet the peripheral vision requirements of Section 1030.70(a), and/or takes the road test in a right hand-driven vehicle with the steering wheel on the right side. A driver may be restricted to both left and right rearview mirrors if minimum peripheral standards are met by the use of only one eye in accordance with Sections 1030.70 and 1030.75.

h) A Type G restriction requires the driver to drive only in the daylight. This restriction is added when a driver has binocular visual acuity that does not meet the 20/40 minimum in accordance with Section 1030.70(a), but is not worse than 20/70. People who want to drive utilizing a non-standard lens arrangement pursuant to Section 1030.75 are restricted to daylight driving only.

i) A Type J restriction with appropriate numerical indicators includes other restrictions not listed in this Section. These Type J restrictions and numerical indicators are as follows:

1) J01 Driver has been issued an Illinois Medical Restriction Card, which must be carried in addition to a valid Illinois driver's license/permit.

2) J02 Driver authorized to operate a religious organization bus within classification, as provided in IVC Section 6-106.2.

3) J03 Driver authorized to operate a religious organization bus or van within Class D only. The driver took the religious organization bus test in a Class D vehicle, but may hold a Class A, B or C license.

4) J04 Driver authorized to operate a religious organization bus or van within Class C or a lesser classification vehicle only. The driver took the religious organization bus test in a Class C vehicle, but may hold a Class A or B license.

5) J05 Driver authorized to operate a senior citizen transportation vehicle within classification. The driver operates a vehicle that is utilized solely for the purpose of providing transportation for senior citizens, as provided in IVC Section 6-106.3.

6) J06 Driver authorized to operate a senior citizen transportation vehicle within Class D only. The driver took the senior citizen transportation vehicle test in a Class D vehicle, but may hold a Class A, B or C license.

7) J07 Driver authorized to operate a senior citizen transportation vehicle within written Class C vehicle, or a lesser classification vehicle only. The driver took the senior citizen transportation vehicle test in a Class C vehicle, but may hold a Class A or B license.

8) J08 Driver authorized to operate a commuter van in a for-profit ridesharing arrangement within classification, as provided in IVC Section 6-106.4.

9) J09 Driver who is 16 or 17 years of age authorized to operate either Class L motor-driven cycles or Class M motorcycles, as provided in IVC Section 6-103(2).

10) J10 Driver restricted to the operation of a vehicle with a GVWR of 16,000 pounds or less.

11) J11 Indicates the driver took the road test on a three-wheel motorcycle (Class M) or three-wheel motor-driven cycle (Class L) and is restricted to a three-wheel cycle of the proper class.

12) J14 Restricted to the use of a non-standard lens arrangement pursuant to Section 1030.75 when operating a motor vehicle. (Lens arrangement may be designed for monocular or binocular vision.)

13) J15 Special Restrictions − An applicant may have special restrictions applied specifically to the vehicle the applicant is operating at the time a road test is being administered by a facility examiner. These special restrictions may apply only when the applicant is operating that particular motor vehicle. This J15 restriction only applies to

variations of C, D or E restrictions. To remove a special restriction or to operate another motor vehicle would require the applicant to be administered another road test in the new vehicle.

14) J16 Moped Only – Authorizes an applicant holding a Class L license to operate a moped only.

15) J17 Authorizes a person holding a Class L or M license to operate a motorcycle or motor driven cycle with rear wheel extensions while maintaining a single front wheel.

16) J33 Driver authorized to operate a Class D vehicle using a non-standard lens arrangement, pursuant to Section 1030.75, during nighttime hours.

17) J50 Farm Waived Non-CDL Farm Vehicle Driver – FVD (Class A truck/tractor, semi-trailer combination vehicles only) – Allows farmers or a member of the farmer's family who is 21 years of age or older and has completed all of the applicable exams (core, combination, air brake, and all three parts of the skills test) to drive a farm waived non-CDL (Class A truck/tractor, semi-trailer combination vehicles only) vehicle. Those eligible may operate the truck/tractor semi-trailer to transport farm products, equipment or supplies to or from a farm, if used within 150 air miles of the farm, and not used in the operations of a common or contract carrier.

18) J51 Farm Waived Non-CDL Covered Farm Vehicle Driver – CFV (Class A truck/tractor, semi-trailer combination vehicles only) – Allows farmers, members of the farmer's family or employees of the farmer who are 18 years of age or older driving intrastate or 21 years of age or older driving interstate and has completed all of the applicable exams (core, combination, air brake, and all three parts of the skills test) to drive a farm waived non-CDL (Class A truck/tractor, semi-trailer combination vehicles only) covered farm vehicle. Those eligible may operate the truck/tractor, semi-trailer to transport farm products, equipment or supplies to or from a farm, if used within this State or interstate within 150 air miles of the farm, and not used in the operations of a common or contract carrier. The

vehicle must be a covered farm vehicle as defined by law with Illinois Farm plates.

19) J60 Automatic Transmission − An automatic transmission restriction is added when a driver is unable to operate a standard shift non-commercial vehicle due to the minimal use of one or both arms and/or legs.

20) J71 ~~No Photo or Signature – Out~~out of state at the time of issuance~~renewal~~ – license issued to driver who is temporarily absent from State of Illinois at expiration date of his/her driver's license.

21) J72 ~~No Photo or Signature – Out~~out of country at the time of issuance~~renewal~~ – license issued to driver who is temporarily residing outside the United States of America at the expiration date of his/her driver's license.

22) J73 ~~No Photo or Signature – Military~~military or military dependent – license issued to~~at the expiration of the driver's license of~~ the licensee, spouse and dependent children who are living with the licensee while on active duty serving in the Armed Forces of the United States outside the State of Illinois.

23) J74 Military deferral card issued at the expiration of the driver's license to extend the expiration while in the military of the licensee, spouse and dependent children who are living with the licensee while on active duty serving in the Armed Forces of the United States outside the State of Illinois.

24) J75 No Photo or Signature – administrative approval license to driver who having his/her photograph taken is against his/her religious convictions or has a serious facial disfigurement.

25) J88 Deaf/Hard of Hearing − requires alternative forms of communication.

26) J89 Aphasia – an impairment of language ability.

27) J90 BAIID Only – requires the driver to operate only motor vehicles

equipped with a Breath Alcohol Ignition Interlock Device (BAIID).

28) J91 Mental Health Disorder – made available upon:

A) the request of the applicant; and

B) the submission of an SOS medical report form (http://www.cyberdriveillinois.com/publications/pdf_publications/dsd_dc163.pdf) completed by an applicant's treating provider (Doctor licensed to practice medicine in all its branches (MD)/Doctor of Osteopathic Medicine (DO) or Nurse Practitioner (NP)/Physician Assistant (PA)), indicating that the applicant has a mental health disorder and is mentally fit to operate a vehicle.

29) J99 Indicates more than two J restrictions have been placed on the license.

j) A Type K restriction indicates the driver is authorized to operate a commercial motor vehicle intrastate only.

k) A Type L restriction indicates that the person is not authorized to operate vehicles equipped with air brakes.

l) A Type M restriction indicates P endorsement only valid in a Class B or lesser classification vehicle.

m) A Type N restriction indicates P endorsement only valid in a Class C or lesser classification vehicle.

n) A Type O restriction prohibits a commercial motor vehicle driver from operating a combination vehicle with a fifth wheel assembly as provided by 49 CFR 383.153(a)(10) (October 1, 2014).

o) A Type P restriction allows a commercial learner's permit holder to operate a vehicle designed to carry passengers, without passengers aboard, exempting a company trainer or State or federal examiner as provided by 49 CFR 383.153(b)(9) (October 1, 2014).

p) A type V restriction indicates FMCSA has granted a medical variance to operate a

CMV within the boundaries of the United States as provided by 49 CFR 391.41 (October 1, 2014).

q) A Type X restriction allows a commercial learner's permit holder to operate a tank truck or tank truck tractor/trailer combination void of any type of liquid and/or gaseous materials in the tank as provided by 49 CFR 383.153(b)(9) (October 1, 2014).

r) A Type Z restriction limits a commercial motor vehicle driver to operating a commercial motor vehicle with air over hydraulic braking system as provided by 49 CFR 383.153(b)(10) (October 1, 2014).

s) An applicant who wants to appeal a type of restriction that has been added to a driver's license, depending on the type of restriction, shall:

1) For Type B, C, D, F, G, J01, J60 or any other medical restriction that has been added to the driver's license pursuant to the restrictions contained in subsection (i), follow the manner prescribed by this Part.

2) For any other types of restrictions that have been added to the driver's license pursuant to this Section, appeal to the Department of Administrative Hearings pursuant to IVC Section 2-118.

3) Further review of all restrictions shall be conducted by the courts pursuant to the Administrative Review Law [735 ILCS 5/Art. III].

(Source: Amended at 42 Ill. Reg. 11499, effective June 8, 2018)

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1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision

2) Code Citation: 23 Ill. Adm. Code 1

3)

| Section Numbers: | Adopted Actions: |
|---|---|
| 1.100 | Amendment |
| 1.420 | Amendment |
| 1.425 | Amendment |
| 1.440 | Amendment |
| 1.530 | Amendment |
| 1.790 | Amendment |

4) Statutory Authority: 105 ILCS 5/2-3.6, 2-3.25g, 21B-20 and 27-6

5) Effective Date of Rules: June 8, 2018

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

7) Does this rulemaking contain incorporations by reference? No

8) A statement that a copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 15542; December 29, 2017

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: In Section 1.425, it was clarified that students must participate in a course of physical education for a minimum of three days per five-day week. Also, in this Section, requirements were added for guidelines for when a school district will return a student excused from physical education. The guidelines must take into consideration the time in the school year when participation cease, any future or planned additional participation, and student class schedules. Additionally, the associations that are considered to be interscholastic were specified. Finally, grammatical changes were made throughout to align this Part to the Administrative Code standards.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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13) Will this rule replace an emergency rulemaking currently in effect? No

14) Are there any rulemakings pending on this Part? Yes

| Section Numbers: | Proposed Actions: | *Illinois Register* Citations: |
|---|---|---|
| 1.530 | Amendment | 42 Ill. Reg. 3871; March 2, 2018 |
| 1.760 | Amendment | 42 Ill. Reg. 3871; March 2, 2018 |
| 1.Appendix D | Amendment | 42 Ill. Reg. 9177; June 8, 2018 |

15) Summary and Purpose of Rulemaking: The adopted rulemaking is the result of PAs 100-465, 100-13, and general cleanup needed for this Part. In each case, the adopted amendments will offer greater flexibility to school districts in administering educational programs.

PA 100-465 updated the process for approval of for waivers of or modifications to the School Code or administrative rules promulgated by the State Board of Education. It also eliminated the statutory restriction on the number of physical education waivers that an eligible entity may request; references to these restrictions have been removed from this rulemaking. Additional changes clarified that waiver or modification requests related to compliance with the Every Student Succeeds Act (ESSA) shall not be honored, instituted formal deadlines by which School Code waiver requests must be filed, and provided definitions for "waiver" and "modifications."

PA 100-465 also made significant changes to physical education participation requirements. Specifically, physical education is no longer required daily for all students. Rather, pupils must participate "in a course of physical education for a minimum of three days per five-day week." The law was also amended to allow a school board, "on a case-by-case basis, [to] excuse pupils in grades 7 through 12 who participate in an interscholastic or extracurricular athletic program from engaging in physical education courses." The adopted amendments implement those changes and other related changes.

PA 100-13 allowed individuals who hold a valid career and technical educator, part-time, or provisional endorsement on an educator license with stipulations, but do not have a bachelor's degree, to substitute teach in any career and technical education classroom. The adopted amendments implement this change in law.

General Cleanup − Aside from updating citations and other perfunctory changes, amendments were made to Section 1.530 (School Health Services). Statute allows, but

does not require, the State Superintendent to financially penalize districts that do not comply with minimum standards for student immunizations, health screenings, and related reporting requirements. This penalty is repealed from the rules as the State Board has never used this provision and it is unreasonably punitive in today's fiscal climate.

Specifically, this rulemaking makes the following changes:

- Section 1.100
  - Clarified waivers from the School Code or administrative rules that implement ESSA or the Illinois ESSA State Plan are prohibited.
  - Defined waiver to mean a petition to discontinue the implementation of a mandate.
  - Defined modification to mean a petition to partially implement a mandate.
  - Created deadlines for receipt of waiver applications for consideration on the fall and spring waiver reports.
    - August 15 for the fall waiver report.
    - January 15 for the spring waiver report.
  - Removed all statutory references to limitations on physical education waivers.
- Sections 1.420 and 1.440
  - Clarified physical education must be taught in accordance with Section 27-6 of the School Code.
- Section 1.425
  - Replaced frequency requirement for physical education from daily to three days per five-day week.
  - Clarified physical education does not need to be made up if there is a student nonattendance day or school is otherwise closed on a day when physical education is scheduled.
  - Clarified school districts must make every effort to ensure all students have the ability to participate in physical education three days a week.
  - Limited interscholastic and extracurricular athletic programs to those programs that are sponsored by the school district as defined by policy.
  - Clarified school districts shall consider the statutory allowances in Section 27-6 of the School Code when developing their exemption policies.
  - Noted student exemption for participation in physical fitness assessments in same manner as student exemptions for participation in a physical education course.
  - Clarified that the Brockport Physical Fitness Testing can be used for students with known orthopedic, intellectual, and or/ visual disabilities whose Individualized Education Program and/or 504 Plan identifies FitnessGram® as not appropriate.
- Section 1.530

- Removed the Section that includes the penalty of reducing General State Aid for noncompliance with Section 27-8.1 of the School Code (Health examinations and immunizations).

- Section 1.790
  - Clarified individuals who hold a valid career and technical educator, part-time, or provisional endorsement on an educator license with stipulations, but do not have a bachelor's degree, may substitute teach in any career and technical education classroom.

