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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
7	February 5, 2018	February 16, 2018
8	February 13, 2018	February 23, 2018
9	February 20, 2018	March 2, 2018
10	February 26, 2018	March 9, 2018
11	March 5, 2018	March 16, 2018
12	March 12, 2018	March 23, 2018
13	March 19, 2018	March 30, 2018
14	March 26, 2018	April 6, 2018
15	April 2, 2018	April 13, 2018
16	April 9, 2018	April 20, 2018
17	April 16, 2018	April 27, 2018
18	April 23, 2018	May 4, 2018
19	April 30, 2018	May 11, 2018
20	May 7, 2018	May 18, 2018
21	May 14, 2018	May 25, 2018
22	May 21, 2018	June 1, 2018
23	May 29, 2018	June 8, 2018
24	June 4, 2018	June 15, 2018
25	June 11, 2018	June 22, 2018

26	June 18, 2018	June 29, 2018
27	June 25, 2018	July 6, 2018
28	July 2, 2018	July 13, 2018
29	July 9, 2018	July 20, 2018
30	July 16, 2018	July 27, 2018
31	July 23, 2018	August 3, 2018
32	July 30, 2018	August 10, 2018
33	August 6, 2018	August 17, 2018
34	August 13, 2018	August 24, 2018
35	August 20, 2018	August 31, 2018
36	August 27, 2018	September 7, 2018
37	September 4, 2018	September 14, 2018
38	September 10, 2018	September 21, 2018
39	September 17, 2018	September 28, 2018
40	September 24, 2018	October 5, 2018
41	October 1, 2018	October 12, 2018
42	October 9, 2018	October 19, 2018
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
49	November 26, 2018	December 7, 2018
50	December 3, 2018	December 14, 2018
51	December 10, 2018	December 21, 2018
52	December 17, 2018	December 28, 2018

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Assessment for Determining Eligibility and Rehabilitation Needs
- 2) Code Citation: 89 Ill. Adm. Code 553
- 3) Section Number: 553.140 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking describes criteria for order of selection regarding most significant disability, very significant disability and significant disability. The amendment is necessary to comply with recent changes to the Workforce Innovation and Opportunity Act (29 U.S.C. 3101). Specifically, this rulemaking modifies or adds definitions for the four disability categories for the order of selection policy; removes references to substantial services as a criterion for the order of selection policy; replaces references to "six months or longer" with "extended period of time" to mirror Federal regulations and replaces the term "mental retardation" with "intellectual disability."
- 6) Published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rule within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield IL 62762

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: Web Case Management will track Customer's disability and services.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2018

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 553

ASSESSMENT FOR DETERMINING ELIGIBILITY AND REHABILITATION NEEDS

Section

553.10	General Applicability (Repealed)
553.20	Basis for Eligibility
553.25	Disability Documentation
553.30	Presumption of Benefit from Vocational Rehabilitation Services
553.31	Trial Work Experiences
553.32	Outcome of Trial Work Experiences
553.35	Services to Non-United States Citizens
553.40	Eligibility Determination Time Frames
553.50	Eligibility Determination
553.60	Documentation of Eligibility Factors/Preliminary Assessment (Repealed)
553.70	Certification of Eligibility (Repealed)
553.75	Trial Work (Repealed)
553.76	Outcome of Trial Work (Repealed)
553.80	Extended Evaluation (Repealed)
553.90	Outcome of Extended Evaluation (Repealed)
553.100	Assessment
553.105	Assistance in Attaining Necessary Financial Support (Repealed)
553.110	Outcome of the Assessment of Rehabilitation Needs (Repealed)
553.120	Change in Eligibility Status (Repealed)
553.130	Order of Selection
553.140	Criteria for Most Significant Disability, and Very Significant Disability, and Significant Disability, <u>and Disability</u>
553.150	Determination of Serious Limitation to Functional Capacities

AUTHORITY: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 11657, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20346, effective November 15, 1993; amended at 19 Ill. Reg. 1834, effective February 6, 1995; amended at 19 Ill. Reg. 10149, effective June 29, 1995; amended at 19 Ill. Reg. 15730, effective November 7, 1995; emergency amendment at 20

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Ill. Reg. 10385, effective July 19, 1996, for a maximum of 150 days; emergency expired on December 15, 1996; emergency amendment at 20 Ill. Reg. 11974, effective August 16, 1996, for a maximum of 150 days; emergency expired on January 13, 1997; amended at 21 Ill. Reg. 1386, effective January 17, 1997; amended at 21 Ill. Reg. 2669, effective February 10, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1368, effective January 14, 1999; emergency amendment at 23 Ill. Reg. 6544, effective May 17, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12440, effective September 28, 1999; amended at 23 Ill. Reg. 13222, effective October 18, 1999; amended at 25 Ill. Reg. 11842, effective August 31, 2001; amended at 29 Ill. Reg. 12845, effective August 8, 2005; amended at 30 Ill. Reg. 7754, effective April 6, 2006; amended at 31 Ill. Reg. 12589, effective August 16, 2007; amended at 34 Ill. Reg. 19013, effective November 22, 2010; amended at 42 Ill. Reg. _____, effective _____.

Section 553.140 Criteria for Most Significant Disability, ~~and~~ Very Significant Disability, ~~and~~ Significant Disability, and Disability

Documentation of the determination that an individual has a most significant disability, a very significant disability, ~~or~~ a significant disability or a disability must be in the individual's VR case file, as well as documentation concerning the evaluation of his or her rehabilitation potential.

- a) Prior to determining the significance of an individual's disability, it must be determined that he or she:
 - 1) has a disability, or a combination of disabilities, that causes a substantial physical or mental impairment that is similar, but not limited to, the following list of disabilities:
 - A) amputation,
 - B) arthritis,
 - C) autism,
 - D) blindness,
 - E) burn injury,
 - F) cancer,

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- G) cerebral palsy,
 - H) cystic fibrosis,
 - I) deafness,
 - J) head injury,
 - K) heart disease,
 - L) hemiplegia,
 - M) hemophilia,
 - N) respiratory or pulmonary dysfunction,
 - O) [intellectual disability](#)~~mental retardation~~,
 - P) mental illness,
 - Q) multiple sclerosis,
 - R) muscular dystrophy,
 - S) musculo-skeletal disorders,
 - T) neurological disorders (including stroke and epilepsy),
 - U) paraplegia,
 - V) quadriplegia (and other spinal cord conditions),
 - W) sickle cell anemia,
 - X) specific learning disabilities, or
 - Y) end stage renal failure disease;
- 2) has a disability, or a combination of disabilities, that seriously limits his or

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her functional capacities, as listed in Section 553.150; and

- 3) requires VR services over an extended period of time ~~at least six months or longer.~~
- b) If an individual meets the requirements of subsection (a), then the following criteria must be met to determine the significance of his or her disability:
- 1) To be considered an individual with a most significant disability, he or she must be an individual who has a disability that seriously limits three or more of his or her functional capacities and who requires ~~multiple two or more substantial~~ VR services over an extended period of time, in addition to the routine services of counseling and guidance and information and referral to ensure a successful employment outcome.
 - 2) To be considered an individual with a very significant disability, he or she must have a disability that seriously limits two of his or her functional capacities, and must require ~~multiple one or more substantial~~ VR services over an extended period of time, in addition to the routine services of counseling and guidance and information and referral to ensure a successful employment outcome.
 - 3) To be considered an individual with a significant disability, he or she must have a disability that seriously limits one of his or her functional capacities and must require ~~multiple one or more substantial~~ VR services over an extended period of time, in addition to the routine services of counseling and guidance and information and referral to ensure a successful employment outcome.
 - 4) To be considered an individual with a disability, he or she must have a disability that results in an impediment to employment but does not seriously limit his or her functional limitations.
- c) An individual who has been determined eligible for disability benefits pursuant to Title II (SSDI) or Title XVI (SSI) of the Social Security Act is considered to be an individual with at least a significant disability and is presumed eligible for VR services, unless the analysis of his or her ~~An assessment of the~~ functional limitations and service needs, as described in ~~subsections~~ subsection (a) and (b), ~~may~~ place the individual into a higher category of the order of selection.

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NOTICE OF PROPOSED AMENDMENT

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Individualized Plan for Employment (IPE)
- 2) Code Citation: 89 Ill. Adm. Code 572
- 3) Section Number: 572.50 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3(a), (b) and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking describes the development and content of the Individualized Plan for Employment. The amendment is necessary to comply with recent changes to the Workforce Innovation and Opportunity Act (29 U.S.C. 3101). Specifically, this rulemaking modifies the goal of the IPE to be competitive integrated employment; clarifies the VR services to be listed in the IPE; modifies the components to be listed in the IPE when supported employment services are included; and clarifies that all IPEs must be developed within 90 days of certification of eligibility.
- 6) Published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rule within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield IL 62762

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: Web Case Management will track Customer's IPE.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2018

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATIONPART 572
INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE)

Section

572.10	General Applicability
572.20	Commencement of the IPE
572.30	Purpose of the IPE
572.40	Coordination of the IPE with an Individualized Educational Program (IEP)
572.50	IPE Development and Content
572.60	Format of the IPE
572.70	Services to Families
572.80	IPE Amendments
572.90	Notice of Changes to the IPE
572.100	Case Record Documentation
572.110	Review of IPE
572.200	Reporting of Customer Participation (Repealed)

AUTHORITY: Implementing and authorized by Section 3(a), (b) and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)].

SOURCE: Adopted at 9 Ill. Reg. 8801, effective June 10, 1985; amended at 11 Ill. Reg. 5144, effective March 17, 1987; amended at 14 Ill. Reg. 18561, effective November 5, 1990; amended at 15 Ill. Reg. 17367, effective November 19, 1991; emergency amendments at 17 Ill. Reg. 11770, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20438, effective November 15, 1993; amended at 19 Ill. Reg. 7963, effective June 2, 1995; amended at 20 Ill. Reg. 6311, effective April 18, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1656, effective January 20, 1999; amended at 23 Ill. Reg. 12631, effective September 29, 1999; amended at 29 Ill. Reg. 15959, effective October 7, 2005; amended at 32 Ill. Reg. 10080, effective June 26, 2008; amended at 35 Ill. Reg. 19533, effective November 18, 2011; amended at 42 Ill. Reg. _____, effective _____.

Section 572.50 IPE Development and Content

- a) The IPE must be developed, agreed to and signed by the customer, or, as

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appropriate, the customer's parent, family member, guardian, advocate, or authorized representative, and approved and signed by the counselor. The IPE shall be developed and implemented in a manner that affords the customer the opportunity to exercise informed choice (89 Ill. Adm. Code 557.20) in selecting an employment outcome, the specific vocational services to be provided, the provider of the services and the methods used to provide services.

- b) The IPE must contain the following:
- 1) a statement of the specific employment outcome that is chosen by the customer based on the assessment (89 Ill. Adm. Code 553.100), including an assessment of the customer's career interests. The goal shall be competitive integrated, to the maximum extent possible, an employment outcome in an integrated setting;
 - 2) timelines for the initiation of the services and for the achievement of the employment outcome;
 - 3) the customer's rights and remedies, including filing of an appeal under 89 Ill. Adm. Code 510;
 - 4) a description of the Client Assistance Program (CAP), its services, and how to contact CAP;
 - 5) a statement of the specific VR services to be provided, including substantial services as defined in Section 89 Ill. Adm. Code 521.20;
 - 6) identification of the entity or entities that will provide VR services to the customer and how the customer will receive the specific services, including comparable benefits (e.g., by attending an on-site training program, by office visits to a medical services provider, etc.). This shall include a statement describing how service shall be provided or arranged through cooperative agreements with other service providers;
 - 7) how progress toward achieving the employment outcome will be evaluated;
 - 8) an assessment, and a reassessment prior to case closure, of the expected need for post employment services. If post employment services are to be

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~~provided, the IPE must include a statement description of expected need the terms and conditions for the provision of any post-employment services, including the anticipated duration of those services; and~~

- 9) a description of the terms and conditions under which services will be provided to the customer ~~in the most integrated setting possible.~~
- c) When the IPE includes supported employment services as defined in 89 Ill. Adm. Code 521.20, the IPE must include the elements in subsection (b), as well as the following components:
- 1) the specific supported employment services to be provided;
 - 2) the number of hours the individual is expected to work by the time of transition to extended services;
 - 3) the expected extended services needed, which may include natural supports, as well as a description of the source of the extended services;
 - 4) ~~a support reduction schedule that identifies the anticipated change in the level of support required by the individual during the time period covered by the IPE;~~
 - 45) ~~a description of a method for~~ periodic monitoring of the individual in order to ensure satisfactory progress toward achievement of the hourly work target described in subsection (c)(2); and
 - 56) a description of any job skills training that will be provided at the job.
- d) The IPE must be developed as soon as possible, but no later than 90 days after the customer is determined eligible for the VR program, ~~except when the customer is a high school student receiving transition services, in which case the IPE must be developed no later than the last semester of the year in which the student is expected to leave school.~~
- e) In unusual circumstances, the Chief of the Bureau of Field Services or the Bureau of Blind Services may grant an exception to the timeline in subsection (d) upon request and when an appropriate justification is provided by the counselor with acknowledgement from the customer.

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NOTICE OF PROPOSED AMENDMENT

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: RCRA and UIC Permit Programs
- 2) Code Citation: 35 Ill. Adm. Code 702
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
702.101	Amendment
702.103	Amendment
702.105	Amendment
702.106	Amendment
702.107	Amendment
702.108	Amendment
702.109	Amendment
702.110	Amendment
702.120	Amendment
702.123	Amendment
702.125	Amendment
702.126	Amendment
702.152	Amendment
702.162	Amendment
702.163	Amendment
702.181	Amendment
702.186	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 22.4, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 702 are a segment larger Board rulemaking. The consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking also includes amendments to 35 Ill. Adm. Code 703 through 705, 720 through 728, 730, 733, 738, 739, 810, 811, and 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 702 through 705, 720, and 721. 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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Specifically, the amendments to Part 702 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.

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

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace 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) (2016)].
- 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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

Please direct inquiries to the following person and reference 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>.

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) (2016)].
- 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) (2016)].
- 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

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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) (2016)].

- 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 b: PERMITS

PART 702

RCRA AND UIC PERMIT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

- 702.101 Purpose, Scope, and Applicability
- 702.102 Electronic Reporting
- 702.103 Trade Secret or Non-Disclosable Information Submitted to the Agency or Board
- 702.104 References
- 702.105 Rulemaking
- 702.106 Adoption of Agency Criteria
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- 702.108 Variances and Adjusted Standards
- 702.109 Enforcement Actions
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SUBPART B: PERMIT APPLICATIONS

Section

- 702.120 Permit Application
- 702.121 Who Applies
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- 702.124 Recordkeeping
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- 702.140 Conditions Applicable to all Permits
- 702.141 Duty to Comply
- 702.142 Duty to Reapply

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

SUBPART D: ISSUED PERMITS

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

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

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

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

SUBPART A: GENERAL PROVISIONS

Section 702.101 Purpose, Scope, and Applicability

- a) Coverage.
 - 1) The permit regulations of 35 Ill. Adm. Code 702 through 705 include provisions for the following two permit programs:
 - A) The RCRA (Resource Conservation and Recovery Act) permit program pursuant to Title V and Title X of the Environmental Protection Act ~~[415 ILCS 5/Title V and Title X]~~.
 - B) The UIC (Underground Injection Control) permit program pursuant to Title III and Title X of the Environmental Protection Act ~~[415 ILCS 5/Title III and Title X]~~.
 - 2) The regulations of 35 Ill. Adm. Code 702 through 705 cover basic permitting requirements (35 Ill. Adm. Code 702 through 704) and procedures for processing of permit applications (35 Ill. Adm. Code 705) for the RCRA and UIC permit programs.
 - 3) The regulations of 35 Ill. Adm. Code 702 through 705 are derived from 40 CFR 124, 144, and 270.
- b) Structure.

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- 1) The regulations of 35 Ill. Adm. Code 702 through 705 comprise the following four Parts:
- A) This Part contains definitions applicable to 35 Ill. Adm. Code 702 through 705. It also contains basic permitting requirements for the RCRA and UIC programs.
- B) The regulations of 35 Ill. Adm. Code 703 contain requirements specific to RCRA permits. In case of inconsistency between 35 Ill. Adm. Code 702 and 703, 35 Ill. Adm. Code 703 will control.
- C) The regulations of 35 Ill. Adm. Code 704 contain requirements specific to UIC permits. In case of inconsistency between 35 Ill. Adm. Code 702 and 704, 35 Ill. Adm. Code 704 will control.
- D) The regulations of 35 Ill. Adm. Code 705 establish procedures for issuance of RCRA and UIC permits by the Agency .
- 2) The structure and coverage of 35 Ill. Adm. Code 702 through 704 are indicated in the following table:

	RCRA AND UIC Subpart of 35 Ill. Adm. Code 702	RCRA Subpart of 35 Ill. Adm. Code 703	UIC Subpart of 35 Ill. Adm. Code 704
General	A	A	A
Prohibitions	–	B	B
Authorization by Rule	–	C	C
Permit Application	B	D	D
Special Forms of Permits	–	E	–
Permit Conditions	C	F	E
Issued Permits	D	–	H
Permit Modification	–	G	–
Remedial Action Plans	–	H	–
Intergration with	–	I	–

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MACT Standards			
RCRA Standardized	–	J	–
Permits			
Requirements	–	–	F
Applicable to			
Hazardous Waste			
Injection Wells			
Financial			G
Responsibility	–	–	
for Class I			
Hazardous Waste			
Injection Wells			
Requirements	–	–	I
Applicable to Class			
V Injection Wells			
Requirements			J
Applicable to			
Class			
VI Injection Wells			

c) Relation to other requirements.

- 1) Permit application forms. An applicant for a RCRA or UIC permit or a person seeking interim status under RCRA must submit its application on an Agency permit application form when such is available.
- 2) Technical regulations. Each of the two permit programs that are covered in these permit regulations has separate additional regulations that contain technical requirements for that program. These separate regulations are used by the Agency to determine the requirements that must be placed in any permit that it issues. These separate regulations are located as follows:

RCRA 35 Ill. Adm. Code [724 and 726](#)~~720~~ through 728,~~733,~~
~~and 739~~

UIC 35 Ill. Adm. Code 730 and 738

BOARD NOTE: Derived in significant part from 40 CFR 144.1 and 270.1
[\(2017\)](#)~~(2011)~~.

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

Section 702.103 Trade Secret or Non-Disclosable Information Submitted to the Agency or Board

- a) In accordance with Section 7 of the Environmental Protection Act ~~[415 ILCS 5/7]~~, and as federally required by 40 CFR 2, a person submitting certain information to the Agency or Board pursuant to this Part and 35 Ill. Adm. Code 703 through 705 may claim that information as trade secret or non-disclosable information. Any such claim of trade secret or non-disclosable information must be asserted at the time of submission in the manner prescribed by 35 Ill. Adm. Code 130. If no claim is made at the time of submission, the Agency or Board may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with 35 Ill. Adm. Code 130 and Board and Agency procedures.
- b) Claims of trade secret or non-disclosable information for the following information will be denied:
- 1) The name and address of any permit applicant or permittee;
 - 2) The identity of substances being placed or to be placed in landfills or hazardous waste treatment, storage, or disposal facilities; and
 - 3) For UIC permits, information that deals with the existence, absence, or level of contaminants in drinking water.

BOARD NOTE: Derived from 40 CFR 144.5 and 270.12 ~~(2005)~~.

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

Section 702.105 Rulemaking

- a) Identical-in-Substance Regulations.
- 1) Generally applicable federal rules. Twice each year, the Board reserves identical-in-substance rulemaking dockets pursuant to Sections 7.2, 13(c), and 22.4(a) of the Act ~~[415 ILCS 5/7.2, 13(c), and 22.4(a)]~~. The Board's

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intent is generally to include all federal RCRA or UIC amendments that occurred in the appropriate of the prior concluded update periods of January 1 through June 30 or July 1 through December 31. The Board reviews the federal actions that occurred in the period of interest and includes those that require Board action in the reserved docket. The Board itself initiates any necessary amendments to the RCRA or UIC program, so no person needs to file a rulemaking proposal for the included amendments. The Board routinely excludes from these identical-in-substance proposals those federal amendments that pertain to facilities or activities that exist or occur outside Illinois.

- 2) The Board does not generally include site-specific federal amendments in an identical-in-substance rulemaking proposal without a request from a member of the regulated community. The owner or operator of a facility subject to a site-specific federal rule that wishes the Board to incorporate that rule into the Illinois regulations should submit a request to the Clerk of the Board for inclusion of that site-specific rule in a future identical-in-substance rulemaking proposal. Any person wishing such inclusion may petition the Board to adopt appropriate amendments to the Illinois RCRA or UIC program pursuant to Sections 7.2 and 13(c) or 22.4(a) of the Act. The petition must take the form of a proposal for rulemaking pursuant to 35 Ill. Adm. Code 101 and 102. The proposal must include a listing of all amendments of interest to the petitioner together with copies of the Federal Register notices on which the amendments are to be based.
- b) Other Regulations. With respect to the Illinois RCRA or UIC program or permit issuance, any person may petition the Board to adopt amendments or additional regulations that are not identical in substance to federal regulations. Such proposal must conform to 35 Ill. Adm. Code 101 and 102 and Sections 13(d), 22.4(b) and (c), and Title VII of the Act ~~[415 ILCS 5/13(d), 22.4(b) and (c), and Title VII]~~.

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

Section 702.106 Adoption of Agency Criteria

- a) The Agency may, in its sole discretion, adopt criteria that will give guidance to the public as to what it will approve in RCRA and UIC permit applications and as to what conditions it will impose in permit issuance. The statutory authority for

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the Agency adopting such criteria is the Agency's authority to issue permits pursuant to Sections 4 and 39 of the Act ~~[415 ILCS 5/4 and 39]~~, and the requirement of the Administrative Procedure Act [5 ILCS 100] that agencies codify as rules those policies or interpretations of general applicability that affect persons outside the Agency.

- b) With respect to review of permit applications and establishment of permit conditions, the Agency must adopt as criteria any policies and interpretations of general applicability that affect persons outside the Agency.
- c) Any criteria that the Agency adopts must include each of the following:
 - 1) Clear references to related provisions of the Act and Board regulations;
 - 2) A statement that the criteria are not Board regulations;
 - 3) A statement that the criteria apply only to review of permit applications and establishment of conditions; and
 - 4) Procedures to be followed if an applicant wishes to deviate from Agency criteria.
- d) For purposes of permit issuance, proof of compliance with Agency-adopted criteria is prima facie proof of compliance with related provisions of the appropriate Act and Board regulations. However, persons other than the Agency may challenge Agency-adopted criteria as applied in the context of permit issuance.

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

Section 702.107 Permit Appeals and Review of Agency Determinations

Unless the contrary intention is indicated, all actions taken by the Agency pursuant to 35 Ill. Adm. Code 702 through 704, 721 through 728, 730, 733, 738, or 739 are to be done as part of an original permit application or a proceeding for modification of an issued permit. Such actions are subject to the procedural requirements of 35 Ill. Adm. Code 705.

- a) Any final Agency action on an original permit application, a proceeding for modification of an issued permit, or any action for review of a final Agency

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determination required by these regulations, may be appealed to the Board pursuant to Title X of the Environmental Protection Act ~~[415 ILCS 5/Title X]~~ and 35 Ill. Adm. Code 105 and 705.212.

- b) Other actions that are not required by these regulations, whether undertaken by the Agency gratuitously or pursuant to a statutory authorization, such as one taken to enforce a bond, insurance policy, or similar instrument of a contractual nature or one intended to guide a regulated person in seeking compliance with the regulations, may not be permit modifications reviewable by the Board. The affected person may seek review of an Agency determination that is not a permit determination in any court of competent jurisdiction.

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

Section 702.108 Variances and Adjusted Standards

- a) The Agency has no authority to issue any permit that is inconsistent with Board regulations. If an applicant seeks a permit that would authorize actions that are inconsistent with Board regulations, including delayed compliance dates, the applicant should file for either of the following two forms of relief:
- 1) A petition for a variance pursuant to Title IX of the Environmental Protection Act (Act) ~~[415 ILCS 5/Title IX]~~ and Subtitle B of 35 Ill. Adm. Code 104; or
 - 2) A petition for an adjusted standard pursuant to Section 28.2 of the Act ~~[415 ILCS 5/28.2]~~ and Subtitle D of 35 Ill. Adm. Code 104.
- b) The Agency must file a recommendation within prescribed times following the filing of a petition for a variance or adjusted standard. The recommendation must include a draft of the language the Agency proposes to include in the permit if its recommendation is accepted.
- c) If the Board grants a variance or adjusted standard, it will order the Agency to issue or modify the permit pursuant to the variance.

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

Section 702.109 Enforcement Actions

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Any person may file a civil complaint with the Board alleging violation of the RCRA or UIC regulations, a permit requirement, or permit conditions, pursuant to Title VIII of the Act ~~[415 ILCS 5/Title VIII]~~ and 35 Ill. Adm. Code 103.

- a) A formal complaint filed with the Board will initiate a civil enforcement action in which the complainant bears the burden of proving that the respondent committed the alleged violations.
- b) The Board will forward any informal complaint to the Agency, and the Agency must investigate the alleged violations set forth in the complaint.

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

Section 702.110 Definitions

The following definitions apply to 35 Ill. Adm. Code 702, 703, 704, and 705. Terms not defined in this Section have the meaning given by the appropriate act and regulations, as such are defined in this Section. When a definition applies primarily to one or more programs, those programs appear in parentheses after the defined terms.

"Act" or "Environmental Protection Act" means the Environmental Protection Act [415 ILCS 5].

"Administrator" means the Administrator of the United States Environmental Protection Agency or an authorized representative.

"Agency" means the Illinois Environmental Protection Agency.

"Application" means the Agency forms for applying for a permit. For RCRA, application also includes the information required by the Agency pursuant to 35 Ill. Adm. Code 703.182 through 703.212 (contents of Part B of the RCRA application).

"Appropriate act and regulations" means the federal Resource Conservation and Recovery Act (42 USC 6901 et seq.) (RCRA), the federal Safe Drinking Water Act (42 USC 300f et seq.) (SDWA), or the Environmental Protection Act, whichever is applicable, and the applicable regulations promulgated under those statutes.

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"Approved program or approved state" means a state or interstate program that has been approved or authorized by USEPA pursuant to 40 CFR 271 (RCRA) or section 1422 of the SDWA (42 USC 300h-1) (UIC).

"Aquifer" (RCRA and UIC) means a geologic formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Area of review" (UIC) means the area surrounding an injection well described according to the criteria set forth in 35 Ill. Adm. Code 730.106, or in the case of an area permit, the project area plus a circumscribing area the width of which is either 402 meters (one-quarter of a mile) or a number calculated according to the criteria set forth in 35 Ill. Adm. Code 730.106.

"Board" (RCRA and UIC) means the Illinois Pollution Control Board.

"Cesspool" (UIC) means a drywell that receives untreated sanitary waste containing human excreta and which sometimes has an open bottom or perforated sides.

"Closure" (RCRA) means the act of securing a Hazardous waste management facility pursuant to 35 Ill. Adm. Code 724.

"Component" (RCRA) means any constituent part of a unit or any group of constituent parts of a unit that are assembled to perform a specific function (e.g., a pump seal, pump, kiln liner, or kiln thermocouple).

"Contaminant" (UIC) means any physical, chemical, biological, or radiological substance or matter in water.

"Corrective action management unit" or "CAMU" (RCRA) means an area within a facility that is designated by the Agency pursuant to Subpart S of 35 Ill. Adm. Code 724 for the purpose of implementing corrective action requirements pursuant to 35 Ill. Adm. Code 724.201 and RCRA section 3008(h) (42 USC 6928(h)). A CAMU must only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility. BOARD NOTE: USEPA must also designate a CAMU until it grants this authority to the Agency. See the note following 35 Ill. Adm. Code 724.652.

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"CWA" (RCRA and UIC) means the Clean Water Act (33 USC 1251 et seq.), as amended.

~~"Date of approval by USEPA of the Illinois UIC program" (UIC) means March 3, 1984.~~

"Director" (RCRA and UIC) means the Director of the Illinois Environmental Protection Agency or the Director's designee.

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

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

"Draft permit" (RCRA and UIC) means a document prepared pursuant to 35 Ill. Adm. Code 705.141 indicating the Agency's tentative decision to issue, deny, modify, terminate, or reissue a permit. A notice of intent to deny a permit, as discussed in 35 Ill. Adm. Code 705.141, is a type of draft permit. A denial of a request for modification, as discussed in 35 Ill. Adm. Code 705.128, is not a draft permit. A proposed permit is not a draft permit.

"Drywell" (UIC) means a well, other than an improved sinkhole or subsurface fluid distribution system, that is completed above the water table so that its bottom and sides are typically dry, except when receiving fluids.

"Drilling mud" (UIC) means a heavy suspension used in drilling an injection well, introduced down the drill pipe and through the drill bit.

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

It is used for neutralizing wastes that are hazardous wastes only because

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they exhibit the corrosivity characteristics defined in 35 Ill. Adm. Code 721.122, or are listed in Subpart D of 35 Ill. Adm. Code 721 only for this reason; and

It meets the definition of tank, tank system, container, transport vehicle, or vessel in 35 Ill. Adm. Code 720.110.

"Emergency permit" (RCRA and UIC) means a RCRA or UIC permit issued in accordance with 35 Ill. Adm. Code 703.221 or 704.163, respectively.

"Environmental Protection Agency" or "EPA" or "USEPA" (RCRA and UIC) means the United States Environmental Protection Agency.

"Exempted aquifer" (UIC) means an aquifer or its portion that meets the criteria in the definition of "underground source of drinking water" but which has been exempted according to the procedures in 35 Ill. Adm. Code 702.105, 704.104, and 704.123(b).

"Existing hazardous waste management (HWM) facility" or "existing facility" (RCRA) means a facility that was in operation or for which construction commenced on or before November 19, 1980. A facility has commenced construction if the following occurs:

The owner or operator has obtained the federal, State, and local approvals or permits necessary to begin physical construction; and

Either of the following has transpired:

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

The owner or operator has entered into contractual obligations for physical construction of the facility that cannot be canceled or modified without substantial loss and which are to be completed within a reasonable time.

"Existing injection well" (UIC) means an injection well that is not a new injection well.

"Facility mailing list" (RCRA) means the mailing list for a facility maintained by

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the Agency in accordance with 35 Ill. Adm. Code 705.163(a).

"Facility or activity" (RCRA and UIC) means any HWM facility, UIC injection well, or any other facility or activity (including land or appurtenances thereto) that is subject to regulations under the Illinois RCRA or UIC program.

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

~~"Final authorization" (RCRA) means January 31, 1986, the date of approval by USEPA of the Illinois hazardous waste management program that has met the requirements of section 3006(b) of RCRA (42 USC 6926(b)) and the applicable requirements of subpart A of 40 CFR 271.~~

"Fluid" (UIC) means any material or substance that flows or moves, whether in a semisolid, liquid, sludge, gas, or any other form or state.

"Formation" (UIC) means a body of rock characterized by a degree of lithologic homogeneity that is prevailing, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.

"Formation fluid" (UIC) means fluid present in a formation under natural conditions, as opposed to introduced fluids, such as drilling mud.

"Functionally equivalent component" (RCRA) means a component that performs the same function or measurement and which meets or exceeds the performance specifications of another component.

"Generator" (RCRA) means any person, by site location, whose act or process produces hazardous waste.

"Geologic sequestration" means the long-term containment of a gaseous, liquid, or supercritical carbon dioxide stream in a subsurface geologic formation. This term does not apply to carbon dioxide capture or transport.

"Groundwater" (RCRA and UIC) means a water below the land surface in a zone of saturation.

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"Hazardous waste" (RCRA and UIC) means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste management facility" or "HWM facility" (RCRA) means all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (for example, one or more landfills, surface impoundments, or combinations of them).

"HWM facility" (RCRA) means hazardous waste management facility.

"Improved sinkhole" (UIC) means a naturally occurring karst depression or other natural crevice that is found in volcanic terrain and other geologic settings that have been modified by man for the purpose of directing and emplacing fluids into the subsurface.

"Injection well" (RCRA and UIC) means a well into which fluids are being injected.

"Injection zone" (UIC) means a geologic formation, group of formations, or part of a formation receiving fluids through a well.

"In operation" (RCRA) means a facility that is treating, storing, or disposing of hazardous waste.

~~"Interim authorization" (RCRA) means May 17, 1982, the date of approval by USEPA of the Illinois hazardous waste management program that has met the requirements of section 3006(g)(2) of RCRA (42 USC 6926(g)(2)) and applicable requirements of 40 CFR 271.~~

"Interstate agency" means an agency of two or more states established by or under an agreement or compact approved by the Congress, or any other agency of two or more states having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator under the appropriate act and regulations.

"Major facility" means any RCRA or UIC facility or activity classified as such by the Regional Administrator or the Agency.

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"Manifest" (RCRA and UIC) means the shipping document originated and signed by the generator that contains the information required by Subpart B of 35 Ill. Adm. Code 722.

"National Pollutant Discharge Elimination System" means the program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements pursuant to Section 12(f) of the Environmental Protection Act and Subpart A of 35 Ill. Adm. Code 309 and 35 Ill. Adm. Code 310. The term includes an approved program.

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

"New injection well" (UIC) means a well that began injection after March 3, 1984, the date of USEPA approval of the UIC program for the State of Illinois. BOARD NOTE: See 40 CFR 147.700 ([2017](#))(~~2011~~) and 49 Fed. Reg. 3991 (Feb. 1, 1984).

"Off-site" (RCRA) means any site that is not on-site.

"On-site" (RCRA) means on the same or geographically contiguous property that may be divided by public or private rights-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the rights-of-way. Non-contiguous properties owned by the same person, but connected by a right-of-way that the person controls and to which the public does not have access, is also considered on-site property.

"Owner or operator" means the owner or operator of any facility or activity subject to regulation under the RCRA or UIC program.

"Permit" means an authorization, license, or equivalent control document issued to implement this Part and 35 Ill. Adm. Code 703, 704, and 705. "Permit" includes RCRA permit by rule (35 Ill. Adm. Code 703.141), RCRA standardized permit (35 Ill. Adm. Code 703.238), UIC area permit (35 Ill. Adm. Code 704.162), and RCRA or UIC "Emergency Permit" (35 Ill. Adm. Code 703.221 and 704.163). "Permit" does not include RCRA interim status (35 Ill. Adm. Code 703.153 through 703.157), UIC authorization by rule (Subpart C of 35 Ill. Adm. Code 704), or any permit that has not yet been the subject of final Agency action,

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such as a draft permit or a proposed permit.

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agency, or assigns.

"Physical construction" (RCRA) means excavation, movement of earth, erection of forms or structures, or similar activity to prepare an HWM facility to accept hazardous waste.

"Plugging" (UIC) means the act or process of stopping the flow of water, oil, or gas into or out of a formation through a borehole or well penetrating that formation.

"Point of injection" means the last accessible sampling point prior to waste fluids being released into the subsurface environment through a Class V injection well. For example, the point of injection of a Class V septic system might be the distribution box – the last accessible sampling point before the waste fluids drain into the underlying soils. For a dry well, it is likely to be the well bore itself.

"POTW" means publicly owned treatment works.

"Project" (UIC) means a group of wells in a single operation.

"Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code 310.

"Radioactive waste" (UIC) means any waste that contains radioactive material in concentrations that exceed those listed in table II, column 2 in appendix B to 10 CFR 20, incorporated by reference in 35 Ill. Adm. Code 720.111.

"RCRA" (RCRA) means the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.). For the purposes of regulation pursuant to 35 Ill. Adm. Code 700 through 705, 720 through 728, 733, 738, and 739, "RCRA" refers only to RCRA Subtitle C. This does not include the RCRA Subtitle D (municipal solid waste landfill) regulations, found in 35 Ill. Adm. Code 810 through 815, and the RCRA Subtitle I (underground storage tank) regulations found in 35 Ill. Adm. Code 731 and 732.

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"RCRA permit" (RCRA) means a permit required pursuant to Section 21(f) of the Act ~~[415 ILCS 5/21(f)]~~.

"RCRA standardized permit" (RCRA) means a RCRA permit issued pursuant to Subpart J of 35 Ill. Adm. Code 703 and Subpart G of 35 Ill. Adm. Code 705 that authorizes management of hazardous waste. The RCRA standardized permit may have two parts: a uniform portion issued for all RCRA standardized permits and a supplemental portion issued at the discretion of the Agency.

"Regional Administrator" (RCRA and UIC) means the Regional Administrator of the USEPA Region in which the facility is located or the Regional Administrator's designee.

BOARD NOTE: Illinois is in USEPA Region 5.

"Remedial action plan " or "RAP" (RCRA) means a special form of RCRA permit that a facility owner or operator may obtain pursuant to Subpart H of 35 Ill. Adm. Code 703, instead of a RCRA permit issued pursuant to this Part and 35 Ill. Adm. Code 703, to authorize the treatment, storage, or disposal of hazardous remediation waste (as defined in 35 Ill. Adm. Code 720.110) at a remediation waste management site.

"Sanitary waste" (UIC) means liquid or solid wastes originating solely from humans and human activities, such as wastes collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, sinks used for food preparation, clothes washing operations, and sinks or washing machines where food and beverage serving dishes, glasses, and utensils are cleaned. Sources of these wastes may include single or multiple residences, hotels and motels, restaurants, bunkhouses, schools, ranger stations, crew quarters, guard stations, campgrounds, picnic grounds, day-use recreation areas, other commercial facilities, and industrial facilities, provided the waste is not mixed with industrial waste.

"Schedule of compliance"(RCRA and UIC) means a schedule of remedial measures included in a permit, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the appropriate act and regulations.

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"SDWA" (UIC) means the Safe Drinking Water Act (42 USC 300f et seq.).

"Septic system" (UIC) means a well, as defined in this Section, that is used to emplace sanitary waste below the surface and which is typically comprised of a septic tank and subsurface fluid distribution system or disposal system.

"Site" (RCRA and UIC) means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

"SIC code" (RCRA and UIC) means "Standard Industrial Classification code;"² This is the code assigned to a site by the United States Department of Transportation, Federal Highway Administration, based on the particular activities that occur on the site, as set forth in its publication, "Standard Industrial Classification Manual;"² incorporated by reference in 35 Ill. Adm. Code 720.111.

"State" (RCRA and UIC) means the State of Illinois.

"State Director" (RCRA and UIC) means the Director of the Illinois Environmental Protection Agency.

"State/USEPA agreement" (RCRA and UIC) means an agreement between the Regional Administrator and the State that coordinates USEPA and State activities, responsibilities, and programs, including those under the RCRA and SDWA.

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

"Stratum" (plural "strata") (UIC) means a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.

"Subsurface fluid distribution system" (UIC) means an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground.

"Total dissolved solids" (UIC) means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR 136.3 (Identification of Test Procedures; the method for filterable residue), incorporated by reference in 35 Ill.

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Adm. Code 720.111.

"Transfer facility" (RCRA) means any transportation related facility, including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous wastes are held during the normal course of transportation.

"Transferee" (UIC) means the owner or operator receiving ownership or operational control of the well.

"Transferor" (UIC) means the owner or operator transferring ownership or operational control of the well.

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

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

"UIC" (UIC) means the Underground Injection Control program.

"Underground injection" (UIC) means a well injection.

"Underground source of drinking water" or "USDW" (RCRA and UIC) means an aquifer or its portion that is not an exempted aquifer and of which either of the following is true:

It supplies any public water system; or

It contains a sufficient quantity of groundwater to supply a public water system; and

It currently supplies drinking water for human consumption; or

It contains less than 10,000 mg/ℓ total dissolved solids.

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"USDW" (RCRA and UIC) means an underground source of drinking water.

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

It is part of a wastewater treatment facility that is subject to regulation pursuant to Subpart A of 35 Ill. Adm. Code 309 or 35 Ill. Adm. Code 310; and

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

It meets the definition of tank or tank system in 35 Ill. Adm. Code 720.110.

"Well" (UIC) means a bored, drilled, or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension; a dug hole whose depth is greater than the largest surface dimension; or an improved sinkhole; or, a subsurface fluid distribution system.

"Well injection" (UIC) means the subsurface emplacement of fluids through a well.

BOARD NOTE: Derived from 40 CFR 124.2, 144.3, and 270.2 [\(2017\)](#)~~(2011)~~.

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

SUBPART B: PERMIT APPLICATIONS

Section 702.120 Permit Application

- a) Applying for a UIC permit. Any person that is required to have a permit (including new applicants and permittees with expiring permits) must complete, sign, and submit an application to the Agency as described in this Section and in

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35 Ill. Adm. Code 704.161 (UIC). Any person that is currently authorized with UIC authorization by rule (Subpart C of 35 Ill. Adm. Code 704) must apply for a permit when required to do so by the Agency. The procedure for application, issuance, and administration of an emergency permit is found exclusively in 35 Ill. Adm. Code 704.163 (UIC).

- b) Applying for a RCRA permit. The following information outlines how to obtain a permit and where to find requirements for specific permits:
- 1) If the facility is covered by RCRA permits by rule (35 Ill. Adm. Code 703.141), the owner or operator needs not apply for a permit.
 - 2) If the facility owner or operator currently has interim status pursuant to RCRA (Subpart C of 35 Ill. Adm. Code 703), it must apply for a permit when required by the Agency.
 - 3) If the facility owner or operator is required to have a permit (including new applicants and permittees with expiring permits), it must complete, sign, and submit an application to the Agency, as described in this Section; in Sections 702.121 through 702.124; and in 35 Ill. Adm. Code 703.125, 703.126, 703.150 through 703.157, 703.186, and 703.188.
 - 4) If the facility owner or operator is seeking an emergency permit, the procedures for application, issuance, and administration are found exclusively in 35 Ill. Adm. Code 703.220.
 - 5) If the facility owner or operator is seeking a research, development, and demonstration permit, the procedures for application, issuance, and administration are found exclusively in 35 Ill. Adm. Code 703.231.
 - 6) If the facility owner or operator is seeking a RCRA standardized permit, the procedures for application and issuance are found in Subpart G of 35 Ill. Adm. Code 705 and Subpart J of 35 Ill. Adm. Code 703.

BOARD NOTE: Subsection (a) ~~of this Section~~ is derived from 40 CFR 144.31(a) ~~(2017)(2010)~~, and subsection (b) ~~of this Section~~ is derived from 40 CFR 270.10(a) ~~(2017)(2010)~~.

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

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Section 702.123 Information Requirements

An applicant for a RCRA or UIC Class I, III, or V permit must provide the following information to the Agency, using the application form provided by the Agency (additional information required of applicants is set forth in Subpart D of 35 Ill. Adm. Code 703 (RCRA) and 35 Ill. Adm. Code 704.161 (UIC)). An applicant for a Class VI injection well permit must follow the criteria provided in 35 Ill. Adm. Code 730.182.

- a) The activities conducted by the applicant that require it to obtain a permit under RCRA or UIC.
- b) The name, mailing address, and location of the facility for which the application is submitted.
- c) Up to four SIC codes that best reflect the principal products or services provided by the facility.
- d) The operator's name, address, telephone number, ownership status, and status as Federal, State, private, public, or other entity.
- e) The name, address, and phone number of the owner of the facility.~~This subsection (e) corresponds with 40 CFR 144.31(e)(5) and 270.13(f), relating to facilities on Indian lands. The Board has replaced the corresponding federal text with this statement to maintain structural parity with the corresponding federal rules.~~
- f) A listing of all permits or construction approvals received or applied for under any of the following programs:
 - 1) The hazardous waste management program under RCRA, this Part, and 35 Ill. Adm. Code 703;
 - 2) The UIC program under SDWA, this Part, and 35 Ill. Adm. Code 704;
 - 3) The National Pollutant Discharge Elimination System (NPDES) program under the federal CWA (33 USC 1251 et seq.) and 35 Ill. Adm. Code 309;
 - 4) The Prevention of Significant Deterioration (PSD) program under the federal Clean Air Act (42 USC 7401 et seq.);

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- 5) The nonattainment program under the federal Clean Air Act;
 - 6) The National Emission Standards for Hazardous Pollutants (NESHAPs) preconstruction approval under the federal Clean Air Act;
 - 7) Any ocean dumping permits under the federal Marine Protection Research and Sanctuaries Act (33 UCS 1401 et seq.);
 - 8) Any dredge or fill permits under Section 404 of CWA (33 USC 1344); and
 - 9) Any other relevant environmental permits, including any State-issued permits.
- g) A topographic map (or other map if a topographic map is unavailable) extending 1609 meters (one mile) beyond the property boundaries of the source, depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies, and drinking water wells listed in public records or which are otherwise known to the applicant within 402 meters (one-quarter mile) of the facility property boundary.
- h) A brief description of the nature of the business.

BOARD NOTE: Derived from 40 CFR 144.31(e)(1) through (e)(8), 270.10(d), and 270.13(a) through (f) and (k) through (m) [\(2017\)](#)~~(2011)~~.

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

Section 702.125 Continuation of Expiring Permits

- a) The conditions of an expired permit continue in force until the effective date of a new permit (see 35 Ill. Adm. Code 705.201) if both of the following conditions are fulfilled:
 - 1) The permittee has submitted a timely application pursuant to 35 Ill. Adm. Code 703.181 (RCRA) or 704.161 (UIC) that is a complete (pursuant to Section 702.122) application for a new permit; and

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- 2) The Agency, through no fault of the permittee, does not issue a new permit with an effective date pursuant to 35 Ill. Adm. Code 705.201 on or before the expiration date of the previous permit (for example, when issuance is impracticable due to time or resource constraints).
- b) Effect. Permits continued pursuant to this Section remain fully effective and enforceable.
 - c) Enforcement. When the permittee is not in compliance with the conditions of the expiring or expired permit, the Agency may choose to do any or all of the following:
 - 1) Initiate enforcement action based upon the permit that has been continued;
 - 2) Issue a notice of intent to deny the new permit pursuant to 35 Ill. Adm. Code 705.141. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;
 - 3) Issue a new permit pursuant to 35 Ill. Adm. Code 705 with appropriate conditions; or
 - 4) Take other actions authorized by the Environmental Protection Act ~~[415 ILCS 5]~~, or regulations adopted thereunder.
 - d) This subsection (d) corresponds with 40 CFR 144.37(d) and 270.51(d), which pertain to continuation of USEPA-issued permits until disposition of a permit application filed with an authorized state. A corresponding provision is unnecessary in the Illinois regulations. This statement maintains structural consistency with the corresponding federal rules.
 - e) RCRA standardized permits.
 - 1) The conditions of an owner's or operator's expired RCRA standardized permit continue until the effective date of its new permit (see 35 Ill. Adm. Code 705.201) if all of the following conditions are fulfilled:
 - A) If the Agency is the permit-issuing authority;

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- B) If the owner or operator has submitted a timely and complete Notice of Intent pursuant to 35 Ill. Adm. Code 705.301(a)(2) requesting coverage under a RCRA standardized permit; and
 - C) If the Agency, through no fault of the owner or operator, does not issue the permit before the previous permit expires (for example, where it is impractical to make the permit effective by that date because of time or resource constraints).
- 2) In some instances, the Agency may notify the owner or operator that it is not eligible for a RCRA standardized permit (see 35 Ill. Adm. Code 705.302(c)). In such an instance, the conditions of the owner's or operator's expired permit will continue if the owner or operator submits the information specified in subsection (a)(1) ~~of this Section~~ (that is, a complete application for a new permit) within 60 days after it receives an Agency notification that the owner or operator is not eligible for a RCRA standardized permit.