16) Information and questions regarding these adopted rules shall be directed to:

Lindsay M. Bentivegna
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, E-222
Springfield IL 62777-0001

217/782-5270
rules@isbe.net

The full text of the Adopted Amendments begin on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1
PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section
1.10 Public School Accountability Framework
1.20 Operational Requirements
1.30 State Assessment
1.40 Adequate Yearly Progress
1.50 Calculation of Participation Rate
1.60 Subgroups of Students; Inclusion of Relevant Scores
1.70 Additional Indicators for Adequate Yearly Progress
1.75 Student Information System
1.77 Educator Licensure Information System (ELIS)
1.79 School Report Card
1.80 Academic Early Warning and Watch Status
1.85 School and District Improvement Plans; Restructuring Plans
1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency under Title III
1.90 System of Rewards and Recognition − The Illinois Honor Roll
1.95 Appeals Procedure
1.97 Survey of Learning Conditions
1.100 Waiver and Modification of State Board Rules and School Code Mandates
1.110 Appeal Process under Section 22-60 of the School Code

SUBPART B: SCHOOL GOVERNANCE

Section
1.210 Approval of Providers of Training for School Board Members under Section 10-16a of the School Code
1.220 Duties of Superintendent (Repealed)
1.230 Board of Education and the School Code (Repealed)
1.240 Equal Opportunities for all Students

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1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards
1.245 Waiver of School Fees
1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)
1.260 Commemorative Holidays to be Observed by Public Schools (Repealed)
1.270 Book and Material Selection (Repealed)
1.280 Discipline
1.285 Requirements for the Use of Isolated Time Out and Physical Restraint
1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section
1.310 Administrative Qualifications and Responsibilities
1.320 Evaluation of Licensed Educators
1.330 Toxic Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section
1.410 Determination of the Instructional Program
1.420 Basic Standards
1.422 Electronic Learning (E-Learning) Days Pilot Program
1.423 Competency-Based High School Graduation Requirements Pilot Program
1.425 Additional Criteria for Physical Education
1.430 Additional Criteria for Elementary Schools
1.440 Additional Criteria for High Schools
1.442 State Seal of Biliteracy
1.443 Illinois Global Scholar Certificate
1.445 Required Course Substitute
1.450 Special Programs (Repealed)
1.460 Credit Earned Through Proficiency Examinations
1.462 Uniform Annual Consumer Education Proficiency Test (Repealed)
1.465 Ethnic School Foreign Language Credit and Program Approval
1.470 Adult and Continuing Education
1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

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Section
1.510 Transportation
1.515 Training of School Bus Driver Instructors
1.520 Home and Hospital Instruction
1.530 Health Services
1.540 Undesignated Epinephrine Auto-injectors; Opioid Antagonists

SUBPART F: STAFF LICENSURE REQUIREMENTS

Section
1.610 Personnel Required to be Qualified
1.620 Accreditation of Staff (Repealed)
1.630 Paraprofessionals; Other Unlicensed Personnel
1.640 Requirements for Different Certificates (Repealed)
1.650 Transcripts of Credits
1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section
1.700 Requirements for Staff Providing Professional Development
1.705 Requirements for Supervisory and Administrative Staff
1.710 Requirements for Elementary Teachers
1.720 Requirements for Teachers of Middle Grades
1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades 6 and Above through June 30, 2004
1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
1.740 Standards for Reading through June 30, 2004
1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
1.750 Standards for Media Services through June 30, 2004
1.755 Requirements for Library Information Specialists Beginning July 1, 2004
1.760 Standards for School Support Personnel Services
1.762 Supervision of Speech-Language Pathology Assistants
1.770 Standards for Special Education Personnel

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| | |
|---|---|
| 1.780 | Standards for Teachers in Bilingual Education Programs |
| 1.781 | Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12 |
| 1.782 | Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12 |
| 1.783 | Requirements for Administrators of Bilingual Education Programs |
| 1.790 | Substitute Teacher |
| | |
| 1.APPENDIX A | Professional Staff Educator Licensure |
| 1.APPENDIX B | Competency-Based High School Graduation Requirements Pilot Program Criteria for Review~~Certification Quick Reference Chart (Repealed)~~ |
| 1.APPENDIX C | Glossary of Terms (Repealed) |
| 1.APPENDIX D | State Goals for Learning |
| 1.APPENDIX E | Evaluation Criteria – Student Performance and School Improvement Determination (Repealed) |
| 1.APPENDIX F | Criteria for Determination – Student Performance and School Improvement (Repealed) |
| 1.APPENDIX G | Criteria for Determination – State Assessment (Repealed) |
| 1.APPENDIX H | Guidance and Procedures for School Districts Implementing the Illinois Global Scholar Certificate |

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-21.4a,10-22.43a, 21B-5, 21B-20, 22-30, 22-60, 24-24, 26-13, 27-3.5, 27-6, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6, 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-21.4a, 10-22.43a, 21B-5, 21B-20, 22-30, 22-60, 26-13, 27-3.5, 27-6, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended

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at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 2007; amended at 32 Ill. Reg. 10229, effective June 30, 2008; amended at 33 Ill. Reg. 5448, effective March 24, 2009; amended at 33 Ill. Reg. 15193, effective October 20, 2009; amended at 34 Ill. Reg. 2959, effective February 18, 2010; emergency amendment at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17411, effective October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011; amended at 35 Ill. Reg. 12328, effective July 6, 2011; amended at 35 Ill. Reg. 16743, effective September 29, 2011; amended at 36 Ill. Reg. 5580, effective March 20, 2012; amended at 36 Ill. Reg. 8303, effective May 21, 2012; amended at 38 Ill. Reg. 6127, effective February 27, 2014; amended at 38 Ill. Reg. 11203, effective May 6, 2014; amended at 39 Ill. Reg. 2773, effective February 9, 2015; emergency amendment at 39 Ill. Reg. 12369, effective August 20, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 13411, effective September 24, 2015; amended at 40 Ill. Reg. 1900, effective January 6, 2016; amended at 40 Ill. Reg. 2990, effective January 27, 2016; amended at 40 Ill. Reg. 4929, effective March 2, 2016; amended at 40 Ill. Reg. 12276, effective August 9, 2016; emergency amendment at 40 Ill. Reg. 15957, effective November 18, 2016, for a maximum of 150 days; amended at 41 Ill. Reg. 126, effective December 27, 2016; amended at 41 Ill. Reg. 4430, effective April 5, 2017; amended at 41 Ill. Reg. 6924, effective June 2, 2017; emergency amendment at 41 Ill. Reg. 8932, effective June 28, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 14044, effective November 3, 2017; amended at 42 Ill. Reg. 11512, effective June 8, 2018.

SUBPART A: RECOGNITION REQUIREMENTS

**Section 1.100 Waiver and Modification of State Board Rules and School Code Mandates**

a) As authorized in Section 2-3.25g of the School Code [105 ILCS 5~~/2-3.25g~~], an eligible applicant, as defined in 2-3.25g(a), or *any Independent Authority*

*established under Section 2-3.25f-5 of the School Code* may petition for:

1) Approval~~State Board approval~~ of waivers or modifications of State Board of Education rules and of modifications of School Code mandates, which may be requested to meet the *intent of the rule or mandate in a more effective, efficient or economical manner or when necessary to stimulate innovation or to improve student performance* [105 ILCS 5/2-3.25g(b)]; and/or

2) Approval~~General Assembly approval~~ of waivers of School Code mandates, which *may be requested* *when necessary to stimulate innovation or to improve student performance or the intent of the mandate in a more effective, efficient or economical manner* [105 ILCS 5/2-3.25g(b)]~~only to stimulate innovation or improve student performance~~.

b) "The School Code" comprises only those statutes compiled at 105 ILCS 5.

1) Waivers or modifications from State Board rules or School Code mandates implementing compliance with the federal Every Student Succeeds Act (20 USC 6301 et seq.) or the Every Student Succeeds Act State Plan~~pertaining to those areas enumerated in Section 2-3.25g(b) of the School Code [105 ILCS 5/2-3.25g(b)]~~ are not permitted.

~~A) For the purposes of this subsection (b)(1), provisions of the School Code or the rules of the State Board of Education that reflect or implement ESEA shall include all requirements for:~~

~~i) the entities to be held accountable for the achievement of their students;~~

~~ii) the participation of students in the various forms of the State assessment;~~

~~iii) the timing of administration of the State assessment;~~

~~iv) the use of students' scores on the State assessment in describing the status of schools, districts, and other accountable entities;~~

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~~v)~~ ~~the use of indicators other than test scores in determining the progress of students;~~

~~vi)~~ ~~the required qualifications of paraprofessional educators;~~

~~vii)~~ ~~the placement of schools not making adequate yearly progress on academic early warning status or academic watch status, and the results to schools and districts that follow from such placement;~~

~~viii)~~ ~~the district's responsibility to prepare revised school and/or district improvement plans in response to placement on academic warning or watch status;~~

~~ix)~~ ~~the appointment of school or district improvement panels for schools or school districts on academic watch status;~~

~~x)~~ ~~the use of State interventions according to the timeline set forth in Section 2-3.25f of the School Code; and~~

~~xi)~~ ~~the appeals process set forth in Section 1.95, and the authority of the State Board of Education to make final determinations on these appeals.~~

2~~B~~) Waivers or modifications of mandates pertaining to the use of student performance data and performance categories for teacher and principal evaluations, as required under Article 24A of the School Code ~~[105 ILCS 5/Art. 24A]~~, are not permitted and *on September 1, 2014, any previously authorized waiver or modification from such requirements shall terminate* (Section 2-3.25g(b) of the School Code).

3~~2~~) Waivers of mandates contained in Section 5-1 of the School Code ~~[105 ILCS 5/5-1]~~ or in Section 5-2.1 of the School Code ~~[105 ILCS 5/5-2.1]~~ also shall not be requested.

c) As used in this Section, "waiver" means a petition to discontinue the implementation of a mandate and "modification" means a petition to partially implement a mandate.

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de) Each application for a waiver or modification shall provide the following, on a form supplied by the State Board of Education.

1) Identification of the rules or mandates involved, either by quoting the exact language of or by providing a citation to the rules or mandates at issue. Applicants unable to determine the exact language or citation may obtain a copy of, or citation to, the rules or mandates involved by contacting the State Board of Education Regulatory Support and Wellness Division~~Legal Department~~ by mail at 100 North First Street, Springfield, Illinois, 62777-0001, by email at waivers@isbe.net, or by telephone at 217-782-5270.

2) Identification as to the specific waivers and/or modifications sought. For modifications, the specific modified wording of the rules or mandates must be stated.

3) Identification as to whether the request is for an initial waiver or modification or for the renewal of a previously approved request. ~~Renewals of waivers and modifications of Section 27-6 of the School Code [105 ILCS 5/27-6] shall be subject to the requirements of subsection (l) of this Section.~~

4) For requests based upon meeting the intent of the rule or mandate in a more effective, efficient, or economical manner, a narrative description that sets forth:

A) the intent of the rule or mandate to be achieved;

B) the manner in which the applicant will meet that intent;

C) how the manner proposed by the applicant will be more effective, efficient or economical; and

D) if the applicant proposes a more economical manner, a fiscal analysis showing current expenditures related to the request and the projected savings that would result from approval of the request.

5) If the request is necessary for stimulating innovation or improving student

performance, the request must include the specific plan for improved student performance and school improvement upon which the request is based. This plan must include a description of how the applicant will determine success in the stimulation of innovation or the improvement of student performance.

6) If the request is for a waiver of the administrative expenditure limitation established by Section 17-1.5 of the School Code ~~[105 ILCS 5/17-1.5]~~, the request must include the amount, nature~~,~~ and reason for the requested relief and all remedies that have been exhausted to comply with the administrative expenditure limitation and shall otherwise comply with Section 17-1.5(d) of the School Code.

7) The time period for which the waiver or modification is sought. Pursuant to Section 2-3.25g of the School Code, this time period may not exceed five years, except for requests made pursuant to subsection (c)(6) of this Section, which may not exceed one year (see Section 17-1.5(d) of the School Code)~~, and except for requests for relief from the mandate set forth in Section 27-6 of the School Code, which may not exceed two years~~.

8) A description of the public hearing held to take testimony about the request from educators, parents and students, which shall include the information required by Section 2-3.25g of the School Code.

9) An assurance stating the date of the public hearing conducted to consider the application and, if applicable, the specific plan for improved student performance and school improvement; affirming that the hearing was held before a quorum of the board or before the regional superintendent, as applicable, and that it was conducted as prescribed in Section 2-3.25g of the School Code; and stating the date the application (and, if applicable, the plan) was approved by the local governing board or regional superintendent.

~~10) For waivers or modifications of State Board of Education administrative rules governing contracting of driver education (23 Ill. Adm. Code 252), the information required under Section 2-3.25g(d) of the School Code.~~

e~~d~~) Each applicant must attach to the application a dated copy of the notice of the public hearing that was published in a newspaper of general circulation, a dated

copy of the written notifications about the public hearing provided to the applicant's collective bargaining agent and to those State legislators representing the applicant, and a dated copy of the notice of the public hearing posted on the applicant's website, each of which must comply with the requirements of Section 2-3.25g of the School Code.

fe) Applications must be sent by certified mail, return receipt requested, and addressed as specified on the application form.

gf) Applications must be postmarked not later than 15 calendar days following the local governing board's approval. (See Section 2-3.25g(d) of the School Code.) Applications addressed other than as specified on the application form shall not be processed.

hg) Applications for the waiver or modification of State Board rules or for the modification of School Code mandates shall be deemed approved and effective 46 calendar days after the date of receipt by the State Board of Education unless disapproved in writing. Receipt by the State Board shall be determined by the date of receipt shown on the return receipt form, except in the case of an incomplete application.

1) An applicant submitting an incomplete application shall be contacted by staff of the State Board regarding the need for additional information and the date by which the information must be received in order to avoid the application's return as ineligible for consideration.

2) The 45-day response time referred to in this subsection (hg) shall not commence until the applicant submits the additional material requested by the State Board.

3) Each application that has not been made complete by the date identified in accordance with subsection (hg)(1) shall be ineligible for consideration and shall be returned to the applicant with an explanation as to the deficiencies.

ih) *The State Board may disapprove a request* for the waiver or modification of State Board rules or for the modification of School Code mandates *if* the request:

1) *is not based upon sound educational practices;*

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2) *endangers the health or safety of students or staff;*

3) *compromises equal opportunities for learning; or*

4) *does not address the intent of the rule or mandate in a more effective, efficient or economical manner or does not have improved student performance as a primary goal.* [105 ILCS 5/2-3.25g(d)]

ji) Disapproval of an application for a waiver or modification of a State Board rule or for a modification of a School Code mandate shall be sent by certified mail to the applicant no later than 45 calendar days after receipt of the application by the State Board. An applicant wishing to appeal the denial of a request may do so within 30 calendar days after receipt of the denial letter by sending a written appeal by certified mail to the Illinois State Board of Education, Regulatory Support and WellnessRules and Waivers Division, 100 North First Street, E-222S-493, Springfield, Illinois 62777-0001 or by email to waivers@isbe.net. The written appeal shall include the date the local governing board approved the original request, the citation of the rule or School Code section involved, and a brief description of the issue. Appeals of denials shall be submitted to the General Assembly in the semiannual report required under Section 2-3.25g of the School Code.

kj) Applications shall be received by August 15 to be considered for the fall waiver report and January 15 to be considered for the spring waiver report. The State Superintendent of Education shall periodically notify school districts and other potential applicants of the date by which applications must be postmarked in order to be processed for inclusion in the next report to the General Assembly. Each application will be reviewed for completeness. Complete applications shall be submitted to the General Assembly in the next report. Incomplete applications shall be treated as discussed in subsections (hg)(1) and (hg)(3).

lk) The State Superintendent of Education shall notify Regional Superintendents of Schools and Intermediate Service Centers of the disposition of requests for waivers or modifications submitted by school districts located within their regions.

l) The limitation on renewals established in Section 2-3.25g(e) of the School Code shall apply to each waiver or modification of Section 27-6 of the School Code that

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~~is approved on or after January 1, 2008. Once an eligible applicant has received approval for a waiver or modification of that Section on or after January 1, 2008, any request submitted by that applicant for a subsequent time period shall be considered a renewal request, regardless of the rationale for the request or the schools or students to be affected. No applicant shall receive approval for more than two renewals after January 1, 2008, and no applicant shall receive approval for more than six years cumulatively beginning with that date.~~

(Source: Amended at 42 Ill. Reg. 11512, effective June 8, 2018)

SUBPART D: THE INSTRUCTIONAL PROGRAM

**Section 1.420 Basic Standards**

a) Class schedules shall be maintained in the administrative office in each attendance center of a school district.

b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit, including credit for courses completed by correspondence, on line, or from other external sources, that can be disseminated to other schools within the State.

c) Every school district shall:

1) Provide curricula and staff inservice training to help eliminate unconstitutional and unlawful discrimination in schools and society. School districts shall utilize the resources of the community in achieving the stated objective of elimination of discrimination and to enrich the instructional program.

2) Include in its instructional program concepts designed to improve students' understanding of and their relationships with individuals and groups of different ages, sexes, races, national origins, religions and socio-economic backgrounds.

d) Boards shall adopt and implement a policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.

e) Every school system shall conduct supervisory and inservice programs for its

professional staff. The staff shall be involved in planning, conducting and evaluating supervisory and inservice programs.

f) Sections 10-19, 18-8.05, 18-12~~,~~ and 18-12.5 of the School Code [105 ILCS 5] establish certain requirements regarding the school year and the school day. School districts shall observe these requirements when preparing their calendars and when calculating average daily attendance for the purpose of claiming general State financial aid.

1) Section 18-8.05(F)(2)(c) of the School Code provides that, with the approval of the State Superintendent of Education, four or more clock-hours of instruction may be counted as a day of attendance when the regional superintendent certifies that, due to a condition beyond the control of the district, the district has been forced to use multiple sessions. The State Superintendent's approval will be granted when the district demonstrates that, due to a condition beyond the control of the district, its facilities are inadequate to house a program offering five clock-hours daily to all students.

A) The district superintendent's request to the State Superintendent shall be accompanied by an assurance that the local school board has approved the plan for multiple sessions, including the date of the meeting at which this occurred, and evidence of the approval of the responsible regional superintendent.

B) Each request shall include a description of the circumstances that resulted in the need for multiple sessions; information on the buildings and grades affected; the intended beginning and ending dates for the multiple sessions; a plan for remedying the situation leading to the request; and a daily schedule showing that each student will be in class for at least four clock-hours.

C) Approval for multiple sessions shall be granted for the school year to which the request pertains. Each request for renewed approval shall conform to the requirements of subsections (f)(1)(A) and (B).

D) Students who are in attendance for at least 150 minutes of school work but fewer than 240 minutes may be counted for a half day of attendance. Students in attendance for fewer than 150 minutes of

school work shall not be counted for purposes of calculating average daily attendance.

2) Section 18-8.05(F)(2)(h) of the School Code allows for a determination under rules of the State Board regarding the necessity for a second year's attendance at kindergarten for certain students so they may be included in a district's calculation of average daily attendance. Districts may count these students when they determine through an assessment of their individual educational development that a second year of kindergarten is warranted.

3) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for General State Aid, when the following conditions are met during a work stoppage.

A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.

B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.

C) All teachers hold educator licenses that are registered with the regional superintendent of schools for their county of employment. Other than substitute teachers, licensure appropriate to the grade level and subject areas of instruction is held by all teachers.

4) Sections 18-12 and 18-12.5 of the School Code set forth requirements for a school district to claim General State Aid in certain circumstances when one or more, but not all, of the district's school buildings are closed either for a full or partial day. A school district shall certify the reasons for the closure in an electronic format specified by the State Superintendent within 30 days from the date of the incident.

A) If the certification is submitted under Section 18-12 of the School Code, it shall indicate whether instruction was provided to students using an e-learning day authorized under Section 10-20.56 of the School Code and Section 1.422 of this Part.

B) If the certification is submitted for reasons of a public health emergency under Section 18-12.5 of the School Code, it shall be accompanied by a signed statement from the local health department to the State Superintendent that includes:

i) the name of the building that is being recommended for closure;

ii) the specific public health emergency that warrants the closure; and

iii) the anticipated building closure dates recommended by the health department.

5) Attendance for General State Aid Purposes

A) For purposes of determining average daily attendance on the district's General State Aid claim, students in full-day kindergarten and first grade may be counted for a full day of attendance only when they are in attendance for four or more clock hours of school work; provided, however, that students in attendance for more than two clock hours of school work but less than four clock hours may be counted for a half day of attendance. Students in attendance for fewer than two hours of school work shall not be counted for purposes of calculating average daily attendance.

B) For purposes of determining average daily attendance on the district's General State Aid claim, students enrolled full time in grades 2 through 12 may be counted for a full day of attendance only when they are in attendance for five or more clock hours of school work; provided, however, that students in attendance for more than two and one-half clock hours of school work but less than five clock hours may be counted for a half day of attendance. Students in attendance for fewer than two and one-half hours of school work shall not be counted for purposes of calculating average daily attendance.

C) For purposes of determining average daily attendance for General State Aid received under Sections 18-12 and 18-12.5 of the School Code, "immediately preceding school day" shall include school days in the previous school year in instances in which the building closure occurs before three or more days of instruction have been provided in the school year for which attendance is being counted.

D) For the purposes of determining average daily attendance for General State Aid under Section 10-20.56 or 10-29 of the School Code, a school district operating a remote educational program shall document the clock hours of instruction for each student, and make available to the State Superintendent or his or her designee upon request, a written or online record of instructional time for each student enrolled in the program that provides sufficient evidence of the student's active participation in the program (e.g., log in and log off process, electronic monitoring, adult supervision, two-way interaction between teacher and student, video cam). "Clock hours of instruction" shall be calculated in accordance with Section 18-8.05(F)(2)(j) of the School Code.

g) Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to ensure 176 days of actual pupil attendance, computable under Section 18-8.05 of the School Code (see Section 10-19 of the School Code).

h) Local boards of education shall establish and maintain kindergartens for the instruction of children (see Sections 10-20.19a and 10-22.18 of the School Code).

1) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.

2) If a school district that establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than 20 children whose parents request a half-day program, those students may be enrolled in either the morning or afternoon session of a full-day program provided that the following

conditions are met.

A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.

B) A common core of developmental, readiness and academic activities must be made available to all kindergarten students in the district regardless of the amount of time they attend school.

C) All support services (e.g., health counseling and transportation) provided by the district must be equally available to full-day and half-day students.

3) Each public school district, including charter schools, offering a kindergarten program, whether full-day or half-day, shall report to the State Board of Education on the 14 State Readiness Measures listed in subsection (h)(3)(A) annually on each student enrolled in kindergarten, except as otherwise provided under this subsection (h)(3). The Kindergarten Individual Development Survey (KIDS) shall be available to school districts for this purpose. Data for each student, based on local instruction and assessment practices, shall be reported through the KIDSTech rating system. A school district is not obligated to administer KIDS in any school year in which the State does not provide funding sufficient for the cost of reporting or access to professional development for teachers and administrators.

A) For the purpose of this subsection (h)(3), the 14 State Readiness Measures shall address, at a minimum:

i) language and literacy development:

- communication and use of language (Expressive);
- reciprocal communication and conversation;
- comprehension of age-appropriate text;

- phonological awareness;
- letter and word knowledge;

ii) cognition; math:

- classification;
- number sense of quantity;
- number sense of math operations;
- shapes; and

iii) approaches toward learning and social and emotional development:

- curiosity and initiative in learning;
- self-control of feelings and behavior;
- engagement and persistence;
- relationships and social interactions with familiar adults;
- relationships and social interactions with peers.

B) Each school district shall report electronically the results of the observations conducted and evidence collected once each school year (i.e., after 40 days of enrollment beginning with the first day of official attendance). The data required under this subsection (h)(3)(B) shall be reported for any student who was enrolled in a kindergarten classroom at least 30 days before the date on which the data is required to be reported.

C) By August 1 of each school year, each school district shall provide to the State Superintendent the name, title, email address and telephone number for the district staff personnel who will serve as

the KIDS contact persons, using a form prescribed for this purpose. Staff personnel serving as the KIDS contact person can be anyone that the district chooses, but preferably is someone who is working closely with the kindergarten teachers and can act as a liaison between SBE and the kindergarten teachers. This can include teachers and administrators.

D) Each KIDS contact person designated under subsection (h)(3)(C) shall participate in, at a minimum, a KIDS administrator training sponsored by the State Board no later than 30 days after the beginning of the school year. A KIDS contact person need only take the KIDS administrator training once.

E) All teachers teaching in a public or charter school classroom containing kindergarten students shall complete or have had completed the KIDS teacher training sponsored by the State Board.

F) Beginning in the 2017-18 school year and thereafter, a public school district, including charter schools, shall report the data required under subsection (h)(3)(B) for each student enrolled in kindergarten.

G) The 14 State Readiness Measures shall be reported for kindergarten children taught in a self-contained special education classroom or an alternative setting unless a special education team deems it inappropriate, at which time the justification for this decision must be recorded in the Individualized Education Program.

H) The 14 State Readiness Measures shall be reported for kindergarten children who are English learners unless the school district deems that required Language and Literacy Measures should be substituted with more appropriate non-required measures.

i) Career Education

1) The educational system shall provide students with opportunities to prepare themselves for entry into the world of work.

2) Every district shall initiate a Career Awareness and Exploration Program that should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.

j) Co-Curricular Activities

1) Programs for extra classroom activities shall provide opportunities for all students.

2) The desires of the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.

k) Consumer Education and Protection

1) A program in consumer education shall include at least the topics required by Section 27-12.1 of the School Code.

2) The superintendent of each unit or high school district shall maintain evidence showing that each student has received adequate instruction in consumer education prior to the completion of grade 12. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.

3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12.

4) Teachers instructing in consumer education courses shall hold educator licensure valid for the grade levels taught and have completed at least three semester hours in consumer education courses.

l) Conservation of Natural Resources
Each district shall provide instruction on *current problems and needs in the conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of wildlife, and humane care of domestic animals* (Section 27-13.1 of the School Code ~~[105 ILCS 5/27-13.1]~~).

m) Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, State, national and international concern.

n) Health Education

1) Each school system shall provide a program in compliance with the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].

A) There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level.

B) The minimal time allocation shall not be less than one semester or equivalent during the middle or junior high experience.

C) The minimal time allocation shall not be less than one semester or equivalent during the secondary school experience.

D) If health education is offered in conjunction with another course on a "block of time" basis in a middle school, a junior high school, or a high school, instruction may be offered in any combination of the grade levels in the school, provided that the total time devoted to health education is the equivalent of one full semester's work.

2) Nothing in this Section shall be construed as requiring or preventing the establishment of classes or courses in comprehensive sex education or family life education as authorized by Sections 27-9.1 and 27-9.2 of the School Code.

o) Library Media Programs
Each school district shall provide a program of library media services for the students in each of its schools. Each district's program shall meet the requirements of this subsection (o).

1) General
The program shall include an organized collection of resources that

circulate to students and staff in order to supplement classroom instruction, foster reading for pleasure, enhance information literacy, and support research, as appropriate to students of all abilities in the grade levels served. A district that relies solely upon the collection of a local public library shall maintain evidence that students receive instruction, direction, or assistance in locating and using resources that are applicable to these purposes from an individual who is qualified under Section 1.755 and who is acting on behalf of the school district.

2) Financial Resources
Each district's annual budget shall include an identifiable allocation for resources and supplies for the program, except that a unit district serving fewer than 400 students or an elementary or high school district serving fewer than 200 students may demonstrate that it is meeting its students' needs through alternate means that the district has determined are adequate in light of local circumstances.

3) Facilities
If there is no single location within a particular attendance center that is specifically devoted to a library media center, such as where classroom collections have been established instead, the district shall ensure that equitable access to library media resources is made available to students in all the grade levels served. If students' only access to library media resources is achieved by visiting a location outside their attendance center, the district shall maintain records demonstrating that all students' regular schedules include time for this purpose.

4) Staff
Nothing in this subsection (o)(4) shall be construed as prohibiting districts or schools from sharing the services of individuals qualified under Section 1.755, and nothing in this subsection (o) shall be construed as permitting an individual who is not qualified as a library information specialist to assume that role. Each district shall assign responsibility for overall direction of its program of library media services to an employee who holds a professional educator license endorsed for a teaching or an administrative field. Except as otherwise provided in subsection (o)(4)(A), the individual to whom this responsibility is assigned shall meet the requirements of Section 1.755, and the individual to whom this responsibility is assigned shall not provide the services described in

Section 1.755 unless he or she meets the requirements of that Section.