BOARD NOTE: Derived from 40 CFR 144.37 and 270.51 ~~(2017)(2005), as amended at 70 Fed. Reg. 53420 (Sep. 8, 2005).~~

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

Section 702.126 Signatories to Permit Applications and Reports

- a) Applications. A permit application must be signed as follows:
 - 1) For a corporation: a permit application must be signed by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means either of the following persons:
 - A) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person that performs similar policy or decision-making functions for the corporation; or
 - B) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having

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gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

BOARD NOTE: The Board does not require specific assignments or delegations of authority to responsible corporate officers identified in subsection (a)(1)(A) ~~of this Section~~. The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Agency to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions pursuant to subsection (a)(1)(B) ~~of this Section~~, rather than to specific individuals.

- 2) For a partnership or sole proprietorship: a permit application must be signed by a general partner or the proprietor, respectively; or
 - 3) For a municipality, State, federal, or other public agency: a permit application must be signed by either a principal executive officer or ranking elected official. For purposes of this Section, a principal executive officer of a federal agency includes either of the following persons:
 - A) The chief executive officer of the agency, or
 - B) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA).
- b) Reports. All reports required by permits or other information requested by the Agency must be signed by a person described in subsection (a) ~~of this Section~~, or by a duly authorized representative of that person. A person is a duly authorized representative only if each of the following conditions are fulfilled:
- 1) The authorization is made in writing by a person described in subsection (a) ~~of this Section~~;

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- 2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
 - 3) The written authorization is submitted to the Agency.
- c) Changes to authorization. If an authorization pursuant to subsection (b) ~~of this Section~~ is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of subsection (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d) Certification.
- 1) Any person signing a document pursuant to subsection (a) or (b) ~~of this Section~~ must make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons that manage the system, 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.
 - 2) Alternative owner certification. For remedial action plans (RAPs) pursuant to Subpart H ~~of this Part~~, if the operator certifies according to subsection (d)(1) ~~of this Section~~, then the owner may choose to make the following certification instead of the certification in subsection (d)(1) ~~of this Section~~:

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Based on my knowledge of the conditions of the property described in the RAP and my inquiry of the person or persons that manage the system referenced in the operator's certification, or those persons directly responsible for gathering the information, the information submitted is, upon information 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.

BOARD NOTE: Derived from 40 CFR 144.32 and 270.11 [\(2017\)](#)~~(2005)~~.

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

SUBPART C: PERMIT CONDITIONS

Section 702.152 Reporting Requirements

- a) Planned changes. The permittee must give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.
- b) Anticipated noncompliance. The permittee must give advance notice to the Agency of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements. For RCRA, see also 35 Ill. Adm. Code 703.247.
- c) Transfers. This permit is not transferable to any person, except after notice to the Agency. The Agency may require modification of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the appropriate Act. (See Sections 702.182 and 702.183, in some cases modification is mandatory.)
- d) Monitoring reports. Monitoring results must be reported at the intervals specified in the permit.
- e) Compliance schedules. Reports of compliance or non-compliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit must be submitted no later than specified in Section 702.162.

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- f) Twenty-four hour reporting as required in 35 Ill. Adm. Code 703.245 or 704.181(d).
- g) Other noncompliance. The permittee must report all instances of noncompliance not reported pursuant to subsections (d), (e), and (f) ~~of this Section~~ at the time monitoring reports are submitted. The reports must contain the information referenced in subsection (f) ~~of this Section~~.
- h) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Agency, it must promptly submit such facts or information.

BOARD NOTE: Derived from 40 CFR 144.51(l) and 270.30(l) ~~(2017)~~(2005).

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

Section 702.162 Schedules of Compliance

The permit may, when appropriate, specify a schedule of compliance leading to compliance with the appropriate act and regulations.

- a) Time for compliance. Any schedules of compliance pursuant to this Section must require compliance as soon as possible. For UIC, in addition, schedules of compliance must require compliance not later than three years after the effective date of the permit.
- b) Interim dates. If a permit establishes a schedule of compliance that exceeds one year from the date of permit issuance, the schedule must set forth interim requirements and the dates for their achievement.
 - 1) The time between interim dates must not exceed one year.
 - 2) If the time necessary for completion of any interim requirement (such as the construction of a control facility) is more than one year and is not readily divisible into stages for completion, the permit must specify interim dates for the submission of reports of progress toward compliance of the interim requirements and indicate a projected completion date.

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- c) Reporting. A RCRA permit must be written to require that no later than 14 days following such interim date and the final date of compliance, the permittee must notify the Agency in writing of its compliance or noncompliance with the interim or final requirements. A UIC permit must be written to require that if subsection (a) ~~of this Section~~ is applicable, progress reports be submitted no later than 30 days following each interim date and the final date of compliance.
- d) The Agency may not permit a schedule of compliance involving violation of regulations adopted by the Board unless the permittee has been granted a variance. To avoid delay, an applicant seeking a schedule of compliance should file a variance petition pursuant to Subpart B of 35 Ill. Adm. Code 104 at the same time the permit application is filed.

BOARD NOTE: Derived from 40 CFR 144.53(a) and 270.33(a) ~~(2017)~~(2005).

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

Section 702.163 Alternative Schedules of Compliance

A RCRA or UIC permit applicant or permittee may cease conducting regulated activities (by receiving a terminal volume of hazardous waste and, for treatment or storage HWM facilities, by closing pursuant to applicable requirements; for disposal HWM facilities, by closing and conducting post-closure care pursuant to applicable requirements; or, for UIC wells, by plugging and abandonment), rather than continuing to operate and meet permit requirements as follows:

- a) If the permittee decides to cease conducting regulated activities at a given time within the term of a permit that has already been issued, either of the following must occur:
 - 1) The permit may be modified to contain a new or additional schedule leading to timely cessation of activities; or
 - 2) The permittee must cease conducting permitted activities before noncompliance with any interim or final compliance schedule requirement already specified in the permit.
- b) If the decision to cease conducting regulated activities is made before issuance of a permit whose term will include the termination date, the permit must contain a schedule leading to termination that will ensure timely compliance with

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applicable requirements.

- c) If the permittee is undecided whether to cease conducting regulated activities, the Agency may issue or modify a permit to contain two alternative schedules, as follows:
- 1) Both schedules must contain an identical interim deadline requiring a final decision on whether to cease conducting regulated activities no later than a date that ensures sufficient time to comply with applicable requirements in a timely manner if the decision is to continue conducting regulated activities;
 - 2) One schedule must lead to timely compliance with applicable requirements;
 - 3) The second schedule must lead to cessation of regulated activities by a date that will ensure timely compliance with applicable requirements.
 - 4) Each permit containing two alternative schedules must include a requirement that, after the permittee has made a final decision pursuant to subsection (c)(1) ~~of this Section~~, it must follow the schedule leading to compliance, if the decision is to continue conducting regulated activities, or follow the schedule leading to termination, if the decision is to cease conducting regulated activities.
- d) The applicant's or permittee's decision to cease conducting regulated activities must be evidenced by a firm public commitment satisfactory to the Agency, such as a written resolution of the board of directors of a corporation.

BOARD NOTE: Derived from 40 CFR 144.53(b) and 270.33(b) ~~(2005)~~ (2017).

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

SUBPART D: ISSUED PERMITS

Section 702.181 Effect of a Permit

- a) The existence of a RCRA or UIC permit does not constitute a defense to a violation of the Environmental Protection Act or this Subtitle G, except for

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prohibitions against development, modification, or operation without a permit. A permit may be modified or reissued during its term for cause, as set forth in Subpart G of 35 Ill. Adm. Code 703 (RCRA) or Subpart H of 35 Ill. Adm. Code 704 (UIC) and Section 702.186, or a permit may be modified upon the request of the permittee, as provided by 35 Ill. Adm. Code 703.280 through 703.283.

BOARD NOTE: 40 CFR 270.4(a) differs from this subsection (a) in two significant aspects: (1) 40 CFR 270.4(a)(1) states that compliance with the permit is compliance with federal law; and (2) 40 CFR 270.4(a)(1)(i) through (a)(1)(iv) enumerate exceptions when compliance with the permit can violate federal law. The exceptions under which compliance with a permit can violate federal law are the following intervening events: (1) new or amended statutory requirements; (2) new or amended 40 CFR 268 land disposal restrictions; (3) the adoption of the 40 CFR 264 leak detection requirements; and (4) the adoption of the air emissions limitations of subparts AA, BB, and CC of 40 CFR 265. By not codifying the federal exceptions, since they are not necessary in the Illinois program to accomplish the intended purpose, the Board does not intend to imply that compliance with a RCRA permit obviates immediate compliance with any of the events included in the federal exceptions.

- b) The issuance of a permit does not convey property rights of any sort, nor does issuance convey any exclusive privilege.
- c) The issuance of a permit does not authorize injury to persons or property or invasion of other private rights, nor does issuance authorize any infringement of State or local law or regulations, except as noted in subsection (a) ~~of this Section~~.

BOARD NOTE: Derived from 40 CFR 144.35 and 40 CFR 270.4 ~~(2017)~~(2010).

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

Section 702.186 Revocation

The Board will revoke a permit during its term in accordance with Title VIII of the Environmental Protection Act ~~[415 ILCS 5/Title VIII]~~ for the following causes:

- a) The permittee's violation of the Environmental Protection Act ~~[415 ILCS 5]~~ or regulations adopted thereunder;

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- b) Noncompliance by the permittee with any condition of the permit;
- c) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or
- d) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification, reissuance, or revocation.

BOARD NOTE: Derived from 40 CFR 270.43 and 144.40 [\(2017\)](#)~~(2005)~~.

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

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

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
703.120	Amendment
703.123	Amendment
703.150	Amendment
703.151	Amendment
703.157	Amendment
703.161	Amendment
703.186	Amendment
703.189	Amendment
703.205	Amendment
703.208	Amendment
703.210	Amendment
703.211	Amendment
703.221	Amendment
703.223	Amendment
703.232	Amendment
703.270	Amendment
703.280	Amendment
703.282	Amendment
703.283	Amendment
703.320	Amendment
703.350	Amendment
703.352	Amendment
703.APPENDIX A	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 703 are a single segment of the consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking that also affects 35 Ill. Adm. Code 702, 704, 705, 720 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 702 through 705, 720, and 721. 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

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answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 702. 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 703 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 Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2016)].

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- 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) (2016)].
- 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

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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) (2016)].

- 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) (2016)].
- 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 b: PERMITSPART 703
RCRA PERMIT PROGRAM

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

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703.122	Specific Inclusions in Permit Program
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703.124	Discharges of Hazardous Waste
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703.202	Tank Systems
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703.207	Landfills
703.208	Boilers and Industrial Furnaces Burning Hazardous Waste
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703.221	Alternative Compliance with the Federal NESHAPS
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703.223	Incinerator Conditions During Trial Burn
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CONTROL TECHNOLOGY (MACT) STANDARDS

Section

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

SUBPART J: RCRA STANDARDIZED PERMITS
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Section

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

703.APPENDIX A Classification of Permit Modifications

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

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

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

SUBPART B: PROHIBITIONS

Section 703.120 Prohibitions in General

- a) Violation of the provisions of this Subpart may result in an enforcement action and sanctions pursuant to Titles VIII and XII of the Environmental Protection Act [\[415 ILCS 5\]](#);
- b) This Subpart B serves the following functions:

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- 1) It prohibits the conduct of hazardous waste management operations without a RCRA permit (Sections 703.121 and 703.122);
 - 2) It specifies exclusions from the permit requirement (Section 703.123);
 - 3) It sets times for the filing of applications and reapplications (Sections 703.125 and 703.126);
 - 4) It prohibits violation of the conditions of RCRA permits (Section 703.122);
- c) Subpart C ~~of this Part~~ grants permits by rule, and sets the conditions for interim status, which allows operation of certain facilities prior to permit issuance. Subpart C ~~of this Part~~ contains prohibitions applicable during the interim status period;
- d) The following definitions apply to this Subpart B:
- 1) 35 Ill. Adm. Code 702.110; and
 - 2) 35 Ill. Adm. Code 721, the definitions of "solid waste" and "hazardous waste-".

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

Section 703.123 Specific Exclusions and Exemptions from Permit Program

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

- a) A generator that accumulates hazardous waste on site in compliance with all of ~~on-site for less than the~~ conditions for exemption~~time periods~~ provided in 35 Ill. Adm. Code 722.114 through 722.117~~722.134~~;
- b) A farmer that disposes of hazardous waste pesticides from the farmer's own use, as provided in 35 Ill. Adm. Code 722.170;
- c) A person that owns or operates a facility solely for the treatment, storage, or disposal of hazardous waste excluded from regulations pursuant to this Part by 35 Ill. Adm. Code 721.104 or 722.114~~721.105~~ (VSQG~~small generator~~ exemption);

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- d) An owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;
- e) An owner or operator of an elementary neutralization unit or wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110;
- f) A transporter that stores manifested shipments of hazardous waste in containers that meet the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;
- g) A person that adds absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) or a person that adds waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and 35 Ill. Adm. Code 724.117(b), 724.271, and 724.272 are complied with; and
- h) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that manages the wastes listed in subsections (h)(1) through (h)(5) ~~of this Section~~. 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.

BOARD NOTE: Derived from 40 CFR 270.1(c)(2) (~~20172005~~), as amended at ~~70 Fed. Reg. 59848 (Oct. 13, 2005)~~.

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

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section 703.150 Application by Existing HWM Facilities and Interim Status Qualifications

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- a) The owner or operator of an existing HWM facility or of an HWM facility in existence on the effective date of statutory or regulatory amendments that render the facility subject to the requirement to have a RCRA permit must submit Part A of the permit application to the Agency no later than the following times, whichever comes first:
- 1) Six months after the date of publication of regulations that first require the owner or operator to comply with standards in 35 Ill. Adm. Code 725 or 726; or
 - 2) Thirty days after the date the owner or operator first becomes subject to the standards in 35 Ill. Adm. Code 725 or 726; ~~or~~
 - 3) ~~For generators that generate greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and treat, store or dispose of these wastes on-site, by March 24, 1987.~~
- b) In granting a variance under subsection (c), ~~of this Section~~ the Board will consider whether there has been substantial confusion as to whether the owner or operator of such facilities were required to file a Part A application and whether such confusion was attributable to ambiguities in 35 Ill. Adm. Code 720, 721, or 725.
- c) The time for filing Part A of the permit application may be extended only by a Board Order entered pursuant to a variance petition.
- d) The owner or operator of an existing HWM facility may be required to submit Part B of the permit application. The Agency will notify the owner or operator that a Part B application is required, and set a date for receipt of the application, not less than six months after the date the notice is sent. The owner or operator may voluntarily submit a Part B application for all or part of the HWM facility at any time. Notwithstanding the above, any owner or operator of an existing HWM facility must submit a Part B permit application in accordance with the dates specified in Section 703.157. Any owner or operator of a land disposal facility in existence on the effective date of statutory or regulatory amendments that render the facility subject to the requirement to have a RCRA permit must submit a Part B application in accordance with the dates specified in Section 703.157.
- e) Interim status may be terminated as provided in Section 703.157.

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BOARD NOTE: Derived from 40 CFR 270.10(e)(~~2017~~2002).

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

Section 703.151 Application by New HWM Facilities

- a) Except as provided in subsection (c) ~~of this Section~~, no person may begin physical construction of a new HWM facility without having submitted Part A and Part B of the permit application and having received a finally effective RCRA permit;
- b) An application for a permit for a new HWM facility (including both Part A and Part B) may be filed at any time after promulgation of standards in 35 Ill. Adm. Code 724 applicable to any TSD unit in the facility. Except as provided in subsection (c) ~~of this Section~~, all applications must be submitted to the Agency at least 180 days before physical construction is expected to commence;
- c) Notwithstanding subsection (a) ~~of this Section~~, a person may construct a facility for the incineration of polychlorinated biphenyls pursuant to an approval issued by the Administrator of USEPA under Section (6)(e) of the federal Toxic Substances Control Act (42 USC 9601 et seq.) and any person owning or operating such a facility may, at any time after construction ~~or~~ operation of such facility has begun, file an application for a RCRA permit to incinerate hazardous waste authorizing such facility to incinerate waste identified or listed under 35 Ill. Adm. Code 721.
- d) Such persons may continue physical construction of the HWM facility after the effective date of the standards applicable to it if the person submits Part B of the permit application on or before the effective date of such standards (or on some later date specified by the Agency). Such person must not operate the HWM facility without having received a finally effective RCRA permit.

BOARD NOTE: Derived from 40 CFR 270.10(f) (~~2017~~2002).

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

Section 703.157 Grounds for Termination of Interim Status

Interim status terminates when either of the following occurs:

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- a) Final administrative disposition is made of a permit application, except an application for a remedial action plan (RAP) under Subpart H ~~of this Part~~; or
- b) The owner or operator fails to furnish a requested Part B application on time, or to furnish the full information required by the Part B application, in which case the Agency must notify the owner and operator of the termination of interim status following the procedures for a notice of intent to deny a permit pursuant to 35 Ill. Adm. Code 705.
- c) Corresponding 40 CFR 270.10(e)(1)(iii) required a RCRA Part B permit application before a date long past. This statement maintains structural consistency with the federal rules. For an owner or operator of a land disposal facility that has been granted interim status prior to November 8, 1984, on November 8, 1985, unless the following conditions are fulfilled:
 - ~~1) The owner or operator submits a Part B application for a permit for such facility prior to that date; and~~
 - ~~2) The owner or operator certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.~~
- d) For an owner or operator of a land disposal facility that is in existence on the effective date of statutory or regulatory amendments under the federal Resource Conservation and Recovery Act (42 USC 6901 et seq.) that render the facility subject to the requirement to have a RCRA permit and which is granted interim status, twelve months after the date on which the facility first becomes subject to such permit requirement, unless the owner or operator of such facility does as follows:
 - 1) It submits a Part B application for a RCRA permit for such facility before the date 12 months after the date on which the facility first becomes subject to such permit requirement; and
 - 2) It certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.
- e) For an owner or operator of any land disposal unit that is granted authority to

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operate under Section 703.155(a)(1), (a)(2), or (a)(3), on the day 12 months after the effective date of such requirement, unless the owner or operator certifies that such unit is in compliance with all applicable groundwater monitoring and financial responsibility requirements (Subparts F and H of 35 Ill. Adm. Code 725).

- f) ~~For an owner and operator of each incinerator facility that achieved interim status prior to November 8, 1984, on November 8, 1989, unless the owner or operator of the facility submits a Part B application for a RCRA permit for an incinerator facility by November 8, 1986.~~
- g) ~~For an owner and operator of any facility (other than a land disposal or an incinerator facility) that achieved interim status prior to November 8, 1984, on November 8, 1992, unless the owner or operator of the facility submits a Part B application for a RCRA permit for the facility by November 8, 1988.~~

BOARD NOTE: Derived from 40 CFR 270.10(e)(5) ~~(2002)~~ and 270.73 ~~(20172004)~~.

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

Section 703.161 Enforceable Document for Post-Closure Care

- a) An owner or operator may obtain an enforceable document containing alternative requirements for post-closure care that imposes the requirements of 35 Ill. Adm. Code 725.221. "Enforceable document containing alternative requirements" or "other enforceable document," as used in this Part and in 35 Ill. Adm. Code 724 and 725, means an order of the Board, an Agency-approved plan, or an order of a court of competent jurisdiction that meets the requirements of subsection (b) ~~of this Section~~. An "enforceable document containing alternative requirements" or "other enforceable document," may also mean an order of USEPA (such as pursuant to section 3008(h) of RCRA, 42 USC 6928(h), or under section 106 of the federal Comprehensive Environmental Response, Compensation and Liability Act, 42 USC 9606).

BOARD NOTE: Derived from 40 CFR 270.1(c)(7) ~~(20172002)~~.

- b) Any alternative requirements issued under this Section or established to satisfy the requirements of 35 Ill. Adm. Code 724.190(f), 724.210(c), 724.240(d), 725.190(f), 725.210(c), or 725.240(d) must be embodied in a document that is

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enforceable and subject to appropriate compliance orders and civil penalties under Titles VIII and XII of the Act ~~[415 ILCS 5]~~.

BOARD NOTE: Derived from 40 CFR 271.16(e) (~~20172002~~).

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

SUBPART D: APPLICATIONS

Section 703.186 Exposure Information

~~a)~~ Any Part B permit application submitted by an owner or operator of a facility that stores, treats, or disposes of hazardous waste in a surface impoundment or a landfill must be accompanied by information, reasonably ascertainable by the owner or operator, on the potential for the public to be exposed to hazardous wastes or hazardous constituents through releases related to the unit. At a minimum, such information must address the following:

- ~~a1)~~ Reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;
- ~~b2)~~ The potential pathways of human exposure to hazardous wastes or constituents resulting from the releases described under subsection (a)(1) ~~of this Section~~; and
- ~~c3)~~ The potential magnitude and nature of the human exposure resulting from such releases.
- ~~b)~~ ~~By August 8, 1985, an owner or operator of a landfill or a surface impoundment that had already submitted a Part B application must have submitted the exposure information required in subsection (a) of this Section.~~

BOARD NOTE: Derived from 40 CFR 270.10(j) (~~20172002~~).

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

Section 703.189 Additional Information Required to Assure Compliance with MACT Standards

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If the Agency determines, based on one or more of the factors listed in subsection (a) ~~of this Section~~ that compliance with the standards of subpart EEE of 40 CFR 63, incorporated by reference in 35 Ill. Adm. Code 720.111, alone may not adequately protect human health and the environment, the Agency must require the additional information or assessments necessary to determine whether additional controls are necessary to ensure adequate protection of human health and the environment. This includes information necessary to evaluate the potential risk to human health or the environment resulting from both direct and indirect exposure pathways. The Agency may also require a permittee or applicant to provide information necessary to determine whether such an assessment should be required.

- a) The Agency ~~must~~shall base the evaluation of whether compliance with the standards of subpart EEE of 40 CFR 63, incorporated by reference in 35 Ill. Adm. Code 720.111, alone adequately protects human health and the environment on factors relevant to the potential risk from a hazardous waste combustion unit, including, as appropriate, any of the following factors:
- 1) Particular site-specific considerations such as proximity to receptors (such as schools, hospitals, nursing homes, day care centers, parks, community activity centers, or other potentially sensitive receptors), unique dispersion patterns, etc.;
 - 2) The identities and quantities of emissions of persistent, bioaccumulative or toxic pollutants considering enforceable controls in place to limit those pollutants;
 - 3) The identities and quantities of non-dioxin products of incomplete combustion most likely to be emitted and to pose significant risk based on known toxicities (confirmation of which should be made through emissions testing);
 - 4) The identities and quantities of other off-site sources of pollutants in proximity of the facility that significantly influence interpretation of a facility-specific risk assessment;
 - 5) The presence of significant ecological considerations, such as the proximity of a particularly sensitive ecological area;
 - 6) The volume and types of wastes, for example wastes containing highly toxic constituents;

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- 7) Other on-site sources of hazardous air pollutants that significantly influence interpretation of the risk posed by the operation of the source in question;
 - 8) Adequacy of any previously conducted risk assessment, given any subsequent changes in conditions likely to affect risk; and
 - 9) Such other factors as may be appropriate.
- b) This subsection (b) corresponds with 40 CFR 270.10(l)(b), which USEPA has marked "Reserved:". This statement maintains structural consistency with the corresponding federal rules.

BOARD NOTE: Derived from 40 CFR 270.10(l)(2017); as added at 70 Fed. Reg. 59402 (Oct. 12, 2005).

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

Section 703.205 Incinerators that Burn Hazardous Waste

For a facility that incinerates hazardous waste, except as 35 Ill. Adm. Code 724.440 and subsection (e) ~~of this Section~~ provide otherwise, the applicant must fulfill the requirements of subsection (a), (b), or (c) ~~of this Section~~ in completing the Part B application.

- a) When seeking exemption pursuant to 35 Ill. Adm. Code 724.440(b) or (c) (ignitable, corrosive, or reactive wastes only), the applicant must fulfill the following requirements:
 - 1) Documentation that the waste is listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721 solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both;
 - 2) Documentation that the waste is listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721 solely because it is reactive (Hazard Code R) for characteristics other than those listed in 35 Ill. Adm. Code 721.123(a)(4) and (a)(5) and will not be burned when other hazardous wastes are present in the combustion zone;

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- 3) Documentation that the waste is a hazardous waste solely because it possesses the characteristic of ignitability or corrosivity, or both, as determined by the tests for characteristics of hazardous wastes pursuant to Subpart C of 35 Ill. Adm. Code 721; or
 - 4) Documentation that the waste is a hazardous waste solely because it possesses the reactivity characteristics listed in 35 Ill. Adm. Code 721.123 (a)(1) through (a)(3) or (a)(6) through (a)(8), and that it will not be burned when other hazardous wastes are present in the combustion zone.
- b) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Section 703.222 through 703.224.
 - c) In lieu of a trial burn, the applicant may submit the following information:
 - 1) An analysis of each waste or mixture of wastes to be burned including the following:
 - A) Heat value of the waste in the form and composition in which it will be burned;
 - B) Viscosity (if applicable) or description of physical form of the waste;
 - C) An identification of any hazardous organic constituents listed in Appendix H to 35 Ill. Adm. Code 721 that are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Appendix H to 35 Ill. Adm. Code 721 that would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on appropriate analytical methods;
 - D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the appropriate analytical methods; and
 - E) A quantification of those hazardous constituents in the waste that may be designated as POHCs based on data submitted from other

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trial or operational burns that demonstrate compliance with the performance standard in 35 Ill. Adm. Code 724.443;

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.

- 2) A detailed engineering description of the incinerator, including the following:
 - A) Manufacturer's name and model number of incinerator;
 - B) Type of incinerator;
 - C) Linear dimension of incinerator unit including cross sectional area of combustion chamber;
 - D) Description of auxiliary fuel system (type/feed);
 - E) Capacity of prime mover;
 - F) Description of automatic waste feed cutoff systems;
 - G) Stack gas monitoring and pollution control monitoring system;

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- H) Nozzle and burner design;
 - I) Construction materials; and
 - J) Location and description of temperature, pressure and flow indicating devices and control devices;
- 3) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in subsection (c)(1) ~~of this Section~~. This analysis should specify the POHCs that the applicant has identified in the waste for which a permit is sought, and any differences from the POHCs in the waste for which burn data are provided;
- 4) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available;
- 5) A description of the results submitted from any previously conducted trial burns, including the following:
- A) Sampling and analysis techniques used to calculate performance standards in 35 Ill. Adm. Code 724.443;
 - B) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide, and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement); and
 - C) The certification and results required by subsection (b) ~~of this Section~~;
- 6) The expected incinerator operation information to demonstrate compliance with 35 Ill. Adm. Code 724.443 and 724.445, including the following:
- A) Expected carbon monoxide (CO) level in the stack exhaust gas;
 - B) Waste feed rate;

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- C) Combustion zone temperature;
 - D) Indication of combustion gas velocity;
 - E) Expected stack gas volume, flow rate, and temperature;
 - F) Computed residence time for waste in the combustion zone;
 - G) Expected hydrochloric acid removal efficiency;
 - H) Expected fugitive emissions and their control procedures; and
 - I) Proposed waste feed cut-off limits based on the identified significant operating parameters;
- 7) The Agency may, pursuant to 35 Ill. Adm. Code 705.122, request such additional information as may be necessary for the Agency to determine whether the incinerator meets the requirements of Subpart O of 35 Ill. Adm. Code 724 and what conditions are required by that Subpart and Section 39(d) of the Environmental Protection Act ~~[415 ILCS 5/39(d)]~~; and
- 8) Waste analysis data, including that submitted in subsection (c)(1) ~~of this Section~~, sufficient to allow the Agency to specify as permit Principal Organic Hazardous Constituents (permit POHCs) those constituents for which destruction and removal efficiencies will be required.
- d) The Agency must approve a permit application without a trial burn if it finds the following:
- 1) The wastes are sufficiently similar; and
 - 2) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (pursuant to 35 Ill. Adm. Code 724.445) operating conditions that will ensure that the performance standards in 35 Ill. Adm. Code 724.443 will be met by the incinerator.
- e) When the owner or operator of a hazardous waste incineration unit becomes

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subject to RCRA permit requirements ~~after October 12, 2005~~, or when the owner or operator of an existing hazardous waste incineration unit demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in 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) (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance pursuant to 40 CFR 63.1207(j) and 63.1210(d) documenting compliance with all applicable requirements of subpart EEE of 40 CFR 63), this Section does not apply, except those provisions that the Agency determines are necessary to ensure compliance with 35 Ill. Adm. Code 724.445(a) and (c) if the owner or operator elects to comply with Section 703.320(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the Agency may apply the provisions of this Section, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188, 703.189, and 703.241(a)(2) and (a)(3).

BOARD NOTE: Operating conditions used to determine effective treatment of hazardous waste remain effective after the owner or operator demonstrates compliance with the standards of subpart EEE of 40 CFR 63.

BOARD NOTE: Derived from 40 CFR 270.19 (~~2017~~2005), ~~as amended at 70 Fed. Reg. 59402 (Oct. 12, 2005)~~.

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

Section 703.208 Boilers and Industrial Furnaces Burning Hazardous Waste

When the owner or operator of a cement or lightweight aggregate kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace becomes subject to RCRA permit requirements ~~after October 12, 2005~~, or when the owner or operator of an existing cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in 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) (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance pursuant to 40 CFR 63.1207(j) and 63.1210(d) documenting compliance with all applicable requirements of subpart EEE of 40 CFR 63), this Section does not apply. This

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Section applies, however, if the Agency determines certain provisions are necessary to ensure compliance with 35 Ill. Adm. Code 726.202(e)(1) and (e)(2)(C) if the owner or operator elects to comply with Section 703.320(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events; or if the facility is an area source and the owner or operator elects to comply with the Sections 726.205, 726.206, and 726.207 standards and associated requirements for particulate matter, hydrogen chloride and chlorine gas, and non-mercury metals; or if the Agency determines that certain provisions apply, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188, 703.189, and 703.241(a)(2) and (a)(3).

- a) Trial burns.
 - 1) General. Except as provided below, an owner or operator that is subject to the standards to control organic emissions provided by 35 Ill. Adm. Code 726.204, standards to control particulate matter provided by 35 Ill. Adm. Code 726.205, standards to control metals emissions provided by 35 Ill. Adm. Code 726.206, or standards to control hydrogen chloride (HCl) or chlorine gas emissions provided by 35 Ill. Adm. Code 726.207 must conduct a trial burn to demonstrate conformance with those standards and must submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Section 703.232.
 - A) Pursuant to subsections (a)(2) through (a)(5) ~~of this Section~~ and 35 Ill. Adm. Code 726.204 through 726.207, the Agency may waive a trial burn to demonstrate conformance with a particular emission standard; and
 - B) The owner or operator may submit data in lieu of a trial burn, as prescribed in subsection (a)(6) ~~of this Section~~.
 - 2) Waiver of trial burn of DRE (destruction removal efficiency).
 - A) Boilers operated under special operating requirements. When seeking to be permitted pursuant to 35 Ill. Adm. Code 726.204(a)(4) and 726.210, which automatically waive the DRE trial burn, the owner or operator of a boiler must submit documentation that the boiler operates under the special operating requirements provided by 35 Ill. Adm. Code 726.210.

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- B) Boilers and industrial furnaces burning low risk waste. When seeking to be permitted under the provisions for low risk waste provided by 35 Ill. Adm. Code 726.204(a)(5) and 726.209(a), which waive the DRE trial burn, the owner or operator must submit the following:
- i) Documentation that the device is operated in conformance with 35 Ill. Adm. Code 726.209(a)(1).
 - ii) Results of analyses of each waste to be burned, documenting the concentrations of nonmetal compounds listed in Appendix H to 35 Ill. Adm. Code 721, except for those constituents that would reasonably not be expected to be in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion explained. The analysis must rely on 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.

- iii) Documentation of hazardous waste firing rates and calculations of reasonable, worst-case emission rates of

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each constituent identified in subsection (a)(2)(B)(ii) ~~of this Section~~ using procedures provided by 35 Ill. Adm. Code 726.209(a)(2)(B).

- iv) Results of emissions dispersion modeling for emissions identified in subsection (a)(2)(B)(iii) ~~of this Section~~ using modeling procedures prescribed by 35 Ill. Adm. Code 726.206(h). The Agency must review the emission modeling conducted by the applicant to determine conformance with these procedures. The Agency must either approve the modeling or determine that alternate or supplementary modeling is appropriate.
 - v) Documentation that the maximum annual average ground level concentration of each constituent identified in subsection (a)(2)(B)(ii) ~~of this Section~~ quantified in conformance with subsection (a)(2)(B)(iv) ~~of this Section~~ does not exceed the allowable ambient level established in Appendix D or E to 35 Ill. Adm. Code 726. The acceptable ambient concentration for emitted constituents for which a specific reference air concentration has not been established in Appendix D to 35 Ill. Adm. Code 726 or risk-specific doses has not been established in Appendix E to 35 Ill. Adm. Code 726 is 0.1 micrograms per cubic meter, as noted in the footnote to Appendix D to 35 Ill. Adm. Code 726.
- 3) Waiver of trial burn for metals. When seeking to be permitted under the Tier I (or adjusted Tier I) metals feed rate screening limits provided by 35 Ill. Adm. Code 726.206(b) and (e) that control metals emissions without requiring a trial burn, the owner or operator must submit the following:
- A) Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feed stocks;
 - B) Documentation of the concentration of each metal controlled by 35 Ill. Adm. Code 726.206(b) or (c) in the hazardous waste, other fuels and industrial furnace feedstocks, and calculations of the total feed rate of each metal;

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- C) Documentation of how the applicant will ensure that the Tier I feed rate screening limits provided by 35 Ill. Adm. Code 726.206(b) or (e) will not be exceeded during the averaging period provided by that subsection;
 - D) Documentation to support the determination of the TESH (terrain-adjusted effective stack height), good engineering practice stack height, terrain type, and land use, as provided by 35 Ill. Adm. Code 726.206(b)(3) through (b)(5);
 - E) Documentation of compliance with the provisions of 35 Ill. Adm. Code 726.206(b)(6), if applicable, for facilities with multiple stacks;
 - F) Documentation that the facility does not fail the criteria provided by 35 Ill. Adm. Code 726.206(b)(7) for eligibility to comply with the screening limits; and
 - G) Proposed sampling and metals analysis plan for the hazardous waste, other fuels, and industrial furnace feed stocks.
- 4) Waiver of trial burn for PM (particulate matter). When seeking to be permitted under the low risk waste provisions of 35 Ill. Adm. Code 726.209(b), which waives the particulate standard (and trial burn to demonstrate conformance with the particulate standard), applicants must submit documentation supporting conformance with subsections (a)(2)(B) and (a)(3) ~~of this Section~~.
- 5) Waiver of trial burn for HCl and chlorine gas. When seeking to be permitted under the Tier I (or adjusted Tier I) feed rate screening limits for total chlorine and chloride provided by 35 Ill. Adm. Code 726.207(b)(1) and (e) that control emissions of HCl and chlorine gas without requiring a trial burn, the owner or operator must submit the following:
- A) Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feed stocks;
 - B) Documentation of the levels of total chlorine and chloride in the

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- hazardous waste, other fuels and industrial furnace feedstocks, and calculations of the total feed rate of total chlorine and chloride;
- C) Documentation of how the applicant will ensure that the Tier I (or adjusted Tier I) feed rate screening limits provided by 35 Ill. Adm. Code 726.207(b)(1) or (e) will not be exceeded during the averaging period provided by that subsection;
 - D) Documentation to support the determination of the TESH, good engineering practice stack height, terrain type and land use as provided by 35 Ill. Adm. Code 726.207(b)(3);
 - E) Documentation of compliance with the provisions of 35 Ill. Adm. Code 726.207(b)(4), if applicable, for facilities with multiple stacks;
 - F) Documentation that the facility does not fail the criteria provided by 35 Ill. Adm. Code 726.207(b)(3) for eligibility to comply with the screening limits; and
 - G) Proposed sampling and analysis plan for total chlorine and chloride for the hazardous waste, other fuels, and industrial furnace feedstocks.
- 6) Data in lieu of trial burn. The owner or operator may seek an exemption from the trial burn requirements to demonstrate conformance with Section 703.232 and 35 Ill. Adm. Code 726.204 through 726.207 by providing the information required by Section 703.232 from previous compliance testing of the device in conformance with 35 Ill. Adm. Code 726.203 or from compliance testing or trial or operational burns of similar boilers or industrial furnaces burning similar hazardous wastes under similar conditions. If data from a similar device is used to support a trial burn waiver, the design and operating information required by Section 703.232 must be provided for both the similar device and the device to which the data is to be applied, and a comparison of the design and operating information must be provided. The Agency must approve a permit application without a trial burn if the Agency finds that the hazardous wastes are sufficiently similar, the devices are sufficiently similar, the operating conditions are sufficiently similar, and the data from other

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compliance tests, trial burns, or operational burns are adequate to specify (pursuant to 35 Ill. Adm. Code 726.102) operating conditions that will ensure conformance with 35 Ill. Adm. Code 726.102(c). In addition, the following information must be submitted:

- A) For a waiver from any trial burn, the following:
 - i) A description and analysis of the hazardous waste to be burned compared with the hazardous waste for which data from compliance testing or operational or trial burns are provided to support the contention that a trial burn is not needed;
 - ii) The design and operating conditions of the boiler or industrial furnace to be used, compared with that for which comparative burn data are available; and
 - iii) Such supplemental information as the Agency finds necessary to achieve the purposes of this subsection (a).
 - B) For a waiver of the DRE trial burn, the basis for selection of POHCs (principal organic hazardous constituents) used in the other trial or operational burns that demonstrate compliance with the DRE performance standard in 35 Ill. Adm. Code 726.204(a). This analysis should specify the constituents in Appendix H to 35 Ill. Adm. Code 721 that the applicant has identified in the hazardous waste for which a permit is sought and any differences from the POHCs in the hazardous waste for which burn data are provided.
- b) Alternative HC limit for industrial furnaces with organic matter in raw materials. An owner or operator of industrial furnaces requesting an alternative HC limit pursuant to 35 Ill. Adm. Code 726.204(f) must submit the following information at a minimum:
- 1) Documentation that the furnace is designed and operated to minimize HC emissions from fuels and raw materials;
 - 2) Documentation of the proposed baseline flue gas HC (and CO) concentration, including data on HC (and CO) levels during tests when the

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facility produced normal products under normal operating conditions from normal raw materials while burning normal fuels and when not burning hazardous waste;

- 3) Test burn protocol to confirm the baseline HC (and CO) level including information on the type and flow rate of all feedstreams, point of introduction of all feedstreams, total organic carbon content (or other appropriate measure of organic content) of all nonfuel feedstreams, and operating conditions that affect combustion of fuels and destruction of hydrocarbon emissions from nonfuel sources;
 - 4) Trial burn plan to do the following:
 - A) To demonstrate when burning hazardous waste that flue gas HC (and CO) concentrations do not exceed the baseline HC (and CO) level; and
 - B) To identify, in conformance with Section 703.232(d), the types and concentrations of organic compounds listed in Appendix H to 35 Ill. Adm. Code 721 that are emitted when burning hazardous waste;
 - 5) Implementation plan to monitor over time changes in the operation of the facility that could reduce the baseline HC level and procedures to periodically confirm the baseline HC level; and
 - 6) Such other information as the Agency finds necessary to achieve the purposes of this subsection (b).
- c) Alternative metals implementation approach. When seeking to be permitted under an alternative metals implementation approach pursuant to 35 Ill. Adm. Code 726.206(f), the owner or operator must submit documentation specifying how the approach ensures compliance with the metals emissions standards of 35 Ill. Adm. Code 726.106(c) or (d) and how the approach can be effectively implemented and monitored. Further, the owner or operator must provide such other information that the Agency finds necessary to achieve the purposes of this subsection (c).
- d) Automatic waste feed cutoff system. An owner or operator must submit

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information describing the automatic waste feed cutoff system, including any pre-alarm systems that may be used.

- e) Direct transfer. An owner or operator that uses direct transfer operations to feed hazardous waste from transport vehicles (containers, as defined in 35 Ill. Adm. Code 726.211) directly to the boiler or industrial furnace must submit information supporting conformance with the standards for direct transfer provided by 35 Ill. Adm. Code 726.211.
- f) Residues. An owner or operator that claims that its residues are excluded from regulation pursuant to 35 Ill. Adm. Code 726.212 must submit information adequate to demonstrate conformance with those provisions.

BOARD NOTE: Derived from 40 CFR 270.22 ([20172005](#)), ~~as amended at 70 Fed. Reg. 59402 (Oct. 12, 2005)~~.

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

Section 703.210 Process Vents

Except as otherwise provided in 35 Ill. Adm. Code 724.101, the owner or operator of a facility that has process vents to which Subpart AA of 35 Ill. Adm. Code 724 applies must provide the following additional information:

- a) For facilities that cannot install a closed-vent system and control device to comply with Subpart AA of 35 Ill. Adm. Code 724 on the effective date on which the facility becomes subject to that Subpart or Subpart AA of 35 Ill. Adm. Code 725, an implementation schedule, as specified in 35 Ill. Adm. Code 724.933(a)(2).
- b) Documentation of compliance with the process vent standards in 35 Ill. Adm. Code 724.932, including the following:
 - 1) Information and data identifying all affected process vents, annual throughput and operating hours of each affected unit, estimated emission rates for the affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan);

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- 2) Information and data supporting estimates of vent emissions and emission reduction achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, estimates of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or concentrations) that represent the conditions that exist when the waste management unit is operating at the highest load or capacity level reasonably expected to occur; and
 - 3) Information and data used to determine whether or not a process vent is subject to 35 Ill. Adm. Code 724.932.
- c) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with 35 Ill. Adm. Code 724.932, and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device, a performance test plan as specified in 35 Ill. Adm. Code 724.935(b)(3).
- d) Documentation of compliance with 35 Ill. Adm. Code 724.933, including the following:
- 1) A list of all information references and sources used in preparing the documentation.
 - 2) Records, including the dates of each compliance test required by 35 Ill. Adm. Code 724.933(k).
 - 3) A design analysis, specifications, drawings, schematics, piping, and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions," USEPA publication number EPA-450/2-81-005, incorporated by reference in 35 Ill. Adm. Code 720.111(a), or other engineering texts approved by the Agency that present basic control device information. The design analysis must address the vent stream characteristics and control device parameters as specified in 35 Ill. Adm. Code 724.935(b)(4)(C).
 - 4) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the

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conditions that exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.

- 5) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater, unless the total organic emission limits of 35 Ill. Adm. Code 724.932(a) for affected process vents at the facility can be attained by a control device involving vapor recovery at an efficiency less than 95 weight percent.

BOARD NOTE: Derived from 40 CFR 270.24 ([20172005](#)), ~~as amended at 70 Fed. Reg. 59402 (Oct. 12, 2005).~~

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

Section 703.211 Equipment

Except as otherwise provided in 35 Ill. Adm. Code 724.101, the owner or operator of a facility that has equipment to which Subpart BB of 35 Ill. Adm. Code 724 applies must provide the following additional information:

- a) For each piece of equipment to which Subpart BB of 35 Ill. Adm. Code 724 applies, the following:
 - 1) Equipment identification number and hazardous waste management unit identification;
 - 2) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan);
 - 3) Type of equipment (e.g., a pump or pipeline valve);
 - 4) Percent by weight total organics in the hazardous wastestream at the equipment;
 - 5) Hazardous waste state at the equipment (e.g., gas/vapor or liquid); and
 - 6) Method of compliance with the standard (e.g., "monthly leak detection and

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repair" or "equipped with dual mechanical seals").

- b) For facilities that cannot install a closed-vent system and control device to comply with Subpart BB of 35 Ill. Adm. Code 724 on the effective date that facility becomes subject to this Subpart or Subpart BB of 35 Ill. Adm. Code 724, an implementation schedule as specified in 35 Ill. Adm. Code 724.933(a)(2).
- c) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device, a performance test plan as specified in 35 Ill. Adm. Code 724.935(b)(3).
- d) Documentation that demonstrates compliance with the equipment standards in 35 Ill. Adm. Code 724.952 or 724.959. This documentation must contain the records required pursuant to 35 Ill. Adm. Code 724.964. The Agency must request further documentation if necessary to demonstrate compliance. Documentation to demonstrate compliance with 35 Ill. Adm. Code 724.960 must include the following information:
 - 1) A list of all information references and sources used in preparing the documentation;
 - 2) Records, including the dates of each compliance test required by 35 Ill. Adm. Code 724.933(j);
 - 3) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions," USEPA publication number EPA-450/2-81-005, incorporated by reference in 35 Ill. Adm. Code 720.111(a), or other engineering texts approved by the Agency that present basic control device information. The design analysis must address the vent stream characteristics and control device parameters, as specified in 35 Ill. Adm. Code 724.935(b)(4)(C);
 - 4) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is or

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would be operating at the highest load or capacity level reasonably expected to occur; and

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

BOARD NOTE: Derived from 40 CFR 270.25 (~~2017~~2005), ~~as amended at 70 Fed. Reg. 59402 (Oct. 12, 2005).~~

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

SUBPART E: SPECIAL FORMS OF PERMITS

Section 703.221 Alternative Compliance with the Federal NESHAPS

When an owner or operator of a hazardous waste incineration unit becomes subject to RCRA permit requirements ~~after October 12, 2005~~, or when an owner or operator of an existing hazardous waste incineration unit demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in 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) (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance pursuant to 40 CFR 63.1207(j) and 63.1210(d) documenting compliance with all applicable requirements of subpart EEE of 40 CFR 63), Sections 703.221 through 703.225 do not apply, except those provisions that the Agency determines are necessary to ensure compliance with 35 Ill. Adm. Code 724.445(a) and (c) if the owner or operator elects to comply with Section 703.320(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the Agency may apply the provisions of Sections 703.221 through 703.225, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188, 703.189, and 703.241(a)(2) and (a)(3).

BOARD NOTE: Derived from 40 CFR 270.62 preamble (~~2017~~2005), ~~as amended at 70 Fed. Reg. 59402 (Oct. 12, 2005).~~

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

Section 703.223 Incinerator Conditions During Trial Burn

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For the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 724.443 and of determining adequate operating conditions under 35 Ill. Adm. Code 724.445, the Agency must establish conditions in the permit to a new hazardous waste incinerator to be effective during the trial burn.

- a) Applicants must propose a trial burn plan, prepared under subsection (b) ~~of this Section~~ with Part B of the permit application;
- b) The trial burn plan must include the following information:
 - 1) An analysis of each waste or mixture of wastes to be burned that includes the following:
 - A) Heat value of the waste in the form and composition in which it will be burned;
 - B) Viscosity (if applicable), or description of physical form of the waste;
 - C) An identification of any hazardous organic constituents listed in Appendix H to 35 Ill. Adm. Code 721, that are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Appendix H to 35 Ill. Adm. Code 721 that would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified, and the basis for their exclusion stated. The waste analysis must rely on appropriate analytical methods; and
 - D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the 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~~:

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[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.

- 2) A detailed engineering description of the incinerator for which the permit is sought including the following:
 - A) Manufacturer's name and model number of incinerator (if available);
 - B) Type of incinerator;
 - C) Linear dimensions of the incinerator unit including the cross sectional area of combustion chamber;
 - D) Description of the auxiliary fuel system (type/feed);
 - E) Capacity of prime mover;
 - F) Description of automatic waste feed cut-off systems;
 - G) Stack gas monitoring and pollution control equipment;
 - H) Nozzle and burner design;
 - I) Construction materials;
 - J) Location and description of temperature-, pressure-, and flow-indicating and control devices;
- 3) A detailed description of sampling and monitoring procedures, including

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sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis;

- 4) A detailed test schedule for each waste for which the trial burn is planned including dates, duration, quantity of waste to be burned, and other factors relevant to the Agency's decision under subsection (e) ~~of this Section~~;
 - 5) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, combustion gas velocity, use of auxiliary fuel, and any other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator;
 - 6) A description of, and planned operating conditions for, any emission control equipment that will be used;
 - 7) Procedures for rapidly stopping waste feed, shutting down the incinerator, and controlling emissions in the event of an equipment malfunction;
 - 8) Such other information as the Agency reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection (b) and the criteria in subsection (e) ~~of this Section~~. Such information must be requested by the Agency pursuant to 35 Ill. Adm. Code 705.123;
- c) The Agency, in reviewing the trial burn plan, must evaluate the sufficiency of the information provided and must require the applicant, pursuant to 35 Ill. Adm. Code 705.123, to supplement this information, if necessary, to achieve the purposes of this Section;
 - d) Based on the waste analysis data in the trial burn plan, the Agency must specify as trial Principal Organic Hazardous Constituents (POHCs), those constituents for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs must be specified by the Agency based on its estimate of the difficulty of incineration of the constituents identified in the waste analysis, their concentration or mass in the waste feed, and, for wastes listed in Subpart D of 35 Ill. Adm. Code 721, the hazardous waste organic constituent of constituents identified in Appendix G or H to 35 Ill. Adm. Code 721 as the basis for listing;

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- e) The Agency must approve a trial burn plan if it finds the following:
- 1) That the trial burn is likely to determine whether the incinerator performance standard required by 35 Ill. Adm. Code 724.443 can be met;
 - 2) That the trial burn itself will not present an imminent hazard to human health or the environment;
 - 3) That the trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 724.445; and
 - 4) That the information sought in subsections (e)(1) and (e)(3)~~-of this Section~~ cannot reasonably be developed through other means;
- f) The Agency must send a notice to all persons on the facility mailing list, as set forth in 35 Ill. Adm. Code 705.161(a), and to the appropriate units of State and local government, as set forth in 35 Ill. Adm. Code 705.163(a)(5), announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Agency has issued such notice.
- 1) This notice must be mailed within a reasonable time period before the scheduled trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Agency.
 - 2) This notice must contain the following:
 - A) The name and telephone number of the applicant's contact person;
 - B) The name and telephone number of the Agency regional office appropriate for the facility;
 - C) The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and
 - D) An expected time period for commencement and completion of the trial burn;
- g) During each approved trial burn (or as soon after the burn as is practicable), the

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applicant must make the following determinations:

- 1) A quantitative analysis of the trial POHCs, in the waste feed to the incinerator;
 - 2) A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial POHCs, molecular oxygen, and hydrogen chloride (HCl);
 - 3) A quantitative analysis of the scrubber water (if any), ash residues, and other residues, for the purpose of estimating the fate of the trial POHCs;
 - 4) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 724.443(a);
 - 5) If the HCl (hydrogen chloride) emission rate exceeds 1.8 kilograms (4 pounds) of HCl per hour (~~4 pounds per hour~~), a computation of HCl removal efficiency, in accordance with 35 Ill. Adm. Code 724.443(b);
 - 6) A computation of particulate emissions, in accordance with 35 Ill. Adm. Code 724.443(c);
 - 7) An identification of sources of fugitive emissions and their means of control;
 - 8) A measurement of average, maximum and minimum temperatures, and combustion gas velocity;
 - 9) A continuous measurement of carbon monoxide (CO) in the exhaust gas;
 - 10) Such other information as the Agency specifies as necessary to ensure that the trial burn will determine compliance with the performance standards in 35 Ill. Adm. Code 724.443 and to establish the operating conditions required by 35 Ill. Adm. Code 724.445 as necessary to meet that performance standard;
- h) The applicant must submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and must submit

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the results of all the determinations required in subsection (g) ~~of this Section~~. This submission must be made within 90 days after completion of the trial burn, or later, if approved by the Agency;

- i) All data collected during any trial burn must be submitted to the Agency following the completion of the trial burn;
- j) All submissions required by this Section must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 35 Ill. Adm. Code 702.126;
- k) Based on the results of the trial burn, the Agency must set the operating requirements in the final permit according to 35 Ill. Adm. Code 724.445. The permit modification must proceed as a minor modification according to Section 703.280.

BOARD NOTE: Derived from 40 CFR 270.62(b) ([20172005](#)).

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

Section 703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

When the owner or operator of a cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace becomes subject to RCRA permit requirements ~~after October 12, 2005~~ or when an owner or operator of an existing cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in 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) (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance pursuant to 40 CFR 63.1207(j) and 63.1210(d) documenting compliance with all applicable requirements of subpart EEE of 40 CFR 63), this Section does not apply. This Section does apply, however, if the Agency determines certain provisions are necessary to ensure compliance with 35 Ill. Adm. Code 726.202(e)(1) and (e)(2)(C) if the owner or operator elects to comply with Section 703.320(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events; or if the facility is an area source and the owner or operator elects to comply with the Sections 726.205, 726.206, and 726.207 standards and associated requirements for particulate matter, hydrogen chloride and chlorine gas, and non-mercury metals; or if the Agency

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determines certain provisions apply, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188, 703.189, and 703.241(a)(2) and (a)(3).

- a) General. The owner or operator of a new boiler or industrial furnace (one not operating under the interim status standards of 35 Ill. Adm. Code 726.203) is subject to subsections (b) through (f) ~~of this Section~~. A boiler or industrial furnace operating under the interim status standards of 35 Ill. Adm. Code 726.203 is subject to subsection (g) ~~of this Section~~.
- b) Permit operating periods for a new boiler or industrial furnace. A permit for a new boiler or industrial furnace must specify appropriate conditions for the following operating periods:
 - 1) Pretrial burn period. 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 boiler or industrial furnace to a point of operation readiness to conduct a trial burn, not to exceed 720 hours operating time when burning hazardous waste, the Agency must establish permit conditions in the pretrial burn period, including but not limited to allowable hazardous waste feed rates and operating conditions. The Agency must extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit must be modified to reflect the extension according to Sections 703.280 through 703.283.
 - A) Applicants must submit a statement, with Part B of the permit application, that suggests the conditions necessary to operate in compliance with the standards of 35 Ill. Adm. Code 726.204 through 726.207 during this period. This statement should include, at a minimum, restrictions on the applicable operating requirements identified in 35 Ill. Adm. Code 726.202(e).
 - B) The Agency must review this statement and any other relevant information submitted with Part B of the permit application and specify requirements for this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.
 - 2) Trial burn period. For the duration of the trial burn, the Agency must

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establish conditions in the permit for the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and determining adequate operating conditions pursuant to 35 Ill. Adm. Code 726.202(e). Applicants must propose a trial burn plan, prepared pursuant to subsection (c)-~~of this Section~~, to be submitted with Part B of the permit application.

- 3) Post-trial burn period.
 - A) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the Agency to reflect the trial burn results, the Agency must establish the operating requirements most likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.
 - B) Applicants must submit a statement, with Part B of the application, that identifies the conditions necessary to operate during this period in compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. This statement should include, at a minimum, restrictions on the operating requirements provided by 35 Ill. Adm. Code 726.202(e).
 - C) The Agency must review this statement and any other relevant information submitted with Part B of the permit application and specify requirements of this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.
- 4) Final permit period. For the final period of operation the Agency must develop operating requirements in conformance with 35 Ill. Adm. Code 726.202(e) that reflect conditions in the trial burn plan and are likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. Based on the trial burn results, the Agency must make any necessary modifications to the operating requirements to ensure compliance with the performance standards. The permit

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modification must proceed according to Sections 703.280 through 703.283.

- c) Requirements for trial burn plans. The trial burn plan must include the following information. The Agency, in reviewing the trial burn plan, must evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this subsection (c).
- 1) An analysis of each feed stream, including hazardous waste, other fuels, and industrial furnace feed stocks, as fired, that includes the following:
 - A) Heating value, levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, silver, thallium, total chlorine and chloride, and ash; and
 - B) Viscosity or description of the physical form of the feed stream.
 - 2) An analysis of each hazardous waste, as fired, including the following:
 - A) An identification of any hazardous organic constituents listed in Appendix H to 35 Ill. Adm. Code 721 that are present in the feed stream, except that the applicant need not analyze for constituents listed in Appendix H that would reasonably not be expected to be found in the hazardous waste. The constituents excluded from analysis must be identified and the basis for this exclusion explained. The analysis must be conducted in accordance with appropriate analytical methods;
 - B) An approximate quantification of the hazardous constituents identified in the hazardous waste, within the precision produced by the appropriate analytical methods; and
 - C) A description of blending procedures, if applicable, prior to firing the hazardous waste, including a detailed analysis of the hazardous waste prior to blending, an analysis of the material with which the hazardous waste is blended, and blending ratios.

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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.

- 3) A detailed engineering description of the boiler or industrial furnace, including the following:
 - A) Manufacturer's name and model number of the boiler or industrial furnace;
 - B) Type of boiler or industrial furnace;
 - C) Maximum design capacity in appropriate units;
 - D) Description of the feed system for the hazardous waste and, as appropriate, other fuels and industrial furnace feedstocks;
 - E) Capacity of hazardous waste feed system;
 - F) Description of automatic hazardous waste feed cutoff systems;
 - G) Description of any pollution control system; and
 - H) Description of stack gas monitoring and any pollution control

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monitoring systems.

- 4) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and sample analysis.
 - 5) A detailed test schedule for each hazardous waste for which the trial burn is planned, including dates, duration, quantity of hazardous waste to be burned, and other factors relevant to the Agency's decision pursuant to subsection (b)(2)-~~of this Section~~.
 - 6) A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feed rate, and, as appropriate, the feed rates of other fuels and industrial furnace feedstocks, and any other relevant parameters that may affect the ability of the boiler or industrial furnace to meet the performance standards in 35 Ill. Adm. Code 726.204 through 726.207.
 - 7) A description of and planned operating conditions for any emission control equipment that will be used.
 - 8) Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction.
 - 9) Such other information as the Agency finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection (c) and the criteria in subsection (b)(2)-~~of this Section~~.
- d) Trial burn procedures.
- 1) A trial burn must be conducted to demonstrate conformance with the standards of 35 Ill. Adm. Code 726.104 through 726.107.
 - 2) The Agency must approve a trial burn plan if the Agency finds as follows:
 - A) That the trial burn is likely to determine whether the boiler or industrial furnace can meet the performance standards of 35 Ill. Adm. Code 726.104 through 726.107;

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- B) That the trial burn itself will not present an imminent hazard to human health and the environment;
 - C) That the trial burn will help the Agency to determine operating requirements to be specified pursuant to 35 Ill. Adm. Code 726.102(e); and
 - D) That the information sought in the trial burn cannot reasonably be developed through other means.
- 3) The Agency must send a notice to all persons on the facility mailing list, as set forth in 35 Ill. Adm. Code 705.161(a), and to the appropriate units of State and local government, as set forth in 35 Ill. Adm. Code 705.163(a)(5), announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Agency has issued such notice.
- A) This notice must be mailed within a reasonable time period before the trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Agency.
 - B) This notice must contain the following:
 - i) The name and telephone number of applicant's contact person;
 - ii) The name and telephone number of the Agency regional office appropriate for the facility;
 - iii) The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and
 - iv) An expected time period for commencement and completion of the trial burn.
- 4) The applicant must submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and submit the results of all the determinations required in subsection (c) ~~of~~

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~~this Section~~. The Agency must, in the trial burn plan, require that the submission be made within 90 days after completion of the trial burn, or later if the Agency determines that a later date is acceptable.

- 5) All data collected during any trial burn must be submitted to the Agency following completion of the trial burn.
 - 6) All submissions required by this subsection (d) must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report pursuant to 35 Ill. Adm. Code 702.126.
- e) Special procedures for DRE trial burns. When a DRE trial burn is required pursuant to 35 Ill. Adm. Code 726.104, the Agency must specify (based on the hazardous waste analysis data and other information in the trial burn plan) as trial Principal Organic Hazardous Constituents (POHCs) those compounds for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs will be specified by the Agency based on information including the Agency's estimate of the difficulty of destroying the constituents identified in the hazardous waste analysis, their concentrations or mass in the hazardous waste feed, and, for hazardous waste containing or derived from wastes listed in Subpart D of 35 Ill. Adm. Code 721, the hazardous waste organic constituents identified in Appendix G to 35 Ill. Adm. Code 721 as the basis for listing.
- f) Determinations based on trial burn. During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations:
- 1) A quantitative analysis of the levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, thallium, silver, and chlorine/chloride in the feed streams (hazardous waste, other fuels, and industrial furnace feedstocks);
 - 2) When a DRE trial burn is required pursuant to 35 Ill. Adm. Code 726.204(a), the following determinations:
 - A) A quantitative analysis of the trial POHCs in the hazardous waste feed;

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- B) A quantitative analysis of the stack gas for the concentration and mass emissions of the trial POHCs; and
 - C) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 726.204(a);
- 3) When a trial burn for chlorinated dioxins and furans is required pursuant to 35 Ill. Adm. Code 726.204(e), a quantitative analysis of the stack gas for the concentration and mass emission rate of the 2,3,7,8-chlorinated tetra- through octa-congeners of chlorinated dibenzo-p-dioxins and furans, and a computation showing conformance with the emission standard;
 - 4) When a trial burn for PM, metals, or HCl and chlorine gas is required pursuant to 35 Ill. Adm. Code 726.205, 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the stack gas for the concentrations and mass emissions of PM, metals, or HCl and chlorine gas, and computations showing conformance with the applicable emission performance standards;
 - 5) When a trial burn for DRE, metals, and HCl and chlorine gas is required pursuant to 35 Ill. Adm. Code 726.204(a), 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the scrubber water (if any), ash residues, other residues, and products for the purpose of estimating the fate of the trial POHCs, metals, and chlorine and chloride;
 - 6) An identification of sources of fugitive emissions and their means of control;
 - 7) A continuous measurement of carbon monoxide (CO), oxygen, and, where required, hydrocarbons (HC) in the stack gas; and
 - 8) Such other information as the Agency specifies as necessary to ensure that the trial burn will determine compliance with the performance standards 35 Ill. Adm. Code 726.204 through 726.207 and to establish the operating conditions required by 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions pursuant to 35 Ill. Adm. Code 726.203, and to establish the operating conditions required by 35 Ill. Adm. Code 726.202(e) as necessary to meet those performance standards.

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- g) Interim status boilers and industrial furnaces. For the purpose of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions pursuant to 35 Ill. Adm. Code 726.203, an applicant that owns or operates an existing boiler or industrial furnace that is operated under the interim status standards of 35 Ill. Adm. Code 726.203 must either prepare and submit a trial burn plan and perform a trial burn in accordance with this Section or submit other information as specified in Section 703.208(a)(6). The Agency must announce its intention to approve of the trial burn plan in accordance with the timing and distribution requirements of subsection (d)(3) ~~of this Section~~. The contents of the notice must include all of the following information: the name and telephone number of a contact person at the facility; the name and telephone number of the Agency regional office appropriate for the facility; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for Agency approval of the plan, and the time periods during which the trial burn would be conducted. Applicants that submit a trial burn plan and receive approval before submission of the Part B permit application must complete the trial burn and submit the results specified in subsection (f) ~~of this Section~~ with the Part B permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant must contact the Agency to establish a later date for submission of the Part B application or the trial burn results. If the applicant submits a trial burn plan with Part B of the permit application, the trial burn must be conducted and the results submitted within a time period prior to permit issuance to be specified by the Agency.

BOARD NOTE: Derived from 40 CFR 270.66 (~~20172005~~), ~~as amended at 70 Fed. Reg. 59402 (Oct. 12, 2005)~~.

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

SUBPART G: CHANGES TO PERMITS

Section 703.270 Modification or Reissuance

When the Agency receives any information (for example, inspects the facility, receives information submitted by the permittee, as required in the permit (see 35 Ill. Adm. Code 702.140

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through 702.152 and Section 703.241 et seq.), receives a request for reissuance pursuant to 35 Ill. Adm. Code 705.128, or conducts a review of the permit file) it may determine whether or not one or more of the causes, listed in Sections 703.271 or 703.272, for modification, reissuance, or both, exist. If cause exists, the Agency must modify or reissue the permit accordingly, subject to the limitations of Section 703.273, and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. (See 35 Ill. Adm. Code 705.128(c)(2).) If cause does not exist pursuant to Section 703.271 or 703.272, the Agency must not modify or reissue the permit, except on the request of the permittee. If a permit modification is requested by the permittee, the Agency must approve or deny the request according to the procedures of Section 703.280 through 703.283 or Section 703.353 and Subpart G of 35 Ill. Adm. Code 705. Otherwise, a draft permit must be prepared and other procedures in 35 Ill. Adm. Code 705 must be followed.

BOARD NOTE: Derived from the preamble to 40 CFR 270.41 (~~20172005~~), ~~as amended at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~. The Board has chosen to use "reissue" where the corresponding federal provisions use "revoke and reissue:". This was because permit revocation is a remedy in the context of an enforcement action that is reserved to the Board. See 415 ILCS 5/33(b) (2004); 35 Ill. Adm. Code 702.186 (2004). The Board intends that a reissued permit completely supersede the earlier version of that permit.

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

Section 703.280 Permit Modification at the Request of the Permittee

- a) Class 1 modifications. See Section 703.281.
- b) Class 2 modifications. See Section 703.282.
- c) Class 3 modifications. See Section 703.283.
- d) Other modifications.
 - 1) In the case of modifications not explicitly listed in Appendix A ~~of this Part~~, the permittee may submit a Class 3 modification request to the Agency, or the permittee may request a determination by the Agency that the modification be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, the permittee must provide the Agency with

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the necessary information to support the requested classification.

- 2) The Agency must make the determination described in subsection (d)(1) ~~of this Section~~ as promptly as practicable. In determining the appropriate class for a specific modification, the Agency must consider the similarity of the modification to other modifications codified in Appendix A ~~of this Part~~ and the following criteria:
 - A) Class 1 modifications apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to adequately protect human health or the environment. In the case of Class 1 modifications, the Agency may require prior approval.
 - B) Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to any of the following:
 - i) Common variations in the types and quantities of the wastes managed under the facility permit;
 - ii) Technological advances; and
 - iii) Changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the permit.
 - C) Class 3 modifications substantially alter the facility or its operation.
- e) Temporary authorizations.
 - 1) Upon request of the permittee, the Agency must, without prior public notice and comment, grant the permittee a temporary authorization in accordance with this subsection (e). Temporary authorizations have a term of not more than 180 days.
 - 2) Procedures.

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- A) The permittee may request a temporary authorization for the following:
- i) Any Class 2 modification meeting the criteria in subsection (e)(3)(B) ~~of this Section~~; and
 - ii) Any Class 3 modification that meets the criteria in subsection (e)(3)(B)(i) ~~of this Section~~ or that meets the criteria in subsections (e)(3)(B)(iii) through (e)(3)(B)(v) ~~of this Section~~ and provides improved management or treatment of a hazardous waste already listed in the facility permit.
- B) The temporary authorization request must include the following:
- i) A description of the activities to be conducted under the temporary authorization;
 - ii) An explanation of why the temporary authorization is necessary; and
 - iii) Sufficient information to ensure compliance with 35 Ill. Adm. Code 724 standards.
- C) The permittee must send a notice about the temporary authorization request to all persons on the facility mailing list maintained by the Agency and to appropriate units of State and local governments, as specified in 35 Ill. Adm. Code 705.163(a)(5). This notification must be made within seven days after submission of the authorization request.
- 3) The Agency must approve or deny the temporary authorization as quickly as practical. To issue a temporary authorization, the Agency must find as follows:
- A) That the authorized activities are in compliance with the standards of 35 Ill. Adm. Code 724.

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- B) That the temporary authorization is necessary to achieve one of the following objectives before action is likely to be taken on a modification request:
 - i) To facilitate timely implementation of closure or corrective action activities;
 - ii) To allow treatment or storage in tanks, containers, or containment buildings, in accordance with 35 Ill. Adm. Code 728;
 - iii) To prevent disruption of ongoing waste management activities;
 - iv) To enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or
 - v) To facilitate other changes to adequately protect human health and the environment.

- 4) A temporary authorization must be reissued for one additional term of up to 180 days, provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization, and either of the following is true:
 - A) The reissued temporary authorization constitutes the Agency's decision on a Class 2 permit modification in accordance with Section 703.282(f)(1)(D) or (f)(2)(D); or
 - B) The Agency determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to continue while the modification procedures of 35 Ill. Adm. Code 703.283 are conducted.

- f) Public notice and appeals of permit modification decisions.
 - 1) The Agency must notify persons on the facility mailing list and appropriate units of State and local government within 10 days after any

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decision to grant or deny a Class 2 or 3 permit modification request. The Agency must also notify such persons within 10 days after an automatic authorization for a Class 2 modification goes into effect pursuant to Section 703.282(f)(3) or (f)(5).

- 2) The Agency's decision to grant or deny a Class 2 or 3 permit modification request may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212.
 - 3) An automatic authorization that goes into effect pursuant to Section 703.282(f)(3) or (f)(5) may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212; however, the permittee may continue to conduct the activities pursuant to the automatic authorization until the Board enters a final order on the appeal notwithstanding the provisions of 35 Ill. Adm. Code 705.204.
- g) Newly regulated wastes and units.
- 1) The permittee is authorized to continue to manage wastes listed or identified as hazardous pursuant to 35 Ill. Adm. Code 721, or to continue to manage hazardous waste in units newly regulated as hazardous waste management units, if each of the following is true:
 - A) The unit was in existence as a hazardous waste facility with respect to the newly listed or characterized waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the waste, or regulating the unit;
 - B) The permittee submits a Class 1 modification request on or before the date on which the waste becomes subject to the new requirements;
 - C) The permittee is in compliance with the applicable standards of 35 Ill. Adm. Code 725 and 726;
 - D) The permittee also submits a complete class 2 or 3 modification request within 180 days after the effective date of the rule listing or identifying the waste, or subjecting the unit to management standards pursuant to 35 Ill. Adm. Code 724, 725, or 726; and

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- E) In the case of land disposal units, the permittee certifies that such unit is in compliance with all applicable requirements of 35 Ill. Adm. Code 725 for groundwater monitoring and financial responsibility requirements on the date 12 months after the effective date of the rule identifying or listing the waste as hazardous, or regulating the unit as a hazardous waste management unit. If the owner or operator fails to certify compliance with all these requirements, the owner or operator loses authority to operate pursuant to this Section.
- 2) New wastes or units added to a facility's permit pursuant to this subsection (g) do not constitute expansions for the purpose of the 25 percent capacity expansion limit for Class 2 modifications.
- h) Military hazardous waste munitions treatment and disposal. The permittee is authorized to continue to accept waste military munitions notwithstanding any permit conditions barring the permittee from accepting off-site wastes, if each of the following is true:
- 1) The facility was in existence as a hazardous waste facility and the facility was already permitted to handle the waste military munitions on the date when the waste military munitions became subject to hazardous waste regulatory requirements;
 - 2) On or before the date when the waste military munitions become subject to hazardous waste regulatory requirements, the permittee submits a Class 1 modification request to remove or amend the permit provision restricting the receipt of off-site waste munitions; and
 - 3) The permittee submits a complete Class 2 modification request within 180 days after the date when the waste military munitions became subject to hazardous waste regulatory requirements.
- i) Permit modification list. The Agency must maintain a list of all approved permit modifications and must publish a notice once a year in a State-wide newspaper that an updated list is available for review.
- j) Combustion facility changes to meet federal 40 CFR 63 MACT standards. The

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following procedures apply to hazardous waste combustion facility permit modifications requested pursuant to Appendix A, paragraph L(9)-of this Part.

- 1) A facility owner or operator must have complied with the federal notification of intent to comply (NIC) requirements of 40 CFR 63.1210 that was in effect prior to October 11, 2000, (see subpart EEE of 40 CFR 63 (2000), incorporated by reference in 35 Ill. Adm. Code 720.111(b)) in order to request a permit modification pursuant to this Section for the purpose of technology changes needed to meet the standards of 40 CFR 63.1203, 63.1204, and 63.1205, incorporated by reference in 35 Ill. Adm. Code 720.111(b).
 - 2) If the Agency does not act to either approve or deny the request within 90 days of receiving it, the request must be deemed approved. The Agency may, at its discretion, extend this 90-day deadline one time for up to 30 days by notifying the facility owner or operator in writing before the 90 days has expired. A facility owner or operator must comply with the NIC requirements of 40 CFR 63.1210(b) and 63.1212(a) before a permit modification can be requested under this Section for the purpose of technology changes needed to meet the 40 CFR 63.1215, 63.1216, 63.1217, 63.1218, 63.1219, 63.1220, and 63.1221 standards as added on October 12, 2005, incorporated by reference in 35 Ill. Adm. Code 720.111(b).
- k) Waiver of RCRA permit conditions in support of transition to the federal 40 CFR 63 MACT standards.
- 1) The facility owner or operator may request to have specific RCRA operating and emissions limits waived by submitting a Class 1 permit modification request under Appendix A-of this Part, paragraph L.10. The owner or operator must provide the information described in subsections (k)(1)(A) through (k)(1)(C)-of this Section, with Agency review subject to the conditions of subsection (k)(1)(D)-of this Section:
 - A) It must identify the specific RCRA permit operating and emissions limits that the owner or operator is requesting to waive;

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- B) It must provide an explanation of why the changes are necessary in order to minimize or eliminate conflicts between the RCRA permit and MACT compliance; and
 - C) It must discuss how the revised provisions will be sufficiently protective.
 - D) The Agency must approve or deny the request within 30 days after receipt of the request. The Agency may, at its discretion, extend this 30-day deadline one time for up to 30 days by notifying the facility owner or operator in writing.
- 2) To request this modification in conjunction with MACT performance testing, where permit limits may only be waived during actual test events and pretesting, as defined under 40 CFR 63.1207(h)(2)(i) and (h)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 720.111(b), for an aggregate time not to exceed 720 hours of operation (renewable at the discretion of the Agency) the owner or operator must fulfill the conditions of subsection (k)(2)(A) ~~of this Section~~, subject to the conditions of subsection (k)(2)(B) ~~of this Section~~:
- A) It must submit its modification request to the Agency at the same time it submits its test plans to the Agency.
 - B) The Agency may elect to approve or deny the request contingent upon approval of the test plans.
- 1) This subsection (1) corresponds with 40 CFR 270.42(1), which ~~became obsolete when USEPA removed and marked reserved at 81 Fed. Reg. 85732 (November 28, 2016) 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, 92, note 1 (Mar. 18, 2010).~~ This statement maintains structural consistency with the corresponding federal requirements.

BOARD NOTE: Derived from 40 CFR 270.42(d) through (k) (~~2017~~2012).

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

Section 703.282 Class 2 Modifications

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- a) For Class 2 modifications, listed in Appendix A, the permittee must submit a modification request to the Agency that does the following:
- 1) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;
 - 2) Identifies that the modification is a Class 2 modification;
 - 3) Explains why the modification is needed; and
 - 4) Provides the applicable information required by Section 703.181 through 703.185, 703.201 through 703.207, 703.221 through 703.225, and 703.230.
- b) The permittee must send a notice of the modification request to all persons on the facility mailing list maintained by the Agency and to the appropriate units of State and local government as specified in 35 Ill. Adm. Code 705.163(a)(5) and must, to the extent practicable, publish this notice in a newspaper of general circulation published in the County in which the facility is located. If no such newspaper exists, the permittee must publish the notice in a newspaper of general circulation in the vicinity of the facility. This notice must be mailed and published within seven days before or after the date of submission of the modification request, and the permittee must provide to the Agency evidence of the mailing and publication. The notice must include:
- 1) Announcement of a 60-day comment period, in accordance with subsection (e) ~~of this Section~~, and the name and address of an Agency contact to whom comments must be sent;
 - 2) Announcement of the date, time and place for a public meeting held in accordance with subsection (d) ~~of this Section~~;
 - 3) Name and telephone number of the permittee's contact person;
 - 4) Name and telephone number of an Agency contact person;
 - 5) Locations where copies of the modification request and any supporting documents can be viewed and copied; and

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- 6) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the Agency contact person-".
- c) The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.
- d) The permittee must hold a public meeting no earlier than 15 days after the publication of the notice required in subsection (b) ~~of this Section~~ and no later than 15 days before the close of the 60-day comment period. The meeting must be held in the County in which the permitted facility is located unless it is impracticable to do so, in which case the hearing must be held in the vicinity of the facility.
- e) The public must be provided 60 days to comment on the modification request. The comment period begins on the date that the permittee publishes the notice in the local newspaper. Comments must be submitted to the Agency contact identified in the public notice.
- f) Agency decision.
 - 1) No later than 90 days after receipt of the notification request, the Agency must:
 - A) Approve the modification request, with or without changes, and modify the permit accordingly;
 - B) Deny the request;
 - C) Determine that the modification request must follow the procedures in Section 703.283 for Class 3 modifications for either of the following reasons:
 - i) There is significant public concern about the proposed modification; or
 - ii) The complex nature of the change requires the more

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extensive procedures of Class 3;

- D) Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days; or
 - E) Notify the permittee that the Agency will decide on the request within the next 30 days.
- 2) If the Agency notifies the permittee of a 30-day extension for a decision, the Agency must, no later than 120 days after receipt of the modification request, do the following:
- A) Approve the modification request, with or without changes, and modify the permit accordingly;
 - B) Deny the request;
 - C) Determine that the modification request must follow the procedures in Section 703.283 for Class 3 modifications for the following reasons:
 - i) There is significant public concern about the proposed modification; or
 - ii) The complex nature of the change requires the more extensive procedures of Class 3; or
 - D) Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days.
- 3) If the Agency fails to make one of the decisions specified in subsection (f)(2) ~~of this Section~~ by the 120th day after receipt of the modification request, the permittee is automatically authorized to conduct the activities described in the modification request for up to 180 days, without formal Agency action. The authorized activities must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 35 Ill. Adm. Code 725. If the Agency approves, with or without changes, or denies the modification request during the term of the temporary or automatic authorization provided for in

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subsections (f)(1), (f)(2), or (f)(3) ~~of this Section~~, such action cancels the temporary or automatic authorization.

- 4) Notification by permittee.
 - A) In the case of an automatic authorization under subsection (f)(3) ~~of this Section~~, or a temporary authorization under subsection (f)(1)(D) or (f)(2)(D) ~~of this Section~~, if the Agency has not made a final approval or denial of the modification request by the date 50 days prior to the end of the temporary or automatic authorization, the permittee must, within seven days after that time, send a notification to persons on the facility mailing list, and make a reasonable effort to notify other persons who submitted written comments on the modification request, that informs them as follows:
 - i) That the permittee has been authorized temporarily to conduct the activities described in the permit modification request; and
 - ii) That, unless the Agency acts to give final approval or denial of the request by the end of the authorization period, the permittee will receive authorization to conduct such activities for the life of the permit.
 - B) If the owner or operator fails to notify the public by the date specified in subsection (f)(4)(A) ~~of this Section~~, the effective date of the permanent authorization will be deferred until 50 days after the owner or operator notifies the public.
- 5) Except as provided in subsection (f)(7) ~~of this Section~~, if the Agency does not finally approve or deny a modification request before the end of the automatic or temporary authorization period or reclassify the modification as a Class 3 modification, the permittee is authorized to conduct the activities described in the permit modification request for the life of the permit unless modified later under Section 703.270 or Section 703.280. The activities authorized under this subsection must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 35 Ill. Adm. Code 725.

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- 6) In making a decision to approve or deny a modification request, including a decision to issue a temporary authorization or to reclassify a modification as a Class 3, the Agency must consider all written comments submitted to the Agency during the public comment period and must respond in writing to all significant comments in the Agency's decision.
- 7) With the written consent of the permittee, the Agency may extend indefinitely or for a specified period the time periods for final approval or denial of a modification request or for reclassifying a modification as a Class 3.
- g) The Agency must deny or change the terms of a Class 2 permit modification request under subsections (f)(1) through (f)(3) ~~of this Section~~ for the following reasons:
 - 1) The modification request is incomplete;
 - 2) The requested modification does not comply with the appropriate requirements of 35 Ill. Adm. Code 724 or other applicable requirements;
or
 - 3) The conditions of the modification fail to protect human health and the environment.
- h) The permittee may perform any construction associated with a Class 2 permit modification request beginning 60 days after the submission of the request unless the Agency establishes a later date for commencing construction and informs the permittee in writing before day 60.

BOARD NOTE: Derived from 40 CFR 270.42(b) (~~20172002~~).

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

Section 703.283 Class 3 Modifications

- a) For Class 3 modifications, listed in Appendix A, the permittee must submit a modification request to the Agency that does the following:

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- 1) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;
 - 2) Identifies that the modification is a Class 3 modification;
 - 3) Explains why the modification is needed; and
 - 4) Provides the applicable information required by Section 703.181 through 703.187, 703.201 through 703.209, 703.221 through 703.225, 703.230, and 703.232.
- b) The permittee must send a notice of the modification request to all persons on the facility mailing list maintained by the Agency and to the appropriate units of State and local government, as specified in 35 Ill. Adm. Code 705.163(a)(5), and must publish this notice in a newspaper of general circulation in the county in which the facility is located. This notice must be mailed and published within seven days before or after the date of submission of the modification request, and the permittee must provide to the Agency evidence of the mailing and publication. The notice must include the following:
- 1) Announcement of a 60-day comment period, in accordance with subsection (e) ~~of this Section~~, and the name and address of an Agency contact to whom comments must be sent;
 - 2) Announcement of the date, time, and place for a public meeting held in accordance with subsection (d) ~~of this Section~~;
 - 3) Name and telephone number of the permittee's contact person;
 - 4) Name and telephone number of an Agency contact person;
 - 5) Locations where copies of the modification request and any supporting documents can be viewed and copied; and
 - 6) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the Agency contact person:" .
- c) The permittee must place a copy of the permit modification request and

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supporting documents in a location accessible to the public in the vicinity of the permitted facility.

- d) The permittee must hold a public meeting no earlier than 15 days after the publication of the notice required in subsection (b) ~~of this Section~~ and no later than 15 days before the close of the 60-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.
- e) The public must be provided 60 days to comment on the modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments must be submitted to the Agency contact identified in the public notice.
- f) After the conclusion of the 60-day comment period, the Agency must grant or deny the permit modification request, according to the permit modification procedures of 35 Ill. Adm. Code 705. In addition, the Agency must consider and respond to all significant written comments received during the 60-day comment period.

BOARD NOTE: Derived from 40 CFR 270.42(c) (~~20172002~~).

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

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

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

- a) Facilities with existing permits.
 - 1) Revisions to permit conditions after documenting compliance with MACT. The owner or operator of a RCRA-permitted incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace, when requesting removal of permit conditions that are no longer applicable according to 35 Ill. Adm. Code 724.440(b) and 726.200(b), may request that the Agency address permit conditions that minimize emissions from startup, shutdown, and malfunction events under any of the following options:

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- A) Retain relevant permit conditions. Under this option, the Agency must do the following:
- i) Retain permit conditions that address releases during startup, shutdown, and malfunction events, including releases from emergency safety vents, as these events are defined in the facility's startup, shutdown, and malfunction plan required pursuant to 40 CFR 63.1206(c)(2) (When and How Must You Comply with the Standards and Operating Requirements?), incorporated by reference in 35 Ill. Adm. Code 720.111(b); and
 - ii) Limit applicability of those permit conditions only to when the facility is operating under its startup, shutdown, and malfunction plan.
- B) Revise relevant permit conditions. Under this option, the following must occur:
- i) The Agency must identify a subset of relevant existing permit requirements, or develop alternative permit requirements, that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency safety vents, based on review of information including the source's startup, shutdown, and malfunction plan, design, and operating history;
 - ii) The Agency must retain or add these permit requirements to the permit to apply only when the facility is operating under its startup, shutdown, and malfunction plan; and
 - iii) The owner or operator must comply with subsection (a)(3) [of this Section](#).

BOARD NOTE: The Board found it necessary to deviate from the structure of corresponding 40 CFR 270.235(a)(1)(ii) in this subsection (a)(1)(B) in order to comport with Illinois

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Administrative Code codification requirements. The substance of 40 CFR 270.235(a)(1)(ii)(A), (a)(1)(ii)(A)(1), and (a)(1)(ii)(A)(2) appear as subsections (a)(1)(B), (a)(1)(B)(i), and (a)(1)(B)(ii). The substance of 40 CFR 270.235(a)(1)(ii)(B) has been codified as subsection (a)(3) ~~of this Section~~. The Board added subsection (a)(1)(B) ~~of this Section~~ to direct attention to subsection (a)(3).

- C) Remove permit conditions. Under this option the following are required:
- i) The owner or operator must document that the startup, shutdown, and malfunction plan required pursuant to 40 CFR 63.1206(c)(2) has been approved pursuant to 40 CFR 63.1206(c)(2)(ii)(B); and
 - ii) The Agency must remove permit conditions that are no longer applicable according to 35 Ill. Adm. Code 724.440(b) and 726.200(b).
- 2) Addressing permit conditions upon permit reissuance. The owner or operator of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace that has conducted a comprehensive performance test and submitted to the Agency a Notification of Compliance documenting compliance with the standards of 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), may request in the application to reissue the permit for the combustion unit that the Agency control emissions from startup, shutdown, and malfunction events under any of the following options:
- A) RCRA option A. Under this option, the Agency must do the following:
- i) Include, in the permit, conditions that ensure compliance with 35 Ill. Adm. Code 724.445(a) and (c) or 726.202(e)(1) and (e)(2)(C) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events, including releases from emergency safety vents; and

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- ii) Specify that these permit requirements apply only when the facility is operating under its startup, shutdown, and malfunction plan; or

BOARD NOTE: The Board found it necessary to deviate from the structure of corresponding 40 CFR 270.235(a)(2)(i) in this subsection (a)(2)(A) in order to comport with Illinois Administrative Code codification requirements. The substance of 40 CFR 270.235(a)(2)(i)(A), (a)(2)(i)(A)(I), and (a)(2)(i)(A)(2) appear as subsections (a)(2)(A), (a)(2)(A)(i), and (a)(2)(A)(ii).

- B) RCRA option B. Under this option, the following must occur:

- i) The Agency must include, in the permit, conditions that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency safety vents, based on review of information including the source's startup, shutdown, and malfunction plan, design, and operating history;
- ii) The Agency must specify that these permit requirements apply only when the facility is operating under its startup, shutdown, and malfunction plan; and
- iii) The owner or operator must comply with subsection (a)(3) ~~of this Section~~; and

BOARD NOTE: The Board found it necessary to deviate from the structure of corresponding 40 CFR 270.235(a)(2)(ii) in this subsection (a)(2)(B) in order to comport with Illinois Administrative Code codification requirements. The substance of 40 CFR 270.235(a)(2)(ii)(A), (a)(2)(ii)(A)(I), and (a)(2)(ii)(A)(2) appear as subsections (a)(2)(B), (a)(2)(B)(i), and (a)(2)(B)(ii). The substance of 40 CFR 270.235(a)(2)(ii)(B) has been codified as subsection (a)(3) ~~of this Section~~. The Board added subsection (a)(2)(B)(iii) ~~of this Section~~ to direct attention to subsection (a)(3).

- C) CAA option. Under this option the following are required:

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- i) The owner or operator must document that the startup, shutdown, and malfunction plan required pursuant to 40 CFR 63.1206(c)(2) has been approved pursuant to 40 CFR 63.1206(c)(2)(ii)(B); and
 - ii) The Agency must omit from the permit conditions that are not applicable pursuant to 35 Ill. Adm. Code 724.440(b) and 726.200(b).
 - 3) Changes that may significantly increase emissions.
 - A) The owner or operator must notify the Agency in writing of changes to the startup, shutdown, and malfunction plan or changes to the design of the source that may significantly increase emissions of toxic compounds from startup, shutdown, or malfunction events, including releases from emergency safety vents. The owner or operator must notify the Agency of such changes within five days of making such changes. The owner or operator must identify in the notification recommended revisions to permit conditions necessary as a result of the changes to ensure that emissions of toxic compounds are minimized during these events.
 - B) The Agency may revise permit conditions as a result of these changes to ensure that emissions of toxic compounds are minimized during startup, shutdown, or malfunction events, including releases from emergency safety vents in either of the following ways:
 - i) Upon permit renewal; or
 - ii) If warranted, by modifying the permit pursuant to Section 703.270 or 703.280 through 703.283.

BOARD NOTE: The substance of 40 CFR 270.235(a)(1)(ii)(B) and (a)(2)(ii)(B) has been codified as this subsection (a)(3).

- b) Interim status facilities.

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- 1) Interim status operations. In compliance with 35 Ill. Adm. Code 725.440 and 726.200(b), the owner or operator of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace that is operating under the interim status standards of 35 Ill. Adm. Code 725 or 726 may control emissions of toxic compounds during startup, shutdown, and malfunction events under either of the following options after conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance documenting compliance with the standards of subpart EEE of 40 CFR 63:
 - A) RCRA option. Under this option, the owner or operator must continue to comply with the interim status emission standards and operating requirements of 35 Ill. Adm. Code 725 or 726 relevant to control of emissions from startup, shutdown, and malfunction events. Those standards and requirements apply only during startup, shutdown, and malfunction events; or
 - B) CAA option. Under this option, the owner or operator is exempt from the interim status standards of 35 Ill. Adm. Code 725 or 726 relevant to control of emissions of toxic compounds during startup, shutdown, and malfunction events upon submission of written notification and documentation to the Agency that the startup, shutdown, and malfunction plan required pursuant to 40 CFR 63.1206(c)(2) has been approved pursuant to 40 CFR 63.1206(c)(2)(ii)(B).
- 2) Operations under a subsequent RCRA permit. When an owner or operator of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace that is operating under the interim status standards of 35 Ill. Adm. Code 725 or 726 submits a RCRA permit application, the owner or operator may request that the Agency control emissions from startup, shutdown, and malfunction events under any of the options provided by subsection (a)(2)(A), (a)(2)(B), or (a)(2)(C) of this Section.
- c) New units. A hazardous waste incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace

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unit that becomes subject to RCRA permit requirements ~~after October 12, 2005~~ must control emissions of toxic compounds during startup, shutdown, and malfunction events under either of the following options:

- 1) It may comply with the requirements specified in 40 CFR 63.1206(c)(2), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or
- 2) It may request to include in the RCRA permit, conditions that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency safety vents, based on review of information, including the source's startup, shutdown, and malfunction plan and design. The Agency must specify that these permit conditions apply only when the facility is operating under its startup, shutdown, and malfunction plan.

BOARD NOTE: Derived from 40 CFR 270.235 (~~20172005~~), ~~as amended at 70 Fed. Reg. 59402 (Oct. 12, 2005)~~. Operating conditions used to determine effective treatment of hazardous waste remain effective after the owner or operator demonstrates compliance with the standards of subpart EEE of 40 CFR 63.

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

SUBPART J: RCRA STANDARDIZED PERMITS
FOR STORAGE AND TREATMENT UNITS

Section 703.350 General Information About RCRA Standardized Permits

- a) RCRA standardized permit. A RCRA standardized permit (RCRA) is a special type of permit that authorizes the owner or operator of a facility to manage hazardous waste. A RCRA standardized permit is issued pursuant to Subpart G of 35 Ill. Adm. Code 705 and this Subpart J.

BOARD NOTE: Subsection (a) ~~of this Section~~ is derived from 40 CFR 270.250 (~~20172007~~).

- b) Eligibility for a RCRA standardized permit.
 - 1) The facility owner or operator may be eligible for a RCRA standardized permit if the following conditions are fulfilled:

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- A) The facility generates hazardous waste and then stores or non-thermally treats the hazardous waste on-site in containers, tanks, or containment buildings; or
 - B) The facility receives hazardous waste generated off-site by a generator under the same ownership as the receiving facility, and the facility stores or non-thermally treats the hazardous waste in containers, tanks, or containment buildings.
 - C) The Agency must inform the facility owner or operator of its eligibility for a RCRA standardized permit when the Agency makes a decision on its permit application.
- 2) This subsection (b)(2) corresponds with 40 CFR 270.255(b), which USEPA has marked "Reserved-". This statement maintains structural consistency with the corresponding federal rules.

BOARD NOTE: Subsection (b) ~~of this Section~~ is derived from 40 CFR 270.255 (~~20172007~~).

- c) Permit requirements applicable to a RCRA standardized permit. The following provisions of this Part and 35 Ill. Adm. Code 702 apply to a RCRA standardized permit:
- 1) General Information: All provisions derived from subpart A of 40 CFR 270 apply: Sections 703.110, 703.121 through 703.124, 703.158 through 703.160, and 703.161(a) and 35 Ill. Adm. Code 702.104, 702.110, 702.181, and 720.111.
 - 2) Permit Application: All provisions derived from 40 CFR 270.10, 270.11, 270.12, 270.13, and 270.29 in subpart B of 40 CFR 270 apply: Sections 703.125, 703.126, 703.150 ~~through~~ 703.152, 703.157, 703.181, 703.186, 703.188, and 703.240 and 35 Ill. Adm. Code 702.103, 702.120 through 702.124, and 702.126.
 - 3) Permit Conditions: All provisions derived from subpart C of 40 CFR 270 apply: Sections 703.241 through 703.248 and 35 Ill. Adm. Code 702.140 through 702.152, 702.160, and 702.162 through 702.164.

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- 4) Changes to Permit: All provisions derived from 40 CFR 270.40, 270.41, and 270.43 in subpart D of 40 CFR 270 apply: Sections 703.260 and 703.270 ~~through~~ 703.273 and 35 Ill. Adm. Code 702.186.
- 5) Expiration and Continuation of Permits: All provisions derived from subpart E of 40 CFR 270 apply: 35 Ill. Adm. Code 702.125 and 702.161.
- 6) Special Forms of Permits: The provision derived from 40 CFR 270.67 in subpart F of 40 CFR 270 apply: Section 703.238.
- 7) Interim Status: All provisions derived from subpart G of 40 CFR 270 apply: Sections 703.153 through 703.157.
- 8) Remedial Action Plans: No provisions derived from subpart H of 40 CFR 270 apply: no provisions of Subpart H of 35 Ill. Adm. Code 703 apply.
- 9) RCRA Standardized Permits: All provisions derived from subpart J of 40 CFR 270 apply: this Subpart J.

BOARD NOTE: Subsection (c) ~~of this Section~~ is derived from 40 CFR 270.260 (~~20172007~~).