A) In the event that no employee of the district holds any of the qualifications enumerated in Section 1.755, the individual to whom direction of the program is assigned shall be required to participate annually in professional development consisting of:

i) undergraduate or graduate coursework in library science offered by a regionally accredited institution of higher education; or

ii) one or more workshops, seminars, conferences, institutes, symposia, or other similar training events that are offered by the Illinois State Library, a regional library system, or another professional librarians' organization; or

iii) one or more "library academies" if these are made available by or at the direction of the State Superintendent of Education.

B) A district that is otherwise unable to fulfill the requirements of this subsection (o)(4) shall ensure that the overall direction of the library media program (e.g., selection and organization of materials, provision of instruction in information and technology literacy, structuring the work of library paraprofessionals) is accomplished with the advice of an individual who is qualified pursuant to Section 1.755.

p) Physical Education
Appropriate activity related to physical education shall be required as provided for~~of all students each day unless otherwise permitted~~ by Section 27-6 of the School Code. The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated. See Section 1.425 for additional requirements that apply to the provision of physical education instruction.

q) School Support Personnel Services
To assure provision of School Support Personnel Services, the local district shall conduct a comprehensive needs assessment to determine the scope of the needs in

the areas of:

1) Guidance and Counseling Needs;

2) Psychological Needs;

3) Social Work Needs;

4) Health Needs.

r) Social Sciences and History
Each school system shall provide history and social sciences courses that do the following:

1) analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and currently do relate in actual practice in the world (see Section 27-21 of the School Code);

2) *include in the teaching of United States history the role and contributions of ethnic groups in the history of this country and the State* (Section 27-21 of the School Code);

3) *include in the teaching of United States history the role of labor unions and their interaction with government in achieving the goals of a mixed free-enterprise system* (Section 27-21 of the School Code);

4) *include the study of that period in world history known as the Holocaust* (Section 27-20.3 of the School Code);

5) *include the study of the events of Black history, including the individual contributions of African-Americans and their collective socio-economic struggles* (Section 27-20.4 of the School Code);

6) *include the study of the events of women's history in America, including individual contributions and women's struggles for the right to vote and for equal treatment* (Section 27-20.5 of the School Code); and

7) *include the study of the events related to the forceful removal and illegal deportation of Mexican-American U.S. citizens during the Great Depression* (Section 27-21 of the School Code).

s) Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous career and technical education courses and chemical-physical courses of laboratories as specified in Section 1 of the Eye Protection in School Act [105 ILCS 115~~/1~~]. The eye protective devices shall meet the nationally accepted standards set forth in "American National Standard Practice for Occupational and Educational Personal Eye and Face Protection Devices", ANSI/ISEA Z87.1-2010, issued by the American National Standards Institute, Inc., 1899 L Street, NW, 11th Floor, Washington, D.C. 20036. No later editions or amendments to these standards are incorporated.

t) Each school district shall provide instruction as required by Sections 27-3.5, 27-13.2, 27-13.3, 27-23.3, 27-23.4 and 27-23.8 of the School Code.

(Source: Amended at 42 Ill. Reg. 11512, effective June 8, 2018)

**Section 1.425 Additional Criteria for Physical Education**

The requirements of this Section apply to a school's provision of physical education required under Section 27-6 of the School Code [105 ILCS 5].

a) There shall be a definite school policy regarding credit earned each semester in physical education, with provisions for allowable variables in special cases.

b) Participation in a physical education course shall be required of all students a minimum of three days per five day instructional week except when an appropriate medical excuse is submitted (see Section 1.425(d)). A school board may also choose to allow for student exemptions as permitted by Section 27-6 of the School Code (see Section 1.425(e)). If a student nonattendance day is scheduled for a day that would otherwise include physical education or the school building is not open to students, physical education for that day does not need to be made up (e.g., if physical education is regularly scheduled for Monday, Wednesday and Friday, but a teacher inservice is scheduled on a given Monday, physical education for that Monday does not have to be moved to Tuesday or Thursday.) However, school districts shall make every effort to ensure all students

have the ability to participate in physical education at least three days per week even when school is in session fewer than five days in a given week. ~~If a district determines that it is difficult to implement a program of physical education that involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.~~

c) *The physical education and training course offered in grades 5 through 10 may include health education* (Section 27-5 of the School Code).

~~d) *Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act* of 1987 [225 ILCS 60]*, prevents their participation in the courses provided for normal children* (Section 27-6 of the School Code).~~

de) Pursuant to Section 27-6(a) of the School Code, a student who presents an appropriate excuse from his or her parent or guardian or from a person licensed under the Medical Practice Act of 1987 shall be excused from participation in physical education.

1) Each school board shall honor excuses signed by persons licensed under the Medical Practice Act of 1987 and shall establish a policy defining the types of parental excuses it will deem ~~"~~appropriate~~"~~ for this purpose, which shall include, but not be limited to, reliance upon religious prohibitions.

~~2) A board shall have no authority to honor parental excuses based upon students' participation in athletic training, activities or competitions conducted outside the auspices of the school district, except as otherwise authorized under Section 27-6(b) of the School Code.~~

23) For each type of excuse that will be considered ~~"~~appropriate~~"~~, the school board shall identify in its policy any evidence or support it will require. For example, a board may require a signed statement from a member of the clergy corroborating the religious basis of a request.

3) *Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act* of 1987 [225 ILCS 60]*, prevents their*

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*participation in the courses provided for normal children* (Section 27-6 of the School Code).

e) Under Section 27-6(b) of the School Code, *a school board may excuse pupils from engaging in physical education courses if those pupils request to be excused for any of the reasons* listed in this subsection (e). *A school board that chooses to allow any of these exemptions shall establish a policy to excuse pupils on an individual basis.* The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 of the School Code to the student's individual circumstances.

1) School districts shall have guidelines for the return of students who have been excused from a physical education course pursuant to subsections (e)(2) through (4). These guidelines shall return the student to a physical education course as soon as practical. When creating these guidelines, a school district shall take into consideration the following:

A) The time in the school year when participation ceases;

B) Any future or planned additional participation pursuant to subsections (e)(2) through (4) by a student; and

C) Student class schedules.

2) *Students in grades 7-12 on a case-by-case basis, for* ongoing *participation in an interscholastic* (e.g., Illinois Elementary School Association, the Southern Illinois Junior High Athletic Association, and Illinois High School Association) *or extracurricular athletic program.* Interscholastic and extracurricular athletic programs are limited to those programs that are sponsored by the school district as defined by school district policy.

3) Students in grades 11-12

A) ongoing *participation in interscholastic athletics*;

B) *enrollment in a course required for admittance into postsecondary education; or*

C) *enrollment in a course required for high school graduation, provided that failure to take such classes will result in the pupil being unable to graduate.*

4) Students in grades 9-12

A) ongoing participation *in marching band for credit*; or

B) *enrollment in a Reserve Officer's Training Corps (ROTC) program sponsored by the school district.*

5) Students in grades 3-12

A) *eligibility for special education services and the student's parent or guardian agrees, or there is a determination by the student's individualized education program (IEP) team, that the student needs this time for special education support and services*; or

B) participation in *an adaptive athletic program outside school setting as outlined in the student's IEP and as documented according to school board policy*. (See Section 27-6 of the School Code.)

6~~f~~) A board shall have no authority to honor parental excuses based upon students' participation in athletic training, activities or competitions conducted outside the auspices of the school district.~~Pursuant to Section 27-6(b) of the School Code, each school board that chooses to excuse pupils enrolled in grades 9 through 12 (or grades 3 through 12 for a student eligible for special education) from engaging in physical education courses under that subsection shall establish a policy to excuse pupils on an individual basis and shall have the policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 to the student's individual circumstances.~~

f~~g~~) Assessment and Reporting

In accordance with Section 27-6.5 of the School Code, each school shall *use a scientifically-based, health-related physical fitness assessment for grades 3 through 12 and periodically report fitness information to the State Board of Education to assess student fitness indicators.*

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1) For the purposes of this subsection (fg), each school shall administer the FitnessGram® (http://www.fitnessgram.net/; also see subsection (fg)(3)) to students in grades 3 through 12 (except as noted in subsection (fg)(1)(A) and as exempted under Section 27-6 of the School Code) for the components and using the test items listed in subsections (fg)(1)(A) through (fg)(1)(D). Beginning in school year 2016-17, the FitnessGram® shall be administered at least annually in the second semester of the school year; however, schools also are encouraged to administer the assessment at the start of the school year in order to receive pre- and post-results.

   A) Aerobic Capacity, grades 4 through 12, either the PACER test or the Mile Run test.

   B) Flexibility, either the Back-Saver Sit and Reach test or the Trunk Lift test.

   C) Muscular Endurance, the Curl-up test.

   D) Muscular Strength, the Push-up test.

2) As applicable, a school shall use the methodologies of the Brockport Physical Fitness Testing accessible at http://www.pyfp.org/ to meet the requirements of this subsection (fg) for any student with known orthopedic, intellectual and/or visual disabilities whose Individualized Education Program (IEP) and/or 504 Plan identifies the FitnessGram® as not appropriate.

3) In order to ensure that the FitnessGram® and Brockport protocols are followed, school personnel administering the assessments shall participate in training related to the proper administration and scoring of the assessment by reviewing the chapters of the FitnessGram® Test Administration Manual titled "Test Administration", "Aerobic Capacity", and "Muscular Strength, Endurance and Flexibility" and, if applicable, the Brockport Physical Fitness Test Manual for students with disabilities, which are accessible at http://www.pyfp.org/. Each school district shall maintain evidence of an individual's successful completion of the training and make it available to the State Board of Education upon request.

4) *Fitness scores shall not be used for grading students or evaluating teachers* under the provisions of Article 24A of the School Code (Section 27-6.5(b) of the School Code).

5) Each school district shall annually report aggregate data regarding the total number of students whose fitness results for each of the components listed in subsection (fg)(1) were identified as meeting the "healthy fitness zone" or as "needs improvement zone".

A) Data shall be submitted electronically to the State Board of Education no later than June 30 of each school year, beginning in school year 2016-17, using the Illinois State Board of Education Web Application Security System (IWAS).

B) Data shall be reported for students in grades 5, 7 and 10 only and include:

i) the total number of students tested by grade and gender;

ii) the total number of students achieving at the "healthy fitness zone" by grade and gender;

iii) the total number of students identified as "needs improvement zone" by grade and gender.

h) Each school district shall establish procedures and protocols to ensure the confidentiality of individual student assessment results consistent with the requirements of the Illinois School Student Records Act [105 ILCS 10] and the Family Educational Rights and Privacy Act (20 USC 1232g).

(Source: Amended at 42 Ill. Reg. 11512, effective June 8, 2018)

**Section 1.440 Additional Criteria for High Schools**

The School Code establishes differing requirements for the coursework that high schools must offer, the courses students must take, and the courses students must pass in order to graduate.

a) Course Offerings. Each district shall provide a comprehensive curriculum that includes at least the following offerings. The time allotment, unless specified by

the School Code or applicable rules, is the option of the local school district.

1) Language Arts

2) Science

3) Mathematics

4) History of the United States

5) Foreign Language

6) Music

7) Art

8) Career and Technical Education − Orientation and Preparation

9) Health Education (see the Critical Health Problems and Comprehensive Health Education Act)

10) Physical Education (see Section 27-6 of the School Code)

11) Consumer Education (see Section 27-12.1 of the School Code)

12) Conservation of Natural Resources (see Section 27-13.1 of the School Code)

13) Driver and Safety Education (see the Driver Education Act [105 ILCS 5/27-24 through 27-24.10] and 23 Ill. Adm. Code 252)

b) Required Participation

1) Each student shall be required to take one semester or the equivalent, i.e., at least 18 weeks, of health education during the secondary school experience.

2) Appropriate activity related to physical education shall be required as provided for by Section 27-6 of the School Code. The time schedule shall

compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated. See Section 1.425 for additional requirements that apply to the provision of physical education instruction.~~Each student shall be required to take physical education daily, except as provided in Section 27-6 of the School Code and Section 1.445 of this Part.~~

3) Each student shall be required to take consumer education for 50 minutes per day for a period of nine weeks in any of grades 9-12.

4) Each student shall be required to take a course covering *American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag for not less than one hour per week, or the equivalent.* (Sections 27-3 and 27-4 of the School Code)

c) Specific Requirements for Graduation. A "unit" is the credit accrued for a year's study or its equivalent. A student may be permitted to retake a course that he or she has already successfully completed (for example, to earn a better grade). However, credit may not be awarded more than once for completion of the same course, and the same course may not be counted more than once toward fulfillment of the State requirements for graduation.

1) Each student shall be required to have accrued at least 16 units in grades 9-12 if graduating from a four-year school or 12 units in grades 10-12 if graduating from a three-year high school. In either case, one unit shall be in American History or American History and Government. (Section 27-22 of the School Code) *No student shall receive certification of graduation without passing an examination* on the subjects discussed in subsection (b)(4).

2) Pursuant to Section 27-22 of the School Code, all students, except students with disabilities whose course of study is determined by an individualized education program, must successfully complete certain courses, depending upon the school year in which they enter grade 9 and subject to the exceptions provided in Section 1.445 of this Part, as a prerequisite to receiving a high school diploma.

3) Credits earned by students prior to entry into grade 9 as authorized by Section 27-22.10 of the School Code ~~[105 ILCS 5/27-22.10]~~ may be used to fulfill any of the requirements of subsection (c)(2) of this Section.

d) School districts shall have on file in the local district office a description of all course offerings that may comply with the requirements of the law. A course will be accepted as meeting the relevant requirement for graduation if its description shows that its principal instructional activity is the development and application of knowledge and skills related to the applicable requirement.

1) "Writing-Intensive" Courses
The course description for a "writing-intensive" course will be accepted for purposes of Section 27-22 of the School Code if:

A) a goal of the course is to use the writing that students do relative to the subject matter being presented as a vehicle for improving their writing skills;

B) writing assignments will be an integral part of the course's content across the time span covered by the course;

C) the written products students are required to prepare in order to receive credit for the course and the feedback students receive are such that:

i) students' writing proficiency is evaluated against expectations that are appropriate to early or late high school and encompass all of the writing standards for those grades enumerated in the Illinois Learning Standards for English Language Arts and Literacy in History/Social Studies, Sciences, and Technical Subjects (see Appendix D); and

ii) students receive information from the evaluation of their written products that will permit them to improve their writing skills in terms of correct usage; well-organized composition; communication of ideas for a variety of purposes; and locating, organizing, evaluating and using information;

D) The writing-intensive study provided in at least one writing-intensive course is designed to address and integrate the elements of the writing process and to refine or apply research skills.

2) Foreign Language Courses
The description for any foreign language course shall indicate whether the school district will award a State Seal of Biliteracy in accordance with the requirements of Section 1.442 of this Part and Section 2-3.159 of the School Code ~~[105 ILCS 5/2-3.159]~~ and state the qualifications for receipt of the seal.

3) Advanced Placement Computer Science Course
The description for an Advanced Placement Computer Science course shall indicate that the course is *equivalent to a high school mathematics course and qualifies as a mathematics-based, quantitative* course for purposes of the fulfillment of State graduation requirements in mathematics. (Section 27-22(f-5) of the School Code)

e) It is the responsibility of the school district's administration to provide parents and guardians timely and periodic information concerning graduation requirements for all students, particularly in cases where a student's eligibility for graduation may be in question.

f) Additional requirements for graduation may be adopted by local boards of education.

(Source: Amended at 42 Ill. Reg. 11512, effective June 8, 2018)

SUBPART E: SUPPORT SERVICES

**Section 1.530 Health Services**

a) Each school shall maintain records for each student that reflect compliance with the examinations and immunizations prescribed by Section 27-8.1 of the School Code [105 ILCS 5] and the applicable rules and regulations of the Illinois Department of Public Health at 77 Ill. Adm. Code 665 (Child and Student Health Examination and Immunization Code). The information relative to examinations and immunizations shall be placed in the student permanent record in accordance

with 23 Ill. Adm. Code 375 (Student Records).~~1)~~ School districts shall, by November 15 of each school year, report to the State Superintendent of Education the number of students who have received the necessary health examinations and immunizations, the number of students who are not exempt and have not received the necessary health examinations and immunizations, and the number of students exempt from the health examination and immunization requirements for religious or medical reasons, in the manner prescribed by the State Superintendent.

~~2)~~ ~~Any school district that, for two years in a row and in any combination, either fails to deliver its report to the State Superintendent of Education by November 15 or delivers a report that does not comply with the percentage requirements of Section 27-8.1 of the School Code shall be issued a Notice of Non-Compliance. Unless, within seven school days after the mailing of the notice, the district presents written evidence to the State Superintendent that it has delivered the report required by Section 27-8.1 and the report complies with the percentage requirements of that Section, the State Superintendent shall reduce by 10 percent each subsequent payment to the district of General State Aid funds under Section 18-8.05 of the School Code, provided that all amounts withheld shall be restored to the district after compliance is documented. The reduction in the district's General State Aid payments shall commence on January 1 and shall occur semi-monthly thereafter, provided that all amounts withheld shall be restored to the district after compliance is documented.~~

b) Students participating in interscholastic athletics shall have an annual physical examination.

1) A district shall include as *part of any agreement, contract, code, or other written instrument that the district requires a student athlete and his or her parents or guardian to sign before participating in practice or interscholastic competition* information relative to the school board's adopted concussion and head injury policy. (See 105 ILCS 5/10-20.54 and 34-18.46.)

2) A district shall ensure that each student athlete and his or her parent or guardian receive and read information relative to concussions that meets the requirements of Section 22-80 of the School Code [105 ILCS 5/22-80]. A student shall *not participate in an interscholastic athletic activity for a school year until he or she and his or her parent or guardian, or another*

*person with legal authority to make medical decisions for the student,* acknowledge by written signature the receipt and review of this information. (Section 22-80(e) of the School Code)

c) Each district shall adopt an emergency procedure to be followed in cases of injury to or sudden illness of students and/or staff, which shall include policy and procedures relative to student athletes that meet the requirements of Section 22-80 of the School Code.

(Source: Amended at 42 Ill. Reg. 11512, effective June 8, 2018)

SUBPART G: STAFF QUALIFICATIONS

**Section 1.790 Substitute Teacher**

a) To serve as a substitute teacher, a person shall hold a valid substitute teaching license issued pursuant to Section 21B-20(3) of the School Code [105 ILCS 5].

1) Any individual who holds a valid and active Illinois educator license and at least a bachelor's degree may serve as a substitute teacher without having to also hold the substitute teaching license.

2) Any individual who may serve as a substitute teacher for driver's education must be endorsed for driver's education pursuant to 23 Ill. Adm. Code 25.100(k).

3) Any individual who holds a valid career and technical educator, part-time or provisional endorsement on an educator license with stipulations but does not have a bachelor's degree may substitute teach in any career and technical education classroom. (See Section 21B-20(2)(E) and (F)) of the School Code.)

b) A teacher holding a substitute teaching license may teach only in the place of a licensed teacher who is under contract with the employing board. (See Section 21B-20(3) of the School Code.)

c) In accordance with Section 21B-20(3) of the School Code, there is no limit on the number of days that a substitute teacher may teach except that:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) A person who holds only a substitute teaching license may teach for no longer than 90 paid school days for any one licensed teacher who is under contract with the school district in any one school term.

2) A person who holds a professional educator license or an educator license with stipulations endorsed for a teaching field may teach for no longer than 120 paid school days for any one licensed teacher who is under contract with the school district.

d) A school district may employ a substitute teacher to fill a position when there is no licensed teacher under contract with the school district only in an emergency situation, as defined in Section 21B-20(3) of the School Code. Any substitute teacher hired under this subsection (d) shall work no more than 30 calendar days per each vacant position.

(Source: Amended at 42 Ill. Reg. 11512, effective June 8, 2018)

POLLUTION CONTROL BOARD

NOTICE OF RECODIFICATION

1) Heading of the Part: Standards Applicable to Generators of Hazardous Waste

2) Code Citation: 35 Ill. Adm. Code 722

3) Date of Administrative Code Division Review: June 11, 2018

4) Headings and Section Numbers of the Part Being Recodified:

| Section Numbers: | Headings: |
|---|---|
| Subpart B | The Manifest |
| Subpart C | Pre-Transport Requirements |
| Subpart D | Recordkeeping and Reporting |
| Subpart E | Exports of Hazardous Waste |
| Subpart F | Imports of Hazardous Waste |
| Subpart H | Trans-Boundary Shipments of Hazardous Waste For Recovery Within the OECD |

5) Outline of the Section Numbers and Headings of the Part as Recodified:

| Section Numbers: | Headings: |
|---|---|
| Subpart B | Manifest Requirements Applicable to Small and Large Quantity Generators |
| Subpart C | Pre-Transport Requirements Applicable to Small and Large Quantity Generators |
| Subpart D | Recordkeeping and Recording Requirements Applicable to Small and Large Quantity Generators |
| Subpart E | None |
| Subpart F | None |
| Subpart H | Trans-Boundary Shipments of Hazardous Waste For Recovery or Disposal |

6) Conversion Table of Present and Recodified Parts:

| Present Part: | | Recodified Part: | |
|---|---|---|---|
| Subpart B | The Manifest | Subpart B | Manifest Requirements Applicable to Small and Large Quantity Generators |
| Subpart C | Pre-Transport | Subpart C | Pre-Transport Requirements |

POLLUTION CONTROL BOARD

NOTICE OF RECODIFICATION

| | | | |
|---|---|---|---|
| | Requirements | | Applicable to Small and Large Quantity Generators |
| Subpart D | Recordkeeping and Reporting | Subpart D | Recordkeeping and Reporting Requirements Appplicable to Small and Lare Quantity Generators |
| Subpart E | Exports of Hazardous Waste | | None |
| Subpart F | Imports of Hazardous Waste | | None |
| Subpart H | Trans-Boundary Shipments of Hazardous Waste for Recovery Within the OECD | Subpart H | Trans-Boundary Shipments of Hazardous Waste for Recovery or Disposal |

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of June 5, 2018 through June 11, 2018. The rulemakings are scheduled for the July 17, 2018 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

| Second Notice Expires | Agency and Rule | Start of First Notice | JCAR Meeting |
|---|---|---|---|
| 7/21/18 | Department of Commerce and Economic Opportunity, Angel Investment Credit Program (14 Ill. Adm. Code 531) | 4/6/18 42 Ill. Reg. 5932 | 7/17/18 |
| 7/25/18 | Civil Service Commission, Civil Service Commission (80 Ill. Adm. Code 1) | 4/20//18 42 Ill. Reg. 7162 | 7/17/18 |
| 7/25/18 | Environmental Protection Agency, Procedures for Issuing Loans From the Water Pollution Control Loan Program (35 Ill. Adm. Code 365) | 4/20/18 42 Ill. Reg. 7272 | 7/17/18 |
| 7/25/18 | Department of Human Services, Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113) | 3/30/18 42 Ill. Reg. 5676 | 7/17/18 |
| 7/25/18 | Department of Insurance, Universal Life Insurance (50 Ill. Adm. Code 1411) | 1/19/18 42 Ill. Reg.1089 | 7/17/18 |
| 7/25/18 | Department of Public Health, Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545) | 4/13/18 42 Ill. Reg.6577 | 7/17/18 |

CAPITAL DEVELOPMENT BOARD

JULY 2018 REGULATORY AGENDA

a) Part (Heading and Code Citations): Selection of Architects/Engineers (A/E) (44 Ill. Adm. Code 1000)

1) Rulemaking:

A) Description: Amendments are needed to remove sections of the rules that are duplicitous to the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act, 30 ILCS 535, and to update the rules to reflect current law and practices, including changing references from female owned businesses to woman owned business to reflect amendments to the Business Enterprise for Minorities, Women, and Persons with Disabilities Act, 30 ILCS 575, and adding language regarding the use of veteran owned businesses. Other technical revisions may also be made.

B) Statutory Authority: Sections 9.06 and 16 of the Capital Development Board Act [20 ILCS 3105], Section 1-15.25 and Article 30 of the Illinois Procurement Code [30 ILCS 500], and Section 20 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535]

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

D) Date Agency anticipates First Notice: Unknown

E) Affect on small businesses, small municipalities or not-for-profit corporations: The Agency does not anticipate this rulemaking to affect these entities.

F) Agency contact person for information:

Capital Development Board
Attn: Lauren Noll
401 S. Spring Street
Stratton Building, 3rd Floor
Springfield IL 62706

217/782-0700

CAPITAL DEVELOPMENT BOARD

JULY 2018 REGULATORY AGENDA

fax: 217/524-0565

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citations): Selection of Design-Build Entities (44 Ill. Adm. Code 1030)

1) Rulemaking:

A) Description: This Part will be updated to remove duplicitous language, to add clarification as to when evaluation of the proposals begins, to update inactive website addresses, correct the title of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act to reflect recent amendments, and to add language on the Design-Build Selection Process when the two-step evaluation process is combined into one step pursuant to 30 ILCS 537/35. Other technical revisions may also be made.

B) Statutory Authority: The Design-Build Procurement Act [30 ILCS 537], Sections 9.06 and 16 of the Capital Development Board Act [20 ILCS 3105], and Section 1-15.25 and Article 30 of the Illinois Procurement Code [30 ILCS 500]

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

D) Date Agency anticipates First Notice: Unknown

E) Affect on small businesses, small municipalities or not-for-profit corporations: The Agency does not anticipate this rulemaking to affect these entities.

F) Agency contact person for information:

Capital Development Board
Attn: Lauren Noll
401 S. Spring Street
Stratton Building, 3rd Floor
Springfield IL 62706

CAPITAL DEVELOPMENT BOARD

JULY 2018 REGULATORY AGENDA

217/782-0700
fax: 217/524-0565

G) Related rulemakings and other pertinent information: None

CHIEF PROCUREMENT OFFICER FOR HIGHER EDUCATION

JULY 2018 REGULATORY AGENDA

a) Part (Heading and Code Citations): Chief Procurement Officer for Public Institutions of Higher Education Standard Procurement, (44 Ill. Adm. Code 4).

1) Rulemaking:

A) Description: The Chief Procurement Officer for Higher Education anticipates amendments to the standard procurement rules to implement changes to address legislative changes made by the General Assembly.

B) Statutory Authority: 30 ILCS 500, 30 ILCS 525

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: September 2018

E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposals may affect small businesses that contract with the State of Illinois.

F) Agency contact person for information:

Shirley Webb
Deputy Chief Procurement Officer
Chief Procurement Office for Public Institutions of Higher Education
513 Stratton Office Building
401 S. Spring St.
Springfield IL 62706

217/836-2376

G) Related rulemakings and other pertinent information: None

PROCLAMATIONS

**2018-111**
**Children's Mental Health Awareness Day**

WHEREAS, addressing the complex mental health needs of children, youth, and families today is fundamental to the future of Illinois; and,

WHEREAS, the need for comprehensive, coordinated mental health services for children, youth, young adults, and families in our communities is a critical responsibility; and,

WHEREAS, the Illinois Department of Human Services' Division of Mental Health, through its unique approach to serving children, youth and young adults with mental health or substance use disorders, is effectively caring for the mental health needs of children, youth, young adults, and their families in our communities; and,

WHEREAS, the 2018 National Children's Mental Health Awareness Day theme is "Partnering for Health and Hope Following Trauma"; and,

WHEREAS, the Illinois Department of Human Services' Division of Mental Health is committed to following this theme by providing trauma-informed care and services to better serve and foster recovery for our children, youth, and young adults;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 10, 2018, as **CHILDREN'S MENTAL HEALTH AWARENESS DAY** in Illinois.

Issued by the Governor May 2, 2018
Filed by the Secretary of State June 6, 2018

**2018-112**
**Food Allergy Awareness Week**

WHEREAS, as many as 15 million Americans have food allergies and nearly six million are children under the age of 18; and,

WHEREAS, research shows the prevalence of food allergies is increasing among children; and,

WHEREAS, eight foods cause a majority of all food allergy reactions in the United States, including shellfish, fish, milk, eggs, tree nuts, peanuts, soy, and wheat; and,

WHEREAS, symptoms of an allergenic reaction can include hives, vomiting, diarrhea, respiratory distress, and swelling of the throat; and,

WHEREAS, according to the Centers for Disease Control and Prevention, food allergies result in more than 200,000 emergency hospital visits each year, with reactions occurring when an individual unknowingly eats a food containing an ingredient to which they are allergic; and,

WHEREAS, anaphylaxis is a serious allergic reaction with rapid onset and may cause death; the number of food allergy reactions requiring emergency treatment is up sharply over the past decade, with a 377 percent rise in medical procedures associated with anaphylaxis caused by food; and,

WHEREAS, there is no cure for food allergies and, therefore, strict avoidance of the offending food is the only way to prevent an allergic reaction; and,

WHEREAS, Food Allergy Research and Education is a national, nonprofit organization dedicated to improving the quality of life and health of individuals with food allergies and to providing them hope through the promise of new treatments;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 13-19, 2018, as **FOOD ALLERGY AWARENESS WEEK** in Illinois and encourage all residents to increase their understanding and awareness of food allergies and anaphylaxis.