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

Section 703.352 Information That Must Be Kept at the Facility

- a) General types of information to be maintained at the facility. The facility owner or operator must keep the following information at its facility:
 - 1) A general description of the facility;
 - 2) Results of chemical and physical analyses of the hazardous waste and hazardous debris handled at the facility. At a minimum, these results of analyses must contain all the information that the owner or operator must know to treat or store the wastes properly pursuant to 35 Ill. Adm. Code 727;

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- 3) A copy of the waste analysis plan required by 35 Ill. Adm. Code 727.110(d)(2);
- 4) A description of the security procedures and equipment required by 35 Ill. Adm. Code 727.110(e);
- 5) A copy of the general inspection schedule required by 35 Ill. Adm. Code 727.110(f)(2). The owner or operator must include in the inspection schedule applicable requirements of 35 Ill. Adm. Code 724.933, 724.952, 724.953, 724.958, 724.988, 727.270(e), and 727.290(d) and (f);
- 6) A justification of any modification of the preparedness and prevention requirements of 35 Ill. Adm. Code 727.130(a) through (f);
- 7) A copy of the contingency plan required by 35 Ill. Adm. Code 727.150;
- 8) A description of procedures, structures, or equipment used at the facility to accomplish each of the following:
 - A) Prevent hazards in unloading operations (for example, use ramps, special forklifts);
 - B) Prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, with berms, dikes, trenches, etc.);
 - C) Prevent contamination of water supplies;
 - D) Mitigate effects of equipment failure and power outages;
 - E) Prevent undue exposure of personnel to hazardous waste (for example, requiring protective clothing); and
 - F) Prevent releases to atmosphere;
- 9) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required by 35 Ill. Adm. Code 727.110(h);

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- 10) The traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes, and stacking lanes; describe access road surfacing and load bearing capacity; show traffic control signals, etc.);
- 11) This subsection (a)(11) corresponds with 40 CFR 270.290(k), which USEPA has marked "Reserved-". This statement maintains structural consistency with the corresponding federal rules;
- 12) An outline of both the introductory and continuing training programs that the owner or operator will use to prepare employees to operate or maintain its facility safely as required by 35 Ill. Adm. Code 727.110(g). A brief description of how training will be designed to meet actual job tasks pursuant to 35 Ill. Adm. Code 727.110(g)(1)(B) requirements;
- 13) A copy of the closure plan required by 35 Ill. Adm. Code 727.210(c). Include, where applicable, as part of the plans, specific requirements in 35 Ill. Adm. Code 727.270(g), 727.290(l), and 727.900(i);
- 14) This subsection (a)(14) corresponds with 40 CFR 270.290(n), which USEPA has marked "Reserved-". This statement maintains structural consistency with the corresponding federal rules;
- 15) The most recent closure cost estimate for the facility prepared pursuant to 35 Ill. Adm. Code 727.240(c) and a copy of the documentation required to demonstrate financial assurance pursuant to 35 Ill. Adm. Code 727.240(d). For a new facility, the owner or operator may gather the required documentation 60 days before the initial receipt of hazardous wastes;
- 16) This subsection (a)(16) corresponds with 40 CFR 270.290(p), which USEPA has marked "Reserved-". This statement maintains structural consistency with the corresponding federal rules;
- 17) Where applicable, a copy of the insurance policy or other documentation that complies with the liability requirements of 35 Ill. Adm. Code 727.240(h). For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 727.240(h)(1) that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment or storage;

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- 18) Where appropriate, proof of coverage by a State financial mechanism, as required by 35 Ill. Adm. Code 727.240(j) or 727.240(k);
- 19) A topographic map showing a distance of 1,000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). The map must show elevation contours. The contour interval must show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). If the facility is in a mountainous area, the owner or operator should use large contour intervals to adequately show topographic profiles of the facility. The map must clearly show each of the following:
 - A) The map scale and date;
 - B) Any 100-year flood plain area;
 - C) All surface waters including intermittent streams;
 - D) The surrounding land uses (residential, commercial, agricultural, recreational, etc.);
 - E) A wind rose (i.e., prevailing windspeed and direction);
 - F) The orientation of the map (north arrow);
 - G) Legal boundaries of the facility site;
 - H) Facility access control (fences, gates);
 - I) All injection and withdrawal wells both on-site and off-site;
 - J) All buildings; treatment, storage, or disposal operations; and other structures (recreation areas, runoff control systems, access and internal roads, storm, sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, etc.);

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- K) Barriers for drainage or flood control; and
- L) The location of operational units within the facility where hazardous waste is (or will be) treated or stored (including equipment cleanup areas).

BOARD NOTE: Subsection (a) ~~of this Section~~ is derived from 40 CFR 270.290 (2017~~2007~~).

- b) Container information to be maintained at the facility. If the facility owner or operator stores or treats hazardous waste in containers, it must keep the following information at its facility:
 - 1) A description of the containment system to demonstrate compliance with the container storage area provisions of 35 Ill. Adm. Code 727.270(d). This description must show the following information:
 - A) The basic design parameters, dimensions, and materials of construction;
 - B) How the design promotes drainage or how containers are kept from contact with standing liquids in the containment system;
 - C) The capacity of the containment system relative to the number and volume of containers to be stored;
 - D) The provisions for preventing or managing run-on; and
 - E) How accumulated liquids can be analyzed and removed to prevent overflow;
 - 2) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with 35 Ill. Adm. Code 727.270(d)(3), including the following:
 - A) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and

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- B) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids;
- 3) Sketches, drawings, or data demonstrating compliance with 35 Ill. Adm. Code 727.270(e) (location of buffer zone (15m or 50ft) and containers holding ignitable or reactive wastes) and 35 Ill. Adm. Code 727.270(f)(3) (location of incompatible wastes in relation to each other), where applicable;
- 4) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with 35 Ill. Adm. Code 727.270(f)(1) and (f)(2), and 35 Ill. Adm. Code 727.110(h)(2) and (h)(3); and
- 5) Information on air emission control equipment as required by Section 703.352(e).

BOARD NOTE: Subsection (b) ~~of this Section~~ is derived from 40 CFR 270.300 (20172007).

- c) Tank information to be maintained at the facility. If the facility owner or operator uses tanks to store or treat hazardous waste, it must keep the following information at its facility:
- 1) A written assessment that is reviewed and certified by an independent, qualified, registered professional engineer on the structural integrity and suitability for handling hazardous waste of each tank system, as required pursuant to 35 Ill. Adm. Code 727.290(b) and (c);
- 2) The dimensions and capacity of each tank;
- 3) A description of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);
- 4) A diagram of piping, instrumentation, and process flow for each tank system;

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- 5) A description of materials and equipment used to provide external corrosion protection, as required pursuant to 35 Ill. Adm. Code 727.290(b);
- 6) For new tank systems, a detailed description of how the tank systems will be installed in compliance with 35 Ill. Adm. Code 727.290(c) and (e);
- 7) Detailed plans and description of how the secondary containment system for each tank system is or will be designed, constructed, and operated to meet the requirements of 35 Ill. Adm. Code 727.290(f) and (g);
- 8) This subsection (c)(8) corresponds with 40 CFR 270.305(h), which USEPA has marked "Reserved:". This statement maintains structural consistency with the corresponding federal rules;
- 9) A description of controls and practices to prevent spills and overflows, as required pursuant to 35 Ill. Adm. Code 727.290(i);
- 10) For tank systems in which ignitable, reactive, or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with 35 Ill. Adm. Code 727.290(m) and (n); and
- 11) Information on air emission control equipment, as required by Section 703.352(e).

BOARD NOTE: Subsection (c) ~~of this Section~~ is derived from 40 CFR 270.305 (~~20172007~~).

- d) Equipment information to be maintained at the facility. If the facility has equipment to which Subpart BB of 35 Ill. Adm. Code 724 applies, the facility owner or operator must keep the following information at its facility:
 - 1) For each piece of equipment to which Subpart BB of 35 Ill. Adm. Code 724 applies, the following:
 - A) The equipment identification number and hazardous waste management unit identification;

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- B) The approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan);
 - C) The type of equipment (e.g., a pump or a pipeline valve);
 - D) The percent by weight of total organics in the hazardous waste stream at the equipment;
 - E) The phase of the hazardous waste at the equipment (e.g., gas or vapor or liquid); and
 - F) The method of compliance with the standard (e.g., monthly leak detection and repair, or equipped with dual mechanical seals);
- 2) For a facility that cannot install a closed-vent system and control device to comply with Subpart BB of 35 Ill. Adm. Code 724 on the effective date that the facility becomes subject to the Subpart BB provisions, an implementation schedule as specified in 35 Ill. Adm. Code 724.933(a)(2);
 - 3) Documentation that demonstrates compliance with the equipment standards in 35 Ill. Adm. Code 724.952 and 724.959. This documentation must contain the records required pursuant to 35 Ill. Adm. Code 724.964; and
 - 4) Documentation to demonstrate compliance with 35 Ill. Adm. Code 724.960, which must include the following information:
 - A) A list of all information references and sources used in preparing the documentation;
 - B) Records, including the dates, of each compliance test required by 35 Ill. Adm. Code 724.933(j);
 - C) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions," USEPA publication number EPA-450/2-81-005, incorporated by reference in 35 Ill. Adm. Code 720.111(a) or other engineering texts acceptable to the Agency that present basic control device design

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information. The design analysis must address the vent stream characteristics and control device operation parameters, as specified in 35 Ill. Adm. Code 724.935(b)(4)(iii);

- D) A statement signed and dated by the facility owner or operator that certifies that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is operating at the highest load or capacity level reasonable expected to occur; and
- E) A statement signed and dated by the facility owner or operator that certifies that the control device is designed to operate at an efficiency of 95 weight percent or greater.

BOARD NOTE: Subsection (d) ~~of this Section~~ is derived from 40 CFR 270.310 (20172007).

- e) Air emissions control information to be maintained at the facility. If the facility owner or operator has air emission control equipment subject to Subpart CC of 35 Ill. Adm. Code 724, it must keep the following information at its facility:
 - 1) Documentation for each floating roof cover installed on a tank subject to 35 Ill. Adm. Code 724.984(d)(1) or (d)(2) that includes information that the owner or operator prepared or the cover manufacturer or vendor provided describing the cover design, and the owner's or operator's certification that the cover meets applicable design specifications listed in 35 Ill. Adm. Code 724.984(e)(1) or (f)(1);
 - 2) Identification of each container area subject to Subpart CC of 35 Ill. Adm. Code 724 and the owner's or operator's certification that the requirements of this Subpart J are met;
 - 3) Documentation for each enclosure used to control air pollutant emissions from tanks or containers pursuant to requirements of 35 Ill. Adm. Code 724.984(d)(5) or 724.986(e)(1)(B). The owner or operator must include records for the most recent set of calculations and measurements that it performed to verify that the enclosure meets the criteria of a permanent total enclosure as specified in appendix B to 40 CFR 52.741 (Procedure T

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– Criteria for and Verification of a Permanent or Temporary Total Enclosure), incorporated by reference in 35 Ill. Adm. Code 720.111(b);

- 4) This subsection (e)(4) corresponds with 40 CFR 270.315(d), which USEPA has marked "Reserved:". This statement maintains structural consistency with the corresponding federal rules;
- 5) Documentation for each closed-vent system and control device installed pursuant to 35 Ill. Adm. Code 724.987 that includes design and performance information, as specified in Section 703.210(c) and (d); and
- 6) An emission monitoring plan for both Method 21 in appendix A to 40 CFR 60 (Determination of Volatile Organic Compound Leaks), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and control device monitoring methods. This plan must include the following information: monitoring points, monitoring methods for control devices, monitoring frequency, procedures for documenting exceedances, and procedures for mitigating noncompliances.

BOARD NOTE: Subsection (e) ~~of this Section~~ is derived from 40 CFR 270.315 (~~20172007~~).

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

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Section 703.APPENDIX A Classification of Permit Modifications

Class Modifications

A. General Permit Provisions

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

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

B. General Facility Standards

1. Changes to waste sampling or analysis methods:

- 1 a. To conform with Agency guidance or Board regulations.
- 1* b. To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods.
- 1* c. To incorporate changes associated with underlying hazardous constituents in ignitable or corrosive wastes.

- 2 d. Other changes.

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

- 1 a. To conform with agency guidance or regulations.
- 2 b. Other changes.

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

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

5. Changes in the training plan:

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

- 1 b. Other changes.

6. Contingency plan:

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

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procedures).

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

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

7. CQA plan:

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

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

C. Groundwater Protection

1. Changes to wells:

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

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

D. Closure

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

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

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

2 g. Staging piles.

E. Post-Closure

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

2 2. Extension of post-closure care period.

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

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

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

F. Containers

1. Modification or addition of container units:

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

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

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

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

2. Modification of container units without an increased capacity or alteration of the system:

- 2 a. Modification of a container unit without increasing the capacity of the unit.
- 1 b. Addition of a roof to a container unit without alteration of the containment system.

3. Storage of different wastes in containers, except as provided in F(4):

- 3 a. That require additional or different management practices from those authorized in the permit.
- 2 b. That do not require additional or different management practices from those authorized in the permit.

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

4. Storage or treatment of different wastes in containers:

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

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F027, and F028).

G. Tanks

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

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

Note: See Section 703.280(g) for modification procedures to be

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used for the management of newly listed or identified wastes.

H. Surface Impoundments

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

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

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

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

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

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

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

J. Landfills and Unenclosed Waste Piles

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

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different design of the liner, leachate collection system, or leachate detection system.

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

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

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

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

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

8. Changes in response action plan:

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

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

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K. Land Treatment

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

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

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- 3 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to 35 Ill. Adm. Code 724.378(g)(2).
- 3 10. Changes in the unsaturated zone monitoring system that result in a change to the location, depth, or number of sampling points or which replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements.
- 2 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, or number of sampling points or which replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.
- 2 12. Changes in background values for hazardous constituents in soil and soil-pore liquid.
- 2 13. Changes in sampling, analysis, or statistical procedure.
- 2 14. Changes in land treatment demonstration program prior to or during the demonstration.
- 1* 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency's prior approval has been received.
- 1* 16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Agency.
- 3 17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially

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the same as the conditions for the first demonstration.

- 2 18. Changes in vegetative cover requirements for closure.

L. Incinerators, Boilers and Industrial Furnaces

- 3 1. Changes to increase by more than 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 2 2. Changes to increase by up to 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 3 3. Modification of an incinerator, boiler, or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units; by adding a primary or secondary combustion unit; by substantially changing the design of any component used to remove HCl/Cl₂, metals, or particulate from the combustion gases; or by changing other features of the incinerator, boiler, or industrial furnace that could affect its capability to meet the regulatory performance standards. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.
- 2 4. Modification of an incinerator, boiler, or industrial furnace unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.
5. Operating requirements:

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

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

7. Shakedown and trial burn:

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

M. Containment Buildings

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

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- 2 b. Resulting in up to 25 percent increase in the facility's containment building storage or treatment capacity.
- 2 2. Modification of a containment building unit or secondary containment system without increasing the capacity of the unit.
3. Replacement of a containment building with a containment building that meets the same design standards provided:
- 1 a. The unit capacity is not increased.
- 1 b. The replacement containment building meets the same conditions in the permit.
- 2 4. Modification of a containment building management practice.
5. Storage or treatment of different wastes in containment buildings:
- 3 a. That require additional or different management practices.
- 2 b. That do not require additional or different management practices.

N. Corrective Action

- 3 1. Approval of a corrective action management unit pursuant to 35 Ill. Adm. Code 724.652.
- 2 2. Approval of a temporary unit or time extension pursuant to 35 Ill. Adm. Code 724.653.
- 2 3. Approval of a staging pile or staging pile operating term extension pursuant to 35 Ill. Adm. Code 724.654.

~~O. Burden Reduction~~

- ~~1. This paragraph O.1. corresponds with paragraph O.1. in appendix I to 40 CFR 270.42, 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~~

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~~effective at 75 Fed. Reg. 12989, 92, note 1 (Mar. 18, 2010). This statement maintains structural consistency with the corresponding federal requirements.:~~

- ~~1. 2. Development of one contingency plan based on Integrated Contingency Plan Guidance pursuant to 35 Ill. Adm. Code 724.152(b).~~
- ~~1. 3. A change to recordkeeping and reporting requirements pursuant to any of the following: 35 Ill. Adm. Code 724.156(i), 724.443(a)(2), 724.961(b)(1) and (d), 724.962(a)(2), 724.296(f), 724.200(g), or 724.213(e)(5).~~
- ~~1. 4. A change to inspection frequency for a tank system pursuant to 35 Ill. Adm. Code 724.295(b).~~
- ~~1. 5. A change to a detection and compliance monitoring program pursuant to 35 Ill. Adm. Code 724.198(d), (g)(2), (g)(3), or 724.199(f) or (g).~~

Note: * indicates modifications requiring prior Agency approval.

BOARD NOTE: Derived from appendix I to 40 CFR 270.42 (~~2017~~2012).

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

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- 1) Heading of the Part: UIC Permit Program
- 2) Code Citation: 35 Ill. Adm. Code 704
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
704.101	Amendment
704.102	Amendment
704.106	Amendment
704.122	Amendment
704.123	Amendment
704.124	Amendment
704.129	Amendment
704.141	Amendment
704.142	Amendment
704.145	Amendment
704.147	Amendment
704.148	Amendment
704.149	Amendment
704.150	Amendment
704.161	Amendment
704.162	Amendment
704.163	Amendment
704.181	Amendment
704.186	Amendment
704.189	Amendment
704.192	Amendment
704.193	Amendment
704.202	Amendment
704.212	Amendment
704.214	Amendment
704.215	Amendment
704.216	Amendment
704.218	Amendment
704.219	Amendment
704.260	Amendment
704.263	Amendment
704.279	Amendment
704.282	Amendment
704.283	Amendment

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704.284	Amendment
704.285	Amendment
704.286	Amendment
704.287	Amendment
704.288	Amendment
704.289	Amendment

- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 22.4, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 704 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, 703, 705, 720 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 702 through 705, 720, and 721. 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 702. 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 704 make 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.

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

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace 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) (2016)].
- 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
e-mail: michael.mccambridge@illinois.gov

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Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's Website at <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) (2016)].
 - 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) (2016)].
 - 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) (2016)].
- 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 b: PERMITSPART 704
UIC PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	Content
704.101	Content
704.102	Scope of the Permit or Rule Requirement
704.103	Identification of Aquifers
704.104	Exempted Aquifers
704.105	Specific Inclusions and Exclusions
704.106	Classification of Injection Wells
704.107	Definitions
704.108	Electronic Reporting

SUBPART B: PROHIBITIONS

Section	Content
704.121	Prohibition Against Unauthorized Injection
704.122	Prohibition Against Movement of Fluid into USDW
704.123	Identification of USDWs and Exempted Aquifers
704.124	Prohibition Against Class IV Injection Wells
704.125	Prohibition Against Non-Experimental Class V Injection Wells for Geologic Sequestration
704.128	Requirements for Class VI Injection Wells
704.129	Transitioning from a Class II Injection Well to a Class VI Injection Well

SUBPART C: AUTHORIZATION OF UNDERGROUND INJECTION BY RULE

Section	Content
704.141	Existing Class I and III Injection Wells
704.142	Prohibitions Against Injection into Wells Authorized by Rule
704.143	Expiration of Authorization
704.144	Requirements

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704.145	Existing Class IV Injection Wells
704.146	Class V Injection Wells
704.147	Requiring a Permit
704.148	Inventory Requirements
704.149	Requiring other Information
704.150	Requirements for Class I and III Injection Wells Authorized by Rule
704.151	RCRA Interim Status for Class I Injection Wells

SUBPART D: APPLICATION FOR PERMIT

Section	
704.161	Application for Permit; Authorization by Permit
704.162	Area Permits
704.163	Emergency Permits
704.164	Signatories to Permit Applications

SUBPART E: PERMIT CONDITIONS

Section	
704.181	Additional Conditions
704.182	Establishing UIC Permit Conditions
704.183	Construction Requirements
704.184	Corrective Action
704.185	Operation Requirements
704.186	Hazardous Waste Requirements
704.187	Monitoring and Reporting
704.188	Plugging and Abandonment
704.189	Financial Responsibility
704.190	Mechanical Integrity
704.191	Additional Conditions
704.192	Waiver of Requirements by Agency
704.193	Corrective Action
704.194	Maintenance and Submission of Records

SUBPART F: REQUIREMENTS FOR WELLS INJECTING HAZARDOUS WASTE

Section	
704.201	Applicability
704.202	Authorization

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704.203 Requirements

SUBPART G: FINANCIAL RESPONSIBILITY FOR CLASS I
HAZARDOUS WASTE INJECTION WELLS

Section

704.210 Applicability
704.211 Definitions
704.212 Cost Estimate for Plugging and Abandonment
704.213 Financial Assurance for Plugging and Abandonment
704.214 Trust Fund
704.215 Surety Bond Guaranteeing Payment
704.216 Surety Bond Guaranteeing Performance
704.217 Letter of Credit
704.218 Plugging and Abandonment Insurance
704.219 Financial Test and Corporate Guarantee
704.220 Multiple Financial Mechanisms
704.221 Financial Mechanism for Multiple Facilities
704.222 Release of the Owner or Operator
704.230 Incapacity
704.240 Wording of the Instruments

SUBPART H: ISSUED PERMITS

Section

704.260 Transfer
704.261 Modification
704.262 Causes for Modification
704.263 Well Siting
704.264 Minor Modifications

SUBPART I: REQUIREMENTS FOR CLASS V INJECTION WELLS

Section

704.279 General
704.280 Definition of a Class V Injection Well
704.281 Examples of Class V Injection Wells
704.282 Protection of Underground Sources of Drinking Water
704.283 Notification of a Class V Injection Well

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704.284	Permit Requirements
704.285	Applicability of the Additional Requirements
704.286	Definitions
704.287	Location in a Groundwater Protection Area or Another Sensitive Area
704.288	Additional Requirements
704.289	Closure of a Class V Injection Well

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

SOURCE: Adopted in R81-32 at 6 Ill. Reg. 12479, effective March 3, 1984; amended in R82-19, at 7 Ill. Reg. 14402, effective March 3, 1984; amended in R83-39, at 55 PCB 319, at 7 Ill. Reg. 17338, effective December 19, 1983; amended in R85-23 at 10 Ill. Reg. 13290, effective July 29, 1986; amended in R87-29 at 12 Ill. Reg. 6687, effective March 28, 1988; amended in R88-2 at 12 Ill. Reg. 13700, effective August 16, 1988; amended in R88-17 at 13 Ill. Reg. 478, effective December 30, 1988; amended in R89-2 at 14 Ill. Reg. 3116, effective February 20, 1990; amended in R94-17 at 18 Ill. Reg. 17641, effective November 23, 1994; amended in R94-5 at 18 Ill. Reg. 18351, effective December 20, 1994; amended in R00-11/R01-1 at 24 Ill. Reg. 18612, effective December 7, 2000; amended in R01-30 at 25 Ill. Reg. 11139, effective August 14, 2001; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 605, effective December 20, 2006; amended in R11-14 at 36 Ill. Reg. 1613, effective January 20, 2012; amended in R13-15 at 37 Ill. Reg. 17708, effective October 24, 2013; amended in R17-14/R17-15/R18-12 at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 704.101 Content

The regulations in this Subpart A set forth the specific requirements for the UIC (Underground Injection Control) permit program. These rules are intended to implement the UIC permit requirement of Section 12(g) of the ~~Environmental Protection Act (Act)~~ [415 ILCS 5/12(g)]. These rules are intended to be identical in substance to United States Environmental Protection Agency (USEPA) rules found in 40 CFR 144. The regulations in this Subpart A are supplemental to the requirements in 35 Ill. Adm. Code 702, which contains requirements for both the RCRA and UIC permit programs. Operating requirements for injection wells are included in 35 Ill. Adm. Code 730.

BOARD NOTE: Derived from 40 CFR 144.1(20172005).

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

Section 704.102 Scope of the Permit or Rule Requirement

Although six classes of wells are set forth in Section 704.106, the UIC (Underground Injection Control) permit program described in 35 Ill. Adm. Code 702, 704, 705, and 730 regulates underground injection for only five classes of wells (see definition of "well injection," 35 Ill. Adm. Code 702.110). Class II wells (Section 704.106(b)) are not subject to the requirements found in 35 Ill. Adm. Code 702, 704, 705, and 730. The UIC permit program for Class II wells is regulated by the Illinois Department of Natural Resources, Office of Mines and Minerals, Oil and Gas Division, pursuant to the Illinois Oil and Gas Act [225 ILCS 725] (see 62 Ill. Adm. Code 240). The owner or operator of a Class I, Class III, Class IV, or Class V injection well must be authorized either by permit or by rule. In carrying out the mandate of the SDWA, this Part provides that no injection may be authorized by permit or by rule if it results in movement of fluid containing any contaminant into underground sources of drinking water (USDWs) (Section 704.122), if the presence of that contaminant may cause a violation of any primary drinking water regulation under 35 Ill. Adm. Code 611, or if the presence of that contaminant may adversely affect the health of persons (Section 704.122). Section 704.124 prohibits the construction, operation, or maintenance of a Class IV injection well. A Class V injection well is regulated under Subpart I ~~of this Part~~. If remedial action appears necessary for a Class V injection well, an individual permit may be required (Subpart C ~~of this Part~~) or the Agency must require remedial action or closure by order (see Section 704.122(c)).

BOARD NOTE: Derived from 40 CFR 144.1(g) preamble (~~20172011~~).

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

Section 704.106 Classification of Injection Wells

Injection wells are classified as follows:

- a) Class I injection wells. Any of the following is a Class I injection well:
 - 1) A well used by a generator of hazardous waste or the owner or operator of a hazardous waste management facility to inject hazardous waste beneath the lowermost formation containing a USDW within 402 meters (one-quarter mile) of the well bore.
 - 2) Any other industrial and municipal disposal well that injects fluids beneath

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the lowermost formation containing a USDW within 402 meters (one-quarter mile) of the well bore.

- 3) A radioactive waste disposal well that injects fluids below the lowermost formation containing a USDW within 402 meters (one-quarter mile) of the well bore.
- b) Class II injection wells. Any well that injects any of the following fluids is a Class II injection well:
- 1) Fluids that are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production, and which may be commingled with waste waters from gas plants that are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection;
 - 2) Fluids injected for enhanced recovery of oil or natural gas; and
 - 3) Fluids injected for storage of hydrocarbons that are liquid at standard temperature and pressure.
- c) Class III injection wells. Any well that injects fluids for the extraction of minerals, including the following:
- 1) The mining of sulfur by the Frasch process;
 - 2) The in-situ production of uranium or other metals. This category includes only in-situ production from ore bodies that have not been conventionally mined. Solution mining of conventional mines, such as stopes leaching, is included as a Class V injection well; and
 - 3) Solution mining of salts or potash.
- d) Class IV injection wells. Any of the following is a Class IV injection well:
- 1) A well used by a generator of hazardous waste or of radioactive waste, by the owner or operator of a hazardous waste management facility or by the owner or operator of a radioactive waste disposal site to dispose of hazardous wastes or radioactive wastes into a formation that contains a

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USDW within 402 meters (one-quarter mile) of the well.

- 2) A well used by a generator of hazardous waste or of radioactive waste, by the owner or operator of a hazardous waste management facility, or by the owner or operator of a radioactive waste disposal site to dispose of hazardous waste or radioactive waste above a formation that contains a USDW within 402 meters (one-quarter mile) of the well.
 - 3) A well used by a generator of hazardous waste or the owner or operator of a hazardous waste management facility to dispose of hazardous waste that cannot be classified under any of subsections (a)(1), (d)(1), or (d)(2) ~~of this Section~~ (e.g., a well that is used to dispose of hazardous waste into or above a formation that contains an aquifer that has been exempted pursuant to 35 Ill. Adm. Code 730.104).
- e) Class V injection wells. Any injection well that is not classified as a Class I, II, III, IV, or VI injection well. Section 704.281 describes specific types of Class V injection wells.
- f) Class VI injection wells.
- 1) An injection well that is not experimental in nature which is used for geologic sequestration of carbon dioxide beneath the lowermost formation containing a USDW;
 - 2) An injection well that is used for geologic sequestration of carbon dioxide which has been granted a permit that includes alternative injection well depth requirements pursuant to Section 730.195; or
 - 3) An injection well that is used for geologic sequestration of carbon dioxide which has received an expansion to the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption pursuant to Section 704.123(d) and 35 Ill. Adm. Code 730.104.

BOARD NOTE: Derived from 40 CFR 144.6 ([20172014](#)).

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

SUBPART B: PROHIBITIONS

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Section 704.122 Prohibition Against Movement of Fluid into USDW

- a) No owner or operator may construct, operate, maintain, convert, plug, abandon, or conduct any other injection activity in a manner that allows the movement of fluid containing any contaminant into a USDW, if the presence of that contaminant could cause a violation of any national primary drinking water regulation under 35 Ill. Adm. Code 611 (derived from 40 CFR 141) or could otherwise adversely affect the health of persons. The applicant for a permit has the burden of showing that the requirement of this subsection (a) is met.
- b) For a Class I, III, or VI injection well, if any water quality monitoring of a USDW indicates the movement of any contaminant into the USDW, except as authorized under 35 Ill. Adm. Code 730, the Agency must prescribe such additional requirements for construction, corrective action, operation, monitoring or reporting (including closure of the injection well) as are necessary to prevent such movement. In the case of a well authorized by permit, these additional requirements must be imposed by modifying the permit in accordance with 35 Ill. Adm. Code 702.183 through 702.185, or appropriate enforcement action may be taken if the permit has been violated, and the permit may be subject to revocation under 35 Ill. Adm. Code 702.186 if cause exists. In the case of wells authorized by rule, see Section 704.141 through 704.146.
- c) For a Class V injection well, if at any time the Agency learns that a Class V injection well could cause a violation of any national primary drinking water regulation under 35 Ill. Adm. Code 611 (derived from 40 CFR 141), it must undertake one of the following actions:
 - 1) It must require the injector to obtain an individual permit;
 - 2) It must issue a permit that requires the injector to take such actions (including, where necessary, closure of the injection well) as may be necessary to prevent the violation; or
 - 3) It may initiate enforcement action.
- d) Whenever the Agency learns that a Class V injection well may be otherwise adversely affecting the health of persons, it may prescribe such actions as may be necessary to prevent the adverse effect, including any action authorized under

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subsection (c) ~~of this Section~~.

- e) Notwithstanding any other provision of this Section, the Agency may take emergency action upon receipt of information that a contaminant that is present in or is likely to enter a public water system or a USDW may present an imminent and substantial endangerment to the health of persons. The Agency may declare an emergency and affix a seal pursuant to Section 34 of the Act ~~[415 ILCS 5/34]~~.

BOARD NOTE: Derived from 40 CFR 144.12 (~~20172011~~).

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

Section 704.123 Identification of USDWs and Exempted Aquifers

- a) The Agency may identify (by narrative description, illustrations, maps, or other means) and must protect as a USDW, any aquifer or part of an aquifer that meets the definition of a USDW set forth in 35 Ill. Adm. Code 702.110, except as one of the exceptions of subsections (a)(1) and (a)(2) ~~of this Section~~ applies. Other than Agency-approved aquifer exemption expansions that meet the criteria set forth in 35 Ill. Adm. Code 730.104, a new aquifer exemption must not be issued for a Class VI injection well. Even if an aquifer has not been specifically identified by the Agency, it is a USDW if it meets the definition in 35 Ill. Adm. Code 702.110. Identification of USDWs must be made according to criteria adopted by the Agency pursuant to 35 Ill. Adm. Code 702.106.
- 1) The Agency may not identify an aquifer or part of an aquifer as a USDW to the extent that there is an applicable aquifer exemption under subsection (b) ~~of this Section~~.
 - 2) The Agency may not identify an aquifer or part of an aquifer as a USDW to the extent that the aquifer or part of an aquifer is an expansion to the areal extent of an existing Class II enhanced oil recovery or is subject to an enhanced gas recovery aquifer exemption for the exclusive purpose of Class VI injection for geologic sequestration under subsection (d) ~~of this Section~~.
- b) Identification of an exempted aquifer.

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- 1) The Agency may identify (by narrative description, illustrations, maps, or other means) and describe in geographic or geometric terms (such as vertical and lateral limits and gradient) that are clear and definite, any aquifer or part of an aquifer that the Agency desires the Board to designate as an exempted aquifer using the criteria in 35 Ill. Adm. Code 730.104, as described in this subsection (b).
 - 2) No designation of an exempted aquifer may be final until approved by USEPA as part of the State program.
 - 3) Subsequent to program approval, the Board may identify additional exempted aquifers.
 - 4) Identification of exempted aquifers must be by rulemaking pursuant to 35 Ill. Adm. Code 102 and 702.105 and Sections 27 and 28 of the Act ~~[415 ILCS 5/27 and 28]~~, considering the criteria set forth in 35 Ill. Adm. Code 730.104.
- c) For a Class III injection well, an applicant for a permit that necessitates an aquifer exemption under 35 Ill. Adm. Code 730.104(b)(1) must furnish the data necessary to demonstrate that the aquifer is expected to be mineral or hydrocarbon producing. Information contained in the mining plan for the proposed project, such as a map and general description of the mining zone, general information on the mineralogy and geochemistry of the mining zone, analysis of the amenability of the mining zone to the proposed mining method, and a timetable of planned development of the mining zone must be considered by the Board in addition to the information required by Section 704.161(c). Approval of the exempted aquifer must be by rulemaking pursuant to 35 Ill. Adm. Code 102 and 702.105 and Sections 27 and 28 of the Act ~~[415 ILCS 5/27 and 28]~~. Rules will not become final until approved by USEPA as a program revision.
- d) Expansion to the Areal Extent of Existing Class II Aquifer Exemptions for Class VI Wells. The owner or operator of a Class II enhanced oil recovery or enhanced gas recovery well may request that the Agency approve an expansion to the areal extent of an aquifer exemption already in place for a Class II enhanced oil recovery or enhanced gas recovery well for the exclusive purpose of Class VI injection for geologic sequestration. A request for areal expansion must be treated as a revision to the applicable federal UIC program under 40 CFR 147 or

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as a substantial program revision to an approved state UIC program under 40 CFR 145.32 and will not be final until approved by USEPA.

- 1) The request for an expansion of the areal extent of an existing aquifer exemption for the exclusive purpose of Class VI injection for geologic sequestration must define (by narrative description, illustrations, maps, or other means) and describe in geographic or geometric terms (such as vertical and lateral limits and gradient) that are clear and definite, all aquifers or parts of aquifers that are requested to be designated as exempted using the criteria in 35 Ill. Adm. Code 730.104.
- 2) In making a determination to expand the areal extent of an aquifer exemption of a Class II enhanced oil recovery or enhanced gas recovery well for the purpose of Class VI injection, the Agency must determine that the request meets the criteria for exemptions in 35 Ill. Adm. Code 730.104. In evaluating a request, the Agency must consider:
 - A) Any current and potential future use of the USDWs to be exempted as drinking water resources;
 - B) The predicted extent of the injected carbon dioxide plume, and any mobilized fluids that may result in degradation of water quality, over the lifetime of the geologic sequestration project, as informed by computational modeling performed pursuant to 35 Ill. Adm. Code 730.184(c)(1), in order to ensure that the proposed injection operation will not at any time endanger USDWs including non-exempted portions of the injection formation;
 - C) Whether the areal extent of the expanded aquifer exemption is of sufficient size to account for any possible revisions to the computational model during reevaluation of the area of review, pursuant to 35 Ill. Adm. Code 730.184(e); and
 - D) Any information submitted to support a request by the owner or operator for a permit that includes alternative injection well depth requirements pursuant to 35 Ill. Adm. Code 730.195, if appropriate.

BOARD NOTE: Derived from 40 CFR 144.7 ([20172011](#)).

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

Section 704.124 Prohibition Against Class IV Injection Wells

- a) The following are prohibited, except as provided in subsection (c) ~~of this Section~~:
- 1) The construction of any Class IV injection well.
 - 2) The operation or maintenance of any Class IV injection well.
 - 3) Any increase in the amount of hazardous waste or change in the type of hazardous waste injected into a Class IV injection well.
- b) A Class IV injection well must comply with the requirements of Section 704.203 and the Class IV injection well closure requirements of Section 704.145.
- c) A well used to inject contaminated groundwater that has been treated and is being reinjected into the same formation from which it was originally drawn is not prohibited by this Section if such injection is approved by the Agency pursuant to provisions in the Act for preventive or corrective action, by the USEPA pursuant to provisions for cleanup of releases under the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (CERCLA) (42 USC 9601 et seq.), by USEPA pursuant to requirements and provisions under the Resource Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.), or by the Agency pursuant to Section 39 of the Act ~~[415 ILCS 5/39]~~.
- d) Clarification. This Section does not prohibit any of the following injection wells:
- 1) A well used to inject hazardous waste into an aquifer or a portion of an aquifer that has been exempted pursuant to 35 Ill. Adm. Code 730.104 if the exempted aquifer into which waste is injected underlies the lowermost formation containing a USDW. Such a well is a Class I injection well, as specified in Section 704.106(a)(1), and the owner or operator must comply with the requirements applicable to a Class I injection well.
 - 2) A well used to inject hazardous waste where no USDW exists within one quarter mile of the well bore in any underground formation, provided that the Agency determines that such injection is into a formation sufficiently

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isolated to ensure that injected fluids do not migrate from the injection zone. Such a well is a Class I injection well, as specified in Section 704.106(a)(1), and the owner or operator must comply with the requirements applicable to a Class I injection well.

BOARD NOTE: Derived from 40 CFR 144.13 (~~20172005~~).

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

Section 704.129 Transitioning from a Class II Injection Well to a Class VI Injection Well

- a) The owner or operator of a Class II injection well that is injecting carbon dioxide into an oil and gas reservoir for the primary purpose of long-term storage must apply for and obtain a Class VI injection well geologic sequestration permit when there is an increased risk to a USDW compared to usual Class II injection well operations. In determining if there is an increased risk to a USDW, the owner or operator must consider the factors specified for Agency consideration in subsection (b) ~~of this Section~~.
- b) The Agency must determine when there is an increased risk to a USDW from injecting carbon dioxide into an oil and gas reservoir for the primary purpose of long-term storage compared to usual Class II injection well operations and that a Class VI injection well permit is required. In order to make this determination, the Agency must consider the following factors:
 - 1) Any increase in reservoir pressure within the injection zones;
 - 2) Any increase in carbon dioxide injection rates;
 - 3) Any decrease in reservoir production rates;
 - 4) The distance between the injection zones and USDWs;
 - 5) The suitability of the Class II injection well area of review delineation;
 - 6) The quality of abandoned well plugs within the area of review;
 - 7) The owner's or operator's plan for recovery of carbon dioxide after the cessation of injection;

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- 8) The source and properties of injected carbon dioxide; and
- 9) Any additional site-specific factors that the Agency determines are necessary to determine whether the injection poses greater risk than usual Class II operations.

BOARD NOTE: Derived from 40 CFR 144.19 (~~2017~~2011).

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

SUBPART C: AUTHORIZATION OF UNDERGROUND INJECTION BY RULE

Section 704.141 Existing Class I and III Injection Wells

Authorization by rule is no longer possible for Class I or Class III injection wells. The owners or operators of Class I and Class III injection wells were required by 40 CFR 144.21(c)(8)(i) to submit a permit application before March 3, 1989 (five years after the effective date of USEPA authorization of the Illinois program).

- a) ~~Injection into an existing Class I or Class III injection well is authorized by rule if the owner or operator fulfills either of the conditions of subsection (a)(1) or (a)(2) of this Section, subject to subject (a)(3) of this Section:~~
 - 1) ~~It injected into the existing well within one year after March 3, 1984, or~~
 - 2) ~~It inventories the well pursuant to Section 704.148.~~
 - 3) ~~The owner or operator of a well that is authorized by rule pursuant to this Section must rework, operate, maintain, convert, plug, abandon, or inject into the well in compliance with applicable regulations.~~
- b) ~~Class III injection wells in existing fields or projects. Notwithstanding the prohibition in Section 704.121, this Section authorizes Class III injection wells or projects in existing fields or projects to continue normal operations until permitted, including construction, operation, and plugging and abandonment of wells as part of the operation provided the owner or operator maintains compliance with all applicable requirements.~~

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BOARD NOTE: Derived from 40 CFR 144.21(a) and (d) ~~(2017)-(2005)~~.

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

Section 704.142 Prohibitions Against Injection into Wells Authorized by Rule

An owner or operator of a well authorized by rule pursuant to this Subpart C is prohibited from injecting into the well on the occurrence of any of the following:

- a) Upon the effective date of an applicable permit denial;
- b) Upon a failure to submit a permit application in a timely manner pursuant to Section 704.147 or 704.161;
- c) Upon a failure to submit inventory information in a timely manner pursuant to Section 704.148;
- d) Upon a failure to comply with a request for information in a timely manner pursuant to Section 704.149;
- e) Upon a failure to provide alternative financial assurance pursuant to Section 704.150(d)(6);
- f) 48 hours after receipt of a determination by the Agency pursuant to Section 704.150(f)(3) that the well lacks mechanical integrity, unless the Agency orders immediate cessation pursuant to Section 34 of the Act or as ordered by a court pursuant to Section 43 of the Act ~~[415 ILCS 5/43]; or~~
- g) Upon receipt of notification from the Agency that the transferee has not demonstrated financial assurance pursuant to Section 704.150(d);
- h) ~~For Class I and Class III injection wells: after March 3, 1989, unless a timely and complete permit application for a permit was pending the Agency's decision; or~~
- i) ~~This subsection (i) corresponds with 40 CFR 144.21(c)(9), a provision related to Class II injection wells, which are regulated by the Illinois Department of Natural Resources, Office of Mines and Minerals, and not by the Board. This statement maintains structural consistency with USEPA rules.~~

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BOARD NOTE: Derived from 40 CFR 144.21(c) (~~20172011~~).

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

Section 704.145 Existing Class IV Injection Wells

- a) Injection into a Class IV injection well, as defined in Section 704.106(d)(1), is not authorized. The owner or operator of any such well must comply with Sections 704.124 and 704.203.
- b) Closure.
 - 1) Prior to abandoning any Class IV injection well, the owner or operator must plug or otherwise close the well in a manner acceptable to the Agency.
 - 2) ~~The~~ By September 27, 1986, the owner and operator of any Class IV injection well ~~must submit~~was to have submitted to the Agency a plan for plugging or otherwise closing and abandoning the well.
 - 3) The owner or operator of a Class IV injection well must notify the Agency of intent to abandon the well at least 30 days prior to abandonment.
- c) Notwithstanding subsections (a) and (b) ~~of this Section~~, an injection well that is used to inject contaminated groundwater that has been treated and which is being injected into the same formation from which it was drawn is authorized by rule for the life of the well if such subsurface emplacement of fluids is approved by USEPA pursuant to provisions for cleanup of releases under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 USC 9601 et seq.), by USEPA pursuant to requirements and provisions under the Resource Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.), or by ~~the~~ the Agency pursuant to Section 39 of the Act ~~[415 ILCS 5/39]~~.

BOARD NOTE: Derived from 40 CFR 144.23 (~~20172005~~).

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

Section 704.147 Requiring a Permit

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- a) The Agency may require the owner or operator of any ~~Class I, Class III, or~~ Class V injection well that is authorized by rule under this Subpart C to apply for and obtain an individual or area UIC permit. Cases where individual or area UIC permits may be required include the following:
- 1) The injection well is not in compliance with any requirement of this Subpart C;
- BOARD NOTE: Any underground injection that violates any rule under this Subpart C is subject to appropriate enforcement action.
- 2) The injection well is not or no longer is within the category of wells and types of well operations authorized in the rule;
 - 3) The protection of USDWs requires that the injection operation be regulated by requirements, such as for corrective action, monitoring and reporting, or operation, that are not contained in this Subpart C, ~~or~~
 - 4) ~~When the injection well is a Class I or Class III injection well, in accordance with a schedule established by the Agency pursuant to Section 704.161(b).~~
- b) The Agency may require the owner or operator of any well that is authorized by rule under this Subpart C to apply for an individual or area UIC permit under this subsection (b) only if the owner or operator has been notified in writing that a permit application is required. The owner or operator of a well that is authorized by rule is prohibited from injecting into the well on the occurrence of either of the circumstances of subsection (b)(1) or (b)(2) ~~of this Section~~ subject to subsection (b)(3) ~~of this Section~~.
- 1) Upon the effective date of a permit denial; or
 - 2) Upon the failure of the owner or operator to submit an application in a timely manner as specified in the notice.
 - 3) The notice must include all of the following:
 - A) A brief statement of the reasons for this decision;

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- B) An application form;
 - C) A statement setting a time for the owner or operator to file the application; and
 - D) A statement of the consequences of denial or issuance of the permit, or failure to submit an application, as described in this subsection (b).
- c) An owner or operator of a well that is authorized by rule may request to be excluded from the coverage of the rule by applying for an individual or area UIC permit. The owner or operator must submit to the Agency an application under Section 704.161 with reasons supporting the request. The Agency may grant any such request.

BOARD NOTE: Derived from 40 CFR 144.25 (~~2017~~2005).

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

Section 704.148 Inventory Requirements

The owner or operator of an injection well that is authorized by rule under this Subpart C must submit inventory information to the Agency. Such an owner or operator is prohibited from injecting into the well upon failure to submit inventory information for the well to the Agency within the time frame specified in subsection (d) ~~of this Section~~.

- a) Contents. As part of the inventory, the owner or operator must submit at least the following information:
 - 1) The facility name and location;
 - 2) The name and address of legal contact;
 - 3) The ownership of facility;
 - 4) The nature and type of injection wells; and
 - 5) The operating status of injection wells.

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BOARD NOTE: This information is requested on national form "Inventory of Injection Wells", USEPA Form 7520-16, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

- b) Additional contents. The owner or operator of a well listed in subsection (b)(1)-~~of this Section~~ must provide the information listed in subsection (b)(2)-~~of this Section~~.
- 1) This Section applies to the following wells:
- A) Corresponding 40 CFR 144.26(b)(1)(i) pertains to Class II injection wells, which are regulated by the Department of Natural Resources pursuant to the Illinois Oil and Gas Act ~~[225 ILCS 725]~~ (see 62 Ill. Adm. Code 240). This statement maintains structural consistency with the corresponding federal provisions;
 - B) Class IV injection wells;
 - C) The following types of Class V injection wells:
 - i) A sand or other backfill well, 35 Ill. Adm. Code 730.105(e)(8);
 - ii) A radioactive waste disposal well that is not a Class I injection well, 35 Ill. Adm. Code 730.105(e)(11);
 - iii) A geothermal energy recovery well, 35 Ill. Adm. Code 730.105(e)(12);
 - iv) A brine return flow well, 35 Ill. Adm. Code 730.105(e)(14);
 - v) A well used in an experimental technology, 35 Ill. Adm. Code 730.105(e)(15);
 - vi) A municipal or industrial disposal well other than a Class I injection well; and
 - vii) Any other Class V injection well, at the discretion of the

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Agency.

- 2) The owner or operator of a well listed in subsection (b)(1) ~~of this Section~~ must provide a listing of all wells owned or operated setting forth the following information for each well. (A single description of wells at a single facility with substantially the same characteristics is acceptable.)
 - A) Corresponding 40 CFR 144.26(b)(2)(i) pertains to Class II wells, which are regulated by the Department of Natural Resources pursuant to the Illinois Oil and Gas Act ~~[225 ILCS 725]~~ (see 62 Ill. Adm. Code 240). This statement maintains structural consistency with the corresponding federal provisions;
 - B) The location of each well or project given by Township, Range, Section, and Quarter-Section;
 - C) The date of completion of each well;
 - D) Identification and depth of the formations into which each well is injecting;
 - E) The total depth of each well;
 - F) The casing and cementing record, tubing size, and depth of packer;
 - G) The nature of the injected fluids;
 - H) The average and maximum injection pressure at the wellhead;
 - I) The average and maximum injection rate; and
 - J) The date of the last mechanical integrity tests, if any.
- c) This subsection (c) corresponds with 40 CFR 144.26(c), a provision relating to USEPA notification to facilities upon authorization of the state's program. This statement maintains structural consistency with USEPA rules.
- d) The owner or operator of a new Class V injection well must submit inventory information prior to starting injection ~~Deadlines. The owner or operator of an~~

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~~injection well must submit inventory information no later than March 3, 1985. The Agency need not require inventory information from any facility with RCRA interim status under 35 Ill. Adm. Code 703.~~

- e) The owner or operator of a Class V injection well prohibited from injecting for failure to submit inventory information for the well may resume injection 90 days after submittal of the inventory information to the Agency, unless the owner or operator receives notice from the Agency that injection may not resume or that it may resume sooner.~~Deadlines for a Class V injection well.~~
- 1) ~~The owner or operator of a Class V injection well in which injection took place before March 3, 1985, and who failed to submit inventory information for the well within the time specified in subsection (d) of this Section may resume injection 90 days after submittal of the inventory information to the Agency, unless the owner or operator receives notice from the Agency that injection may not resume or that it may resume sooner.~~
 - 2) ~~The owner or operator of a Class V injection well in which injection started later than March 3, 1985, must submit inventory information prior to May 2, 1995.~~
 - 3) ~~The owner or operator of a Class V injection well in which injection started after May 2, 1994 must submit inventory information prior to starting injection.~~
 - 4) ~~The owner or operator of a Class V injection well prohibited from injecting for failure to submit inventory information for the well within the time specified in subsection (e)(2) or (e)(3) of this Section may resume injection 90 days after submittal of the inventory information to the Agency, unless the owner or operator receives notice from the Agency that injection may not resume, or that it may resume sooner.~~

BOARD NOTE: A well that was in existence as of March 3, 1984, was required to submit inventory information by March 3, 1985. Since all wells other than a Class V injection ~~wells are well is~~ now either prohibited or required to file a permit application, the inventory requirement will apply only to a new Class V injection ~~wells well~~.

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BOARD NOTE: Derived from 40 CFR 144.26 (~~20172005~~).

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

Section 704.149 Requiring other Information

- a) In addition to the inventory requirements of Section 704.148, the Agency may require the owner or operator of any well authorized by rule under this Subpart C to submit information as deemed necessary by the Agency to determine whether a well may be endangering a USDW in violation of Section 704.122.
- b) Such information requirements may include, but are not limited to the following:
 - 1) Performance of groundwater monitoring and the periodic submission of reports of such monitoring;
 - 2) An analysis of injected fluids, including periodic submission of such analyses; and
 - 3) A description of the geologic strata through and into which injection is taking place.
- c) Any request for information under this Section must be made in writing, and include a brief statement of the reasons for requiring the information. An owner or operator must submit the information within the time periods provided in the notice.
- d) An owner or operator of an injection well authorized by rule under this Subpart C is prohibited from injecting into the well upon failure of the owner or operator to comply with a request for information within the time period specified by the Agency pursuant to subsection (c) ~~of this Section~~. An owner or operator of a well prohibited from injection under this Section may not resume injection, except under a permit issued pursuant to any of Sections 704.147, 704.161, 704.162, or 704.163.

BOARD NOTE: Derived from 40 CFR 144.27 (~~20172005~~).

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

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Section 704.150 Requirements for Class I and III Injection Wells Authorized by Rule

The following requirements apply to the owner or operator of a Class I or Class III well authorized by rule under this Subpart C, as provided by Section 704.144.

- a) The owner or operator must comply with all applicable requirements of this Subpart C and with Sections 704.121, 704.122, 704.124, 704.201, 704.202, and 704.203. Any noncompliance with these requirements constitutes a violation of the Act and SDWA and is grounds for enforcement action, except that the owner or operator need not comply with these requirements to the extent and for the duration such noncompliance is authorized by an emergency permit under Section 704.163.
- b) Twenty-four hour reporting. The owner or operator must report any noncompliance that may endanger health or the environment, including either of the events described in subsection (b)(1) or (b)(2) ~~of this Section~~, subject to the conditions of subsection (b)(3) ~~of this Section~~:
 - 1) Any monitoring or other information that indicates that any contaminant may cause an endangerment to a USDW; or
 - 2) Any noncompliance or malfunction of the injection system that may cause fluid migration into or between USDWs.
 - 3) Any information must be provided orally within 24 hours from the time the owner or operator becomes aware of the circumstances. A written submission must also be provided within five days of the time the owner or operator becomes aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- c) Plugging and abandonment plan.
 - 1) The owner or operator must prepare, maintain, and comply with a plan for plugging and abandonment of the wells or project that meets the requirements of 35 Ill. Adm. Code 730.110. For purposes of this

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subsection (c), temporary intermittent cessation of injection operations is not abandonment.

- 2) Submission of plan.
 - A) The owner or operator must submit the plan on any forms prescribed by the Agency.
 - B) The owner or operator must submit any proposed significant revision to the method of plugging reflected in the plan no later than the notice of plugging required by subsection (i) ~~of this Section~~ (i.e., 45 days prior to plugging, unless shorter notice is approved).
 - C) The plan must include the following information:
 - i) The nature and quantity and material to be used in plugging;
 - ii) The location and extent (by depth) of the plugs;
 - iii) Any proposed test or measurement to be made;
 - iv) The amount, size, and location (by depth) of casing to be left in the well;
 - v) The method and location where casing is to be parted; and
 - vi) The estimated cost of plugging the well.
 - D) After a cessation of operations of two years, the owner or operator must plug and abandon the well in accordance with the plan, unless the owner or operator performs both of the following actions:
 - i) It provides written notice to the Agency; and
 - ii) It describes actions or procedures, satisfactory to the Agency that the owner or operator will take to ensure that the well will not endanger a USDW during the period of

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temporary abandonment. These actions and procedures must include compliance with the technical requirements applicable to active injection wells, unless the operator obtains regulatory relief in the form of a variance or adjusted standard from the technical requirements pursuant to 35 Ill. Adm. Code 104 and Title IX of the Act ~~[415 ILCS 5/Title IX]~~.

- E) The owner or operator of any well that has been temporarily abandoned (ceased operations for more than two years and which has met the requirements of subsections (c)(2)(D)(i) and (c)(2)(D)(ii) ~~of this Section~~ must notify the Agency in writing prior to resuming operation of the well.
- d) Financial responsibility.
- 1) The owner or operator or transferor of a Class I or Class III injection well is required to demonstrate and maintain financial responsibility and resources to close, plug, and abandon the underground injection operation in a manner acceptable to the Agency until one of the following has occurred:
- A) The well has been plugged and abandoned in accordance with an approved plugging and abandonment plan pursuant to subsection (c) ~~of this Section~~ and 35 Ill. Adm. Code 730.110 and submission of a plugging and abandonment report has been made pursuant to subsection (k) ~~of this Section~~;
- B) The well has been converted in compliance with subsection (j) ~~of this Section~~; or
- C) The transferor has received notice from the Agency that the transferee has demonstrated financial responsibility for the well. The owner or operator must show evidence of such financial responsibility to the Agency by the submission of a surety bond or other adequate assurance, such as a financial statement.
- 2) The owner or operator must submit evidence of financial responsibility to the Agency ~~was to have submitted such evidence no later than March 3,~~

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~~1985.~~ Where the ownership or operational control of the well is to transfer~~was transferred later than March 3, 1985~~, the transferee must submit such evidence no later than the date specified in the notice required pursuant to subsection (1)(2)~~of this Section~~.

- 3) The Agency may require the owner or operator to submit a revised demonstration of financial responsibility if the Agency has reason to believe that the original demonstration is no longer adequate to cover the cost of closing, plugging, and abandoning the well.
 - 4) The owner or operator of a well injecting hazardous waste must comply with the financial responsibility requirements of Subpart G~~of this Part~~.
 - 5) An owner or operator must notify the Agency by certified mail of the commencement of any voluntary or involuntary proceeding under Title 11 (Bankruptcy) of the United States Code that names the owner or operator as debtor, within 10 business days after the commencement of the proceeding. Any party acting as guarantor for the owner or operator for the purpose of financial responsibility must so notify the Agency if the guarantor is named as debtor in any such proceeding.
 - 6) In the event of commencement of a proceeding specified in subsection (d)(5)~~of this Section~~, an owner or operator that has furnished a financial statement for the purpose of demonstrating financial responsibility pursuant to this Section will be deemed to be in violation of this subsection (d) until an alternative financial assurance demonstration acceptable to the Agency is provided either by the owner or operator or by its trustee in bankruptcy, receiver, or other authorized party. All parties must be prohibited from injecting into the well until such alternative financial assurance is provided.
- e) This subsection (e) corresponds with 40 CFR 144.28(e), which pertains exclusively to enhanced recovery and hydrocarbon storage wells (Class II wells). Those wells are regulated by the Illinois Department of Natural Resources, Office of Mines and Minerals, rather than by the Board and the Agency. This statement maintains structural consistency with USEPA rules.
- f) Operating requirements.

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- 1) No person must cause or allow injection between the outermost casing protecting USDWs and the well bore.
- 2) Maintenance of mechanical integrity.
 - A) The owner or operator of a Class I or Class III injection well authorized by rule under this Subpart C must establish and maintain mechanical integrity, as defined in 35 Ill. Adm. Code 730.106, until either of the following has occurred:
 - i) The well is properly plugged and abandoned in accordance with an approved plugging and abandonment plan pursuant to subsection (c) ~~of this Section~~ and 35 Ill. Adm. Code 730.110 and a plugging and abandonment report is submitted pursuant to subsection (k); or
 - ii) The well is converted in compliance with subsection (j) ~~of this Section~~.
 - B) The Agency may require by permit condition that the owner or operator comply with a schedule describing when mechanical integrity demonstrations must be made.
- 3) Cessation upon Lack of Mechanical Integrity.
 - A) When the Agency determines that a Class I (non-hazardous) or Class III injection well lacks mechanical integrity pursuant to 35 Ill. Adm. Code 730.108, the Agency must give written notice of its determination to the owner or operator.
 - B) Unless the Agency requires immediate cessation, the owner or operator must cease injection into the well within 48 hours of receipt of the Agency's determination.
 - C) The Agency may allow plugging of the well in accordance with 35 Ill. Adm. Code 730.110, or require the owner or operator to perform such additional construction, operation, monitoring, reporting, and corrective action as is necessary to prevent the movement of fluid into or between USDWs caused by the lack of

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mechanical integrity.

- D) The owner or operator may resume injection upon receipt of written notification from the Agency that the owner or operator has demonstrated mechanical integrity pursuant to 35 Ill. Adm. Code 730.108.
- 4) The Agency may allow the owner or operator of a well that lacks mechanical integrity pursuant to 35 Ill. Adm. Code 730.108(a)(1) to continue or resume injection if the owner or operator has made a satisfactory demonstration that there is no movement of fluid into or between USDWs.
- 5) For a Class I injection well, unless an alternative to a packer has been approved under 35 Ill. Adm. Code 730.112(c), the owner or operator must fill the annulus between the tubing and the long string of casings with a fluid approved by the Agency and maintain a pressure, also approved by the Agency, on the annulus. The owner or operator of a Class I well completed with tubing and packer must fill the annulus between tubing and casing with a non-corrosive fluid and maintain a positive pressure on the annulus. For any other Class I injection well, the owner or operator must insure that the alternative completion method will reliably provide a comparable level of protection of USDWs.
- 6) Injection pressure for Class I and III injection wells.
 - A) Except during stimulation, the owner or operator must not exceed an injection pressure at the wellhead that must be calculated so as to assure that the pressure during injection does not initiate new fractures or propagate existing fractures in the injection zone; and
 - B) The owner or operator must not inject at a pressure that will initiate fractures in the confining zone or cause the movement of injection or formation fluids into a USDW.
- g) Monitoring Requirements. The owner or operator must perform the monitoring as described in this subsection (g). Monitoring of the nature of the injected fluids must comply with applicable analytical methods cited in tables IA (List of Approved Biological Methods), IB (List of Approved Inorganic Test Procedures),

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IC (List of Approved Test Procedures for Non-Pesticide Organic Compounds), ID (List of Approved Test Procedures for Pesticides), IE (List of Approved Radiologic Test Procedures), and IF (List of Approved Methods for Pharmaceutical Pollutants) of 40 CFR 136.3 (Identification of Test Procedures) or in appendix III of 40 CFR 261 (Chemical Analysis Test Methods), each incorporated by reference in 35 Ill. Adm. Code 720.111(b), or with other methods that have been approved by the Agency.

- 1) The owner or operator of a Class I injection well must undertake the following actions:
 - A) It must analyze the nature of the injected fluids with sufficient frequency to yield data representative of their characteristics;
 - B) It must install and use continuous recording devices to monitor injection pressure, flow rate and volume, and the pressure on the annulus between the tubing and the long string of casing; and
 - C) It must install and use monitoring wells within the area of review, if required by the Agency, to monitor any migration of fluids into and pressure in the USDWs. The type, number, and location of the wells; the parameters to be measured; and the frequency of monitoring must be approved by the Agency.
- 2) This subsection (g)(2) corresponds with 40 CFR 144.28(g)(2), a provision related to Class II injection wells, which are regulated by the Illinois Department of Natural Resources, Office of Mines and Minerals, and not by the Board. This statement maintains structural consistency with USEPA rules.
- 3) The owner or operator of a Class III injection well must undertake the following actions:
 - A) It must provide to the Agency a qualitative analysis and ranges in concentrations of all constituents of injected fluids at least once within the first year of authorization and thereafter whenever the injection fluid is modified to the extent that the initial data are incorrect or incomplete.

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- i) The owner or operator may request confidentiality pursuant to Sections 7 and 7.1 of the Act and 35 Ill. Adm. Code 130.
 - ii) If the information is proprietary the owner or operator may in lieu of the ranges in concentrations choose to submit maximum concentrations that must not be exceeded.
 - iii) In such a case the owner or operator must retain records of the undisclosed concentration and provide them upon request to the Agency as part of any enforcement investigation;
- B) It must monitor injection pressure and either flow rate or volume semi-monthly, or meter and record daily injected and produced fluid volumes as appropriate;
 - C) It must monitor the fluid level in the injection zone semi-monthly, where appropriate; and
 - D) All Class III injection wells may be monitored on a field or project basis rather than an individual well basis by manifold monitoring. Manifold monitoring may be used in cases of facilities consisting of more than one injection well, operating with a common manifold. Separate monitoring systems for each well are not required provided the owner or operator demonstrates to the Agency that manifold monitoring is comparable to individual well monitoring.
- h) Reporting requirements. The owner or operator must submit reports to the Agency as follows:
- 1) For a Class I injection well, quarterly reports on all of the following:
 - A) The physical, chemical, and other relevant characteristics of the injection fluids;
 - B) Monthly average, maximum and minimum values for injection pressure, flow rate and volume, and annular pressure;

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- C) The results from groundwater monitoring wells prescribed in subsection (f)(1)(C) ~~of this Section~~;
 - D) The results of any test of the injection well conducted by the owner or operator during the reported quarter if required by the Agency; and
 - E) Any well work over performed during the reported quarter.
- 2) This subsection (h)(2) corresponds with 40 CFR 144.28(h)(2), a provision related to Class II injection wells, which are regulated by the Illinois Department of Natural Resources, Office of Mines and Minerals, and not by the Board. This statement maintains structural consistency with USEPA rules.
- 3) For a Class III injection well, all of the following:
- A) Quarterly reporting on all monitoring, as required in subsections (f)(2)(A), (f)(2)(B), and (f)(2)(C) ~~of this Section~~;
 - B) Quarterly reporting of the results of any periodic tests required by the Agency that are performed during the reported quarter; and
 - C) Monitoring may be reported on a project or field basis rather than an individual well basis where manifold monitoring is used.
- i) Retention of records. The owner or operator must retain records of all monitoring information, including the following:
- 1) Calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this section, for a period of at least three years from the date of the sample, measurement or report. This period may be extended by request of the Agency at any time; and
 - 2) The nature and composition of all injected fluids until three years after the completion of any plugging and abandonment procedures specified under Section 704.188. The owner or operator must retain the records after the three year retention period unless it delivers the records to the Agency or

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obtains written approval from the Agency to discard the records.

- j) Notice of abandonment. The owner or operator must notify the Agency at least 45 days before conversion or abandonment of the well.
- k) Plugging and abandonment report. Within 60 days after plugging a well or at the time of the next quarterly report (whichever is less) the owner or operator must submit a report to the Agency. If the quarterly report is due less than 15 days before completion of plugging, then the report must be submitted within 60 days. The report must be certified as accurate by the person who performed the plugging operation. Such report must consist of either:
 - 1) A statement that the well was plugged in accordance with the plan previously submitted to the Agency; or
 - 2) Where actual plugging differed from the plan previously submitted, an updated version of the plan, on any form supplied by the Agency, specifying the different procedures used.
- l) Change of ownership.
 - 1) The owner or operator must notify the Agency of a transfer of ownership or operational control of the well at least 30 days in advance of the proposed transfer.
 - 2) The notice must include a written agreement between the transferor and the transferee containing a specific date when the financial responsibility demonstration of subsection (d) ~~of this Section~~ will be met by the transferee.
 - 3) The transferee is authorized to inject unless it receives notification from the Agency that the transferee has not demonstrated financial responsibility pursuant to subsection (d) ~~of this Section~~.
- m) Requirements for a Class I hazardous waste injection well. The owner or operator of any Class I injection well injecting hazardous waste must comply with Section 704.203. In addition the owner or operator must properly dispose of, or decontaminate by removing all hazardous waste residues, all injection well equipment.

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BOARD NOTE: Derived from 40 CFR 144.28 (~~2017~~2012).

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

SUBPART D: APPLICATION FOR PERMIT

Section 704.161 Application for Permit; Authorization by Permit

- a) Permit application. Unless an underground injection well is authorized by rule under Subpart C ~~of this Part~~, all injection activities, including construction of an injection well, are prohibited until the owner or operator is authorized by permit. An owner or operator of a well currently authorized by rule must apply for a permit under this Section unless the well authorization was for the life of the well or project. Authorization by rule for a well or project for which a permit application has been submitted terminates for the well or project upon the effective date of the permit. Procedures for application, issuance, and administration of emergency permits are found exclusively in Section 704.163. A RCRA permit applying the standards of Subpart C of 35 Ill. Adm. Code 724 will constitute a UIC permit for hazardous waste injection wells for which the technical standards in 35 Ill. Adm. Code 730 are not generally appropriate.

BOARD NOTE: Subsection (a) ~~of this Section~~ is derived from 40 CFR 144.31(a) (~~2017~~2005).

- b) Time to apply. Any person ~~that who performs or~~ proposes an underground injection for which a permit ~~was or~~ will be required must submit an application to the Agency. For new injection wells, except new wells covered by an existing area permit under Section 704.162(c), the application must be filed a reasonable time before construction is expected to begin, as follows:
- 1) ~~For existing wells, the application was to have been filed before the applicable of the following deadlines:~~
- A) ~~Within 180 days after the Agency notifies such person that an application is required;~~
- B) ~~If the waste being injected into the well is a hazardous waste accompanied by a manifest or delivery document, before August 1,~~

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~~1984; or~~

~~C) Except as otherwise provided in subsections (b)(1)(A) and (b)(1)(B) of this Section, before March 3, 1986.~~

~~2) For new injection wells, except new wells in projects authorized under Section 704.141(b) or covered by an existing area permit under Section 704.162(c), the application must be filed a reasonable time before construction is expected to begin.~~

BOARD NOTE: Subsection (b) ~~of this Section~~ is derived from 40 CFR 144.31(c) (~~20172005~~).

- c) Contents of UIC application. The applicant must demonstrate that the underground injection will not endanger drinking water sources. The form and content of the UIC permit application may be prescribed by the Agency, including the materials required by 35 Ill. Adm. Code 702.123.
- d) Information requirements for a Class I hazardous waste injection well.
- 1) The following information is required for each active Class I hazardous waste injection well at a facility seeking a UIC permit:
 - A) The dates the well was operated; and
 - B) Specification of all wastes that have been injected into the well, if available.
 - 2) The owner or operator of any facility containing one or more active hazardous waste injection wells must submit all available information pertaining to any release of hazardous waste or constituents from any active hazardous waste injection well at the facility.
 - 3) The owner or operator of any facility containing one or more active Class I hazardous waste injection wells must conduct such preliminary site investigations as are necessary to determine whether a release is occurring, has occurred, or is likely to have occurred.

BOARD NOTE: Subsection (d) ~~of this Section~~ is derived from 40 CFR 144.31(g)

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(~~2017~~2005).

- e) In addition to the materials required by 35 Ill. Adm. Code 702.123, the applicant must provide the following:
- 1) It must identify and submit on a list with the permit application the names and addresses for all owners of record of land within one-quarter mile (401 meters) of the facility boundary. This requirement may be waived by the Agency where the site is located in a populous area such that the requirement would be impracticable; and
 - 2) It must submit a plugging and abandonment plan that meets the requirements of 35 Ill. Adm. Code 730.110.

BOARD NOTE: Subsection (e) ~~of this Section~~ is derived from 40 CFR 144.31(e)(9) and (e)(10) (~~2017~~2005).

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

Section 704.162 Area Permits

- a) The Agency may issue a permit on an area basis, rather than for each injection well individually, provided that the permit is for injection wells for which each of the following is true:
- 1) The injection wells are described and identified by location in permit applications, if they are existing injection wells, except that the Agency may accept a single description of multiple injection wells with substantially the same characteristics;
 - 2) The injection wells are within the same well field, facility site, reservoir, project, or similar unit in the same state;
 - 3) The injection wells are operated by a single owner or operator;
 - 4) The injection wells are used to inject other than hazardous waste; and
 - 5) The injection wells are other than Class VI injection wells.

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- b) Area permits must specify both of the following:
- 1) The area within which underground injections are authorized; and
 - 2) The requirements for construction, monitoring, reporting, operation, and abandonment for all wells authorized by the permit.
- c) The area permit may authorize the permittee to construct and operate, convert, or plug and abandon new injection wells within the permit area provided the following conditions are fulfilled:
- 1) The permittee notifies the Agency at such time as the permit requires;
 - 2) The additional well satisfies the criteria in subsection (a) ~~of this Section~~ and meets the requirements specified in the permit under subsection (b) ~~of this Section~~; and
 - 3) The cumulative effects of drilling and operation of additional injection wells are considered by the Agency during evaluation of the area permit application and are acceptable to the Agency.
- d) If the Agency determines that any well constructed pursuant to subsection (c) ~~of this Section~~ does not satisfy the requirements of subsections (c)(1) and (c)(2) ~~of this Section~~, the Agency may modify the permit under 35 Ill. Adm. Code 702.183 through 702.185, seek revocation under 35 Ill. Adm. Code 702.186, or take enforcement action. If the Agency determines that cumulative effects are unacceptable, the permit may be modified under 35 Ill. Adm. Code 702.183 through 702.185.

BOARD NOTE: Derived from 40 CFR 144.33 (~~2017~~2014).

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

Section 704.163 Emergency Permits

- a) Coverage. Notwithstanding any other provision of this Part or 35 Ill. Adm. Code 702 or 705, the Agency may temporarily permit a specific underground injection if an imminent and substantial threat to the health of persons will result unless a temporary emergency permit is granted.

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- b) Requirements for issuance.
- 1) Any temporary permit under subsection (a) ~~of this Section~~ must be for no longer term than required to prevent the threat.
 - 2) Notice of any temporary permit under this subsection (b) must be published in accordance with 35 Ill. Adm. Code 705.163 within 10 days after the issuance of the permit.
 - 3) The temporary permit under this section may be either oral or written. If oral, it must be followed within five calendar days by a written temporary emergency permit.
 - 4) The Agency must condition the temporary permit in any manner it determines is necessary to ensure that the injection will not result in the movement of fluids into a USDW.

BOARD NOTE: Derived from 40 CFR 144.34 ([20172005](#)).

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

SUBPART E: PERMIT CONDITIONS

Section 704.181 Additional Conditions

The following conditions apply to all UIC permits, in addition to those set forth in 35 Ill. Adm. Code 702.140 through 702.152, and these conditions must be incorporated into all permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations must be given in the permit.

- a) In addition to 35 Ill. Adm. Code 702.141 (duty to comply): the permittee needs not comply with the provisions of this permit to the extent and for the duration such noncompliance is authorized in a temporary emergency permit under Section 704.163.

BOARD NOTE: Subsection (a) ~~of this Section~~ is derived from 40 CFR 144.51(a) ([20172011](#)).

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- b) In addition to 35 Ill. Adm. Code 702.150(b) (monitoring and records): the permittee must retain records concerning the nature and composition of all injected fluids until three years after the completion of any plugging and abandonment procedures specified under Section 704.188 or under Subpart G of 35 Ill. Adm. Code 730, as appropriate. The owner or operator must continue to retain the records after the three-year retention period, unless the owner or operator delivers the records to the Agency or obtains written approval from the Agency to discard the records.

BOARD NOTE: Subsection (b) ~~of this Section~~ is derived from 40 CFR 144.51(j)(2)(ii) (~~20172011~~).

- c) In addition to 35 Ill. Adm. Code 702.152(a) (notice of planned changes), the following limitation applies: except for all new wells authorized by an area permit under Section 704.162(c), a new injection well may not commence injection until construction is complete, and both of the following must occur:
- 1) The permittee must have submitted notice of completion of construction to the Agency; and
 - 2) Inspection review must have occurred, as follows:
 - A) The Agency has inspected or otherwise reviewed the new injection well and finds it is in compliance with the conditions of the permit; or
 - B) The permittee has not received notice from the Agency of its intent to inspect or otherwise review the new injection well within 13 days of the date of the notice in subsection (c)(1) ~~of this Section~~, in which case prior inspection or review is waived, and the permittee may commence injection. The Agency must include in its notice a reasonable time period in which it will inspect the well.

BOARD NOTE: Subsection (c) ~~of this Section~~ is derived from 40 CFR 144.51(m) (~~20172011~~).

- d) Reporting noncompliance.
- 1) Twenty-four hour reporting. The permittee must report any

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noncompliance that may endanger health or the environment, including the following:

- A) Any monitoring or other information that indicates that any contaminant may cause an endangerment to a USDW; and
 - B) Any noncompliance with a permit condition or malfunction of the injection system that may cause fluid migration into or between USDWs.
- 2) Any information must be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission must also be provided within five days after the time the permittee becomes aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates, times, and, if the noncompliance has not been corrected, the anticipated time is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance of the noncompliance.

BOARD NOTE: Subsection (d) ~~of this Section~~ is derived from 40 CFR 144.51(1)(6) (~~20172011~~).

- e) The permittee must notify the Agency at such times as the permit requires before conversion or abandonment of the well or, in the case of area permits, before closure of the project.

BOARD NOTE: Subsection (e) ~~of this Section~~ is derived from 40 CFR 144.51(n) (~~20172011~~).

- f) A Class I or Class III injection well permit must include, and a Class V permit may include, conditions that meet the applicable requirements of 35 Ill. Adm. Code 730.110 to ensure that plugging and abandonment of the well will not allow the movement of fluids into or between USDWs. Where the plan meets the requirements of 35 Ill. Adm. Code 730.110, the Agency must incorporate the plan into the permit as a permit condition. Where the Agency's review of an application indicates that the permittee's plan is inadequate, the Agency may require the applicant to revise the plan, prescribe conditions meeting the requirements of this subsection (f), or deny the permit. A Class VI injection well

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permit must include conditions that meet the requirements set forth in 35 Ill. Adm. Code 730.192. Where the plan meets the requirements of 35 Ill. Adm. Code 730.192, the Agency must incorporate the plan into the permit as a permit condition. For purposes of this subsection (f), temporary or intermittent cessation of injection operations is not abandonment.

BOARD NOTE: Subsection (f) ~~of this Section~~ is derived from 40 CFR 144.51(o) (~~20172011~~).

- g) Plugging and abandonment report. Within 60 days after plugging a well or at the time of the next quarterly report (whichever is less) the owner or operator must submit a report to the Agency. If the quarterly report is due less than 15 days before completion of plugging, then the report must be submitted within 60 days. The report must be certified as accurate by the person who performed the plugging operation. Such report must consist of either of the following:
- 1) A statement that the well was plugged in accordance with the plan previously submitted to the Agency;
 - 2) Where actual plugging differed from the plan previously submitted, an updated version of the plan on the form supplied by the Agency specifying the differences.

BOARD NOTE: Subsection (g) ~~of this Section~~ is derived from 40 CFR 144.51(p) (~~20172011~~).

- h) Duty to establish and maintain mechanical integrity.
- 1) The owner or operator of a Class I Class III, or Class VI injection well permitted under this Part and 35 Ill. Adm. Code 702 must establish mechanical integrity prior to commencing injection or on a schedule determined by the Agency. Thereafter the owner or operator of a Class I, Class II, or Class III injection well must maintain mechanical integrity as required by 35 Ill. Adm. Code 730.108, and the owner or operator of a Class VI injection well must maintain mechanical integrity as required by Section 730.189. The Agency may require by permit condition that the owner or operator comply with a schedule describing when mechanical integrity demonstrations must be made.

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- 2) When the Agency determines that a Class I or Class III injection well lacks mechanical integrity pursuant to 35 Ill. Adm. Code 730.108 or 730.189 (for a Class VI injection well), the Agency must give written notice of its determination to the owner or operator. Unless the Agency requires immediate cessation, the owner or operator must cease injection into the well within 48 hours of receipt of the Agency determination. The Agency may allow plugging of the well pursuant to 35 Ill. Adm. Code 730.110 or require the permittee to perform such additional construction, operation, monitoring, reporting, and corrective action as is necessary to prevent the movement of fluid into or between USDWs caused by the lack of mechanical integrity. The owner or operator may resume injection upon written notification from the Agency that the owner or operator has demonstrated mechanical integrity pursuant to 35 Ill. Adm. Code 730.108.
- 3) The Agency may allow the owner or operator of a well that lacks mechanical integrity pursuant to 35 Ill. Adm. Code 730.108(a)(1) to continue or resume injection, if the owner or operator has made a satisfactory showing that there is no movement of fluid into or between USDWs.

BOARD NOTE: Subsection (h) ~~of this Section~~ is derived from 40 CFR 144.51(q) (~~20172014~~).

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

Section 704.186 Hazardous Waste Requirements

UIC permits must require by condition requirements for wells managing hazardous waste, as set forth in Subpart F ~~of this Part~~.

BOARD NOTE: Derived from 40 CFR 144.52(a)(4) (~~20172005~~).

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

Section 704.189 Financial Responsibility

- a) The permittee, including the transferor of a permit, is required to demonstrate and maintain financial responsibility and resources to close, plug, and abandon the underground injection operation in a manner prescribed by the Agency until one

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of the following occurs:

- 1) The well has been plugged and abandoned in accordance with an approved plugging and abandonment plan pursuant to Section 704.181(f) and 35 Ill. Adm. Code 730.110 and 730.192, and the permittee has submitted a plugging and abandonment report pursuant to Section 704.181(g);
 - 2) The well has been converted in compliance with Section 704.181(e); or
 - 3) The transferor of a permit has received notice from the Agency that the owner or operator receiving transfer of the permit (the new permittee) has demonstrated financial responsibility for the well.
- b) The permittee must show evidence of financial responsibility to the Agency by the submission of a surety bond or other adequate assurance, such as financial statements or other materials acceptable to the Agency. The Agency may on a periodic basis require the holder of a life-time permit to submit an estimate of the resources needed to plug and abandon the well revised to reflect inflation of such costs, and a revised demonstration of financial responsibility if necessary. For a Class VI injection well, the permittee must show evidence of financial responsibility to the Agency by the submission of an instrument that fulfills the requirements of 35 Ill. Adm. Code 730.185(a), such as a financial statement or other materials necessary for an Agency evaluation of the adequacy of the submitted financial assurance.
- c) The owner or operator of a Class I hazardous waste injection well must comply with the financial responsibility requirements set forth in Subpart ~~G~~ of this Part. The owner or operator of a Class VI injection well must comply with the financial responsibility requirements set forth in 35 Ill. Adm. Code 730.185.

BOARD NOTE: Derived from 40 CFR 144.52(a)(7) (~~20172014~~).

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

Section 704.192 Waiver of Requirements by Agency

- a) When injection does not occur into, through, or above a USDW, the Agency may authorize a well or project with less stringent requirements for area of review, construction, mechanical integrity, operation, monitoring, and reporting than

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required in 35 Ill. Adm. Code 730 or Sections 704.182 through 704.191 to the extent that the reduction in requirements will not result in an increased risk of movement of fluids into a USDW.

- b) When injection occurs through or above a USDW, but the radius of endangering influence when computed under 35 Ill. Adm. Code 730.106(a) is smaller or equal to the radius of the well, the Agency may authorize a well or project with less stringent requirements for operation, monitoring, and reporting than required in 35 Ill. Adm. Code 730 or Sections 704.182 through 704.191 to the extent that the reduction in requirements will not result in an increased risk of movement of fluids into a USDW.
- c) When reducing requirements under subsection (a) or (b) ~~of this Section~~, the Agency must prepare a fact sheet under 35 Ill. Adm. Code 705.143 explaining the reasons for the action.

BOARD NOTE: Derived from 40 CFR 144.16 (~~20172005~~).

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

Section 704.193 Corrective Action

- a) Coverage. An applicant for a Class I or Class III injection well permit must identify the location of all known wells within the injection well's area of review that penetrate the injection zone. For such wells that are improperly sealed, completed, or abandoned, the applicant must also submit a plan consisting of such steps or modifications as are necessary to prevent movement of fluid into USDWs ("corrective action"). Where the plan is adequate, the Agency must incorporate it into the permit as a condition. Where the Agency's review of an application indicates that the permittee's plan is inadequate (based on the factors in 35 Ill. Adm. Code 730.107), the Agency must require the applicant to revise the plan, prescribe a plan for corrective action as a condition of the permit under subsection (b) ~~of this Section~~, or deny the application.
- b) Requirements.
 - 1) Existing injection wells. Any permit issued for an existing injection well requiring corrective action must include a compliance schedule requiring any corrective action accepted or prescribed under subsection (a) ~~of this~~

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~~Section~~ to be completed as soon as possible.

- 2) New injection wells. No permit for a new injection well may authorize injection until all required corrective action has been taken.
- 3) Injection pressure limitation. The Agency may require as a permit condition that injection pressure in the injection zone does not exceed hydrostatic pressure at the site of any improperly completed or abandoned well within the area of review. This pressure limitation must satisfy the corrective action requirement. Alternatively, such injection pressure limitation can be part of a compliance schedule and last until all other required corrective action has been taken.
- 4) Class III injection wells only. When setting corrective action requirements the Agency must consider the overall effect of the project on the hydraulic gradient in potentially affected USDWs and the corresponding changes in potentiometric surfaces and flow directions rather than the discrete effect of each well. If a decision is made that corrective action is not necessary based on the determinations above, the monitoring program required in 35 Ill. Adm. Code 730.133(b) must be designed to verify the validity of such determinations.

BOARD NOTE: Derived from 40 CFR 144.55 (~~20172005~~).

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

SUBPART F: REQUIREMENTS FOR WELLS INJECTING HAZARDOUS WASTE

Section 704.202 Authorization

The owner or operator of any well that is used to inject hazardous wastes accompanied by a manifest or delivery document ~~is~~ was required to apply for authorization to inject, ~~as specified in Section 704.161(b)(1)(B), before August 2, 1984.~~

BOARD NOTE: Derived from 40 CFR 144.14(b) (~~20172005~~).

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

SUBPART G: FINANCIAL RESPONSIBILITY FOR CLASS I

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HAZARDOUS WASTE INJECTION WELLS

Section 704.212 Cost Estimate for Plugging and Abandonment

- a) The owner or operator must prepare a written estimate, in current dollars, of the cost of plugging the injection well in accordance with the plugging and abandonment plan, as specified in Sections 704.150 and 704.181(f). The cost estimate must equal the cost of plugging and abandonment at the point in the facility's operating life when the extent and manner of its operation would make plugging and abandonment the most expensive, as indicated by its plan.
- b) The owner or operator must adjust the cost estimate for inflation within 30 days after each anniversary of the date on which the first cost estimate was prepared. The adjustment must be made as specified in subsections (b)(1) and (b)(2) ~~of this Section~~, using an inflation factor derived from the annual update to "Oil and Gas Lease Equipment and Operating Costs 1987 to [Date]" published by the U.S. Department of Treasury. The inflation factor is the result of dividing the latest published annual Index by the Index for the previous years.
 - 1) The first adjustment is made by multiplying the cost estimate by the inflation factor. The result is the adjusted cost estimate.
 - 2) Subsequent adjustments are made by multiplying the latest adjusted cost estimate by the latest inflation factor.

BOARD NOTE: Corresponding 40 CFR 144.62(b) cites "Oil and Gas Field Equipment Cost Index" without attribution of its source. The Board has located a publication entitled "Oil and Gas Lease Equipment and Operating Costs 1987 to [Date]". It is assembled by the U.S. Department of Energy, Energy Information Administration. It is available only on the Internet at www.eia.doe.gov. The Board replaced the federally cited reference with this document. The full link for the document (in March 2006) is as follows: http://www.eia.doe.gov/pub/oil_gas/natural_gas/data_publications/cost_indices_equipment_production/current/coststudy.html.

- c) The owner or operator must review the cost estimate whenever a change in the plan increases the cost of plugging and abandonment. The revised cost estimate must be adjusted for inflation as specified in subsection (b) ~~of this Section~~.

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- d) The owner or operator must keep the following at the facility during the operating life of the facility: the latest cost estimate prepared in accordance with subsections (a) and (c) ~~of this Section~~ and, when this estimate has been adjusted in accordance with subsection (b) ~~of this Section~~, the latest adjusted cost estimate.

BOARD NOTE: Derived from 40 CFR 144.62 (~~2017~~2005).

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

Section 704.214 Trust Fund

- a) An owner or operator may satisfy the financial assurance requirement by establishing a trust fund that conforms to the requirements of this Section and submitting an original, signed duplicate of the trust agreement to the Agency. An owner or operator of a Class I injection well injecting hazardous waste must submit the original, signed duplicate of the trust agreement to the Agency with the permit application or for approval to operate under rule. The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.
- b) The wording of the trust agreement must be as specified in Section 704.240, and the trust agreement must be accompanied by a formal certification of acknowledgment. Schedule A of the trust agreement must be updated within 60 days after a change in the amount of the current cost estimate covered by the agreement.
- c) Payments into the trust fund must be made annually by the owner or operator over the term of the initial permit or over the remaining operating life of the injection well as estimated in the plan, whichever period is shorter; this period is hereafter referred to as the "pay-in period". The payments into the trust fund must be made as follows:
- 1) For a new well, the first payment must be made before the initial injection of hazardous waste. The owner or operator must submit a receipt to the Agency from the trustee for this payment before the initial injection of hazardous waste. The first payment must be at least equal to the current cost estimate, except as provided in Section 704.240, divided by the number of years in the pay-in period. Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The

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amount of each subsequent payment must be determined by this formula:

$$\text{Next Payment} = \frac{\text{PE} - \text{CV}}{\text{YR}}$$

Where:

PE is the current cost estimate
CV is the current value of the trust fund
Y is the number of years remaining in the pay-in period.

- 2) If an owner or operator establishes a trust fund as specified in this Section, and the value of that trust fund is less than the current cost estimate when a permit is issued for the injection well, the amount of current cost estimate still to be paid into the trust fund must be paid in over the pay-in period as defined in subsection (c). Payments must continue to be made no later than 30 days after each anniversary date of the first payment made pursuant to this Part. The amount of each payment must be determined by this formula:

$$\text{Next Payment} = \frac{\text{PE} - \text{CV}}{\text{YR}}$$

Where:

PE is the current cost estimate
CV is the current value of the trust fund
Y is the number of years remaining in the pay-in period.

- d) The owner or operator may accelerate payments into the trust fund or the owner or operator may deposit the full amount of the current cost estimate at the time the fund is established. 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 subsection (c).
- e) If the owner or operator establishes a trust fund after having used one or more alternate financial assurance mechanisms, the owner or operator's first payment must be in at least the amount that the fund would contain if the trust fund were

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established initially and annual payments made according to specifications of this Section.

- f) After the pay-in period is completed, whenever the current cost estimate changes the owner or operator must compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator, within 60 days after the change in the cost estimate, must either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current cost estimate, or obtain other financial assurance to cover the difference.
- g) If the value of the trust fund is greater than the total amount of the current cost estimate, the owner or operator may submit a written request to the Agency for release of the amount in excess of the current cost estimate.
- h) If an owner or operator substitutes other financial assurance for all or part of the trust fund, the owner or operator may submit a written request to the Agency for release of the amount in excess of the current cost estimate covered by the trust fund.
- i) Within 60 days after receiving a request from the owner or operator for release of funds as specified in subsection (g) or (h), the Agency must instruct the trustee to release to the owner or operator such funds as the Agency specifies in writing.
- j) After beginning final plugging and abandonment, an owner and operator or any other person authorized to perform plugging and abandonment may request reimbursement for plugging and abandonment expenditures by submitting itemized bills to the Agency. Within 60 days after receiving bills for plugging and abandonment activities, the Agency must determine whether the plugging and abandonment expenditures are in accordance with the plan or otherwise justified, and if so, it must instruct the trustee to make reimbursement in such amounts as the Agency specifies in writing. If the Agency has reason to believe that the cost of plugging and abandonment will be significantly greater than the value of the trust fund, it may withhold reimbursement of such amounts as it deems prudent until it determines, in accordance with Section 704.222 that the owner or operator is no longer required to maintain financial assurance.
- k) The Agency must agree to termination of the trust when either of the following occurs:

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- 1) The owner or operator substitutes alternate financial assurance; or
- 2) The Agency releases the owner or operator in accordance with Section 704.222.

BOARD NOTE: Derived from 40 CFR 144.63(a) ~~(2017)~~(2005).

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

Section 704.215 Surety Bond Guaranteeing Payment

- a) An owner or operator may satisfy the financial assurance requirement by obtaining a surety bond that conforms to the requirements of this Section and submitting the bond to the Agency with the application for a permit or for approval to operate under rule. The bond must be effective before the initial injection of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.

BOARD NOTE: The U.S. Department of the Treasury updates Circular 570, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies," on an annual basis pursuant to 31 CFR 223.16. Circular 570 is available on the Internet from the following website: <http://www.fms.treas.gov/c570/>.

- b) The wording of the surety bond must be as specified in Section 704.240.
- c) The owner or operator who uses a surety bond to satisfy the financial assurance requirement must also establish a standby trust fund. All payments made under the terms of the bond must be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements specified in Section 704.214, except that the following limitations apply:
 - 1) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and
 - 2) Until the standby trust fund is funded pursuant to this Section, the

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following are not required:

- A) Payments into the trust fund as specified in Section 704.214;
 - B) Updating of Schedule A of the trust agreement to show current cost estimates;
 - C) Annual valuations as required by the trust agreement; and
 - D) Notices of non-payment as required by the trust agreement.
- d) The bond must guarantee that the owner or operator will fulfill the following requirements:
- 1) It will fund the standby trust fund in an amount equal to the penal sum of the bond before the beginning of plugging and abandonment of the injection well;
 - 2) It will fund the standby trust fund in an amount equal to the penal sum within 15 days after an order to begin plugging and abandonment is issued by the Board or a U.S. district court or other court of competent jurisdiction; or
 - 3) It will provide alternate financial assurance, and obtain the Agency's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.
- e) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.
- f) The penal sum of the bond must be in amount at least equal to the current cost estimate, except as provided in Section 704.220.
- g) Whenever the current cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance to cover the increase. Whenever the current cost estimate

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decreases, the penal sum may be reduced to the amount of the current cost estimate following written approval by the Agency.

- h) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during 120 days beginning on the date of the receipt of the notice of cancellation by both owner or operator and the Agency as evidenced by the returned receipts.
- i) The owner or operator may cancel the bond if the Agency has given prior written consent based on receipt of evidence of alternate financial assurance.

BOARD NOTE: Derived from 40 CFR 144.63(b) ([20172005](#)).

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

Section 704.216 Surety Bond Guaranteeing Performance

- a) An owner or operator may satisfy the financial assurance requirement by obtaining a surety bond that conforms to the requirements of this Section and submitting the bond to the Agency. An owner or operator of a new facility must submit the bond to the Agency with the permit application or for approval to operate under rule. The bond must be effective before injection of hazardous waste is started. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.

BOARD NOTE: The U.S. Department of the Treasury updates Circular 570, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies," on an annual basis pursuant to 31 CFR 223.16. Circular 570 is available on the Internet from the following website: <http://www.fms.treas.gov/c570/>.

- b) The wording of the surety bond must be as specified in Section 704.240.
- c) The owner or operator who uses a surety bond to satisfy the financial assurance requirement must also establish a standby trust fund. All payments made under the terms of the bond must be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust

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fund must meet the requirements specified in Section 704.214, except that the following limitations apply:

- 1) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and
- 2) Until the standby trust fund is funded pursuant to this Section, the following are not required:
 - A) Payments into the trust fund as specified in Section 704.214;
 - B) Updating of Schedule A of the trust agreement to show current cost estimates;
 - C) Annual valuations as required by the trust agreement; and
 - D) Notices of non-payment as required by the trust agreement.
- d) The bond must guarantee that the owner or operator will fulfill the following requirements:
 - 1) It will perform plugging and abandonment in accordance with the plan and other requirements of the permit for the injection well whenever required to do so; or
 - 2) It will provide alternate financial assurance, and obtain the Agency's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.
- e) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. Following a determination that the owner or operator has failed to perform plugging and abandonment in accordance with the plan and other permit requirements when required to do so, under terms of the bond the surety must perform plugging and abandonment as guaranteed by the bond or must deposit the amount of the penal sum into the standby trust fund.
- f) The penal sum of the bond must be in an amount at least equal to the current cost

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estimate.

- g) Whenever the current cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance. Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate following written approval by the Agency.
- h) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during 120 days beginning on the date of the receipt of the notice of cancellation by both owner or operator and the Agency as evidenced by the returned receipts.
- i) The owner or operator may cancel the bond if the Agency has given prior written consent. The Agency must provide such written content when either of the following occurs:
 - 1) An owner or operator substitute alternate financial assurance; or
 - 2) The Agency releases the owner or operator in accordance with Section 704.222.
- j) The surety will not be liable for deficiencies in the performance of plugging and abandonment by the owner or operator after the Agency releases the owner or operator in accordance with Section 704.222.

BOARD NOTE: Derived from 40 CFR 144.63(c) (~~2017~~2005).

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

Section 704.218 Plugging and Abandonment Insurance

- a) An owner or operator may satisfy the financial assurance requirement by obtaining insurance that conforms to this Section and submitting a certificate of such insurance to the Agency. An owner or operator of a new injection well must submit the certificate of insurance to the Agency with the permit application or

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for approval operate under rule. The insurance must be effective before injection starts. At a minimum, the insurer must be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States.