Issued by the Governor May 2, 2018
Filed by the Secretary of State June 6, 2018

**2018-113**
**Latino Unity Day**

WHEREAS, Illinois is home to more than two million Latinos who make valuable contributions to our state every day; and,

WHEREAS, as the largest minority group in Illinois, representing more than 16 percent of the state's population, Latinos contribute to Illinois' economic growth and success in labor, entrepreneurship, leadership, and community organization; and,

WHEREAS, the number of Latino-owned businesses in the State of Illinois is growing and has become an integral part of our state's economy and financial prosperity; and,

WHEREAS, Latino student enrollment in higher education continues to grow, ensuring future growth for Illinois; and,

WHEREAS, Latinos play a vital role in our state's collective success and in our nation's commitment to preserving the right to a better life; and,

WHEREAS, Latino Unity Day is a day-long event that amplifies the Latino community's voice in Springfield and spotlights critical legislative updates and current budget decisions impacting the Latino community at large;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 9, 2018, as **LATINO UNITY DAY** in Illinois and encourage all citizens to educate themselves about this important and diverse component of our state.

Issued by the Governor May 2, 2018
Filed by the Secretary of State June 6, 2018

**2018-114**
**Retired Educators Day**

WHEREAS, retired educators touched and influenced the lives of generations of young people, motivating and inspiriting students to use their innate talents and abilities to their fullest potential; and,

WHEREAS, the Illinois Retired Teachers Association (IRTA) dedicates its efforts to improving the welfare of retired educators; promotes group and individual involvement in charitable projects and activities, such as classroom grants; and maintains interest and participation in educational and community activities; and,

WHEREAS, IRTA recognizes and honors education employees who have retired from active teaching, administration, or support positions; and,

WHEREAS, Illinois' retired educators continue to devote their time, energies, and talents to public education, supplementing the academic development of millions of outstanding Illinois residents; and,

WHEREAS, Illinoisans are grateful for the work done by retired educators, who should be commended for their time and commitment to bettering our state and our nation;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 13, 2018, as **RETIRED EDUCATORS DAY** in Illinois and urge all residents to recognize the lasting contributions of our state's retired educators.

Issued by the Governor May 2, 2018
Filed by the Secretary of State June 6, 2018

**2018-115**

PROCLAMATIONS

**126th Air Refueling Wing Day**

WHEREAS, located at Scott Air Force Base in Saint Clair County, the 126th Air Refueling Wing is the only aerial refueling wing in the Illinois Air National Guard; and,

WHEREAS, consisting of more than 1,000 Air National Guard and active duty United States Air Force personnel, the 126th Air Refueling Wing routinely practices its mission to provide immediate, sustained, long-range air refueling of both nuclear and conventional aircraft for both U.S. Armed Forces and NATO allies; and,

WHEREAS, the 126th Air Refueling Wing received its eighth Air Force Outstanding Unit Award for service provided from December 2014 through December 2016. During this period, the 126th Air Refueling Wing made history as the only known wing to fly a 55-year-old KC-135R aircraft for ten missions under a "black letter" zero discrepancy status; and,

WHEREAS, from December 2014 to December 2016, the 126th Air Refueling Wing flew more than 2,800 global sorties, encompassing 13,600 flying hours; and executed more than 3,000 refueling events, offloading more than 31 million pounds of fuel to approximately 2,700 U.S. and NATO aircraft; and,

WHEREAS, the 126th Air Refueling Wing earned Air Force and Air National Guard recognition for achieving the highest aircraft mission capability rating, Air Mobility Command's Fuel Efficiency of the Year award, and the highest aircraft utilization rate in both 2016 and 2017; and,

WHEREAS, during one of the highest operations and deployment periods in the Wing's history, more than 30 percent of the 126th Air Refueling Wing deployed in support of Operations Inherent Resolve and Freedom Sentinel, while maintaining high performance in Air Mobility Command's 2015 Capstone Inspection and 2016 Nuclear Operational Readiness Inspection; and,

WHEREAS, the men and women of the 126th Air Refueling Wing continually demonstrate capability and excellence in performance while supporting nuclear operations – the Air Force's number one mission;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 2, 2018, as **126TH AIR REFUELING WING DAY** in Illinois in recognition of the outstanding service provided by the men and women of the aerial refueling wing of the Illinois Air National Guard.

Issued by the Governor May 4, 2018
Filed by the Secretary of State June 6, 2018

**2018-116**

PROCLAMATIONS

**Memorial Day**

WHEREAS, all citizens owe a tremendous debt of gratitude to the dedicated men and women of our United States Military who selflessly serve to protect our lives and keep our families and communities safe; and,

WHEREAS, every day, the men and women of the Armed Forces face great risks and, in many cases, put their safety on the line to perform their duties; and,

WHEREAS, members of the United States Military are highly skilled professionals who perform numerous activities around the world that enrich the lives of our global society; and,

WHEREAS, members of the Armed Forces have given the ultimate sacrifice while serving their country; and,

WHEREAS, we could not live safely and comfortably in our communities without the hard work and sacrifices made each day by our military members; and,

WHEREAS, Congress, by Public Law 106-579, designated 3:00 p.m. local time on Memorial Day as a time for all Americans to observe, in their own way, the National Moment of Remembrance;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim Monday, May 28, 2018, as **MEMORIAL DAY** in Illinois, and order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise to noon on this day in honor of the heroism of all our military officers, especially those who have given their lives so that others might live.

Issued by the Governor May 4, 2018
Filed by the Secretary of State June 6, 2018

**2018-117**
**Peace Officers Memorial Day**

WHEREAS, all citizens owe a tremendous debt of gratitude to the dedicated men and women of law enforcement who selflessly serve to protect our lives and keep our families and communities safe; and,

WHEREAS, every day the men and women who work in law enforcement face great risks and, in many cases, put their safety on the line to perform their duties; and,

WHEREAS, peace officers are skilled professionals who must act as counselors, communicators, and experts at crisis intervention; and,

WHEREAS, peace officers must preserve the safety of our lives and property, and maintain a professional demeanor in stressful situations; and,

WHEREAS, we could not live safely and comfortably in our communities without the hard work and sacrifices made each day by our peace officers; and,

WHEREAS, the State of Illinois is pleased to recognize peace officers for their hard work to ensure the safety of our communities;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby declare May 15, 2018, as **PEACE OFFICERS MEMORIAL DAY** in Illinois, and order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise to sunset on this day in honor of the heroism of all our law enforcement officers, especially those who have given their lives so that others might live.

Issued by the Governor May 4, 2018
Filed by the Secretary of State June 6, 2018

**2018-118**
**National Safe Boating Week**

WHEREAS, nearly 90 million Americans enjoy boating as a recreational activity; and,

WHEREAS, on average, 650 people die each year in boating-related accidents in the United States; approximately 80 percent of these deaths are caused by drowning; and,

WHEREAS, every boater should wear a U.S. Coast Guard-approved life jacket at all times while boating, as drowning remains the number one cause of death for recreational boaters each year, and the majority of drowning victims in recreational boating accidents are not wearing a life jacket; and,

WHEREAS, the vast majority of boating accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and,

WHEREAS, National Safe Boating Week is observed to bring attention to important life-saving tips for recreational boaters so that they can have a safer, more enjoyable experience on the water; and,

WHEREAS, proper planning for a day of boating begins even before leaving home; and,

WHEREAS, key steps to an enjoyable and safe boating experience include getting a free vessel safety check and taking a safety boating course at the beginning of boating season, filing a float plan with a trusted family member or friend, and checking the weather before leaving home; and,

WHEREAS, safe and responsible boating also includes never operating a boat while under the influence of drugs or alcohol and knowledge of basic navigation rules;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 19-25, 2018, as **NATIONAL SAFE BOATING WEEK** in Illinois and encourage all Illinoisans to practice safe boating on Illinois' lakes and waterways.

Issued by the Governor May 4, 2018
Filed by the Secretary of State June 6, 2018

**2018-119**
**Du Quoin State Fair Day**

WHEREAS, the Du Quoin State Fair has been named and will forever be recognized as one of Illinois' 200 Great Places, as deemed by the Illinois Chapter of the American Institute of Architects (AIA) during this Bicentennial Year of the State of Illinois; and,

WHEREAS, the Du Quoin State Fair was acquired by the State of Illinois in 1986 for the purpose of showcasing Illinois agriculture and to offer a variety of year-round entertainment for people of all ages; and,

WHEREAS, people and exhibitors from all corners of the world come to the fairgrounds to compete in events for youth and adults, attend art exhibitions, try foods from around the world, and enjoy local and international entertainment; and,

WHEREAS, located on more than 1,200 picturesque acres of land in Perry County, the Du Quoin State Fair features more than 1,000 campsites with access to fishing ponds, picnic pavilions and walking trails; and,

WHEREAS, this Great Place is recognized for exceeding the standards set forth by the AIA's "10 Principles of Livable Communities," which include public accessibility; pedestrian-friendliness; design on a human scale; and a vibrant, public space; and,

WHEREAS, with the support of the American Institute of Architects, the architecture community in Du Quoin has been especially vigilant in its stewardship of this great architectural and historic

treasure, and in its efforts to build healthy, safe, livable, and sustainable communities that enrich the lives of people in every walk of life;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 25, 2018, as **DU QUOIN STATE FAIR DAY** in Illinois in recognition of this great honor and call upon the people of Illinois to recognize the wonderful amenities of our community, as well as the men and women who support Illinois agriculture.

Issued by the Governor May 8, 2018
Filed by the Secretary of State June 6, 2018

**2018-120**
**Migraine and Headache Awareness Month**

WHEREAS, there are more are more than 300 different headache disorders that occur on a spectrum of severity, and more than 90 percent of Americans experience headaches every year; and,

WHEREAS, a migraine is a neurological disorder, characterized by the over excitability of specific areas of the brain resulting in moderate to severe headaches; and,

WHEREAS, migraines are a misunderstood disorder that is often undertreated and undiagnosed; and,

WHEREAS, headaches and migraines affect more than 37 million Americans, with more than four million Americans experiencing chronic daily migraines; and,

WHEREAS, migraines can be debilitating and have been named by the World Health Organization as one of the most disabling medical illnesses, negatively affecting relationships and productivity; and,

WHEREAS, headaches and migraines cost the United Sates as much as $30 billion annually in lost productivity and health care costs; and,

WHEREAS, regardless of the high occurrence of migraines and the impact they have on the individual, families, and the economy, research into this neurological disorder is underfunded; and,

WHEREAS, increased awareness about the effects of headaches and migraines results in better outcomes, increased access to migraine care, and empowerment and validation for those diagnosed;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 2018 as **MIGRAINE AND HEADACHE AWARENESS MONTH** in Illinois and urge all citizens to increase their awareness and understanding of these neurological disorders.

Issued by the Governor May 9, 2018
Filed by the Secretary of State June 6, 2018

**2018-121**
**Weights and Measures Day**

WHEREAS, on March 2, 1799, the United States Congress enacted the nation's first weights and measures law, citing the necessity of standard weights and measures, the need of weights and measures as a public service, the need of examining and trying weights and measures devices, and the need of uniformity; and,

WHEREAS, honest weights and measures are indispensable, not merely to the nation's economy, but to the daily lives of its citizens; it is the responsibility of government, both at the federal and state level, to prevent fraud by enforcing uniform weights and measures requirements; and,

WHEREAS, the Central Weights and Measures Association member states continue to perform their duties of inspecting and testing weighing and measuring devices and continue to play an ever-increasing role in the nation's expanding economy to ensure equity in all commercial transactions for the protection of all citizens, whether it be the buyer or seller; and,

WHEREAS, the members of the Central Weights and Measures Association are responsible for establishing model legislation to ensure that all weighing and measuring devices used in commerce are accurate in both their design and operation; and,

WHEREAS, this year, the State of Illinois is honored to be the host state for the Central Weights and Measures Association Conference; and,

WHEREAS, the Central Weights and Measures Association Conference is an opportunity to educate consumers, businesses, and lawmakers about the quiet but systematic effort by weights and measures officials who have instilled so much trust in our marketplace;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 23, 2018, as **WEIGHTS AND MEASURES DAY** in Illinois in recognition of the crucial role properly regulated weighing and measuring devices play in the nation's economy and continued consumer protection.

Issued by the Governor May 14, 2018

Filed by the Secretary of State June 6, 2018

**2018-122**
**Caribbean American Heritage Month**

WHEREAS, emigration from the Caribbean region to the American colonies began as early as 1619 with the arrival of indentured workers in Jamestown, Virginia; now people of Caribbean heritage are found in every state; and,

WHEREAS, the independence movements in many countries in the Caribbean during the 1960's and the consequential establishment of independent democratic countries in the Caribbean strengthened ties between this region and the United States; and,

WHEREAS, like people of the State of Illinois, the people of the Caribbean region have diverse racial, cultural, and religious backgrounds; and,

WHEREAS, Caribbean Americans in Illinois have become leaders in every sector of our state, while maintaining the varied traditions of their countries of origin, including Representative Luis Gutierrez, Member of Congress representing the 4th District; Dr. Clement Rose, Internist, Weiss Hospital; Professor Carlo Govia, Department of Health Policy & Administration at UIC; and the Honorable Louis Farrakhan, Leader of the Nation of Islam; and,

WHEREAS, Caribbean Americans have contributed greatly to education, fine arts, business, literature, journalism, sports, fashion, politics, government, the military, music, science, technology, and other areas;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 2018 as **CARIBBEAN AMERICAN HERITAGE MONTH** in Illinois, in recognition of the contributions made to our economy and culture by Caribbean Americans, and in tribute to all Caribbean Americans who call Illinois home.

Issued by the Governor May 15, 2018
Filed by the Secretary of State June 6, 2018

**2018-123**
**Workforce Development Forum Day**

WHEREAS, in the United States, approximately one in five adults ages 19 and older experience mental illness, one in five youth ages 13 to 18 experience a serious mental illness in a given year, and approximately 21.6 million Americans ages 12 and older were classified with substance dependence or abuse; and,

WHEREAS, approximately 7.9 million adults experience the coexistence of both a mental health and substance use disorder, a condition that is known as a co-occurring disorder; and,

WHEREAS, by 2020, mental health and substance use disorders will surpass all physical diseases as a major cause of disability worldwide; and,

WHEREAS, 2018 marks the inaugural year of the State of Illinois and the Illinois Department of Human Services (IDHS) Division of Substance Use, Prevention, and Recovery (SUPR) hosting a Workforce Development Forum in conjunction with the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA), the Association for Addiction Professionals (NAADAC), and Illinois Association for Behavioral Health (IABH), which seeks to increase the number of high school, college, and university students who choose to join these specialized disciplines; and,

WHEREAS, it is critical to educate our students, communities, policymakers, businesses, health care providers, friends, and family members that mental illness, substance use disorders, and co-occurring disorders are treatable and that people should seek assistance for these conditions with the same urgency as they would any other health condition; and,

WHEREAS, this year's Workforce Development Forum emphasizes the need for the recruitment of addiction professionals to address the current opioid crisis as well as alcoholism, other substance use, and mental health disorders; and,

WHEREAS, July 23, 2018, has been designated by the Illinois Division of Substance Use, Prevention, and Recovery as the Inaugural Workforce Development Forum Day, with the host site at Eastern Illinois University (EIU) and satellite universities/affiliates throughout the state highlighting this valuable profession.

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim July 23, 2018, as **WORKFORCE DEVELOPMENT FORUM DAY** in Illinois.

Issued by the Governor May 16, 2018
Filed by the Secretary of State June 6, 2018

**2018-124**
**Grandparent Alienation Awareness Day**

WHEREAS, strong family relationships constitute the foundation of our community; and,

WHEREAS, alienation behaviors are frequently present in high-conflict divorces, separations, asymmetrical custody arrangements, and in intact marriages, often causing mental and emotional anguish to children; and,

WHEREAS, alienation is a term used to describe any number of behaviors and attitudes on the part of one or both parents designed to interfere, damage, or destroy the relationship between a child and family member; and,

WHEREAS, alienation takes advantage of the innocent and impressionable, as well as the suggestibility and dependency of a child, depriving children of their right to love and be loved by their extended family; and,

WHEREAS, mental health professionals agree that the negative effects of alienation can follow a child into adulthood with tragic consequences; and,

WHEREAS, the recently published Diagnostic and Statistical Manual of Mental Disorders (DSM-5) made several references to the dysfunctional family dynamic of alienation as a form of psychological child abuse; and,

WHEREAS, Grandparent Alienation Awareness Day is intended to increase the knowledge and understanding of this problem to help families, institutions, the legal and mental health community, and leaders to better identify and combat such abusive behavior to children;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 14, 2018, as **GRANDPARENT ALIENATION AWARENESS DAY** in Illinois.

Issued by the Governor May 17, 2018
Filed by the Secretary of State June 6, 2018

**2018-125**
**Men's Health Month**

WHEREAS, despite advances in medical technology and research, men continue to live an average of five years fewer than women, with Native American and African-American men having the shortest life expectancy; and,

WHEREAS, educating the public and health care providers about the importance of a healthy lifestyle and early detection of male health problems helps to reduce rates of mortality from disease; and,

WHEREAS, men who are educated about the value of preventative health will be more likely to participate in health screenings; and,

WHEREAS, fathers who maintain a healthy lifestyle are role models for their children and have happier, healthier children; and,

WHEREAS, the Men's Health Network worked with Congress to develop a national men's health awareness period as a special campaign to help educate men, boys, and their families about the importance of positive health attitudes and preventative health practices; and,

WHEREAS, the Men's Health Month website has been established at www.MensHealthMonth.org and features resources, proclamations, and information about awareness events and activities, including Wear Blue for Men's Health; and,

WHEREAS, Men's Health Month focuses on a broad range of men's health issues, including heart disease; mental health; diabetes; and prostate, testicular, and colon cancer; and,

WHEREAS, all citizens of the State of Illinois are encouraged to recognize the importance of a healthy lifestyle, regular exercise, and medical check-ups;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 2018 as **MEN'S HEALTH MONTH** in Illinois and encourage all citizens to pursue preventative health practices and early detection efforts.

Issued by the Governor May 17, 2018
Filed by the Secretary of State June 6, 2018

**2018-126**
**Polish Heritage Day**

WHEREAS, since 1608, when the first Polish settlers arrived at Jamestown, Virginia, Polish people have been an important part of America's history and culture; and,

WHEREAS, in Illinois, Polish Americans make up nearly seven percent of Chicago's population, which is the largest Polish community outside of Poland; Polish is also the third-most spoken language in Chicago, behind English and Spanish; and,

WHEREAS, 2018 marks the 227th anniversary of the ratification of the Polish Constitution in 1791, as well as 100 years of Polish independence, following the end of World War I and the start of independence for Poland after 123 years of occupation by foreign powers; and,

WHEREAS, this is also an exciting year across the State of Illinois, commemorating Illinois' 200th birthday. During the yearlong Bicentennial celebration, we pay tribute to the people, places, and things that are born, built, and grown in Illinois every single day, including thousands of Illinoisans of Polish descent; and,

WHEREAS, on May 18 and 19, 2018, the President of the Republic of Poland, Mr. Andrzej Duda, and the First Lady, Mrs. Agata Kornhauser-Duda, will visit Illinois, including a visit to the Polish Museum of America, a wreath laying ceremony at the Katyń Memorial and the Smoleńsk Commemorative Plaque, meeting with Polish-American soldiers at the Illinois National Guard facility in Kankakee, and an official program at Chicago's Millennium Park to celebrate the Presidential Couple's visit;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 19, 2018, as **POLISH HERITAGE DAY** in Illinois in celebration of President and First Lady Duda's visit to Illinois, as well as the rich cultural traditions and achievements of our Polish communities.

Issued by the Governor May 17, 2018
Filed by the Secretary of State June 6, 2018

**2018-127**
**Scoliosis Awareness Month**

WHEREAS, we must increase the public's awareness of scoliosis and help children, parents, adults, and health care providers understand, recognize, and treat the complexities of spinal deformities such as scoliosis; and,

WHEREAS, scoliosis, an abnormal curvature of the spine with no known cause (idiopathic), is a condition affecting two to three percent of the population, or an estimated seven million people in the United States. Scoliosis is a condition which strikes without regard to gender, race, age, or economic status; and,

WHEREAS, an estimated one million scoliosis patients utilize health care yearly, with approximately one out of every six children diagnosed with this condition eventually required to receive active medical treatment; and,

WHEREAS, the primary age of onset for scoliosis is between 10 and 15, with females being five times more likely to progress to a spinal curve magnitude that requires treatment; and,

WHEREAS, screening programs allow for early detection and for treatment opportunities which may alleviate the worst effects of the condition; and,

WHEREAS, we observe National Scoliosis Awareness Month to renew our commitment to raising awareness of and combating the spinal condition of scoliosis, and to recognize the need for increased research and funding to reduce the pain and suffering it causes;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 2018 as **SCOLIOSIS AWARENESS MONTH** in Illinois and pledge to continue to work to both raise awareness and fight scoliosis.

Issued by the Governor May 17, 2018
Filed by the Secretary of State June 6, 2018

**2018-128**
**A Safe Haven 5th Annual Veteran Stand Down Day**

WHEREAS, Sunday, May 20, 2018, marks the 5th Annual Homeless Veteran STAND DOWN, hosted by A Safe Haven; and,

WHEREAS, as one of the largest veteran service organizations in the State of Illinois, A Safe Haven has provided emergency, transitional, supportive, and permanent housing to more than 10,000 homeless veterans since its founding in 1994, aiming to break the cycle of poverty and end homelessness among veterans; and,

WHEREAS, for the 5th year, A Safe Haven staff, community leaders, and other veteran service organizations will partner for the Homeless Veteran STAND DOWN to provide a wide range of services including academics, workforce development, human services, housing, and health care to veterans in need; and,

WHEREAS, the A Safe Haven STAND DOWN provides veterans with the tools to overcome the root causes of homelessness through a holistic, scalable model by helping veterans overcome barriers, access services, and gain sustainable stability; and,

WHEREAS, since the A Safe Haven STAND DOWN began in 2014, nearly 2,000 homeless veterans have received services, including medical and dental screenings; homeless prevention counseling and financial assistance; veteran benefit assistance; employment and job counseling services; recovery and mental health counseling; supportive, emergency, and affordable housing; legal services; veteran adult education; clothing; hygiene needs; and chaplain services; and,

WHEREAS, the A Safe Haven 5th Annual Veteran STAND DOWN is proud to welcome nearly 100 veteran service organizations, many elected officials, and honorary guests from across Illinois, all gathered to serve, honor, and offer respect to homeless and at-risk veterans;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim, Sunday, May 20, 2018, as **A SAFE HAVEN 5TH ANNUAL VETERAN STAND DOWN DAY** in Illinois, and urge all Illinoisans to join me in thanking veterans for their service.

Issued by the Governor May 18, 2018
Filed by the Secretary of State June 6, 2018

**2018-129**
**Give Them Distance Day**

WHEREAS, the safety and well-being of Illinois drivers, roadside workers, and first responders are of the utmost importance to the State; and,

WHEREAS, Illinois has seen more than 1,000 roadway fatalities in each of the last two years; and,

WHEREAS, Illinois' Move Over Law, commonly known as Scott's Law, requires passing drivers to slow down and change lanes safely when approaching any vehicle displaying flashing lights on the side of the road; and,

WHEREAS, the Give Them Distance initiative is dedicated to spreading this vital road safety message and rallying Illinois drivers to take the pledge to follow Scott's Law; to learn more about the Give Them Distance initiative and to take the pledge to follow Scott's law, visit GiveThemDistance.com; and,

WHEREAS, on May 23, 2018, the Illinois House of Representatives passed a resolution honoring the life of Illinois Tollway road maintenance worker David Schwarz, who was struck and killed by a driver who failed to slow down and change lanes;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 23, 2018, as **GIVE THEM DISTANCE DAY** in Illinois and remind all drivers to obey Scott's Law and make our roads the safest they can be for roadside workers, first responders, and the everyday motorist.

Issued by the Governor May 21, 2018
Filed by the Secretary of State June 6, 2018

**2018-130**
**¡Vive Tu Vida! Get Up! Get Moving! Wellness Day**

WHEREAS, Hispanic communities in Illinois and throughout the United States are faced with many challenges every day, including maintaining health and wellness; and,

WHEREAS, with a Hispanic population of nearly 16.9 percent, Illinois recognizes the need to confront the challenges Hispanics face with a proactive strategy to strengthen community alliances and networks; and,

WHEREAS, it is important to ensure the state's Hispanic community receives culturally-proficient and linguistically-appropriate health and human services; and,

WHEREAS, the Chicago Hispanic Health Coalition empowers individuals, builds coalitions, and supports organizations with the goal of promoting healthy behaviors and reducing the risk of illness and injury; and,

WHEREAS, to maximize and coordinate efforts among city and state organizations to promote healthy lifestyle awareness in Chicago's Hispanic communities, the Chicago Hispanic Health Coalition, Illinois Department of Human Services, and Illinois Department of Public Health are joining together with its member agencies and the National Alliance for Hispanic Health to sponsor "¡Vive Tu Vida! Get Up! Get Moving!"; and,

WHEREAS, thousands of people are expected to attend "¡Vive Tu Vida! Get Up! Get Moving!" events in cities across the country; and,

WHEREAS, this year, Chicago will host a "¡Vive Tu Vida! Get Up! Get Moving!" event on June 9;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 9, 2018, as **¡VIVE TU VIDA! GET UP! GET MOVING! WELLNESS DAY** in Illinois and encourage all residents to recognize the need for increased health awareness in the Hispanic community and to support the efforts of those participating in this important event.

Issued by the Governor May 22, 2018
Filed by the Secretary of State June 6, 2018

**2018-131**
**Immigrant Heritage Month**

WHEREAS, generations of immigrants from every corner of the globe have built our country's economy and created the unique character of our nation; and,

WHEREAS, immigrants continue to grow businesses, innovate, strengthen our economy, and create American jobs in Illinois; and,

WHEREAS, immigrants provide the United States with unique social and cultural influence, fundamentally enriching the extraordinary character of our nation; and,

WHEREAS, immigrants have been tireless leaders, not only in securing their own rights and access to equal opportunity, but also campaigning to create a fairer and more just society for all Americans; and,

WHEREAS, despite these countless contributions, the role of immigrants in building and enriching our nation has frequently been overlooked and undervalued throughout our history;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 2018 as **IMMIGRANT HERITAGE MONTH** in Illinois.

Issued by the Governor May 22, 2018
Filed by the Secretary of State June 6, 2018

**2018-132**
**Juneteenth Day**

WHEREAS, Juneteenth is the oldest known celebration commemorating the ending of slavery in the United States; and,

WHEREAS, it was on June 19, 1865, two-and-a-half years after President Lincoln's Emancipation Proclamation, that Union soldiers landed at Galveston, Texas, with news that the war had ended and that the enslaved were now free; and,

WHEREAS, as freed slaves left plantations and moved to reunite with family members in other states, they encountered a new set of challenges as free men and women; and,

WHEREAS, recounting the memories of that great day and its festivities in June of 1865 would serve as relief from the growing pressures encountered in their new homes; and,

WHEREAS, the celebration of June 19th was coined "Juneteenth" and as participation grew, it became a time to reassure one another, for praying, and for gathering with family; and,

WHEREAS, a range of activities were provided for entertainment at early Juneteenth celebrations, many of which continue today. Rodeos, fishing, barbecuing, and baseball are just a few of the typical activities that may be held as part of Juneteenth celebrations; and,

WHEREAS, Juneteenth also focuses on education and self-improvement. Guest speakers are often brought in and the elders are called upon to recount the events of the past. Prayer services are often also a major part of the festivities; and,

WHEREAS, over the last few decades, Juneteenth has continued to enjoy a growing and healthy interest from communities and organizations throughout the country – all with the mission to promote and cultivate knowledge and appreciation of African American history and culture; and,

WHEREAS, Juneteenth today celebrates African American freedom while encouraging self-development and respect for all cultures;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 19, 2018, as **JUNETEENTH DAY** in Illinois, in remembrance of the important events of June 19, 1865, and encourage all citizens to learn about the important contributions that African Americans have made to our state and to the nation as a whole.