- b) The wording of the certificate of insurance must be as specified in Section 704.240.
- c) The policy must be issued for a face amount at least equal to the current cost estimate, except as provided in Section 704.220. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.
- d) The policy must guarantee that funds will be available whenever final plugging and abandonment occurs. The policy must also guarantee that once plugging and abandonment begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency to such party or parties as the Agency specifies.
- e) After beginning plugging and abandonment, an owner or operator or any other person authorized to perform plugging and abandonment may request reimbursement for plugging and abandonment expenditures by submitting itemized bills to the Agency. Within 60 days after receiving bills for plugging and abandonment activities, the Agency must determine whether the plugging and abandonment expenditures are in accordance with the plan or otherwise justified, and if so, it must instruct the insurer to make reimbursement in such amounts as the Agency specifies in writing. If the Agency has reason to believe that the cost of plugging and abandonment will be significantly greater than the face amount of the policy, it may withhold reimbursement of such amounts as it deems prudent until it determines, in accordance with Section 704.222, that the owner or operator is no longer required to maintain financial assurance for plugging and abandonment of the injection well.
- f) The owner or operator must maintain the policy in full force and effect until the Agency consents to termination of the policy by the owner or operator, as specified in subsection (j) ~~of this Section~~. Failure to pay the premium, without substitution of alternate financial assurance, will constitute a significant violation of these regulations, warranting such remedy as the Agency deems necessary.

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Such violation will be deemed to begin upon receipt by the Agency of a notice of future cancellation, termination or failure to renew due to non-payment of the premium, rather than upon the date of expiration.

- g) Each policy must contain provisions allowing assignment to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.
- h) The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination, or failure to renew may not occur, however, during 120 days beginning with the date of receipt of the notice by both the Agency and the owner or operator, as evidenced by the return of receipts. Cancellation, termination, or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration any of the following occurs:
 - 1) The Agency deems the injection well abandoned;
 - 2) The permit is terminated or revoked or a new permit is denied;
 - 3) Plugging and abandonment is ordered by the Board, a U.S. district court, or any other court of competent jurisdiction;
 - 4) The owner or operator is named as debtor in a voluntary or involuntary proceeding under 11 USC (Bankruptcy); or
 - 5) The premium due is paid.
- i) Whenever the current cost estimate increases to an amount greater than the face amount of the policy, the owner or operator, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance to cover the increase. Whenever the current cost estimate decreases, the face amount may be reduced to the amount of the current cost estimate following written approval by the Agency.

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- j) The Agency must give written consent to the owner or operator that the owner or operator may terminate the insurance policy when either of the following occurs:
- 1) An owner or operator substitutes alternate financial assurance; or
 - 2) The Agency releases the owner or operator in accordance with Section 704.222.

BOARD NOTE: Derived from 40 CFR 144.63(e) (~~2017~~2005).

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

Section 704.219 Financial Test and Corporate Guarantee

- a) An owner or operator may satisfy the financial assurance requirement by demonstrating that the owner or operator passes a financial test as specified in this Section. To pass this test the owner or operator must meet the criteria of either subsection (a)(1) or (a)(2) ~~of this Section~~:
- 1) The owner or operator must have each of the following:
 - A) Two of the following three ratios: A ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5;
 - B) Net working capital and tangible net worth each at least six times the sum of the current cost estimate;
 - C) A tangible net worth of at least \$10 million; and
 - D) Assets in the United States amounting to at least 90 percent of the owner or operator's total assets or at least six times the sum of the current cost estimate.
 - 2) The owner or operator must have each of the following:

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- A) A current rating for the owner or operator's most recent bond issuance of AAA, AA, A, or BBB, as issued by Standard and Poor's, or Aaa, Aa, A, or Baa, as issued by Moody's;
 - B) A tangible net worth at least six times the sum of the current cost estimate;
 - C) A tangible net worth of at least \$10 million; and
 - D) Assets located in the United States amounting to at least 90 percent of the owner or operator's total assets or at least six times the sum of the current cost estimates.
- b) The phrase "current cost estimate" as used in subsection (a) ~~of this Section~~ refers to the cost estimate required to be shown in paragraphs 1 through 4 of the letter from the owner's or operator's chief financial officer, as specified in Section 704.240.
- c) To demonstrate that the owner or operator meets this test, the owner or operator must submit the following items to the Agency:
- 1) A letter signed by the owner's or operator's chief financial officer and worded as specified in Section 704.240;
 - 2) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year; and
 - 3) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that the following are true:
 - A) The accountant has compared the data that the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and
 - B) In connection with that procedure, no matters came to the accountant's attention that caused the accountant to believe that the

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specified data should be adjusted.

- d) An owner or operator of a new injection well must submit the items specified in subsection (c) ~~of this Section~~ to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (c) ~~of this Section~~.
- e) After the initial submission of items specified in subsection (c) ~~of this Section~~, the owner or operator must send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (c) ~~of this Section~~.
- f) If the owner or operator no longer meets the requirements of subsection (a) ~~of this Section~~, the owner or operator must send notice to the Agency intent to establish alternate financial assurance. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator must provide the alternate financial assurance within 120 days after the end of such fiscal year.
- g) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (a) ~~of this Section~~, require reports of financial condition at any time from the owner or operator in addition to those specified in subsection (c) ~~of this Section~~. If the Agency finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of subsection (a), the owner or operator must provide alternate financial assurance within 30 days after notification of such a finding.
- h) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (c)(2) ~~of this Section~~). An adverse opinion or disclaimer of opinion will be cause for disallowance. The Agency must evaluate other qualifications on an individual basis. The owner or operator must provide alternate financial assurance within 30 days after notification of the disallowance.
- i) The owner or operator is no longer required to submit the items specified in subsection (c) ~~of this Section~~ when either of the following occurs:

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- 1) An owner or operator substitutes alternate financial assurance; or
 - 2) The Agency releases the owner or operator in accordance with Section 704.222.
- j) An owner or operator may meet the requirements of this Section by obtaining a written guarantee, hereafter referred to as "corporate guarantee-". The guarantor must be the parent corporation of the owner or operator. The guarantor must meet the requirements for owners or operators in subsections (a) through (h)-~~of this Section~~ and must comply with the terms of the corporate guarantee. The wording of the corporate guarantee must be as specified in Section 704.240. The corporate guarantee must accompany the items sent to the Agency, as specified in subsection (c)-~~of this Section~~. The terms of the corporate guarantee must provide that the following limitations apply:
- 1) If the owner or operator fails to perform plugging and abandonment of the injection well covered by the corporate guarantee in accordance with the plan and other permit requirements whenever required to do so, the guarantor must do so or establish a trust fund, as specified in Section 704.214 in the name of the owner or operator.
 - 2) The corporate guarantee must remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and the Agency, as evidenced by the return receipts. 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 the owner or operator fails to provide alternate financial assurance and obtain the written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the corporate guarantee from the guarantor, the guarantor must provide such alternative financial assurance in the name of the owner or operator.

BOARD NOTE: Derived from 40 CFR 144.63(f) (~~2017~~2005).

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

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SUBPART H: ISSUED PERMITS

Section 704.260 Transfer

- a) Transfer by modification. Except as provided in subsection (b) ~~of this Section~~, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or reissued (under Sections 704.261 through 704.264) to identify the new permittee and incorporate such other requirements as may be necessary under the appropriate Act. The new owner or operator to whom the permit is transferred must comply with all the terms and conditions specified in such permit.
- b) Automatic transfers. As an alternative to transfers under subsection (a) ~~of this Section~~, any UIC permit for a well not injecting hazardous or injecting carbon dioxide for geologic sequestration waste may be automatically transferred to a new permittee if each of the following conditions are fulfilled:
- 1) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date in subsection (b)(2) ~~of this Section~~;
 - 2) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them and the notice demonstrates that the financial responsibility requirements of Section 704.189 will be met by the new permittee and that the new permittee agrees to comply with all the terms and conditions specified in the permit to be transferred under this subsection (b) ~~of this Section~~; and
 - 3) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or reissue the permit. A modification under this subsection (b) may also be a minor modification under Section 704.264. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in subsection (b)(2) ~~of this Section~~.

BOARD NOTE: Derived from 40 CFR 144.38 (~~20172011~~).

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

Section 704.263 Well Siting

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Suitability of the well location must not be considered at the time of permit modification unless new information or standards indicate that a threat to human health or the environment exists that was unknown at the time of permit issuance or unless required under the Act ~~[415 ILCS 5]~~. However, certain modifications may require site location suitability approval pursuant to Section 39.2 of the Act ~~[415 ILCS 5/39.2]~~.

BOARD NOTE: Derived from 40 CFR 144.39(c) (~~20172005~~).

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

SUBPART I: REQUIREMENTS FOR CLASS V INJECTION WELLS

Section 704.279 General

This Subpart I sets forth the requirements applicable to the owner or operator of a Class V injection well. Additional requirements listed elsewhere in this Part may also apply. Where they may apply, those other requirements are referenced rather than repeated in this Subpart I. The requirements described in this Subpart I and elsewhere in this Part are intended to protect USDWs and are part of the UIC program established under Section 13(c) of the Act ~~[415 ILCS 5/13(c)]~~.

BOARD NOTE: Derived from 40 CFR 144.79 (~~20172005~~). USEPA wrote corresponding subpart G of 40 CFR 144 in a question-and-answer format to make it easier to understand the regulatory requirements. The Board has abandoned that format in favor of a more traditional approach of using clear statements of the requirements and their applicability.

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

Section 704.282 Protection of Underground Sources of Drinking Water

This Subpart I requires that an owner or operator of a Class V injection well must not allow movement of fluid into USDWs that might cause endangerment of the USDW, that the owner or operator must comply with the UIC requirements in this Part and 35 Ill. Adm. Code 702 and 730, that the owner or operator must comply with any other measures required by the State or USEPA to protect USDWs, and that the owner or operator must properly close its well when the owner or operator is through using it. The owner or operator also must submit basic information about its well, as described in Section 704.283.

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- a) Prohibition of fluid movement.
- 1) As described in Section 704.122(a), an owner's or operator's injection activity cannot allow the movement of fluid containing any contaminant into USDWs if the presence of that contaminant may cause a violation of the primary drinking water standards under 35 Ill. Adm. Code 611, may cause a violation of other health-based standards, or may otherwise adversely affect the health of persons. This prohibition applies to the owner's or operator's well construction, operation, maintenance, conversion, plugging, closure, or any other injection activity.
 - 2) If the Agency learns that an owner's or operator's injection activity may endanger a USDW, the Agency may require the owner or operator to close its well, require the owner or operator to get a permit, or require other actions listed in Section 704.122(c), (d), or (e).
- b) Closure requirements. An owner or operator must close the well in a manner that complies with the above prohibition of fluid movement. Also, the owner or operator must dispose of or otherwise manage any soil, gravel, sludge, liquids, or other materials removed from or adjacent to its well in accordance with all applicable federal, State, and local regulations and requirements.
- c) Other requirements in this Part and 35 Ill. Adm. Code 702 and 730. Beyond this Subpart I, the owner and operator are subject to other UIC program requirements in this Part and 35 Ill. Adm. Code 702 and 730. While most of the relevant requirements are repeated or referenced in this Subpart I for convenience, the owner or operator needs to read all of this Part and 35 Ill. Adm. Code 702 and 730 to fully understand the entire UIC program.
- d) Other State requirements. This Part and 35 Ill. Adm. Code 702 and 730 define minimum federally-derived UIC requirements. The Agency has the flexibility to establish additional or more stringent requirements based on the authorities in this Part, 35 Ill. Adm. Code 702 and 730, and the Act ~~[415 ILCS 5]~~, if such additional requirements are determined to be necessary to protect USDWs. The owner and operator must comply with any such additional requirements. The owner or operator should contact the Agency to learn more.

BOARD NOTE: Derived from 40 CFR 144.82 (~~2017~~2005).

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

Section 704.283 Notification of a Class V Injection Well

The owner or operator of a Class V injection well needs to provide basic "inventory information" about its well to the Agency, if the owner or operator has not done so already. The owner or operator also needs to provide any additional information that the Agency requests in accordance with the provisions of the UIC regulations.

- a) Inventory requirements. Unless the owner or operator knows it has already satisfied the inventory requirements in Section 704.128 that were in effect prior to the issuance of this Subpart I, the owner or operator must give the Agency certain information about itself and its injection operation.

BOARD NOTE: In the corresponding note to 40 CFR 144.83(a), USEPA states that this information is requested on national form "Inventory of Injection Wells," USEPA Form 7520-16, incorporated by reference in 35 Ill. Adm. Code 720.111(a). Although USEPA Form 7520-16 is acceptable to USEPA, the Agency may develop alternative forms for use in this State.

- 1) The owner or operator of a new or existing Class V injection well must contact the Agency to determine what information it must submit and by when it must submit that information.
- 2) The following is the information that the owner or operator must submit:
 - A) No matter what type of Class V injection well is owned or operated, the owner or operator must submit at least the following information for each Class V injection well:
 - i) The facility name and location;
 - ii) The name and address of a legal contact person for the facility;
 - iii) The ownership of the facility;
 - iv) The nature and type of the injection well or wells; and

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- v) The operating status of the injection well or wells.
- B) Illinois is designated a "Primacy State" by USEPA. Corresponding 40 CFR 144.83(a)(2)(ii) relates exclusively to "Direct Implementation" states, so the Board has omitted it. This statement maintains structural consistency with the federal regulations.
- C) The owner or operator must provide a list of all wells it owns or operates, along with the following information for each well. (A single description of wells at a single facility with substantially the same characteristics is acceptable.)
- i) The location of each well or project given by Township, Range, Section, and Quarter-Section, according to the U.S. Land Survey System;
 - ii) The date of completion of each well;
 - iii) The identification and depth of the underground formations into which each well is injecting;
 - iv) The total depth of each well;
 - v) A construction narrative and schematic (both plan view and cross-sectional drawings);
 - vi) The nature of the injected fluids;
 - vii) The average and maximum injection pressure at the wellhead;
 - viii) The average and maximum injection rate; and
 - ix) The date of the last inspection.
- 3) The owner and operator is responsible for knowing about, understanding, and complying with these inventory requirements.

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- b) Illinois is designated a "Primacy State" by USEPA. Corresponding 40 CFR 144.83(b) relates exclusively to "Direct Implementation" states, so the Board has omitted it. This statement maintains structural consistency with the federal regulations.

BOARD NOTE: Derived from 40 CFR 144.83 (~~2017~~2005).

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

Section 704.284 Permit Requirements

No permit is required for a Class V injection well, unless the owner or operator falls within an exception described in subsection (b) ~~of this Section~~.

- a) General authorization by rule. With certain exceptions listed in subsection (b) ~~of this Section~~, an owner's or operator's Class V injection activity is "authorized by rule," meaning that the owner and operator has to comply with all the requirements of this Subpart I and the rest of this Part and 35 Ill. Adm. Code 702 and 730, but the owner or operator does not need to get an individual permit. Well authorization expires once the owner or operator has properly closed its well, as described in Section 704.282(b).
- b) Circumstances in which permits or other actions are required. If an owner or operator fits into one of the categories listed below, its Class V injection well is no longer authorized by rule. This means that the owner or operator has to either get a permit or close its injection well. The owner or operator can find out whether its well falls into one of these categories by contacting the Agency. Subparts D and H ~~of this Part~~ tell an owner or operator how to apply for a permit and describe other aspects of the permitting process. Subpart C of 35 Ill. Adm. Code 702 and Subpart E ~~of this Part~~ outline some of the requirements that apply to the owner or operator if it gets a permit. An owner or operator must either obtain a permit or close its injection well if any of the following is true:
- 1) The owner or operator fails to comply with the prohibition against fluid movement in Section 704.122(a) and described in Section 704.282(a) (in which case, the owner or operator must get a permit, close its well, or comply with other conditions determined by the Agency);
 - 2) The Class V injection well is a large-capacity cesspool (in which case, the

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owner or operator must close its well as specified in the additional requirements set forth in Section 704.288) or the Class V injection well is a motor vehicle waste disposal well in a groundwater protection area or a sensitive groundwater area (in which case, the owner or operator must either close its well or get a permit, as specified in the additional requirements set forth in Section 704.288). New motor vehicle waste disposal wells and new cesspools are prohibited;

BOARD NOTE: A new motor vehicle waste disposal well or a new cesspool is one for which construction had not commenced prior to April 5, 2000. See 40 CFR 144.84(a)(2).

- 3) The owner or operator is specifically required by the Agency to get a permit (in which case, the authorization by rule expires on the effective date of the permit issued, or the owner or operator is prohibited from injecting into its well upon the occurrence of either of the following:
 - A) The failure of the owner and operator to submit a permit application in a timely manner, as specified in a notice from the Agency; or
 - B) The effective date of a permit denial; or
- 4) The owner or operator has failed to submit inventory information to the Agency, as described in Section 704.283(a) (in which case, the owner and operator is prohibited from injecting into the well until it complies with the inventory requirements).
- 5) Illinois is designated a "Primacy State" by USEPA. Corresponding 40 CFR 144.84(b)(5) relates exclusively to "Direct Implementation" states, so the Board has omitted it. This statement maintains structural consistency with the federal regulations.

BOARD NOTE: Derived from 40 CFR 144.84 (~~2017~~2005).

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

Section 704.285 Applicability of the Additional Requirements

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- a) Large-capacity cesspools. The additional requirements set forth in Section 704.288 apply to a new and existing large-capacity cesspool. If the owner or operator is using a septic system for these type of wastes, the owner or operator is not subject to the additional requirements in Section 704.288.
- b) Motor vehicle waste disposal wells existing on April 5, 2000. If the owner or operator has a Class V motor vehicle waste disposal well, the additional requirements in Section 704.288 apply to that owner or operator if the well is located in a ground water protection area or other sensitive ground water area that is identified by the Agency, the Board, or USEPA Region 5.

BOARD NOTE: An existing motor vehicle waste disposal well is one for which construction had commenced prior to April 5, 2000. See 40 CFR 144.83(a)(1)(i) and (a)(1)(ii), as added at 64 Fed. Reg. 68568 (December 7, 1999). Corresponding 40 CFR 144.85(b) provides that the additional requirements apply Statewide if the State or the USEPA Region fails to identify sensitive groundwater areas. The Board has not included this Statewide applicability provision by virtue of 14.1 through 14.6 and Sections 17.1 through 17.4 of the Act [~~415 ILCS 5/14.1-14.6 and 17.1-17.4~~], Section 8 of the Illinois Groundwater Protection Act [415 ILCS 55/8], and 35 Ill. Adm. Code 615 through 620.

- c) New Motor Vehicle Waste Disposal Wells. The additional requirements in Section 704.288 apply to a new motor vehicle waste disposal well.

BOARD NOTE: A new motor vehicle waste disposal well is one for which construction had not commenced prior to April 5, 2000. See 40 CFR 144.85(c) (2005).

BOARD NOTE: Derived from 40 CFR 144.85 (~~2017~~2005).

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

Section 704.286 Definitions

"State drinking water source assessment and protection program" is a new approach to protecting drinking water sources, specified in section 1453 of the 1996 Amendments to the Safe Drinking Water Act (42 USC 300j-13).

BOARD NOTE: Under the federal requirements, states must prepare and submit for USEPA approval a program that sets out how each state must conduct local

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assessments, including the following: delineating the boundaries of areas providing source waters for public water systems; identifying significant potential sources of contaminants in such areas; and determining the susceptibility of public water systems in the delineated areas to the inventoried sources of contamination. The Illinois Groundwater Protection Act ~~[415 ILCS 55]~~ and the regulations at 35 Ill. Adm. Code 620 adopted pursuant to that law and Sections 14.1 through 14.6 and 17.1 through 17.4 of the Environmental Protection Act ~~[415 ILCS 14.1-14.6 and 17.1-17.4]~~ and the regulations at 35 Ill. Adm. Code 615 through 617 adopted under those provisions are major segments of the required Illinois program.

"Complete local source water assessment for groundwater protection areas:"
When USEPA has approved a state's drinking water source assessment and protection program, the state must begin to conduct local assessments for each public water system in that state. For the purposes of this Subpart I, local assessments for community water systems and non-transient non-community systems are complete when the four following requirements are met:

The State must delineate the boundaries of the assessment area for community and non-transient non-community water systems, as such are defined in 35 Ill. Adm. Code 611.101;

The State must identify significant potential sources of contamination in these delineated areas;

The State must determine the susceptibility of community and non-transient non-community water systems in the delineated area to such contaminants; and

The Agency must make the completed assessments available to the public.

BOARD NOTE: The Agency administers the "Illinois Source Water Assessment and Protection Program," which is intended to comply with the federal source water assessment requirements of SDWA Section 1453 (42 USC 300j-13).

"Groundwater protection area" is a geographic area near or surrounding a community or non-transient non-community water system, as defined in 35 Ill. Adm. Code 611.101, that uses groundwater as a source of drinking water. For the purposes of this Subpart I, the Board considers a "setback zone," as defined in

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Section ~~3.4503-61~~ of the Act ~~[415 ILCS 5/3-61]~~ and regulated pursuant to Sections 14.1 through 14.6 of the Act ~~[415 ILCS 5/14.1-14.6]~~, to be a "groundwater protection area," as intended by corresponding 40 CFR 144.86(c). (See 35 Ill. Adm. Code 615 and 616.) These areas receive priority for the protection of drinking water supplies and federal law requires the State to delineate and assess these areas under section 1453 of the federal Safe Drinking Water Act, 42 USC 300j-13. The additional requirements in Section 704.288 apply to an owner or operator if its Class V motor vehicle waste disposal well is in a groundwater protection area for either a community water system or a non-transient non-community water system. BOARD NOTE: USEPA stated in corresponding 40 CFR 144.86(c) that in many states these areas will be the same as wellhead protection areas delineated as described in section 1428 of the federal SDWA (42 USC 300h-7).

"Community water system," as defined in 35 Ill. Adm. Code 611.101, is a public water system that serves at least 15 service connections used by year-round residents or which regularly serves at least 25 year-round residents.

"Non-transient, non-community water system," as defined in 35 Ill. Adm. Code 611.101, is a water system that is not a community water system and which regularly serves at least 25 of the same people over six months a year. These may include systems that provide water to schools, day care centers, government or military installations, manufacturers, hospitals or nursing homes, office buildings, and other facilities.

"Delineation." Once the State's drinking water source assessment and protection program is approved by USEPA, the State must begin delineating its local assessment areas. "Delineation" is the first step in the assessment process in which the boundaries of groundwater protection areas are identified.

"Other sensitive groundwater areas." The State may also identify other areas in the State in addition to groundwater protection areas that are critical to protecting USDWs from contamination. For the purposes of this Subpart I, the Board considers a "regulated recharge area," as defined in Section ~~3.3903-67~~ of the Act ~~[415 ILCS 5/3-67]~~ and regulated pursuant to Sections 17.1 through 17.4 of the Act ~~[415 ILCS 5/17.1-17.4]~~, to be an "other sensitive groundwater area," as intended by corresponding 40 CFR 144.86(g). (See 35 Ill. Adm. Code 615 through 617.) These other sensitive groundwater areas may include areas such as areas overlying sole-source aquifers; highly productive aquifers supplying private

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wells; continuous and highly productive aquifers at points distant from public water supply wells; areas where water supply aquifers are recharged; karst aquifers that discharge to surface reservoirs serving as public water supplies; vulnerable or sensitive hydrogeologic settings, such as glacial outwash deposits, eolian sands, and fractured volcanic rock; and areas of special concern selected based on a combination of factors, such as hydrogeologic sensitivity, depth to groundwater, significance as a drinking water source, and prevailing land-use practices.

BOARD NOTE: Derived from 40 CFR 144.86 (~~20172005~~).

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

Section 704.287 Location in a Groundwater Protection Area or Another Sensitive Area

- a) ~~The owner or operator of~~A person is subject to Section 704.288 if the person ~~owns or operates~~ an existing motor vehicle waste disposal well ~~and that person is~~ located in a groundwater protection area or another sensitive groundwater area is subject to Section 704.288. ~~If the State fails to identify these areas within the federally specified time frames, the additional requirements of Section 704.288 must apply to all existing motor vehicle waste disposal wells within this State.~~

BOARD NOTE: Corresponding 40 CFR 144.87(a) provides that the "new requirements" apply statewide if the State or the USEPA Region fails to identify sensitive groundwater areas. The Board has interpreted "new requirements" as synonymous with "additional requirements" elsewhere in this Subpart I. Sections 14.1 through 14.6 and 17.1 through 17.4 of the Act ~~[415 ILCS 5/14.1-14.6 and 17.1-17.4]~~ and 35 Ill. Adm. Code 615 through 617 designate protected groundwater resources and allow the designation of other sensitive areas for protection. Further, the Illinois Groundwater Protection Act ~~[415 ILCS 55]~~, and the regulations adopted as 35 Ill. Adm. Code 620 under that statute, protect the quality of all groundwater resources in Illinois.

- b) This subsection (b) corresponds with 40 CFR 144.87(b), which set forth now-past compliance deadlines for identifying groundwater protection areas. This statement maintains structural consistency with the federal rules. Groundwater protection areas. Many segments of corresponding 40 CFR 144.87(b) set forth requirements applicable to the State only. Other requirements apply to the regulated community contingent on the regulatory status of the Illinois

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~~groundwater protection program. The Board has codified the requirements applicable to the State in this subsection (b) for the purpose of informing the regulated public and clarifying the requirements on the regulated community.~~

- 1) ~~For the purpose of this Subpart I, USEPA requires States to complete all local source water assessments for groundwater protection areas by January 1, 2004. Once a local assessment for a groundwater protection area is complete every existing motor vehicle waste disposal well owner in that groundwater protection area has one year to close the well or receive a permit. If the State fails to complete all local assessments for groundwater protection areas by January 1, 2004, the following may occur:~~
 - A) ~~The new requirements in this Subpart I apply to all existing motor vehicle waste disposal wells in the State, and the owner or operator of a motor vehicle waste disposal well located outside of the areas of the completed area assessments for groundwater protection areas must have closed its well or obtained a permit by January 1, 2005.~~
 - B) ~~USEPA may have granted a state an extension for up to one year from the January 1, 2004 deadline if the state was making reasonable progress toward completing the source water assessments for groundwater protection areas. States must have applied for the extension by June 1, 2003. If a state failed to complete the assessments for the remaining groundwater protection areas by the extended date, the rule requirements apply to all motor vehicle waste disposal wells in the state, and the owner or operator of a motor vehicle waste disposal well located outside of groundwater protection areas with completed assessments must have closed its well or received a permit by January 1, 2006.~~
- 2) ~~The Agency must extend the compliance deadline for specific motor vehicle waste disposal wells for up to one year if it determines that the most efficient compliance option for the well is connection to a sanitary sewer or installation of new treatment technology and the extension is necessary to implement the compliance option.~~

~~BOARD NOTE: Any Agency determination of the most efficient compliance option is subject to Board review pursuant to Section 40 of the~~

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Act ~~[415 ILCS 5/40]~~.

- c) ~~This subsection (c) corresponds with 40 CFR 144.87(c), which set forth now-past compliance deadlines for identifying other sensitive groundwater areas. This statement maintains structural consistency with the federal rules. Other sensitive groundwater areas. The owner or operator of an existing motor vehicle waste disposal well within another sensitive groundwater area has until January 1, 2007 to receive a permit or close the well. If the State failed to identify these additional sensitive groundwater areas by January 1, 2004, the additional requirements of Section 704.288 apply to all motor vehicle waste disposal wells in the State effective January 1, 2007, unless they are subject to a different compliance date pursuant to subsection (b) of this Section. If USEPA has granted the State an extension of the time to delineate sensitive groundwater areas, the owner or operator of an existing motor vehicle waste disposal well within a sensitive groundwater area has until January 1, 2008 to close the well or receive a permit, unless the owner or operator is subject to a different compliance date pursuant to subsection (b) of this Section. If the State has been granted an extension and fails to delineate sensitive areas by the extended date, an owner or operator has until January 1, 2008 to close the well or receive a permit, unless it is subject to a different compliance date pursuant to subsection (b) of this Section.~~

~~BOARD NOTE: Corresponding 40 CFR 144.87(c) provides that the State had until January 1, 2004 to identify sensitive groundwater areas. It also provides that USEPA may extend that deadline for up to an additional year if the State is making reasonable progress towards identifying such areas and the State had applied for the extension by June 1, 2003. The Board has not included these provisions relating to deadlines for State action because they impose requirements on the State, rather than on regulated entities. Further, the corresponding federal rule provides that the "new requirements" apply statewide if the State or the USEPA Region fails to identify sensitive groundwater areas and that "the rule requirements" apply in the event of an extension granted by USEPA and the State fails to delineate sensitive areas. The Board has interpreted "new requirements" and "rule requirements" as synonymous with "additional requirements" as used elsewhere in this Subpart I. Sections 17.1 through 17.4 of the Act [415 ILCS 5/17.1-17.4], Section 8 of the Illinois Groundwater Protection Act [415 ILCS 55/8], and 35 Ill. Adm. Code 615 through 620 protect groundwater resources and allow the designation of sensitive areas.~~

- d) Finding out if a well is in a groundwater protection area or sensitive groundwater

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area. The Agency must make that listing available for public inspection and copying upon request. Any interested person may contact the Illinois Environmental Protection Agency, Bureau of Water, Division of Public Water Supplies at 1021 North Grand Ave. East, P.O. Box 19276, Springfield, Illinois 62794-9276 (217-785-8653) to obtain information on the listing or to determine if any Class V injection well is situated in a groundwater protection area or another sensitive groundwater area.

- e) Changes in the status of the State drinking water source assessment and protection program. If the State assesses a groundwater protection area for groundwater supplying a new community water system or a new non-transient non-community water system ~~after January 1, 2004~~, or if the State re-delineates the boundaries of a previously delineated groundwater protection area to include an additional area, the additional regulations of Section 704.288 would apply to any motor vehicle waste disposal well in such an area. The additional regulations apply to the affected Class V injection well one year after the State completes the local assessment for the groundwater protection area for the new drinking water system or the new re-delineated area. The Agency must extend this deadline for up to one year if it determines that the most efficient compliance option for the well is connection to a sanitary sewer or installation of new treatment technology and the extension is necessary to implement the compliance option.

BOARD NOTE: Any Agency determination of the most efficient compliance option is subject to Board review pursuant to Section 40 of the Act ~~[415 ILCS 5/40]~~.

- f) This subsection (f) corresponds with 40 CFR 144.87(f), which set forth now-past compliance deadlines in the event of a failure to identify other sensitive groundwater areas. This statement maintains structural consistency with the federal rules. ~~If the State elects not to delineate the additional sensitive groundwater areas, the additional regulations of Section 704.288 apply to all Class V injection wells in the State, regardless of the location, on January 1, 2007, or January 1, 2008 if an extension has been granted as provided in subsection (c) of this Section, except for wells in groundwater protection areas that are subject to different compliance deadlines explained in subsection (b) of this Section.~~
- g) Application of requirements outside of groundwater protection areas and sensitive groundwater areas. The Agency must apply the additional requirements in Section 704.288 to an owner or operator, even if the owner's or operator's well is

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not located in the areas listed in subsection (a) ~~of this Section~~, if the Agency determines that the application of those additional requirements is necessary to protect human health and the environment.

BOARD NOTE: Any Agency determination to apply the additional requirements of Section 704.288 is subject to Board review pursuant to Section 40 of the Act ~~[415 ILCS 5/40]~~. The Board has omitted certain segments of corresponding 40 CFR 144.87 that encouraged State actions, since those segments did not impose requirements on the regulated community.

BOARD NOTE: Derived from 40 CFR 144.87 (~~20172005~~).

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

Section 704.288 Additional Requirements

Additional requirements are as follows:

- a) Additional Requirements for Large-Capacity Cesspools Statewide. See Section 704.285 to determine the applicability of these additional requirements. Large-capacity cesspools are prohibited.
 - 1) ~~If the cesspool is existing (operational or under construction by April 5, 2000), the following requirements apply:~~
 - A) ~~The owner or operator must have closed the well by April 5, 2005.~~
 - B) ~~The owner or operator must have notified the Agency of its intent to close the well at least 30 days prior to closure.~~

BOARD NOTE: ~~In the corresponding note to 40 CFR 144.83(a), USEPA states that this information is requested on the federal form entitled "Preclosure Notification for Closure of Injection Wells." Although the form "Preclosure Notification for Closure of Injection Wells" is acceptable to USEPA, the Agency may develop alternative forms for use in this State.~~
 - 2) ~~If the cesspool is new or converted (construction not started before April 5, 2000) it is prohibited.~~

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~~BOARD NOTE: Corresponding 40 CFR 144.88(b)(2) sets forth a federal effective date of April 5, 2000 for the prohibition.~~

- b) Additional Requirements for Motor Vehicle Waste Disposal Wells. See Section 704.285 to determine the applicability of these additional requirements.
- 1) If the motor vehicle waste disposal well is existing (operational or under construction by April 5, 2000) the following applies:
- A) If the well is in a groundwater protection area, the owner or operator must close the well or obtain a permit within one year after the completion of the local source water assessment; the Agency must extend the closure deadline, but not the permit application deadline, for up to one year if it determines that the most efficient compliance option is connection to a sanitary sewer or installation of new treatment technology and the extension is necessary to implement the compliance option;
- B) If the well is in another sensitive groundwater area, the owner or operator must immediately close the well or obtain a permit. ~~The by January 1, 2007; the~~ Agency may extend the closure deadline, but not the permit application deadline, for up to one year if it determines that the most efficient compliance option is connection to a sanitary sewer or installation of new treatment technology and the extension is necessary to implement the compliance option;
- C) If the owner or operator plans to seek a waiver from the ban and apply for a permit by the date the owner or operator submits its permit application, the owner or operator must meet the maximum contaminant levels (MCLs) for drinking water, set forth in 35 Ill. Adm. Code 611, at the point of injection while the permit application is under review, if the owner or operator chooses to keep operating the well;
- D) If the owner or operator receives a permit, the owner or operator must comply with all permit conditions by the dates specified in its permit, if the owner or operator chooses to keep operating the well, including requirements to meet MCLs and other health-based

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standards at the point of injection, follow best management practices, and monitor the injectate and sludge quality;

- E) This subsection (b)(1)(E) corresponds with 40 CFR 144.88(b)(1)(v), which provides a contingency for compliance before dates now past. This statement maintains structural consistency with the federal rules.~~If the State has not completed all of its local assessments by January 1, 2004 (or by the extended date if the State has obtained an extension, as described in Section 704.287), and the well is outside an area with a completed assessment, the owner or operator must have closed the well or obtained a permit by January 1, 2005, unless the State obtained an extension, as described in Section 704.287(b), in which case the deadline was January 1, 2006; the Agency must have extended the closure deadline, but not the permit application deadline, for up to one year if it determined that the most efficient compliance option was connection to a sanitary sewer or installation of new treatment technology and the extension was necessary to implement the compliance option;~~
- F) This subsection (b)(1)(F) corresponds with 40 CFR 144.88(b)(1)(vi), which provides a contingency for compliance before dates now past. This statement maintains structural consistency with the federal rules.~~If the State had not delineated other sensitive groundwater areas by January 1, 2004, and the well is outside of an area with a completed assessment, the owner or operator must close the well or obtain a permit regardless of its location by January 1, 2007, unless the State obtains an extension as described in Section 704.287(c), in which case the deadline is January 2008; or~~
- G) If the owner or operator plans to close its well, the owner or operator must notify the Agency of its intent to close the well (this includes closing the well prior to conversion) by at least 30 days prior to closure.

BOARD NOTE: In the corresponding note to 40 CFR 144.83(a), USEPA states that this information is requested on the federal form entitled "Preclosure Notification for Closure of Injection Wells-".

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Although the form "Preclosure Notification for Closure of Injection Wells" is acceptable to USEPA, the Agency may develop alternative forms for use in this State.

BOARD NOTE: Any Agency determination of the most efficient compliance option under subsection (b)(1)(A), (b)(1)(B), or (b)(1)(E) ~~of this Section~~ is subject to Board review pursuant to Section 40 of the Act [~~415 ILCS 5/40~~].

- 2) If the motor vehicle waste disposal well is new or converted (construction not started before April 5, 2000) it is prohibited.

~~BOARD NOTE: Corresponding 40 CFR 144.88(b)(2) sets forth a federal effective date of April 5, 2000 for the prohibition.~~

BOARD NOTE: Derived from 40 CFR 144.88 (~~20172000~~).

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

Section 704.289 Closure of a Class V Injection Well

The following describes the requirements for closing or converting a Class V injection well:

- a) Closure.
 - 1) Prior to closing a Class V large-capacity cesspool or motor vehicle waste disposal well, the owner or operator must plug or otherwise close the well in a manner that complies with the prohibition of fluid movement set forth in Section 704.122 and summarized in Section 704.282(a). The owner or operator must also dispose of or otherwise manage any soil, gravel, sludge, liquids, or other materials removed from or adjacent to the well in accordance with all applicable federal, State, and local regulations and requirements, as described in Section 704.282(b).
 - 2) Closure does not mean that the owner or operator needs to cease operations at its facility, only that the owner or operator needs to close its well. A number of alternatives are available for disposing of waste fluids. Examples of alternatives that may be available to motor vehicle stations include the following: recycling and reusing wastewater as much as

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possible; collecting and recycling petroleum-based fluids, coolants, and battery acids drained from vehicles; washing parts in a self-contained, recirculating solvent sink, with spent solvents being recovered and replaced by the supplier; using absorbents to clean up minor leaks and spills, and placing the used materials in approved waste containers and disposing of them properly; using a wet vacuum or mop to pick up accumulated rain or snow melt, and if allowed, connecting floor drains to a municipal sewer system or holding tank, and if allowed, disposing of the holding tank contents through a publicly owned treatment works (POTW). The owner or operator should check with the POTW that it might use to see if the POTW would accept the owner's or operator's wastes. Alternatives that may be available to owners and operators of a large-capacity cesspool include the following: conversion to a septic system; connection to a sewer; or installation of an on-site treatment unit.

- b) Conversions. In limited cases, the Agency may authorize the conversion (reclassification) of a motor vehicle waste disposal well to another type of Class V well. Motor vehicle wells may only be converted if the two conditions of subsections (b)(1) and (b)(2) ~~of this Section~~ are fulfilled, subject to the conditions of subsection (b)(3) ~~of this Section~~:
- 1) All motor vehicle fluids are segregated by physical barriers and are not allowed to enter the well; and
 - 2) Injection of motor vehicle waste is unlikely based on a facility's compliance history and records showing proper waste disposal.
 - 3) The use of a semi-permanent plug as the means to segregate waste is not sufficient to convert a motor vehicle waste disposal well to another type of Class V injection well.

BOARD NOTE: Derived from 40 CFR 144.89 (~~20172005~~).

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

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- 1) Heading of the Part: Procedures for Permit Issuance
- 2) Code Citation: 35 Ill. Adm. Code 705
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
705.101	Amendment
705.122	Amendment
705.126	Amendment
705.128	Amendment
705.141	Amendment
705.143	Amendment
705.144	Amendment
705.164	Amendment
705.181	Amendment
705.182	Amendment
705.183	Amendment
705.184	Amendment
705.201	Amendment
705.211	Amendment
705.212	Amendment
705.300	Amendment
705.302	Amendment
705.303	Amendment
705.304	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 22.4 and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 705 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 704, 720 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 702 through 705, 720, and 721. 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 702. 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.

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Specifically, the amendments to Part 705 make 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.

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

- 6) Published studies or reports, and sources of underlying data, used to compose this proposed 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) (2016)].
- 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

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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) (2016)].
 - 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) (2016)].
 - 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

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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) (2016)].

- 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 b: PERMITS

PART 705
PROCEDURES FOR PERMIT ISSUANCE

SUBPART A: GENERAL PROVISIONS

Section	
705.101	Scope and Applicability
705.102	Definitions
705.103	Computation of Time
705.104	Electronic Reporting

SUBPART B: PERMIT APPLICATIONS

Section	
705.121	Permit Application
705.122	Completeness
705.123	Incomplete Applications
705.124	Site Visit
705.125	Effective Date
705.126	Decision Schedule
705.127	Consolidation of Permit Processing
705.128	Modification or Reissuance of Permits

SUBPART C: APPLICATION REVIEW

Section	
705.141	Draft Permits
705.142	Statement of Basis
705.143	Fact Sheet
705.144	Administrative Record for Draft Permits or Notices of Intent to Deny

SUBPART D: PUBLIC NOTICE

Section

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705.161	When Public Notice Must Be Given
705.162	Timing of Public Notice
705.163	Methods of Public Notice
705.164	Contents of Public Notice
705.165	Distribution of Other Materials

SUBPART E: PUBLIC COMMENT

Section	
705.181	Public Comments and Requests for Public Hearings
705.182	Public Hearings
705.183	Obligation to Raise Issues and Provide Information
705.184	Reopening of Public Comment Period

SUBPART F: PERMIT ISSUANCE

Section	
705.201	Final Permit Decision
705.202	Stay of Permit Conditions upon Appeal
705.203	Stay for New Application or upon Untimely Application for Renewal (Repealed)
705.204	Stay upon Reapplication or for Modification (Repealed)
705.205	Stay Following Interim Status (Repealed)
705.210	Agency Response to Comments
705.211	Administrative Record for Final Permits or Letters of Denial
705.212	Appeal of Agency Permit Determinations

SUBPART G: PROCEDURE FOR RCRA STANDARDIZED PERMIT

Section	
705.300	General Information About RCRA Standardized Permits
705.301	Applying for a RCRA Standardized Permit
705.302	Issuance of a RCRA Standardized Permit
705.303	Public Participation in the RCRA Standardized Permit Process
705.304	Modifying a RCRA Standardized Permit
705.APPENDIX A	Procedures for Permit Issuance
705.APPENDIX B	Modification Process
705.APPENDIX C	Application Process
705.APPENDIX D	Application Review Process

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705.APPENDIX E Public Comment Process
705.APPENDIX F Permit Issuance or Denial

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

SOURCE: Adopted in R81-32 at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19, at 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9, at 9 Ill. Reg. 11894, effective July 24, 1985; amended in R89-2 at 14 Ill. Reg. 3082, effective February 20, 1990; amended in R94-5 at 18 Ill. Reg. 18265, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9906, effective June 27, 1995; amended in R03-7 at 27 Ill. Reg. 3675, effective February 14, 2003; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 706, effective December 20, 2006; amended in R11-14 at 36 Ill. Reg. 1653, effective January 20, 2012; amended in R17-14/R17-15/R18-12 at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 705.101 Scope and Applicability

- a) This Part sets forth procedures that the Illinois Environmental Protection Agency (Agency) must follow in issuing RCRA (Resource Conservation and Recovery Act) and UIC (Underground Injection Control) permits. This Part also specifies rules on effective dates of permits and stays of contested permit conditions.
- b) This Part provides for a public comment period and a hearing in some cases. The permit applicant and any other participants must raise issues during this proceeding to preserve issues for effective Board review, as required by Section 705.183.
- c) Board review of permit issuance or denial is pursuant to 35 Ill. Adm. Code 105. Board review is restricted to the record that was before the Agency when the permit was issued, as required by Sections 40(a) and 40(b) of the Environmental Protection Act ~~[415 ILCS 5/40(a) and (b)]~~.
- d) The provisions of 35 Ill. Adm. Code 702, 703, and 704 contain rules on UIC and RCRA permit applications, permit conditions, and related matters.

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

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SUBPART B: PERMIT APPLICATIONS

Section 705.122 Completeness

- a) The Agency must review every application for a RCRA or UIC permit for completeness.
- b) Time limitations on Agency review for application completeness:
 - 1) Each application for a permit submitted by a new HWM (hazardous waste management) facility or new UIC injection well must be reviewed for completeness within 30 days of its receipt.
 - 2) Each application for a permit by an existing HWM facility (both Parts A and B of the application) or existing injection well must be reviewed for completeness within 60 days of receipt.
- c) Upon completing its review for completeness, the Agency must notify the applicant in writing whether the application is complete. If the application is incomplete, the Agency must list the information necessary to make the application complete.
- d) When the application is for an existing HWM (Hazardous Waste Management) facility or an existing UIC injection well, the Agency must also specify in the notice of deficiency a date for submitting the necessary information.
- e) The Agency shall, within the time limitations specified in subsection (b) ~~of this Section~~, notify the applicant whether additional information submitted in response to a notice of deficiency is deemed sufficient or insufficient to complete the application.
- f) After the application is deemed complete, the Agency may request additional information from an applicant only when necessary to clarify, modify, or supplement previously submitted material. Requests for such additional information will not render an application incomplete.

BOARD NOTE: Derived from 40 CFR 124.3(c) ([20172002](#)).

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

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Section 705.126 Decision Schedule

For each permit application from a major new HWM facility or major new UIC injection well, the Agency must, no later than the effective date of the application, prepare and mail to the applicant a projected decision schedule. The schedule must specify target dates by which the Agency intends to do the following:

- a) Prepare a draft permit pursuant to Subpart C ~~of this Part~~;
- b) Give public notice pursuant to Subpart D ~~of this Part~~;
- c) Complete the public comment period, including any public hearing pursuant to Subpart E ~~of this Part~~; and
- d) Issue a final permit pursuant to Subpart F ~~of this Part~~.

BOARD NOTE: Derived from 40 CFR 124.3(g) (~~20172002~~).

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

Section 705.128 Modification or Reissuance of Permits

- a) The Agency may modify or reissue a permit either at the request of any interested person (including the permittee) or on its own initiative. However, the Agency may only modify or reissue a permit for the reasons specified in 35 Ill. Adm. Code 704.261 through 704.263 (UIC) or 35 Ill. Adm. Code 703.270 through 703.273 (RCRA). A request for permit modification or reissuance must be made in writing, must be addressed to the Agency (Division of Land Pollution Control), and must contain facts or reasons supporting the request.
- b) If the Agency determines that a request for modification or reissuance is not justified, it must send the requester a brief written response giving a reason for the determination. A denial of a request for modification or reissuance is not subject to public notice, comment, or public hearing requirements. The requester may appeal a denial of a request to modify or reissue a permit to the Board pursuant to 35 Ill. Adm. Code 105.
- c) Agency Modification or Reissuance Procedures.

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- 1) If the Agency tentatively decides to initiate steps to modify or reissue a permit pursuant to this Section and 35 Ill. Adm. Code 704.261 through 704.263 or 35 Ill. Adm. Code 703.270 through 703.273 (other than 35 Ill. Adm. Code 703.272(c)), after giving public notice pursuant to Section 705.161(a)(1), as though an application had been received, it must prepare a draft permit pursuant to Section 705.141 incorporating the proposed changes. The Agency may request additional information and may require the submission of an updated permit application. For reissued permits, other than those reissued under 35 Ill. Adm. Code 703.272(c), the Agency must require the submission of a new application. For permits reissued under 35 Ill. Adm. Code 703.272(c), the Agency and the permittee must comply with the appropriate requirements in Subpart G of 35 Ill. Adm. Code 705.
- 2) In a permit modification proceeding pursuant to this Section, only those conditions to be modified must be reopened when a new draft permit is prepared. When a permit is to be reissued pursuant to this Section, the entire permit is reopened just as if it had expired. During any reissuance proceeding, including any appeal to the Board, the permittee must comply with all conditions of its existing permit until a new final permit is reissued.
- 3) "Minor modifications," as defined in 35 Ill. Adm. Code 704.264, and "Class 1 and 2 modifications," as defined in 35 Ill. Adm. Code 703.281 and 703.282, are not subject to this Section.
- d) To the extent that the Agency has authority to reissue a permit, it must prepare a draft permit or notice of intent to deny in accordance with Section 705.141 if it decides to do so.
- e) The Agency or any person may seek the revocation of a permit in accordance with Title VIII of the Environmental Protection Act ~~[415 ILCS 5/Title VIII]~~ and the procedure of 35 Ill. Adm. Code 103. Revocation may only be sought for those reasons specified in 35 Ill. Adm. Code 702.186(a) through (d).