Issued by the Governor May 22, 2018
Filed by the Secretary of State June 6, 2018

**2018-133**
**Quebec National Day**

WHEREAS, the links between Illinois and Quebec are numerous, and can be traced back centuries to the French-speaking missionaries and voyagers who left Quebec City and Montreal to explore the land of Illinois and eventually settle here; and,

WHEREAS, in 1969, Quebec established its delegation in the City of Chicago because of the business and cultural preeminence of the city; and,

WHEREAS, both Illinois and Quebec are active in the Council of Great Lakes Governors and as associate members in the Great Lakes Commission; and,

WHEREAS, trade between Illinois and Quebec exceeds $3 billion U.S. dollars each year; and,

WHEREAS, the staff of the Quebec Delegation in Chicago established commercial links between Illinois and Quebec companies and brought Quebec performing artists, intellectuals, and writers to the theatres and universities of this state; and,

WHEREAS, the Quebec Delegation in Chicago seeks to broaden the economic, cultural, educational, and tourism links between Quebec and the Midwest; and,

WHEREAS, every year on the 24th of June, Saint Jean Baptiste Day, the people of Quebec celebrate their history and values with Québec's national holiday, la Fête nationale du Québec;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 24, 2018, as **QUEBEC NATIONAL DAY** in Illinois, in recognition of the numerous connections that unite Illinois and Quebec, and encourage all citizens to join in this vibrant and spirited commemoration.

Issued by the Governor May 22, 2018
Filed by the Secretary of State June 6, 2018

**2018-134**
**Officer Mark Dallas Day**

WHEREAS, all citizens owe a tremendous debt of gratitude to the men and women of law enforcement who selflessly serve to protect our lives and keep our families safe; and,

WHEREAS, every day, these men and women face great risks and in many cases put their lives on the line to perform their duties; and,

WHEREAS, on Wednesday, May 16, 2018, Dixon Police Officer Mark Dallas stopped a school shooting in rural Lee County, saving the lives of students, teachers, and school staff he was sworn to protect; and,

WHEREAS, Officer Dallas heroically confronted a former student firing a rifle into the Dixon High School gymnasium, where students were gathered for a graduation rehearsal, stopping the shooting and taking the suspect into custody; and,

WHEREAS, Officer Dallas' bravery and quick action prevented what could have been an unimaginable tragedy; and,

WHEREAS, a 15-year veteran of the Dixon Police Department and with 24 years of law enforcement experience, Officer Dallas has spent the last five as the school resource officer at Dixon High School;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 30, 2018, as **OFFICER MARK DALLAS DAY** in Illinois in recognition of Officer Dallas' heroism and service to the people of the State of Illinois.

Issued by the Governor May 23, 2018
Filed by the Secretary of State June 6, 2018

**2018-135**
**General Aviation Appreciation Month**

WHEREAS, general aviation and community airports play an important role in the lives of our citizens, as well as in the operation of our businesses and farms; and,

WHEREAS, the State of Illinois has a significant interest in the continued vitality of general aviation, aerospace, aircraft manufacturing, educational institutions, aviation organizations, community airports, and airport operators; and,

WHEREAS, according to the Illinois Department of Transportation's Division of Aeronautics, there are 107 public-use general aviation airports in Illinois, supporting more than 15,582 general aviation pilots and more than 7,982 aircraft; and,

WHEREAS, according to Federal Aviation Administration data, Illinois is home to 105 repair stations, 14 FAA-approved pilot schools, 3,459 flight instructors, 2,828 remote unmanned aircraft systems registered pilots, and 3,976 student pilots; and,

WHEREAS, many communities in Illinois support general aviation and community airports for the continued flow of commerce, aviation education, and travel for tourists and visitors to our state;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 2018 as **GENERAL AVIATION APPRECIATION MONTH** in Illinois and encourage all citizens to join in its observance.

Issued by the Governor May 24, 2018
Filed by the Secretary of State June 6, 2018

**2018-136**
**American Eagle Day**

WHEREAS, the bald eagle was designated as the United States of America’s national emblem on June 20, 1782, by the founding fathers at the Second Continental Congress; and,

WHEREAS, the bald eagle is unique to North America and represents such American values and attributes as freedom, courage, strength, spirit, justice, equality, and excellence; and,

WHEREAS, the bald eagle is the central image used in the Great Seal of the United States and in the logos of many branches of the U.S. government, including the Presidency; Congress; Departments of Commerce, Defense, Justice, State, and Treasury; and U.S. Postal Service; and,

WHEREAS, the bald eagle was federally classified as an "endangered species" in the lower 48 states under the Endangered Species Act in 1973, was upgraded to a less imperiled "threatened" status under that Act in 1995, and is currently making a gradual comeback to America's skies; and,

WHEREAS, the Department of Interior and U.S. Fish and Wildlife Service delisted the bald eagle from Endangered Species Act protection in 2007, but the bald eagle continues to be protected under the Bald and Golden Eagle Act of 1940 and the Migratory Bird Treaty Act of 1918;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 20, 2018, as **AMERICAN EAGLE DAY** in Illinois and encourage all citizens to join in support of the majestic bald eagle's continuing recovery and protection of its precious natural habitat, and in commemorating the living and symbolic presence of our national bird.

Issued by the Governor May 29, 2018
Filed by the Secretary of State June 6, 2018

**2018-137**
**Campus Fire Safety Month**

WHEREAS, recent student-related housing fires in Illinois; Indiana; Maryland; Pennsylvania; South Dakota; Washington, D.C.; and at other schools across the country have tragically cut short the lives of some of the youth of our nation; and,

WHEREAS, since January 2000, at least 172 people, including students, parents, and children, have died in college-related fires; approximately 87 percent of these deaths occurred in off-campus occupancies; and,

WHEREAS, a number of fatal fires have occurred in buildings where the fire safety systems have been compromised or disabled by the occupants; and,

WHEREAS, it is recognized that automatic fire alarm systems and smoke alarms provide the necessary early warning to occupants and the fire department of a fire so that appropriate action can be taken; and,

WHEREAS, it is recognized that automatic fire sprinkler systems are a highly effective method of controlling or extinguishing a fire in its early stages, protecting the lives of the building's occupants; and,

WHEREAS, many students live in off-campus occupancies, Greek housing, and residence halls that are not adequately protected with automatic fire sprinkler systems and automatic fire alarm systems or adequate smoke alarms; and,

WHEREAS, it is recognized that fire safety education is an effective method of reducing the occurrence of fires and reducing the resulting property damage and loss of life; and,

WHEREAS, students do not routinely receive effective fire safety education throughout their entire college career; and,

WHEREAS, it is vital to educate future generations about the importance of fire safety behavior so that these behaviors can help ensure their safety during their college years and beyond;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 2018 as **CAMPUS FIRE SAFETY MONTH** in Illinois and encourage schools and municipalities across Illinois to provide educational programs to all students, and to take the necessary steps to ensure fire-safe living environments through fire safety education, installation of fire suppression and detection systems and smoke alarms, and the development and enforcement of applicable codes relating to fire safety.

Issued by the Governor May 29, 2018
Filed by the Secretary of State June 6, 2018

**2018-138**
**Day of the Illinois Army National Guard Warrant Officer**

WHEREAS, on July 9, 1918, the U.S. Army Mine Planter Service was established by an Act of Congress, placed under the U.S. Army Coast Artillery Corps; and,

WHEREAS, a total of 40 Warrant Officers were subsequently authorized to serve as masters, mates, chief engineers, and assistant engineers on each mine planting vessel, thus becoming the first U.S. Army Warrant Officers; and,

WHEREAS, on this 100th Anniversary of the Army Warrant Officer Corps, we recognize Warrant Officer John Beach Cragun who, on December 13, 1922, became the Illinois National Guard's first known Warrant Officer appointment as Bandmaster of the 124th Artillery, 66th Brigade. From Bandmasters in the late 1920s, to Military Personnel, Motor Transport, and Supply Warrant Officers at the end of World War II, Illinois Army National Guard Warrant Officers now serve across 32 career specialties within 15 of the Army's 17 warrant officer branches; and,

WHEREAS, the Army Warrant Officer is a select and highly specialized cohort of the Army's officer corps, comprising roughly three percent of the total force; and,

WHEREAS, the Army Warrant Officer is a self-aware and adaptive technical expert, combat leader, trainer, advisor, and above all else, trusted professional; and,

WHEREAS, Warrant Officers are vital instruments of their command, commissioned as field leaders; entrusted as technical subject experts; and serving as operators, maintainers, managers, integrators and analysts of the Army's advanced systems, aircraft, and weapons platforms; and,

WHEREAS, Warrant Officers are innovative integrators of emerging technologies, dynamic teachers, confident warfighters, and developers of specialized teams of soldiers, depended on to provide concise, expert solutions to complex and dynamic situations; and,

WHEREAS, the Governor, the Adjutant General, Illinois citizens, and this nation can count on Illinois Army National Guard Warrant Officers to stand ready, always there in support of commanders, staff, and soldiers with process and systems mastery, critical and creative thinking, and professional knowledge that prepares their formations for state, domestic, and global operations, whenever and wherever called upon;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim July 9, 2018, as the **DAY OF THE ILLINOIS ARMY NATIONAL GUARD WARRANT OFFICER** in celebration of the Centennial Anniversary of the Army Warrant Officer Corps and encourage officers, noncommissioned officers, junior enlisted soldiers, and all Illinois citizens to recognize the positive impact of the Illinois Army National Guard Warrant Officer.

Issued by the Governor May 29, 2018
Filed by the Secretary of State June 6, 2018

**2018-139**
**Philippine Independence Day**

WHEREAS, one of the most significant dates in the history of the Philippines is Independence Day, which marks the date of the nation's independence from Spanish rule on June 12, 1898; and,

WHEREAS, in 1898, the Philippine Declaration of Independence was signed and publicly read by Ambrosio Rianzares Bautista, declaring a free, sovereign, and democratic Philippines; and,

WHEREAS, the Philippines' flag was raised and its national anthem was played for the first time in 1898; and,

WHEREAS, the annual June 12th observance of Philippine Independence Day came into effect after past-President Diosdado Macapagal signed the Republic Act No. 4166 on August 4, 1964; and,

WHEREAS, this year marks the 120th anniversary of Philippine Independence, and Illinois is proud that thousands of Filipino Americans call our state home; and,

WHEREAS, our state's thriving Filipino American population is well-served by the Consulate General of the Philippines in Chicago, and it is important that we commend the valuable Filipino community organizations across the Land of Lincoln; and,

WHEREAS, the contributions of Filipino Americans to the social, economic, and cultural landscape of this State greatly increase the quality of life for all Illinois residents;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 12, 2018, as **PHILIPPINE INDEPENDENCE DAY** in Illinois and join all Filipino American citizens in celebration of this very special day.

Issued by the Governor May 29, 2018
Filed by the Secretary of State June 6, 2018

**2018-140**
**Flag Lowering Order - Chicago Firefighter Juan Bucio**

WHEREAS, we hold the highest esteem and reverence for the men and women who answer the call to serve their friends, family and communities; and,

WHEREAS, firefighters and first responders save countless lives every year with their heroic efforts; and,

WHEREAS, firefighters not only demonstrate the desire to serve but have the courage to act calmly and professionally when faced with dangerous situations; and,

WHEREAS, on Monday, May 28, 2018, 46-year-old firefighter Juan Bucio, a 15-year veteran of the Chicago Fire Department who served on the CFD dive team for more than a decade, was injured while attempting to rescue a man who fell into the Chicago River; Firefighter Bucio died from his injuries hours later; and,

WHEREAS, Firefighter Bucio was not only a public servant but a dedicated first responder who courageously volunteered to help others; although Firefighter Bucio is no longer with us, we will not forget the countless lives that were impacted by his service; and,

WHEREAS, on Monday, June 4, 2018, a funeral service will be held for Firefighter Juan Bucio at St. Rita of Cascia Shrine Chapel on Chicago's southwest side; and,

WHEREAS, Firefighter Juan Bucio is survived by his two sons, as well as many loving family members and friends who are grateful for the numerous ways he touched their lives;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise on Saturday, June 2, 2018, until sunset on Monday, June 4, 2018, in honor and remembrance of Chicago Firefighter Juan Bucio, whose selfless service and sacrifice is an inspiration to all citizens of the State of Illinois.

Issued by the Governor May 31, 2018
Filed by the Secretary of State June 6, 2018

**2018-141**
**Elder Abuse Awareness Day**

WHEREAS, protecting adults and those with disabilities is an important undertaking conducted admirably by the Illinois Department on Aging, its Office of Adult Protective Services, and providers throughout the state; and,

WHEREAS, in 2017, the Department responded to nearly 16,000 reports of abuse of adults age 60 and older, and persons ages 18-59 with a disability, though the crisis remains vastly under-identified and under-reported; and,

WHEREAS, abuse may take many forms, including financial exploitation, emotional abuse, passive neglect, physical abuse, willful deprivation, confinement, and sexual abuse, and these often occur in tandem; and,

WHEREAS, victims are often abused by family members or other relatives; and,

WHEREAS, abuse, neglect, and exploitation of any individual is an affront to human rights in Illinois and around the world; and,

WHEREAS, the Adult Protective Services Act is a law created in Illinois to help this vulnerable population by stopping abuse and putting protective barriers and services in place to achieve safety; and,

PROCLAMATIONS

WHEREAS, it is important for all Americans and all Illinoisans to learn to recognize and report any signs of mistreatment and redouble our efforts to build communities that safeguard our elders and persons with disabilities; and,

WHEREAS, suspected abuse, neglect, or financial exploitation of an eligible adult should be reported to the statewide 24-hour Abuse Hotline at 866-800-1409; and,

WHEREAS, abuse of adults is a worldwide problem; Elder Abuse Awareness Day began 12 years ago at the United Nations by the International Network for the Prevention of Elder Abuse and the World Health Organization;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 15, 2018, as **ELDER ABUSE AWARENESS DAY** in Illinois.

Issued by the Governor June 5, 2018
Filed by the Secretary of State June 6, 2018

# ILLINOIS ADMINISTRATIVE CODE
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