BOARD NOTE: Derived from 40 CFR 124.5 ([20172005](#)), ~~as amended at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

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

SUBPART C: APPLICATION REVIEW

Section 705.141 Draft Permits

- a) Once an application for permit is complete, the Agency must tentatively decide whether to prepare a draft permit or to deny the application.
- b) If the Agency tentatively decides to deny the permit application, it must issue a notice of intent to deny. A notice of intent to deny must be subject to all of the procedural requirements applicable to draft permits under subsection (d) ~~of this Section~~. If the Agency's final decision made pursuant to Section 705.201 is that the tentative decision to deny the permit application was incorrect, it must withdraw the notice of intent to deny and proceed to prepare a draft permit under subsection (c) ~~of this Section~~.
- c) If the Agency decides to prepare a draft permit, it must prepare a draft permit that contains the following information:
 - 1) All conditions under 35 Ill. Adm. Code 702.140 through 702.152 and 35 Ill. Adm. Code 702.160;
 - 2) All compliance schedules under 35 Ill. Adm. Code 702.162 and 702.163;
 - 3) All monitoring requirements under 35 Ill. Adm. Code 702.164; and
 - 4) The following program-specific permit conditions:
 - A) For RCRA permits, standards for treatment, storage, or disposal and other permit conditions under Subpart F of 35 Ill. Adm. Code 703;
 - B) For UIC permits, permit conditions under Subpart E of 35 Ill. Adm. Code 704.
- d) A draft permit or a notice of intent to deny prepared under this Section must be accompanied by a statement of basis, under Section 705.142, or a fact sheet, under Section 705.143, must be based on the administrative record pursuant to

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Section 705.144, must be publicly noticed pursuant to Subpart D ~~of this Part~~, and must be made available for public comment pursuant to Section 705.181. The Agency must give notice of opportunity for a public hearing pursuant to Section 705.182, issue a final decision pursuant to Section 705.201, and respond to comments pursuant to Section 705.210. An appeal may be taken under Section 705.212.

BOARD NOTE: Derived from 40 CFR 124.6 (~~20172002~~).

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

Section 705.143 Fact Sheet

- a) A fact sheet must be prepared for every draft permit for a major HWM or a major UIC facility or activity, and for every draft permit or notice of intent to deny that the Agency finds is the subject of widespread public interest or raises major issues. The fact sheet must briefly set forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. The Agency must send this fact sheet to the applicant and, on request, to any other person.
- b) The fact sheet must include the following, when applicable:
 - 1) A brief description of the type of facility or activity that is the subject of the draft permit;
 - 2) The type and quantity of wastes, fluids or pollutants that are proposed to be or are being treated, stored, disposed of, injected, emitted, or discharged;
 - 3) A brief summary of the basis for refusing to grant a permit or for imposing each draft permit condition including references to applicable statutory or regulatory provisions and appropriate supporting references to the administrative record as defined by Section 705.144;
 - 4) Reasons why any requested schedules of compliance or other alternatives to required standards do or do not appear justified;
 - 5) A description of the procedures for reaching a final decision on the draft

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permit including the following:

- A) The beginning and ending dates of the comment period pursuant to Subpart D ~~of this Part~~, and the address where comments will be received;
 - B) Procedures for requesting a hearing, and the nature of that hearing; and
 - C) Any other procedures by which the public may participate in the final decision.
- 6) The name and telephone number of a person to contact for additional information.

BOARD NOTE: Derived from 40 CFR 124.8 (~~2017~~2002).

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

Section 705.144 Administrative Record for Draft Permits or Notices of Intent to Deny

- a) The provisions of a draft permit or notice of intent to deny the application must be based on the administrative record, as defined in this Section.
- b) The administrative record must consist of the following:
 - 1) The application and any supporting data furnished by the applicant;
 - 2) The draft permit or notice of intent to deny the application;
 - 3) The statement of basis, as provided in Section 705.142, or fact sheet, as provided in Section 705.143;
 - 4) All documents cited in the statement of basis or fact sheet;
 - 5) Other documents contained in the supporting file for the draft permit or notice of intent to deny; and
 - 6) An index of all documents or items included in the record, by location in

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the record.

- c) Published material that is generally available, and which is included in the administrative record under subsection (b) ~~of this Section~~, need not be physically included with the rest of the record, as long as it is specifically referred to in the statement of basis or the fact sheet.
- d) This Section applies to all draft permits or notices of intent to deny ~~for which public notice was first given under Subpart D of this Part after March 3, 1984, for UIC permits, or January 31, 1986, for RCRA permits.~~

BOARD NOTE: Derived from 40 CFR 124.9 (~~2017~~2002).

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

SUBPART D: PUBLIC NOTICE

Section 705.164 Contents of Public Notice

- a) All public notices issued under this Part must contain the following minimum information:
 - 1) The name and address of the Agency;
 - 2) The name and address of the permittee or permit applicant and, if different, the name and address of the facility or activity regulated by the permit;
 - 3) A brief description of the business conducted at the facility or the activity described in the permit application or the draft permit;
 - 4) The name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit; a copy of the statement of basis or fact sheet; and a copy of the permit application;
 - 5) A brief description of the comment procedures required by Sections 705.181 and 705.182; the time and place of any hearing that will be held, including a statement of the procedures to request a hearing (unless a

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hearing has already been scheduled); and the other procedures by which the public may participate in the final permit decision;

- 6) The location of the administrative record required by Section 705.144, the time at which the record will be open for public inspection, and a statement that all data submitted by the applicant is available as part of the administrative record; and
 - 7) Any additional information that the Agency considers necessary or appropriate.
- b) Public notices for hearings. In addition to the general public notice described in subsection (a) ~~of this Section~~, the public notice of a hearing under Section 705.182 must contain the following information:
- 1) Reference to the date of previous public notices relating to the permit;
 - 2) The date, time, and place of the hearing; and
 - 3) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

BOARD NOTE: Derived from 40 CFR 124.10(d) ([20172002](#)).

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

SUBPART E: PUBLIC COMMENT

Section 705.181 Public Comments and Requests for Public Hearings

During the public comment period provided under Subpart D ~~of this Part~~, any interested person may submit written comments on the draft permit to the Agency, and any interested person may request a public hearing. A request for a public hearing must be in writing and must state the nature of the issues proposed to be raised in the hearing. The Agency must consider all comments in making the final decision and must answer, as provided in Section 705.210.

BOARD NOTE: Derived from 40 CFR 124.11 ([20172002](#)).

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

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Section 705.182 Public Hearings

- a) When the Agency holds public hearings.
 - 1) The Agency must hold a public hearing whenever it finds a significant degree of public interest in a draft permit on the basis of requests.
 - 2) The Agency may also hold a public hearing at its discretion, whenever such a hearing might clarify one or more issues involved in the permit decision.
 - 3) For RCRA permits only the following additional requirements apply:
 - A) The Agency must hold a public hearing whenever it receives written notice of opposition to a draft permit and a request for a hearing within 45 days of public notice under Section 705.162(a);
 - B) Whenever possible, the Agency must schedule the hearing at a location convenient to the population center nearest to the proposed facility.
 - 4) Public notice of the hearing must be given as specified in Section 705.162.
- b) Whenever a public hearing will be held, the Agency must designate a hearing officer who must be responsible for its scheduling and orderly conduct. Conduct of the hearing must be in accordance with Agency rules and procedures, and the hearing must be held in the county in which the HWM or UIC facility or proposed HWM or UIC facility is located.
- c) Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set by the hearing officer on the time allowed at hearing for oral statements, and the submission of statements in writing may be required. Written statements must be accepted until the close of the public comment period. The public comment period under Subpart D ~~of this Part~~ must automatically be extended to a date not later than 30 days after the close of any public hearing under this Section. The hearing officer may also extend the comment period by entering an appropriate order into the record.

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- d) A tape recording or written transcript of the hearing must be made available to the public for inspection during regular business hours at the Agency's office in Springfield. Copies of such recording or transcription must be made available on request, upon payment of reasonable costs of duplication pursuant to applicable Agency rules and procedures.

BOARD NOTE: Derived from 40 CFR 124.12 (~~20172002~~).

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

Section 705.183 Obligation to Raise Issues and Provide Information

All persons, including applicants, who believe any condition of a draft permit is inappropriate, or that the Agency's tentative decision to deny an application or prepare a draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period (including any public hearing) under Subpart D ~~of this Part~~. All supporting materials must be included in full and may not be incorporated by reference, unless they are already part of the administrative record in the same proceeding, or they consist of state or federal statutes and regulations, documents of general applicability, or other generally available reference materials. Commenters must make supporting material not already included in the administrative record available to the Agency, as directed by the Agency. The Agency must extend the public comment period by an appropriate time if a commenter demonstrates that the additional time is necessary to submit supporting materials under this Section.

BOARD NOTE: Derived from 40 CFR 124.13 (~~20172002~~).

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

Section 705.184 Reopening of Public Comment Period

- a) The Agency may reopen the public comment period under this Section if doing so could expedite the decisionmaking process.
- 1) If the public comment period is reopened under this subsection (a), any person, including the applicant, who believes any condition of a draft permit is inappropriate or that the Agency's tentative decision to deny an application or prepare a draft permit is inappropriate, must submit all reasonably available factual grounds supporting their position, including

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all supporting material, before a date, not less than 60 days after public notice given under subsection (a)(2) ~~of this Section~~, set by the Agency. Thereafter, any person may file a written response to the material filed by any other person, by a date, not less than 20 days after the date set for filing of the material (as set forth in the preceding sentence), set by the Agency.

- 2) Public notice of any comment period under this subsection (a) must identify the issues to which the requirements of this subsection (a) will apply.
 - 3) On its own motion or on the request of any person, the Agency may direct that the requirements of subsection (a)(1) ~~of this Section~~ will apply during the initial public comment period where the Agency determines that issuance of the permit will be contested and that applying the requirements of subsection (a)(1) ~~of this Section~~ will substantially expedite the decisionmaking process. The notice of the draft permit must state whenever this has been done.
 - 4) A comment period of longer than 60 days may be necessary in complicated proceedings to give commenters a reasonable opportunity to comply with the requirements of this Section. A commenter may request a longer comment period, and one must be granted under Subpart D ~~of this Part~~ to the extent that the Agency determines that a longer comment period is necessary.
- b) If any data, information, or arguments submitted during the public comment period appear to raise substantial new questions concerning a permit, the Agency may undertake one or more of the following actions:
- 1) It may prepare a new draft permit, appropriately modified, under Section 705.141;
 - 2) It may prepare a revised statement of basis, a fact sheet, or a revised fact sheet and reopen the comment period under subsection (b)(3) ~~of this Section~~;
 - 3) It may reopen or extend the comment period to give interested persons an opportunity to comment on the information or arguments submitted.

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- c) Comments filed during the reopened comment period must be limited to the substantial new questions that caused its reopening. The public notice under Subpart D ~~of this Part~~ must define the scope of the reopening.
- d) After an extended comment period, the Agency may undertake final action under Section 705.201 that it deems appropriate based on the record.
- e) Public notice of any of the above actions must be issued under Subpart D ~~of this Part~~.

BOARD NOTE: Derived from 40 CFR 124.14 (~~2017~~2002).

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

SUBPART F: PERMIT ISSUANCE

Section 705.201 Final Permit Decision

- a) After the close of the public comment period under Subpart D ~~of this Part~~ or Section 705.182, the Agency must issue a final permit decision.
- b) A final permit decision must consist of either of the following:
 - 1) A letter of denial that includes each of the following:
 - A) The Sections of the appropriate Act that may be violated if the permit were granted;
 - B) The provisions of Board regulations that may be violated if the permit were granted;
 - C) The specific type of information, if any, that the Agency deems the applicant did not provide with its application; and
 - D) A statement of specific reasons why the Act and the regulations might not be met if the permit were granted; or
 - 2) Issuance of a permit.

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- c) On the date of the final permit decision, the Agency must notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice must include reference to the procedures for appealing an Agency RCRA or UIC permit decision under Section 705.212.
- d) A final permit must become effective 35 days after the final permit decision made under subsection (a) ~~of this Section~~, unless:
 - 1) A later effective date is specified in the permit; or
 - 2) Review is requested under Section 705.212, in which case the effective date and conditions will be stayed as provided in Sections 705.202 through 705.205.

BOARD NOTE: This Section corresponds with and is partially derived from 40 CFR 124.15 (~~20172002~~).

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

Section 705.211 Administrative Record for Final Permits or Letters of Denial

- a) The Agency must base final permit decisions under Section 705.201 on the administrative record defined in this Section.
- b) The administrative record for any final permit or letter of denial must consist of the administrative record for the draft permit together with the following:
 - 1) All comments received during the public comment period provided under Subpart D ~~of this Part~~ (including any extension or reopening under Section 705.184);
 - 2) The tape or transcript of any hearing held under Section 705.182;
 - 3) Any written materials submitted at such a hearing;
 - 4) The response to comments required by Section 705.210 and any new material placed in the record under that Section;

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- 5) Other documents contained in the supporting file for the permit; and
 - 6) The final permit or letter of denial.
- c) The additional documents required under subsection (b) ~~of this Section~~ should be added to the record as soon as possible after their receipt or publication by the Agency. The record must be completed on the date that the final permit or letter of denial is issued.
- d) This Section applies to all final RCRA permits, UIC permits, and letters of denial, when the draft permit was subject to the administrative record requirements of Section 705.144.

BOARD NOTE: Derived from 40 CFR 124.18 (~~20172002~~).

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

Section 705.212 Appeal of Agency Permit Determinations

- a) Within 35 days after a RCRA or UIC final permit decision notification has been issued under Section 705.201, the following persons may petition the Board to review any condition of the permit decision:
- 1) The permit applicant, and
 - 2) Any person who filed comments on the draft permit or who participated in the public hearing on the draft permit.
- b) Any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition for administrative review only to the extent of the changes from the draft to the final permit decision.
- c) A petition for review must include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required in this Part; in all other respects, the petition must comport with the requirements for permit appeals generally, as set forth in 35 Ill. Adm. Code 105.
- d) Except as otherwise provided in this Part, the provisions of 35 Ill. Adm. Code 105

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generally will govern appeals of RCRA and UIC permits under this Section. References in the procedural rules to the Agency permit application record will mean, for purposes of this Section, the administrative record for the final permit or letter of denial, as defined in Section 705.211.

- e) An appeal under subsection (a) or (b) ~~of this Section~~ is a prerequisite to the seeking of judicial review of the final agency action under the administrative review provisions of Article III of the Code of Civil Procedure ~~[35 ILCS 5/Art. III]~~.

BOARD NOTE: This Section corresponds with 40 CFR 124.19(a) (~~20172002~~).

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

SUBPART G: PROCEDURE FOR RCRA STANDARDIZED PERMIT

Section 705.300 General Information About RCRA Standardized Permits

- a) RCRA standardized permit. A RCRA standardized permit is a special form of RCRA permit that may consist of two parts: a uniform portion that the Agency issues in all cases, and a supplemental portion that the Agency issues on a case-by-case basis at its discretion. The term "RCRA standardized permit" is defined in 35 Ill. Adm. Code 702.110.
- 1) The uniform portion. The uniform portion of a RCRA standardized permit consists of terms and conditions, relevant to the units operated at a facility, that appear in 35 Ill. Adm. Code 727 (Standards for Owners and Operators of Hazardous Waste Facilities Operating under a RCRA Standardized Permit). If an owner or operator intends to operate under the RCRA standardized permit, it must comply with the nationally applicable terms and conditions of 35 Ill. Adm. Code 727.
 - 2) The supplemental portion. The supplemental portion of a RCRA standardized permit consists of site-specific terms and conditions, beyond those of the uniform portion, that the Agency may impose on a particular facility, as necessary to adequately protect human health and the environment. If the Agency issues a supplemental portion, the owner or operator must comply with the Agency-imposed site-specific terms and conditions.

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- A) When required pursuant to 35 Ill. Adm. Code 727.190(1), provisions to implement corrective action must be included in the supplemental portion.
- B) Unless otherwise specified, the supplemental permit terms and conditions apply to a facility in addition to the terms and conditions of the uniform portion of the RCRA standardized permit and not in place of any of those terms and conditions.

BOARD NOTE: Subsection (a) is derived from 40 CFR 124.200 (2017), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

- b) Eligibility for a RCRA standardized permit.
 - 1) A facility owner or operator may be eligible for a RCRA standardized permit if it engages in either of the following:
 - A) It generates hazardous waste and then stores or non-thermally treats the hazardous waste on-site in containers, tanks, or containment buildings; or
 - B) It receives hazardous waste generated off-site by a generator under the same ownership as the receiving facility, and then it stores or non-thermally treats the hazardous waste in containers, tanks, or containment buildings.
 - C) In either case, the Agency must inform the owner or operator of its eligibility when a decision is made on its permit.
 - 2) This subsection (b)(2) corresponds with 40 CFR 124.201(b), which USEPA has marked "reserved-". This statement maintains structural consistency with the corresponding federal rule.

BOARD NOTE: Subsection (b) is derived from 40 CFR 124.201 (2017), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

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

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Section 705.302 Issuance of a RCRA Standardized Permit

- a) Agency preparation of a draft RCRA standardized permit.
 - 1) The Agency must review the Notice of Intent and supporting information submitted by the facility owner or operator.
 - 2) The Agency must determine whether the facility is or is not eligible to operate under the RCRA standardized permit.
 - A) If the facility is eligible for the RCRA standardized permit, the Agency must propose terms and conditions, if any, to include in a supplemental portion. If the Agency determines that these terms and conditions are necessary to adequately protect human health and the environment, and the terms and conditions cannot be imposed, the Agency must tentatively deny coverage under the RCRA standardized permit.
 - B) If the facility is not eligible for the RCRA standardized permit, the Agency must tentatively deny coverage under the RCRA standardized permit. Cause for ineligibility may include, but is not limited to, the following:
 - i) A failure of owner or operator to submit all the information required pursuant to 35 Ill. Adm. Code 703.351(b).
 - ii) Information submitted that is required pursuant to 35 Ill. Adm. Code 703.351(b) that is determined to be inadequate.
 - iii) The facility does not meet the eligibility requirements (its activities are outside the scope of the RCRA standardized permit).
 - iv) A demonstrated history of significant non-compliance with applicable requirements.
 - v) Permit conditions cannot ensure adequate protection of human health and the environment.

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- 3) The Agency must prepare its draft permit decision within 120 days after receiving the Notice of Intent and supporting documents from a facility owner or operator. The Agency's tentative determination pursuant to this Section to deny or grant coverage under the RCRA standardized permit, including any proposed site-specific conditions in a supplemental portion, constitutes a draft permit decision. The Agency is allowed a one time extension of 30 days to prepare the draft permit decision. When the use of the 30-day extension is anticipated, the Agency must inform the permit applicant during the initial 120-day review period. Reasons for an extension may include, but are not limited to, needing to complete review of submissions with the Notice of Intent (e.g., closure plans, waste analysis plans, etc. for facilities seeking to manage hazardous waste generated off-site).

- 4) Many requirements in this Part and 35 Ill. Adm. Code 702 apply to processing the RCRA standardized permit application and preparing the Agency's draft permit decision. For example, the Agency's draft permit decision must be accompanied by a statement of basis or fact sheet and must be based on the administrative record. In preparing the Agency's draft permit decision, the following provisions of this Part and 35 Ill. Adm. Code 702 apply (subject to the following modifications):
 - A) Section 705.101 (Scope and Applicability): all subsections apply.
 - B) 35 Ill. Adm. Code 702.110 (Definitions): all definitions apply.
 - C) Sections 705.121 (Permit Application) and 705.124 (Site Visit): all subsections apply.
 - D) Section 705.127 (Consolidation of Permit Processing): applies.
 - E) Section 705.128 (Modification or Reissuance of Permits): does not apply.
 - F) Section 705.141 (Draft Permits): does not apply to the RCRA ~~RCRA~~ standardized permit; procedures in this Subpart G apply instead.
 - G) Section 705.142 (Statement of Basis): applies.

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- H) Section 705.143 (Fact Sheet): all subsections apply; however, in the context of the RCRA standardized permit, the reference to the public comment period is Section 705.303(b) instead of Subpart D ~~of this Part~~.
- I) Section 705.144 (Administrative Record for Draft Permits or Notices of Intent to Deny): all subsections apply.
- J) Subpart D ~~of this Part~~ (Public Notice): only Section 705.163(a)(4) and (a)(5)(A) applies to the RCRA standardized permit. Most of Subpart D ~~of this Part~~ does not apply to the RCRA standardized permit; Section 705.303(a) through (c) applies instead.

BOARD NOTE: Subsection (a) is derived from 40 CFR 124.204 ~~(2017)~~, as added at ~~70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

- b) Preparation of a final RCRA standardized permit. The Agency must consider all comments received during the public comment period (see Section 705.303(b)) in making its final permit decision. In addition, many requirements in this Part and 35 Ill. Adm. Code 702 apply to the public comment period, public hearings, and preparation of the Agency's final permit decision. In preparing a final permit decision, the following provisions of this Part and 35 Ill. Adm. Code 702 apply (subject to the following modifications):
 - 1) Section 705.101 (Scope and Applicability): all subsections apply.
 - 2) 35 Ill. Adm. Code 702.110 (Definitions): all definitions apply.
 - 3) Section 705.181 (Public Comments and Requests for Public Hearings): Section 705.181 does not apply to the RCRA standardized permit; the procedures in Section 705.303(b) apply instead.
 - 4) Section 705.182 (Public Hearings): Section 705.182(b), (c), and (d) applies.
 - 5) Section 705.183 (Obligation to Raise Issues and Provide Information): all subsections apply; however, in the context of the RCRA standardized permit, the reference to the public comment period is Section 705.303(b)

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instead of Subpart D ~~of this Part~~.

- 6) Section 705.184 (Reopening of the Public Comment Period): all of subsections apply; however, in the context of the RCRA standardized permit, the reference in Section 705.184(b)(1) to preparation of a draft permit is Section 705.302(a) instead of Section 705.141; the reference in Section 705.184(b)(3) to reopening or extending the comment period relates to Section 705.303(b); the reference in Section 705.184(c) to the public notice is Section 705.303(a) instead of Subpart D ~~of this Part~~.
- 7) Section 705.201 (Final Permit Decision): all subsections apply, however, in the context of the RCRA standardized permit, the reference to the public comment period is Section 705.303(b) instead of Subpart D ~~of this Part~~.
- 8) Section 705.202 (Stay of Permit Conditions upon Appeal): all subsections apply.
- 9) Section 705.210 (Agency Response to Comments): Section 705.210 does not apply to the RCRA standardized permit; procedures in Section 705.303(c) apply instead.
- 10) Section 705.211 (Administrative Record for Final Permit or Letters of Denial): all subsections apply, however, the reference to response to comments is Section 705.303(c) instead of Section 705.210.
- 11) Section 705.212 (Appeal of ~~Appeal of~~ Agency Permit Determinations): all subsections apply.
- 12) Section 705.103 (Computation of Time): all subsections apply.

BOARD NOTE: Subsection (b) is derived from 40 CFR 124.205 ~~(2017)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

- c) When a facility owner or operator must apply for an individual permit.
 - 1) Instances in which the Agency may determine that a facility is not eligible for the RCRA standardized permit include, but are not limited to, the following:

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- A) The facility does not meet the criteria in Section 705.300(b).
 - B) The facility has a demonstrated history of significant non-compliance with regulations or permit conditions.
 - C) The facility has a demonstrated history of submitting incomplete or deficient permit application information.
 - D) The facility has submitted incomplete or inadequate materials with the Notice of Intent (submitted pursuant to Section 705.301(a)(2)).
- 2) If the Agency determines that a facility is not eligible for the RCRA standardized permit, the Agency must inform the facility owner or operator that it must apply for an individual permit.
- 3) The Agency may require any facility that has a RCRA standardized permit to apply for and obtain an individual RCRA permit. Any interested person may petition the Agency to take action pursuant to this subsection (c)(3). Instances in which the Agency may require an individual RCRA permit include, but are not limited to, the following:
- A) The facility is not in compliance with the terms and conditions of the standardized RCRA permit.
 - B) Circumstances have changed since the time the facility owner or operator applied for the RCRA standardized permit, so that the facility's hazardous waste management practices are no longer appropriately controlled under the RCRA standardized permit.
- 4) The Agency may require any facility authorized by a RCRA standardized permit to apply for an individual RCRA permit only if the Agency has notified the facility owner or operator in writing that an individual permit application is required. The Agency must include in this notice a brief statement of the reasons for its decision, a statement setting a deadline for the owner or operator to file the application, and a statement that, on the effective date of the individual RCRA permit, the facility's RCRA standardized permit automatically terminates. The Agency may grant additional time upon request from the facility owner or operator.

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- 5) When the Agency issues an individual RCRA permit to an owner or operator otherwise subject to a standardized RCRA permit, the RCRA standardized permit for that facility will automatically cease to apply on the effective date of the individual permit.

BOARD NOTE: Subsection (c) is derived from 40 CFR 124.206 (2017), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005). An owner or operator authorized to operate under a RCRA standardized permit that is required by the Agency to submit an application for an individual permit pursuant to this subsection (c) may appeal that Agency determination before the Board pursuant to Section 40 of the Act ~~[415 ILCS 5/40]~~ and 35 Ill. Adm. Code 101 and 105.

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

Section 705.303 Public Participation in the RCRA Standardized Permit Process

- a) Requirements for public notices.
 - 1) The Agency must provide public notice of its draft permit decision and must provide an opportunity for the public to submit comments and request a hearing on that decision. The Agency must provide the public notice to the following persons:
 - A) The applicant;
 - B) Any other agency that the Agency knows has issued or is required to issue a RCRA permit for the same facility or activity (including USEPA when the draft permit is prepared by the State);
 - C) Federal and State agencies with jurisdiction over fish, shellfish, and wildlife resources and over coastal zone management plans, the Advisory Council on Historic Preservation, Illinois Historic Preservation Agency, including any affected states;
 - D) Everyone on the facility mailing list developed according to the requirements in Section 705.163(a)(4); and
 - E) Any units of local government having jurisdiction over the area

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where the facility is proposed to be located and to each State agency having any authority under State law with respect to the construction or operation of the facility.

- 2) The Agency must issue the public notice according to the following methods:
 - A) Publication in a daily or weekly major local newspaper of general circulation and broadcast over local radio stations;
 - B) In a manner constituting legal notice to the public under State law; and
 - C) Any other method reasonably calculated to give actual notice of the draft permit decision to the persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.
- 3) The Agency must include the following information in the public notice:
 - A) The name and telephone number of the contact person at the facility.
 - B) The name and telephone number of the Agency's contact office, and a mailing address to which people may direct comments, information, opinions, or inquiries.
 - C) An address to which people may write to be put on the facility mailing list.
 - D) The location where people may view and make copies of the draft RCRA standardized permit and the Notice of Intent and supporting documents.
 - E) A brief description of the facility and proposed operations, including the address or a map (for example, a sketched or copied street map) of the facility location on the front page of the notice.
 - F) The date that the facility owner or operator submitted the Notice of

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Intent and supporting documents.

- 4) At the same time that the Agency issues the public notice pursuant to this Section, it must place the draft RCRA standardized permit (including both the uniform portion and the supplemental portion, if any), the Notice of Intent and supporting documents, and the statement of basis or fact sheet in a location accessible to the public in the vicinity of the facility or at the local Agency office.

BOARD NOTE: Subsection (a) is derived from 40 CFR 124.207 (2017), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

- b) Opportunities for public comment and hearing on a draft permit decision.
 - 1) The public notice that the Agency issues pursuant to Section 705.303(a) must allow at least 45 days for interested persons to submit written comments on its draft permit decision. This time is referred to as the public comment period. The Agency must automatically extend the public comment period to the close of any public hearing pursuant to this subsection (b). The hearing officer may also extend the comment period by so stating at the hearing.
 - 2) During the public comment period, any interested person may submit written comments on the draft permit and may request a public hearing. Any request for a public hearing must be submitted to the Agency in writing. The request for a public hearing must state the nature of the issues that the requestor proposes to raise during the hearing.
 - 3) The Agency must hold a public hearing whenever it receives a written notice of opposition to a RCRA standardized permit and a request for a public hearing within the public comment period pursuant to subsection (b)(1) ~~of this Section~~. The Agency may also hold a public hearing at its discretion, whenever, for instance, such a hearing might clarify one or more issues involved in the permit decision.
 - 4) Whenever possible, the Agency must schedule a hearing pursuant to this subsection (b) at a location convenient to the nearest population center to the facility. The Agency must give public notice of the hearing at least 30 days before the date set for the hearing. (The Agency may give the public

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notice of the hearing at the same time it provides public notice of the draft permit, and the Agency may combine the two notices.)

- 5) The Agency must give public notice of the hearing according to the methods in Section 705.303(a)(1) and (a)(2). The hearing must be conducted according to the procedures in Section 705.182(b), (c), and (d).
- 6) In their written comments and during the public hearing, if held, interested persons may provide comments on the draft permit decision. These comments may include, but are not limited to, the facility's eligibility for the RCRA standardized permit, the tentative supplemental conditions proposed by the Agency, and the need for additional supplemental conditions.

BOARD NOTE: Subsection (b) is derived from 40 CFR 124.208 [\(2017\)](#), as added at [70 Fed. Reg. 53420 \(Sep. 8, 2005\)](#).

- c) Requirements for responding to comments.
 - 1) At the time the Agency issues a final RCRA standardized permit, it must also respond to comments received during the public comment period on the draft permit. The Agency's response must do each of the following:
 - A) It must specify which additional conditions (i.e., those in the supplemental portion), if any, the Agency changed in the final permit, and the reasons for each change.
 - B) It must briefly describe and respond to all significant comments on the facility's ability to meet the general requirements (i.e., those terms and conditions in the uniform portion) and all significant comments on any additional conditions necessary to adequately protect human health and the environment that are raised during the public comment period or during the hearing.
 - C) It must make the comments and responses accessible to the public.
 - 2) The Agency may request additional information from the facility owner or operator or inspect the facility if it needs additional information to adequately respond to significant comments or to make decisions about

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conditions that it may need to add to the supplemental portion of the RCRA standardized permit.

- 3) The Agency must include in the administrative record for its final permit decision any documents cited in the response to comments. If new points are raised or new material supplied during the public comment period, the Agency may document its response to those matters by adding new materials to the administrative record.

BOARD NOTE: Subsection (c) is derived from 40 CFR 124.209 [\(2017\)](#), as added at [70 Fed. Reg. 53420 \(Sep. 8, 2005\)](#).

- d) Appeal of a final RCRA standardized permit by an interested party in the permit process. An interested party may petition the Board for administrative review of the Agency's final permit decision, including the Agency's decision that the facility is eligible for the RCRA standardized permit, according to the procedures of Section 705.212. However, the terms and conditions of the uniform portion of the RCRA standardized permit are not subject to administrative review pursuant to this subsection (d).

BOARD NOTE: Subsection (d) is derived from 40 CFR 124.210 [\(2017\)](#), as added at [70 Fed. Reg. 53420 \(Sep. 8, 2005\)](#).

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

Section 705.304 Modifying a RCRA Standardized Permit

- a) Permissible types of changes an owner or operator may make to its RCRA standardized permit. A facility owner or operator may make a routine change, a routine change with prior Agency approval, or a significant change. For the purposes of this subsection (a), the following definitions apply:

"Routine change" is any change to the RCRA standardized permit that qualifies as a Class 1 permit modification (without prior Agency approval) pursuant to Appendix A to 35 Ill. Adm. Code 703.

"Routine change with prior Agency approval" is a change to the RCRA standardized permit that would qualify as a class 1 modification with prior agency approval, or a Class 2 permit modification pursuant to Appendix A to 35 Ill. Adm.

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Code 703.

"Significant change" is any change to the RCRA standardized permit that falls into one of the following categories:

It qualifies as a Class 3 permit modification pursuant to Appendix A to 35 Ill. Adm. Code 703;

It is not explicitly identified in Appendix A to 35 Ill. Adm. Code 703; or

It amends any terms or conditions in the supplemental portion of the RCRA standardized permit.

BOARD NOTE: Subsection (a) is derived from 40 CFR 124.211 [\(2017\)](#), as added at [70 Fed. Reg. 53420 \(Sep. 8, 2005\)](#).

- b) Procedures to make routine changes.
- 1) An owner or operator can make routine changes to the RCRA standardized permit without obtaining approval from the Agency. However, the owner or operator must first determine whether the routine change it will make amends the information it submitted to the Agency pursuant to 35 Ill. Adm. Code 703.351(b) with its Notice of Intent to operate under the RCRA standardized permit.
 - 2) If the routine changes that the owner or operator makes amend the information it submitted pursuant to 35 Ill. Adm. Code 703.351(b) with its Notice of Intent to operate under the RCRA standardized permit, then before the owner or operator makes the routine changes it must do both of the following:
 - A) It must submit to the Agency the revised information pursuant to 35 Ill. Adm. Code 703.351(b)(1); and
 - B) It must provide notice of the changes to the facility mailing list and to State and local governments in accordance with the procedures in Section 705.163(a)(4) and (a)(5).

BOARD NOTE: Subsection (b) is derived from 40 CFR 124.212 [\(2017\)](#), as

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~~added at 70 Fed. Reg. 53420 (Sep. 8, 2005).~~

- c) Procedures for routine changes with prior Agency approval.
- 1) Routine changes to the RCRA standardized permit may only be made with the prior written approval of the Agency.
 - 2) The owner or operator must also follow the procedures in subsections (b)(2)(A) and (b)(2)(B) ~~of this Section.~~

BOARD NOTE: Subsection (c) is derived from 40 CFR 124.213 (2017), ~~as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).~~

- d) Procedures the owner or operator must follow to make significant changes.
- 1) The owner or operator must first provide notice of and conduct a public meeting.
 - A) Public meeting. The owner or operator must hold a meeting with the public to solicit questions from the community and inform the community of its proposed modifications to its hazardous waste management activities. The owner or operator must post a sign-in sheet or otherwise provide a voluntary opportunity for people attending the meeting to provide their names and addresses.
 - B) Public notice. At least 30 days before the owner or operator plans to hold the meeting, it must issue a public notice in accordance with 35 Ill. Adm. Code 703.191(d).
 - 2) After holding the public meeting, the owner or operator must submit a modification request to the Agency that provides the following information:
 - A) It must describe the exact changes that the owner or operator wants and whether the changes are to information that the owner or operator provided pursuant to 35 Ill. Adm. Code 703.351(b) or to terms and conditions in the supplemental portion of its RCRA standardized permit;

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- B) It must explain why the modification is needed; and
 - C) It must include a summary of the public meeting held pursuant to subsection (d)(1) ~~of this Section~~, along with the list of attendees and their addresses and copies of any written comments or materials they submitted at the meeting.
- 3) Once the Agency receives an owner's or operator's modification request, it must make a tentative determination within 120 days to approve or disapprove the request. The Agency is allowed a one time extension of 30 days to prepare the draft permit decision. When the use of the 30-day extension is anticipated, the Agency should inform the permit applicant during the initial 120-day review period.
- 4) After the Agency makes its tentative determination, the procedures in Sections 705.302(b) and 705.303 for processing an initial request for coverage under the RCRA standardized permit apply to making the final determination on the modification request.

BOARD NOTE: Subsection (d) is derived from 40 CFR 124.214 ~~(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: Hazardous Waste Management System: General
- 2) Code Citation: 35 Ill. Adm. Code 720
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
720.101	Amendment
720.102	Amendment
720.103	Amendment
720.104	Amendment
720.110	Amendment
720.111	Amendment
720.120	Amendment
720.121	Amendment
720.122	Amendment
720.134	Amendment
720.142	Amendment
720.143	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 22.4, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 720 are a single segment of the consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking that also affects 35 Ill. Adm. Code 702 through 705, 721 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 702 through 705, 720, and 721. 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 702. 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 720 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.

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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.

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

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2016)].
- 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

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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>.

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) (2016)].
- 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) (2016)].
- 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) (2016)].

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- 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 REQUIREMENTSPART 720
HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: DEFINITIONS AND REFERENCES

Section

720.110	Definitions
720.111	References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section

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

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720.143 Legitimate Recycling of Hazardous Secondary Materials

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

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

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

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amended in R05-2 at 29 Ill. Reg. 6290, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2930, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 730, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11726, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 922, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18535, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17672, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8740, effective June 4, 2012; amended in R13-5 at 37 Ill. Reg. 3180, effective March 4, 2013; amended in R13-15 at 37 Ill. Reg. 17726, effective October 24, 2013; amended in R14-1/R14-2/R14-3 at 38 Ill. Reg. 7189, effective March 13, 2014; amended in R14-13 at 38 Ill. Reg. 12378, effective May 27, 2014; amended in R15-1 at 39 Ill. Reg. 1542, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11286, effective August 9, 2016; amended in R17-14/R17-15/R18-12 at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 720.101 Purpose, Scope, and Applicability

- a) This Part provides definitions of terms, general standards, and overview information applicable to 35 Ill. Adm. Code 720 through 728, 733, 738, and 739.
- b) In this Part:
 - 1) Section 720.102 sets forth the rules that the Board and the Agency will use in making information it receives available to the public and sets forth the requirements that a generator, transporter, or owner or operator of a treatment, storage, or disposal facility must follow to assert claims of business confidentiality with respect to information that is submitted to the Board or the Agency for the purposes of compliance with 35 Ill. Adm. Code 720 through 728, 733, 738, and 739.
 - 2) Section 720.103 establishes rules of grammatical construction for ~~for~~ the purposes of compliance with 35 Ill. Adm. Code 720 through 728, 733, 738, and 739.
 - 3) Section 720.110 defines terms that are used in 35 Ill. Adm. Code 720 through 728, 733, 738, and 739.

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

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Section 720.102 Availability of Information; Confidentiality of Information

- a) Availability and confidentiality of information is governed by Illinois law, including Sections 7 and 7.1 of the Environmental Protection Act ~~[415 ILCS 5/7 and 7.1]~~ and 35 Ill. Adm. Code 130.
- b) Except as provided under ~~subsections~~ subsection (c) and (d) of this Section, any person who submits information to the Board or the Agency in accordance with this Part or 35 Ill. Adm. Code 721 through 728 may assert a claim of business confidentiality covering part or all of that information by following the procedures set forth in 35 Ill. Adm. Code 130. Information covered by such a claim will be disclosed by the Board or the Agency only to the extent, and by means of the procedures, set forth in 35 Ill. Adm. Code 130. ~~Information required under 35 Ill. Adm. Code 722.153(a) and 722.183 that is submitted in a notification of intent to export a hazardous waste will be provided to the U.S. Department of State and the appropriate authorities in the transit and receiving or importing countries regardless of any claims of confidentiality or trade secret.~~
- c) Public disclosure of hazardous waste manifest documents.
 - 1) No claim of business confidentiality may be asserted by any person with respect to information entered on a hazardous waste manifest (USEPA Form 8700-22), a Hazardous Waste Manifest Continuation Sheet (USEPA Form 8700-22A), or an e-Manifest format that may be prepared and used in accordance with 35 Ill. Adm. Code 722.120(a)(3).
 - 2) USEPA has stated that it will make any e-Manifest that is prepared and used in accordance with 35 Ill. Adm. Code 722.120(a)(3), or any paper manifest that is submitted to the e-Manifest System under 35 Ill. Adm. Code 724.171(a)(6) or 725.171(a)(6) available to the public under this Section when the electronic or paper manifest is a complete and final document. E-Manifests and paper manifests submitted to the e-Manifest System are complete and final documents, and they become publicly available information, after 90 days have passed since the delivery to the designated facility of the hazardous waste shipment identified in the manifest.
- d) Claims of Confidentiality.

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- 1) No person may assert any claim of business confidentiality with respect to information contained in cathode ray tube export documents prepared, used, and submitted under 35 Ill. Adm. Code 721.139(a)(5) and 721.141(a), and with respect to information contained in hazardous waste export, import, and transit documents prepared, used, and submitted under 35 Ill. Adm. Code 722.182, 722.183, 722.184, 723.120, 724.112, 724.171, 725.112, 725.171, and 727.171, whether submitted electronically into USEPA's Waste Import Export Tracking System or in paper format.

- 2) USEPA will make any cathode ray tube export documents prepared, used, and submitted under 35 Ill. Adm. Code 721.139(a)(5) and 721.141(a) and any hazardous waste export, import, and transit documents prepared, used, and submitted under 35 Ill. Adm. Code 722.182, 722.183, 722.184, 723.120, 724.112, 724.171, 725.112, 725.171, and 727.171 available to the public under this Section when USEPA considers these electronic or paper documents to be final documents. USEPA considers these submitted electronic and paper documents related to hazardous waste exports, imports, and transits and cathode ray tube exports to be final documents on March 1 of the calendar year after the related cathode ray tube exports or hazardous waste exports, imports, or transits occur.

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

Section 720.103 Use of Number and Gender

As used in 35 Ill. Adm. Code 702, 703, 720 through 728, and 733, 738, and 739:

- a) Words in the masculine gender also include the feminine and neuter genders;
- b) Words in the singular include the plural; and
- c) Words in the plural include the singular.

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

Section 720.104 Electronic Reporting

- a) Scope and Applicability.

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- 1) The USEPA, the Board, or the Agency may allow for the submission of any document as an electronic document in lieu of a paper document. This Section does not require submission of electronic documents in lieu of paper documents. This Section sets forth the requirements for the optional electronic submission of any document that must be submitted to the appropriate of the following:
 - A) To USEPA directly under Title 40 of the Code of Federal Regulations; or
 - B) To the Board or the Agency pursuant to any provision of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, or 739.
- 2) Electronic document submission under this Section can occur only as follows:
 - A) For submissions of documents to USEPA, submissions may occur only after USEPA has published a notice in the Federal Register announcing that USEPA is prepared to receive, in an electronic format, documents required or permitted by the identified part or subpart of Title 40 of the Code of Federal Regulations; or
 - B) For submissions of documents to the State, submissions may occur only under the following circumstances:
 - i) To the Board, into the Board's Clerk's Office On-Line (COOL) system at www.ipcb.state.il.us. As to any existing electronic document receiving system (i.e., one in use or substantially developed on or before October 13, 2005) for which an electronic reporting application has not been submitted on behalf of the Board or the Agency to USEPA pursuant to 40 CFR 3.1000, the Board or the Agency may use that system until October 13, 2007, or until such later date as USEPA has approved in writing as the extended deadline for submitting the application;
 - ii) To the Agency, into any electronic document receiving system for which USEPA has granted approval pursuant to

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

~~iii) The Board or the Agency may use any electronic document receiving system for which USEPA has granted approval pursuant to 40 CFR 3.1000, so long as the system complies with 40 CFR 3.2000, incorporated by reference in Section 611.102(c), and USEPA has not withdrawn its approval of the system in writing.~~

- 3) This Section does not apply to any of the following documents, whether or not the document is a document submitted to satisfy the requirements cited in subsection (a)(1) ~~of this Section~~:
- A) Any document submitted via facsimile;
 - B) Any document submitted via magnetic or optical media, such as diskette, compact disc, digital video disc, or tape; or
 - C) Any data transfer between USEPA, any state, or any local government and either the Board or the Agency as part of administrative arrangements between the parties to the transfer to share data.
- 4) Upon USEPA conferring written approval for the submission of any types of documents as electronic documents in lieu of paper documents, as described in subsection (a)(2)(B) ~~(iii) of this Section~~, the Agency or the Board, as appropriate, must publish a Notice of Public Information in the

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Illinois Register that describes the documents approved for submission as electronic documents, the electronic document receiving system approved to receive them, the acceptable formats and procedures for their submission, and, as applicable, the date on which the Board or the Agency will begin to receive those submissions. In the event of written cessation of USEPA approval for receiving any type of document as an electronic document in lieu of a paper document, the Board or the Agency must similarly cause publication of a Notice of Public Information in the Illinois Register.

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

- b) Definitions. For the purposes of this Section, terms will have the meaning attributed them in 40 CFR 3.3, incorporated by reference in 35 Ill. Adm. Code 720.111(b).
- c) Procedures for submission of electronic documents in lieu of paper documents to USEPA. Except as provided in subsection (a)(3) of this Section, any person who is required under Title 40 of the Code of Federal Regulations to create and submit or otherwise provide a document to USEPA may satisfy this requirement with an electronic document, in lieu of a paper document, provided the following conditions are met:
 - 1) The person satisfies the requirements of 40 CFR 3.10, incorporated by reference in Section 720.111(b); and
 - 2) USEPA has first published a notice in the Federal Register as described in subsection (a)(2)(A) ~~of this Section~~.

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

- d) Procedures for submission of electronic documents in lieu of paper documents to the Board or the Agency.
 - 1) The Board or the Agency may, but is not required to, establish procedural rules for the electronic submission of documents. The Board or the

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Agency must establish any such procedural rules under the Administrative Procedure Act [5 ILCS 100/Art. 5].

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

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

- e) Effects of submission of an electronic document in lieu of paper documents.
 - 1) If a person who submits a document as an electronic document fails to comply with the requirements of this Section, that person is subject to the penalties prescribed for failure to comply with the requirement that the electronic document was intended to satisfy.
 - 2) Where a document submitted as an electronic document to satisfy a reporting requirement bears an electronic signature, the electronic signature legally binds, obligates, and makes the signer responsible to the same extent as the signer's handwritten signature would on a paper document submitted to satisfy the same reporting requirement.
 - 3) Proof that a particular signature device was used to create an electronic signature will suffice to establish that the individual uniquely entitled to use the device did so with the intent to sign the electronic document and give it effect.
 - 4) Nothing in this Section limits the use of electronic documents or information derived from electronic documents as evidence in enforcement or other proceedings.

BOARD NOTE: Subsection (e) ~~of this Section~~ is derived from 40 CFR 3.4 and 3.2000(c) ~~(2017)(2012)~~.

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

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- 1) The Administrative Procedure Act ~~[5 ILCS 100]~~;
 - 2) The Freedom of Information Act [5 ILCS 140];
 - 3) The State Records Act [5 ILCS 160];
 - 4) The Electronic Commerce Security Act [5 ILCS 175];
 - 5) The Environmental Protection Act ~~[415 ILCS 5]~~;
 - 6) Regulations relating to public access to Board records (2 Ill. Adm. Code 2175); and
 - 7) Board procedural rules relating to protection of trade secrets and confidential information (35 Ill. Adm. Code 130).
- g) Nothing in this Section or in any provisions adopted pursuant to subsection (d)(1) ~~of this Section~~ will create any right or privilege to submit any document as an electronic document.

BOARD NOTE: Subsection (g) ~~of this Section~~ is derived from 40 CFR 3.2(c) ~~(2017)(2012)~~.

BOARD NOTE: Derived from 40 CFR 3, 145.11(a)(33), 271.10(b), 271.11(b), and 271.12(h) ~~(2017)(2012)~~.

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

SUBPART B: DEFINITIONS AND REFERENCES

Section 720.110 Definitions

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

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

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

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

"Acute hazardous waste" means hazardous waste that meets the listing criteria in 35 Ill. Adm. Code 721.111(a)(2) and therefore is either listed in 35 Ill. Adm. Code 721.131 with the assigned hazard code of (H) or is listed in 35 Ill. Adm. Code 721.133(e).

BOARD NOTE: These are USEPA hazardous waste numbers F020, F021, F022, F023, F026, and F026, and all USEPA hazardous waste numbers having the prefix "P".

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

"Agency" means the Illinois Environmental Protection Agency.

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

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

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

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

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includes an intact, unbroken battery from which the electrolyte has been removed.

"Board" means the Illinois Pollution Control Board.

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

Boiler by physical characteristics:

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

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

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

Boiler by designation. The unit is one that the Board has determined, on

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a case-by-case basis, to be a boiler, after considering the standards in Section 720.132.

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

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

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

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

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

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

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

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

Containment situation 1 (non-hazardous waste containment):

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The unit is in good condition, with no leaks or other continuing or intermittent unpermitted releases of the hazardous secondary materials to the environment, and is designed, as appropriate for the hazardous secondary materials, to prevent unpermitted releases of hazardous secondary materials to the environment.

"Unpermitted releases" are releases that are not covered by a permit (such as a permit to discharge to water or air) and may include, but are not limited to, releases through surface transport by precipitation runoff, releases to soil and groundwater, windblown dust, fugitive air emissions, and catastrophic unit failures;

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

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

Containment situation 2 (hazardous waste containment):

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

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

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

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

"Contingency plan" means a document setting out an organized, planned and

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coordinated course of action to be followed in case of a fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment.

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

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

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

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

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

Receiving broken or intact CRTs;

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

Sorting or otherwise managing glass removed from CRT monitors.

"Designated facility" means either of the following entities:

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

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

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

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

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

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

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

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in 35 Ill. Adm. Code 733.113(a) and (c) and 733.133(a) and (c). A facility at which a particular category of universal waste is only accumulated is not a destination facility for the purposes of managing that category of universal waste.

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

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

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

"Discharge" or "hazardous waste discharge" means the accidental or intentional

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spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.

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

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

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

"Electronic import-export reporting compliance date" means the date that USEPA will announce in the Federal Register, on or after which exporters, importers, and receiving facilities will be required to submit certain export and import related documents to USEPA using USEPA's Waste Import Export Tracking System, or its successor system.

BOARD NOTE: A compliance date in Illinois regulations is limited to a date certain on or after the Board has adopted the date by rulemaking. Adoption by rulemaking of the electronic import-export reporting compliance date can occur only after USEPA has made its announcement in the Federal Register. Until the Board has incorporated a date certain by rulemaking, the Board intends that no "electronic import-export reporting compliance date" will apply in the context of the Illinois rules. The federal electronic import-export reporting compliance date named by USEPA, however, may apply as provided by federal law.

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

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

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

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

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

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

~~"EPA identification number" or "USEPA identification number" means the number assigned by USEPA pursuant to 35 Ill. Adm. Code 722 through 725 to each generator, transporter, and treatment, storage, or disposal facility.~~

"EPA region" or "USEPA region" means the states and territories found in any one of the following 10 regions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste and which was in operation, or for which installation was commenced, on or prior to July 14, 1986. Installation will be considered to have commenced if the owner or operator has obtained all federal, State, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either of

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the following is true:

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

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

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

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

"Explosives or munitions emergency response specialist" means an individual trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include United States Department of Defense (USDOD) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), and USDOD-certified civilian or contractor personnel and other federal, State, or local government or civilian personnel who are similarly

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trained in explosives or munitions emergency responses.

"Facility" means the following:

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

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

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

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

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

"Final closure" means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities pursuant to 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code ~~722.116~~[722.134](#).

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

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

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

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

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

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

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

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

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

"Hazardous waste management unit" is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system, and a container storage area. A container alone does not constitute a unit; the unit includes containers, and the

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land or pad upon which they are placed.

~~"Inactive portion" means that portion of a facility that was not operated after November 19, 1980. (See also "active portion" and "closed portion.")~~

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

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

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

The facility is not -listed as an industrial furnace; or

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

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

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

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

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

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

Cement kilns;

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Lime kilns;

Aggregate kilns;

Phosphate kilns;

Coke ovens;

Blast furnaces;

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

Titanium dioxide chloride process oxidation reactors;

Methane reforming furnaces;

Pulping liquor recovery furnaces;

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

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

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

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

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

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

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

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

Other relevant factors.

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

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

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

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

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

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

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

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

"Intermediate facility" means any facility that stores hazardous secondary materials for more than 10 days and which is neither a hazardous secondary material generator nor a reclaimer of hazardous secondary material.

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

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

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

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

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

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

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

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

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waste:

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

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

"LDS" means leak detection system.

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

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

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

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

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

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

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

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

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

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

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

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

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individual vehicle.

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

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

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

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

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

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

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

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public does not have access is also considered on-site property.

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

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

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

Control of emission of the gaseous combustion products.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Qualified groundwater scientist" means a scientist or engineer who has received a baccalaureate or postgraduate degree in the natural sciences or engineering, and has sufficient training and experience in groundwater hydrology and related fields, as demonstrated by state registration, professional certifications, or completion of accredited university courses that enable the individual to make sound professional judgments regarding groundwater monitoring and contaminant rate and transport.

BOARD NOTE: State registration includes, but is not limited to, registration as a professional engineer with the Department of Professional Regulation, pursuant to 225 ILCS 325 and 68 Ill. Adm. Code 1380. Professional certification includes, but is not limited to, certification under the certified groundwater professional program of the National Ground Water Association.

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

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

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

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

"Remanufacturing" means processing a higher-value hazardous secondary material in order to manufacture a product that serves a similar functional purpose as the original commercial-grade material. For the purpose of this definition, a hazardous secondary material is considered higher-value if it was generated from

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the use of a commercial-grade material in a manufacturing process and can be remanufactured into a similar commercial-grade material.

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

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

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

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

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

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

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

"SIC code" means "Standard Industrial Classification code,"¹ as assigned to a site by the United States Department of Transportation, Federal Highway Administration, based on the particular activities that occur on the site, as set forth in its publication "Standard Industrial Classification Manual,"² incorporated by

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reference in Section 720.111(a).

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

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

"Small quantity generator" or "SQG" means a generator that generates the following amounts~~less than 1,000 kg~~ of material~~hazardous waste~~ in a calendar month:-

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

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

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

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

"Solvent-contaminated wipe" means the following: A wipe that, after use or after cleaning up a spill, fulfills one or more of the following conditions:

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

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

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

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

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

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

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

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

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

"Surface impoundment" or "impoundment" means a facility or part of a facility that is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials) that is designed to hold an accumulation of liquid wastes or wastes containing free liquids and which is not an injection well. Examples of surface

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impoundments are holding, storage, settling and aeration pits, ponds, and lagoons.

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

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

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

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

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

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

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

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

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

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

"Treatability study" means the following:

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

Whether the waste is amenable to the treatment process;

What pretreatment (if any) is required;

The optimal process conditions needed to achieve the desired treatment;

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

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

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

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

"Treatment zone" means a soil area of the unsaturated zone of a land treatment

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unit within which hazardous constituents are degraded, transformed, or immobilized.

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

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

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

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

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

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

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

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

Lamps, as described in 35 Ill. Adm. Code 733.105.

"Universal waste handler" means either of the following:

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

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

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

A person that treats (except under the provisions of Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles universal waste; or

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

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

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

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

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

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

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

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

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

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USC 6930).

"User of the Electronic Manifest System" or "user of the e-Manifest System" means a hazardous waste generator, a hazardous waste transporter, an owner or operator of a hazardous waste treatment, storage, recycling, or disposal facility, or any other person or entity;=

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

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

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

which elects to use either;=

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

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

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

"USPS" means the United States Postal Service.

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

100 kg (220 lbs) of nonacute hazardous waste;

1 kg (2.2 lbs) of acute hazardous waste listed in 35 Ill Adm. Code 721.131

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or 721.133(e); and

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

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

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

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

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

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

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

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

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

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

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

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groundwater or surface water.

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

Section 720.111 References

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ASTM D 88-87, "Standard Test Method for Saybolt Viscosity," approved

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April 24, 1981, reapproved January 1987, referenced in 35 Ill. Adm. Code 726.200.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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"Flammable and Combustible Liquids Code," NFA 30, ~~issued July 14, (1984)~~, referenced in 35 Ill. Adm. Code 721.298, [722.116](#), 724.298, 725.298, ~~725.301~~, 726.211, and 727.290.

"Flammable and Combustible Liquids Code," NFA 30, ~~issued August 7, (1987)~~, referenced in 35 Ill. Adm. Code 721.298, [722.116](#), 724.298, 725.298, ~~725.301~~, 726.211, and 727.290.

"Flammable and Combustible Liquids Code," NFA 30, ~~issued July 18, (2003)~~, as supplemented by TIA 03-1, ~~issued July 15, (2004)~~, and corrected by Errata 30-03-01, ~~issued August 13, (2004)~~, referenced in 35 Ill. Adm. Code 721.298, [722.116](#), 724.298, 725.298, ~~725.301~~, 726.211, and 727.290.

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

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

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

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

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

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

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PB99-121949, or Revision B, February 2010, USEPA publication number EPA-821/R-10-001, NTIS document number PB2011-100735, USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

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

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

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

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

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

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

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

BOARD NOTE: Also available on the Internet for free download as a WordPerfect document from the USEPA website at the following Internet

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address: www.epa.gov/scram001/guidance/guide/scrng.wpd.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~"Annex A: OECD Decision C(2001)107/FINAL, as Amended by C(2004)20; C(2005)141 and C(2008)156" (also called "Revision of Council Decision C(92)39/FINAL on the Control of Transboundary Movements of Wastes~~

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

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

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

BOARD NOTE: The OECD Guidance Manual is available online from OECD at www.oecd.org/dataoecd/57/1/42262259.pdf. The OECD and the Basel Convention consider the OECD Guidance Manual unofficial text of these documents. Despite this unofficial status, the Board has chosen to follow USEPA's lead and incorporate the OECD Guidance Manual by reference, instead of separately incorporating the OECD decision C(2001)107/FINAL (with its subsequent amendments: OECD decisions C(2001)107/ADD1, C(2004)20, C(2005)141, and C(2008)156) and the Basel Convention by reference. Use of the OECD Guidance Manual eases reference to the documents, increases access to the

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

OECD Guideline for Testing of Chemicals, "Ready Biodegradability,"² Method 301B (July 17, 1992), "CO₂ Evolution (Modified Sturm Test),"² referenced in 35 Ill. Adm. Code 724.414.

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

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

USDOD. Available from the United States Department of Defense:

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

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

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

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

["DOD Multimodal Dangerous Goods Declaration" \(DD Form 2890\), \(Sep.](#)

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

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

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

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

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

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

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

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

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

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

USGSA. Available from the United States Government Services Administration:

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

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

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

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

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

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

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

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

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

[15 CFR 30.6 \(2018\) \(Electronic Export Information Data Elements\)](#),

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[referenced in 35 Ill. Adm. Code 721.139.](#)

[29 CFR 1910.1200 \(2017\) \(Hazard Communication\), referenced in 35 Ill. Adm. Code 722.115.](#)

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

40 CFR 3.3 [\(2017\)\(2015\)](#) (What Definitions Are Applicable to This Part?), referenced in Section 720.104.

40 CFR 3.10 [\(2017\)\(2015\)](#) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 720.104.

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

40 CFR 51.100(ii) [\(2017\)\(2015\)](#) (Definitions), referenced in 35 Ill. Adm. Code 726.200.

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

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

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

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

Subpart VV of 40 CFR 60 [\(2017\)\(2015\)](#) (Standards of Performance for

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subpart EEE of 40 CFR 63 [\(2017\)](#)(2015) (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors) (includes 40 CFR 63.1206 (When and How Must You Comply with the Standards and Operating Requirements?), 63.1215 (What are the Health-Based Compliance Alternatives for Total Chlorine?), 63.1216 (What are the Standards for Solid-Fuel Boilers that Burn Hazardous Waste?), 63.1217 (What are the Standards for Liquid-Fuel Boilers that Burn Hazardous Waste?), 63.1218 (What are the Standards for Hydrochloric Acid Production Furnaces that Burn Hazardous Waste?), 63.1219 (What are the Replacement Standards for Hazardous Waste Incinerators?), 63.1220 (What are the Replacement Standards for Hazardous Waste-Burning Cement Kilns?), and 63.1221 (What are the Replacement Standards for Hazardous Waste-Burning Lightweight Aggregate Kilns?)), referenced in Appendix A to 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code 703.155, 703.205, 703.208, 703.221, 703.232, 703.320, 703.280, 724.440, 724.701, 724.950, 725.440, and 726.200.

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

Appendix C to 40 CFR 63 [\(2017\)](#)~~(2015)~~ (Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit), referenced in 35 Ill. Adm. Code 725.984.

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

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

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

40 CFR 232.2 [\(2017\)](#)~~(2015)~~ (Definitions), referenced in 35 Ill. Adm. Code

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721.104.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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40 CFR 761.60 [\(2017\)\(2015\)](#) (Disposal Requirements), referenced in 35 Ill. Adm. Code 728.142.

40 CFR 761.65 [\(2017\)\(2015\)](#) (Storage for Disposal), referenced in 35 Ill. Adm. Code 728.150.

40 CFR 761.70 [\(2017\)\(2015\)](#) (Incineration), referenced in 35 Ill. Adm. Code 728.142.

Subpart B of 49 CFR 107 [\(2017\)\(2014\)](#) (Exemptions), referenced generally in 35 Ill. Adm. Code 724.986 and 725.987.

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

49 CFR 171.3 [\(2017\)\(2014\)](#) (Hazardous Waste), referenced in 35 Ill. Adm. Code 722.133.

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

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

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

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

49 CFR 172.304 [\(2017\)\(2014\)](#) (Marking Requirements), referenced in 35 Ill. Adm. Code 722.132.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49 CFR 195 ~~(2017)~~(~~2014~~) (Transportation of Hazardous Liquids by Pipeline), referenced generally in 35 Ill. Adm. Code 721.104.

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

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

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

c) Federal Statutes:

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

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

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

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

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

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

d) This Section incorporates no later editions or amendments.

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

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section 720.120 Rulemaking

- a) Any person may petition the Board to adopt as State regulations rules that are identical in substance with newly-adopted federal amendments or regulations. The petition must take the form of a proposal for rulemaking pursuant to 35 Ill. Adm. Code 102. The proposal must include a listing of all amendments to 40 CFR 260 through 268, 273, or 279 that have been made since the last preceding amendment or proposal to amend 35 Ill. Adm. Code 720 through 728, 733, or 739, pursuant to Section 22.4(a) of the Environmental Protection Act ~~[415 ILCS 5/22.4(a)]~~.
- b) Any person may petition the Board to adopt amendments or additional regulations not identical in substance with federal regulations. Such proposal must conform to 35 Ill. Adm. Code 102 and Section 22.4(b) or 22.4(c) and Title VII of the Environmental Protection Act ~~[415 ILCS 5/22.4(b) or (c) and Title VII]~~.

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

Section 720.121 Alternative Equivalent Testing Methods

- a) The Agency has no authority to alter the universe of regulated wastes. Modification of testing methods that are stated in 35 Ill. Adm. Code 721 requires rulemaking pursuant to Section 720.120. However, deviation from these methods is allowed under 35 Ill. Adm. Code 721, as observed, for example, in the Board Note appended to 35 Ill. Adm. Code 721.120(c).
- b) The Agency may approve alternative equivalent testing methods for a particular person's use to determine whether specified waste streams are subject to these regulations. This must be done by permit condition or letter. Any petition to the Board or request to the Agency concerning alternative equivalent testing methods must include the information required by 40 CFR 260.21(b), incorporated by reference in 35 Ill. Adm. Code 720.111(b).
- c) The testing methods specified in 35 Ill. Adm. Code 721 or alternative equivalent

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testing methods approved by the Agency need not be applied to identify or distinguish waste streams that are known, admitted, or assumed to be subject to these regulations. In this case, any method may be used, subject to the Agency's authority to approve the testing procedures used .

- d) If USEPA amends the federal regulations to allow the use of a new testing method, USEPA has stated that it will incorporate the new method by reference in 40 CFR 260.11 and add it to "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA 530/SW-846, incorporated by reference in Section 720.111(b).
- e) Alternative equivalent testing methods will not be approved if the result of the approval would make the Illinois RCRA Subtitle C program less than substantially equivalent to the federal.

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

Section 720.122 Waste Delisting

- a) Any person seeking to exclude a waste from a particular generating facility from the lists in Subpart D of 35 Ill. Adm. Code 721 may file a petition, as specified in subsection (n) ~~of this Section~~. The Board will grant the petition if the following occur:
 - 1) The petitioner demonstrates that the waste produced by a particular generating facility does not meet any of the criteria under which the waste was listed as a hazardous or acute hazardous waste; and
 - 2) The Board determines that there is a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be a hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. A Board determination under the preceding sentence must be made by reliance on, and in a manner consistent with, "EPA RCRA Delisting Program – Guidance Manual for the Petitioner," incorporated by reference in Section 720.111(a). A waste that is so excluded, however, still may be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.
- b) Listed wastes and mixtures. A person may also petition the Board to exclude

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from 35 Ill. Adm. Code 721.103(a)(2)(B) or (c), a waste that is described in these Sections and is either a waste listed in Subpart D of 35 Ill. Adm. Code 721, or is derived from a waste listed in that Subpart. This exclusion may only be granted for a particular generating, storage, treatment, or disposal facility. The petitioner must make the same demonstration as required by subsection (a) of this Section. Where the waste is a mixture of a solid waste and one or more listed hazardous wastes or is derived from one or more listed hazardous wastes, the demonstration must be made with respect to the waste mixture as a whole; analyses must be conducted for not only those constituents for which the listed waste contained in the mixture was listed as hazardous, but also for factors (including additional constituents) that could cause the waste mixture to be a hazardous waste. A waste that is so excluded may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.

- c) Ignitable, corrosive, reactive and toxicity characteristic wastes. If the waste is listed in codes "I," "C," "R," or "E" in Subpart D of 35 Ill. Adm. Code 721, the following requirements apply:
- 1) The petitioner must demonstrate that the waste does not exhibit the relevant characteristic for which the waste was listed, as defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123, or 721.124, using any applicable methods prescribed in those Sections. The petitioner must also show that the waste does not exhibit any of the other characteristics, defined in those Sections, using any applicable methods prescribed in those Sections; and
 - 2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. A Board determination under the preceding sentence must be made by reliance on, and in a manner consistent with, "EPA RCRA Delisting Program – Guidance Manual for the Petitioner," incorporated by reference in Section 720.111(a). A waste that is so excluded, however, may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.
- d) Toxic waste. If the waste is listed in code "T" in Subpart D of 35 Ill. Adm. Code 721, the following requirements apply:

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- 1) The petitioner must demonstrate that the waste fulfills the following criteria:
 - A) It does not contain the constituent or constituents (as defined in Appendix G of 35 Ill. Adm. Code 721) that caused USEPA to list the waste; or
 - B) Although containing one or more of the hazardous constituents (as defined in Appendix G of 35 Ill. Adm. Code 721) that caused USEPA to list the waste, the waste does not meet the criterion of 35 Ill. Adm. Code 721.111(a)(3) when considering the factors used in 35 Ill. Adm. Code 721.111(a)(3)(A) through (a)(3)(K) under which the waste was listed as hazardous.
 - 2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste.
 - 3) The petitioner must demonstrate that the waste does not exhibit any of the characteristics, defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123, or 721.124, using any applicable methods prescribed in those Sections.
 - 4) A waste that is so excluded, however, may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.
- e) Acute hazardous waste. If the waste is listed with the code "H" in Subpart D of 35 Ill. Adm. Code 721, the following requirements apply:
- 1) The petitioner must demonstrate that the waste does not meet the criterion of 35 Ill. Adm. Code 721.111(a)(2); and
 - 2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. A Board determination under the preceding sentence must be made by reliance on, and in a manner consistent with, "EPA

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RCRA Delisting Program – Guidance Manual for the Petitioner,"
incorporated by reference in Section 720.111(a).

- 3) The petitioner must demonstrate that the waste does not exhibit any of the characteristics, defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123, or 721.124, using any applicable methods prescribed in those Sections.
- 4) A waste that is so excluded, however, may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.
- f) This subsection (f) corresponds with 40 CFR 260.22(f), which USEPA has marked "reserved-". This statement maintains structural consistency with the federal regulations.
- g) This subsection (g) corresponds with 40 CFR 260.22(g), which USEPA has marked "reserved-". This statement maintains structural consistency with the federal regulations.
- h) Demonstration samples must consist of enough representative samples, but in no case less than four samples, taken over a period of time sufficient to represent the variability or the uniformity of the waste.
- i) Each petition must include, in addition to the information required by subsection (n) ~~of this Section~~:
 - 1) The name and address of the laboratory facility performing the sampling or tests of the waste;
 - 2) The names and qualifications of the persons sampling and testing the waste;
 - 3) The dates of sampling and testing;
 - 4) The location of the generating facility;
 - 5) A description of the manufacturing processes or other operations and feed materials producing the waste and an assessment of whether such processes, operations, or feed materials can or might produce a waste that is not covered by the demonstration;

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- 6) A description of the waste and an estimate of the average and maximum monthly and annual quantities of waste covered by the demonstration;
- 7) Pertinent data on and discussion of the factors delineated in the respective criterion for listing a hazardous waste, where the demonstration is based on the factors in 35 Ill. Adm. Code 721.111(a)(3);
- 8) A description of the methodologies and equipment used to obtain the representative samples;
- 9) A description of the sample handling and preparation techniques, including techniques used for extraction, containerization, and preservation of the samples;
- 10) A description of the tests performed (including results);
- 11) The names and model numbers of the instruments used in performing the tests; and
- 12) The following statement signed by the generator or the generator's authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration 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.

- j) After receiving a petition, the Board may request any additional information that the Board needs to evaluate the petition.
- k) An exclusion will only apply to the waste generated at the individual facility covered by the demonstration and will not apply to waste from any other facility.
- l) The Board will exclude only part of the waste for which the demonstration is submitted if the Board determines that variability of the waste justifies a partial

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exclusion.

BOARD NOTE: See "EPA RCRA Delisting Program – Guidance Manual for the Petitioner,"² incorporated by reference in Section 720.111(a).

- m) Delisting of specific wastes from specific sources that have been adopted by USEPA may be proposed as State regulations that are identical in substance pursuant to Section 720.120(a).
- n) Delistings that have not been adopted by USEPA may be proposed to the Board pursuant to a petition for adjusted standard pursuant to Section 28.1 of the Act ~~[415 ILCS 5/28.1]~~ and Subpart D of 35 Ill. Adm. Code 104. The justification for the adjusted standard is as specified in subsections (a) through (g) ~~of this Section~~, as applicable to the waste in question. The petition must be clearly labeled as a RCRA delisting adjusted standard petition.
 - 1) In accordance with 35 Ill. Adm. Code 101.304, the petitioner must serve copies of the petition, and any other documents filed with the Board, on USEPA at the following addresses:

USEPA
Office of Resource Conservation and Recovery
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

USEPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604
 - 2) The Board will mail copies of all opinions and orders to USEPA at the above addresses.
 - 3) In conjunction with the normal updating of the RCRA regulations, the Board will maintain, in Appendix I of 35 Ill. Adm. Code 721, a listing of all adjusted standards granted by the Board.
- o) The Agency may determine in a permit or a letter directed to a generator that, based on 35 Ill. Adm. Code 721, a waste from a particular source is not subject to these regulations. Such a finding is evidence against the Agency in any subsequent proceedings but will not be conclusive with reference to other persons

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or the Board.

- p) Any petition to delist directed to the Board or request for determination directed to the Agency must include a showing that the waste will be generated or managed in Illinois.
- q) The Board will not grant any petition that would render the Illinois RCRA program less stringent than if the decision were made by USEPA.
- r) Delistings apply only within Illinois. Generators must comply with 35 Ill. Adm. Code 722 for waste that is hazardous in any state to which it is to be transported.

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

Section 720.134 Non-Waste Determinations

- a) A person generating, managing, or reclaiming hazardous secondary material may petition the Board pursuant to this Section, Section 720.133 and Section 28.2 of the Act [\[415 ILCS 5/28.2\]](#) for an adjusted standard that is a formal determination that a hazardous secondary material is not discarded and therefore is not a solid waste. The Board's adjusted standard determination will be based on the criteria contained in either subsection (b) or (c), as applicable. If the Board denies the petition, the hazardous secondary material might still be eligible for a solid waste determination or verified facility determination pursuant to Section 720.131 or an exclusion. A determination made by the Board pursuant to this Section becomes effective upon occurrence of the first of the following two events:
 - 1) After USEPA has authorized Illinois to administer this segment of the hazardous waste regulations, the determination is effective upon issuance of the Board order that grants the non-waste determination; or
 - 2) Before USEPA has granted such authorization, the non-waste determination becomes effective upon fulfillment of all of the following conditions:
 - A) The Board has granted an adjusted standard which determines that the hazardous secondary material meets the criteria in either subsection (b) or (c), as applicable;

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- B) The Agency has requested that USEPA review the Board's non-waste determination; and
 - C) USEPA has approved the Board's non-waste determination.
- b) The Board will grant a non-waste determination for hazardous secondary material that is reclaimed in a continuous industrial process if the Board determines that the applicant has demonstrated that the hazardous secondary material is a part of the production process and the material is not discarded. The determination will be based on whether the hazardous secondary material is legitimately recycled, as determined pursuant to Section 720.143, and on the following criteria:
- 1) The extent to which the management of the hazardous secondary material is part of the continuous primary production process and is not waste treatment;
 - 2) Whether the capacity of the production process would use the hazardous secondary material in a reasonable time frame and ensure that the hazardous secondary material will not be abandoned (for example, based on past practices, market factors, the nature of the hazardous secondary material, or any contractual arrangements);
 - 3) Whether the hazardous constituents in the hazardous secondary material are reclaimed, rather than released to the air, water, or land, at significantly higher levels, from either a statistical or from a health and environmental risk perspective, than would otherwise be released by the production process; and
 - 4) Other relevant factors which demonstrate that the hazardous secondary material is not discarded, including why the hazardous secondary material cannot meet, or should not have to meet, the conditions of an exclusion under 35 Ill. Adm. Code 721.102 or 721.104.
- c) The Board will grant a non-waste determination for a hazardous secondary material that is indistinguishable in all relevant aspects from a product or intermediate if the petitioner demonstrates that the hazardous secondary material is comparable to a product or intermediate and is not discarded. The Board's determination will be based on whether the hazardous secondary material is legitimately recycled, as determined pursuant to Section 720.143, and on the following criteria:

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- 1) Whether market participants treat the hazardous secondary material as a product or intermediate, rather than as a waste (for example, based on the current positive value of the hazardous secondary material, stability of demand, or any contractual arrangements);
- 2) Whether the chemical and physical identity of the hazardous secondary material is comparable to commercial products or intermediates;
- 3) Whether the capacity of the market would use the hazardous secondary material in a reasonable time frame and ensure that the hazardous secondary material will not be abandoned (for example, based on past practices, market factors, the nature of the hazardous secondary material, or any contractual arrangements);
- 4) Whether the hazardous constituents in the hazardous secondary material are reclaimed, rather than released to the air, water, or land, at significantly higher levels, from either a statistical or from a health and environmental risk perspective, than would otherwise be released by the production process; and
- 5) Other relevant factors which demonstrate that the hazardous secondary material is not discarded, including why the hazardous secondary material cannot meet, or should not have to meet, the conditions of an exclusion under 35 Ill. Adm. Code 721.102 or 721.104.

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

Section 720.142 Notification Requirement for Hazardous Secondary Materials

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

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

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

- 4) The regulation under which the facility will manage the hazardous secondary materials;
 - 5) When the facility began or expects to begin managing the hazardous secondary materials in accordance with the regulation;
 - 6) A list of hazardous secondary materials that the facility will manage according to the regulation (reported as the USEPA hazardous waste numbers that would apply if the hazardous secondary materials were managed as hazardous wastes);
 - 7) For each hazardous secondary material, whether the hazardous secondary material, or any portion thereof, will be managed in a land-based unit;
 - 8) The quantity of each hazardous secondary material to be managed annually; and
 - 9) The certification (included in USEPA Form 8700-12) signed and dated by an authorized representative of the facility.
- b) If a facility that manages hazardous secondary material has submitted a notification, but then subsequently ceases managing hazardous secondary materials in accordance with a regulation listed in subsection (a), the facility owner or operator must notify the Agency within 30 days after the cessation using a copy of USEPA Form 8700-12 obtained from the Agency, Bureau of Land (217-782-6762). For purposes of this Section, a facility has stopped managing hazardous secondary materials if the facility no longer generates, manages, or reclaims hazardous secondary materials under the regulation listed in subsection

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(a), and the facility owner or operator does not expect to manage any amount of hazardous secondary materials for at least one year.

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

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

Section 720.143 Legitimate Recycling of Hazardous Secondary Materials

- a) Recycling of hazardous secondary materials for the purpose of the exclusions or exemptions from the hazardous waste regulations must be legitimate. Hazardous secondary material that is not the subject of legitimate recycling is discarded material and is a solid waste. A determination that an activity is legitimate recycling must address all the requirements of this subsection (a).
- 1) Legitimate recycling must involve a hazardous secondary material that provides a useful contribution to the recycling process or to a product or intermediate of the recycling process. The hazardous secondary material provides a useful contribution if it fulfills one of the following criteria:
- A) The material contributes valuable ingredients to a product or intermediate;
 - B) The material replaces a catalyst or carrier in the recycling process;
 - C) The material is the source of a valuable constituent recovered in the recycling process;
 - D) The material is recovered or regenerated by the recycling process;
or
 - E) The material is used as an effective substitute for a commercial product.
- 2) The recycling process must produce a valuable product or intermediate. The product or intermediate is valuable if either of the following is true:
- A) The product or intermediate is sold to a third party; or

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- B) The product or intermediate is used by the recycler or the generator as an effective substitute for a commercial product or as an ingredient or intermediate in an industrial process.
- 3) The generator and the recycler must manage the hazardous secondary material as a valuable commodity when it is under their control. Where there is an analogous raw material, the hazardous secondary material must be managed, at a minimum, in a manner consistent with the management of the raw material or in an equally protective manner. Where there is no analogous raw material, the hazardous secondary material must be contained. Hazardous secondary materials that are released to the environment and which are not recovered immediately are discarded material.
- 4) The product of the recycling process must be comparable to a legitimate product or intermediate as follows:
- A) Where there is an analogous product or intermediate, the product of the recycling process is comparable to a legitimate product or intermediate if both of the following conditions are true:
 - i) The product of the recycling process does not exhibit a hazardous characteristic (as defined in Subpart C of 35 Ill. Adm. Code 721) that analogous products do not exhibit; and
 - ii) The concentrations of any hazardous constituents found in Appendix H of 35 Ill. Adm. Code 721 that are in the product or intermediate are at levels that are comparable to or lower than those found in analogous products or at levels that meet widely recognized commodity standards and specifications, where the commodity standards and specifications include levels that specifically address those hazardous constituents.
 - B) Where there is no analogous product, the product of the recycling process is comparable to a legitimate product or intermediate if either of the following conditions is true:

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- i) The product of the recycling process is a commodity that meets widely recognized commodity standards and specifications (e.g., commodity specification grades for common metals); or
 - ii) The hazardous secondary materials being recycled are returned to the original process or processes from which they were generated to be reused (e.g., closed loop recycling).
- C) If the product of the recycling process has levels of hazardous constituents that are not comparable to or unable to be compared to a legitimate product or intermediate as provided in subsection (a)(4)(A) or (a)(4)(B), the recycling still may be shown to be legitimate if the person performing the recycling fulfills the following requirements:
- i) The person performing the recycling must conduct the necessary assessment and prepare documentation which demonstrates that the recycling is, in fact, still legitimate;
 - ii) The assessment and documentation demonstrate that the recycling is legitimate based on lack of exposure from toxics in the product, lack of the bioavailability of the toxics in the product, or other relevant considerations which show that the recycled product does not contain levels of hazardous constituents that pose a significant human health or environmental risk;
 - iii) The documentation must include a certification statement that the recycling is legitimate, and the assessment and documentation must be maintained on-site for three years after the recycling operation has ceased; and
 - iv) The person performing the recycling must notify USEPA and the Agency of the recycling activity using USEPA Form 8700-12.

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

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

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- 1) Heading of the Part: Identification and Listing of Hazardous Waste
- 2) Code Citation: 35 Ill. Adm. Code 721
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
721.101	Amendment
721.102	Amendment
721.103	Amendment
721.104	Amendment
721.105	Repealed
721.106	Amendment
721.108	Amendment
721.110	Amendment
721.111	Amendment
721.120	Amendment
721.121	Amendment
721.122	Amendment
721.124	Amendment
721.130	Amendment
721.131	Amendment
721.132	Amendment
721.133	Amendment
721.139	Amendment
721.141	Amendment
721.242	Amendment
721.243	Amendment
721.247	Amendment
721.279	Amendment
721.291	Amendment
721.293	Amendment
721.298	Amendment
721.300	Amendment
721.520	Amendment
721.931	Amendment
721.933	Amendment
721.934	Amendment
721.935	Amendment
721.950	Amendment
721.960	Amendment

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721.963	Amendment
721.983	Amendment
721.984	Amendment
721.986	Amendment
721.987	Amendment
721.989	Amendment
721.Appendix A	Amendment
721.Appendix H	Amendment
721.Appendix I, Table B	Amendment
721.Appendix I, Table D	Amendment
721.Appendix Y	Repealed
721.Appendix Z	Amendment

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

5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 721 are a single segment of the consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking that also affects 35 Ill. Adm. Code 702 through 705, 720, 722 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 702 through 705, 720, and 721. 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 702. 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 721 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

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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
- 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) (2016)].
- 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

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

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) (2016)].
 - 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) (2016)].
 - 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) (2016)].
- 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 REQUIREMENTSPART 721
IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

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721.103	Definition of Hazardous Waste
721.104	Exclusions
721.105	Special Requirements for Hazardous Waste Generated by Small Quantity Generators (Repealed)
721.106	Requirements for Recyclable Materials
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721.293	Containment and Detection of Releases
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721.959	Standards: Delay of Repair
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721.961	Alternative Standards for Valves in Gas/Vapor Service or in Light Liquid Service: Percentage of Valves Allowed to Leak
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721.988	Inspection and Monitoring Requirements
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721.APPENDIX A	Representative Sampling Methods
721.APPENDIX B	Method 1311 Toxicity Characteristic Leaching Procedure (TCLP) (Repealed)

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721.APPENDIX C	Chemical Analysis Test Methods (Repealed)
721.TABLE A	Analytical Characteristics of Organic Chemicals (Repealed)
721.TABLE B	Analytical Characteristics of Inorganic Species (Repealed)
721.TABLE C	Sample Preparation/Sample Introduction Techniques (Repealed)
721.APPENDIX G	Basis for Listing Hazardous Wastes
721.APPENDIX H	Hazardous Constituents
721.APPENDIX I	Wastes Excluded by Administrative Action
721.TABLE A	Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Non-Specific Sources
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721.TABLE C	Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof
721.TABLE D	Wastes Excluded by the Board by Adjusted Standard
721.APPENDIX J	Method of Analysis for Chlorinated Dibenzo-p-Dioxins and Dibenzofurans (Repealed)
721.APPENDIX Y	Table to Section 721.138: Maximum Contaminant Concentration and Minimum Detection Limit Values for Comparable Fuel Specification (Repealed)
721.APPENDIX Z	Table to Section 721.102: Recycled Materials that Are Solid Waste

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

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9 at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989;

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amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17531, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1718, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9135, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9481, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1281, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9108, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6584, effective April 22, 2002; amended in R03-18 at 27 Ill. Reg. 12760, effective July 17, 2003; amended in R04-16 at 28 Ill. Reg. 10693, effective July 19, 2004; amended in R05-8 at 29 Ill. Reg. 6003, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2992, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 791, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11786, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 986, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18611, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17734, effective October 14, 2011; amended in R13-5 at 37 Ill. Reg. 3213, effective March 4, 2013; amended in R14-13 at 38 Ill. Reg. 12442, effective May 27, 2014; amended in R15-1 at 39 Ill. Reg. 1607, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11367, effective August 9, 2016; amended in R17-14/R17-15/R18-12 at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 721.101 Purpose and Scope

- a) This Part identifies those solid wastes that are subject to regulation as hazardous wastes under 35 Ill. Adm. Code 702, 703, and 722 through 728, and which are subject to the notification requirements of [sectionSection 3010 of the Resource Conservation and Recovery Act \(RCRA\)](#) (42 USC [69306901 et seq.](#)). In this Part:

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- 1) Subpart A ~~of this Part~~ defines the terms "solid waste" and "hazardous waste," identifies those wastes that are excluded from regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728, and establishes special management requirements for hazardous waste produced by ~~VSQGs~~ conditionally exempt small quantity generators and hazardous waste that is recycled.
 - 2) Subpart B ~~of this Part~~ sets forth the criteria used to identify characteristics of hazardous waste and to list particular hazardous wastes.
 - 3) Subpart C ~~of this Part~~ identifies characteristics of hazardous wastes.
 - 4) Subpart D ~~of this Part~~ lists particular hazardous wastes.
- b) Limitations on definition of solid waste.
- 1) The definition of solid waste contained in this Part applies only to wastes that also are hazardous for purposes of the regulations implementing Subtitle C of RCRA. For example, it does not apply to materials (such as non-hazardous scrap, paper, textiles or rubber) that are not otherwise hazardous wastes and that are recycled.
 - 2) This Part identifies only some of the materials that are solid wastes and hazardous wastes under Sections 1004(5), 1004(27) and 7003 of RCRA. A material that is not defined as a solid waste in this Part, or is not a hazardous waste identified or listed in this Part, is still a hazardous waste for purposes of those Sections if, in the case of Section 7003 of RCRA, the statutory elements are established.
- c) For the purposes of Sections 721.102 and 721.106 the following definitions apply:
- 1) A "spent material" is any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing.
 - 2) "Sludge" has the same meaning used in 35 Ill. Adm. Code 720.110.
 - 3) A "by-product" is a material that is not one of the primary products of a

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production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms. The term does not include a co-product that is produced for the general public's use and is ordinarily used in the form it is produced by the process.

- 4) A material is "reclaimed" if it is processed to recover a usable product, or if it is regenerated. Examples are recovery of lead values from spent batteries and regeneration of spent solvents. In addition, for purposes of Section 721.104(a)(23) and (a)(24) smelting, melting, and refining furnaces are considered to be solely engaged in metals reclamation if the metal recovery from the hazardous secondary materials meets the same requirements as those specified for metals recovery from hazardous waste found in 35 Ill. Adm. Code 726.200(d)(1) through (d)(3), and if the residuals meet the requirements specified in 35 Ill. Adm. Code 726.212.
- 5) A material is "used or reused" if either of the following is true:
 - A) It is employed as an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or
 - B) It is employed in a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorus precipitant and sludge conditioner in wastewater treatment).
- 6) "Scrap metal" is bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, or wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, or railroad box cars) that when worn or superfluous can be recycled.
- 7) A material is "recycled" if it is used, reused, or reclaimed.
- 8) A material is "accumulated speculatively" if it is accumulated before being

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recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that, during the calendar year (commencing on January 1), the amount of material that is recycled, or transferred to a different site for recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period. Materials must be placed in a storage unit with a label indicating the first date that the material began to be accumulated. If placing a label on the storage unit is not practicable, the accumulation period must be documented through an inventory log or other appropriate method. In calculating the percentage of turnover, the 75 percent requirement is to be applied to each material of the same type (e.g., slags from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulating in units that would be exempt from regulation under Section 721.104(c) are not to be included in making the calculation. Materials that are already defined as solid wastes also are not to be included in making the calculation. Materials are no longer in this category once they are removed from accumulation for recycling, however.

BOARD NOTE: Various segments of this Part and 35 Ill. Adm. Code 720 use the verbal phrase "accumulated speculatively" and the noun phrase "speculative accumulation." Some of those segments rely on this subsection (c)(8) definition of "speculatively accumulated" for definition of the "speculative accumulation". The Board infers that USEPA intends that the verb phrase define the noun phrase: material that is accumulated speculatively is the subject of speculative accumulation.

- 9) "Excluded scrap metal" is processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal.
- 10) "Processed scrap metal" is scrap metal that has been manually or physically altered to either separate it into distinct materials to enhance economic value or to improve the handling of materials. Processed scrap metal includes, but is not limited to, scrap metal that has been baled, shredded, sheared, chopped, crushed, flattened, cut, melted, or separated by metal type (i.e., sorted), and fines, drosses and related materials that have been agglomerated. (Note: shredded circuit boards being sent for

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recycling are not considered processed scrap metal. They are covered under the exclusion from the definition of solid waste for shredded circuit boards being recycled (Section 721.104(a)(14)).

- 11) "Home scrap metal" is scrap metal as generated by steel mills, foundries, and refineries, such as turnings, cuttings, punchings, and borings.
 - 12) "Prompt scrap metal" is scrap metal as generated by the metal working/fabrication industries, and it includes such scrap metal as turnings, cuttings, punchings, and borings. Prompt scrap metal is also known as industrial or new scrap metal.
- d) The Agency has inspection authority pursuant to Section 3007 of RCRA and Section 4 of the Environmental Protection Act ~~[415 ILCS 5/4]~~.
 - e) 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 (e) 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 721.102 Definition of Solid Waste

- a) Solid waste.
 - 1) A solid waste is any discarded material that is not excluded pursuant to Section 721.104(a) or that is not excluded pursuant to 35 Ill. Adm. Code 720.130 and 720.131 or 35 Ill. Adm. Code 720.130 and 720.134.
 - 2) Discarded material.
 - A) A discarded material is any material that is described as follows:
 - i) It is abandoned, as described in subsection (b);
 - ii) It is recycled, as described in subsection (c);

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- iii) It is considered inherently waste-like, as described in subsection (d); or
 - iv) It is a military munition identified as a solid waste in 35 Ill. Adm. Code 726.302.
- B) This subsection (a)(2)(B) corresponds with 40 CFR 261.2(a)(2)(ii), which USEPA has removed and marked "reserved". This statement maintains structural consistency with the corresponding federal regulations.
- b) A material is a solid waste if it is abandoned in one of the following ways:
- 1) It is disposed of;
 - 2) It is burned or incinerated;~~or~~
 - 3) It is accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated; or
 - 4) Sham recycled, as explained in subsection (g).
- c) A material is a solid waste if it is recycled₂ ~~—~~or accumulated, stored, or treated before recycling₂ ~~—~~as specified in subsections (c)(1) through (c)(4), if one of the following occurs with regard to the material:
- 1) The material is used in a manner constituting disposal.
 - A) A material that is noted with a "yes" in column 1 of the table in Appendix Z ~~of this Part~~ is a solid waste when one of the following occurs :
 - i) The material is applied to or placed on the land in a manner that constitutes disposal; or
 - ii) The material is used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself remains a solid waste).

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- B) However, a commercial chemical product that is listed in Section 721.133 is not a solid waste if it is applied to the land and that is its ordinary manner of use.
- 2) The material is burned for energy recovery.
- A) A material that is noted with a "yes" in column 2 of the table in Appendix Z of this Part is a solid waste when one of the following occurs:
- i) It is burned to recover energy;
 - ii) It is used to produce a fuel or is otherwise contained in fuels (in which case the fuel itself remains a solid waste);
 - iii) It is contained in fuels (in which case the fuel itself remains a solid waste).
- B) However, a commercial chemical product that is listed in Section 721.133 is not a solid waste if it is itself a fuel.
- 3) Reclaimed. A material noted with a "No" in column 3 of the table in Appendix Z ~~of this Part~~ is not a solid waste when reclaimed (except as provided under Section 721.104(a)(17)). A material noted with a "Yes" in column 3 of Appendix Z ~~of this Part~~ is a solid waste when reclaimed, unless it meets the requirements of Section 721.104(a)(17), (a)(23), (a)(24), or (a)(27).
- 4) Accumulated speculatively. A material noted with "yes" in column 4 of the table in Appendix Z ~~of this Part~~ is a solid waste when accumulated speculatively.
- d) Inherently waste-like materials. The following materials are solid wastes when they are recycled in any manner:
- 1) USEPA hazardous~~Hazardous~~ waste numbers F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026, and F028.

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- 2) A secondary material fed to a halogen acid furnace that exhibits a characteristic of a hazardous waste or which is listed as a hazardous waste, as defined in Subpart C or D ~~of this Part~~, except for brominated material that meets the following criteria:
 - A) The material must contain a bromine concentration of at least 45 percent;
 - B) The material must contain less than a total of one percent of toxic organic compounds listed in Appendix H ~~of this Part~~; and
 - C) The material is processed continually on-site in the halogen acid furnace via direct conveyance (hard piping).
- 3) The following criteria are used to add wastes to the list:
 - A) Disposal method or toxicity.
 - i) The material is ordinarily disposed of, burned, or incinerated; or
 - ii) The material contains toxic constituents listed in Appendix H ~~of this Part~~ and these constituents are not ordinarily found in raw materials or products for which the material substitutes (or are found in raw materials or products in smaller concentrations) and is not used or reused during the recycling process; and
 - B) The material may pose a substantial hazard to human health and the environment when recycled.
- e) Materials that are not solid waste when recycled.
 - 1) A material is not a solid waste when it can be shown to be recycled by fulfilling one of the following conditions:
 - A) It is used or reused as an ingredient in an industrial process to make a product, provided the material is not being reclaimed; or

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- B) It is used or reused as effective substitutes for commercial products; or
 - C) It is returned to the original process from which it is generated, without first being reclaimed or land disposed. The material must be returned as a substitute for feedstock materials. In cases where the original process to which the material is returned is a secondary process, the material must be managed in such a manner that there is no placement on the land. In cases where the material is generated and reclaimed within the primary mineral processing industry, the conditions of the exclusion found at Section 721.104(a)(17) apply rather than this provision.
- 2) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process (described in subsections (e)(1)(A) through (e)(1)(C)):
- A) A material used in a manner constituting disposal or used to produce a product that is applied to the land; or
 - B) A material burned for energy recovery, used to produce a fuel, or contained in fuels; or
 - C) A material accumulated speculatively; or
 - D) A material listed in subsections (d)(1) and (d)(2).
- f) Documentation of claims that a material is not a solid waste or is conditionally exempt from regulation. A respondent in an action to enforce regulations implementing Subtitle C of RCRA or Section 21 of the Environmental Protection Act that raises a claim that a certain material is not a solid waste or that the material is conditionally exempt from regulation must demonstrate that there is a known market or disposition for the material and that the material meets the terms of the exclusion or exemption. In doing so, the person must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste or that the material is exempt from regulation. In addition, an owner or

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operator of a facility claiming that it actually is recycling a material must show that it has the necessary equipment to recycle that material.

- g) Sham recycling. A hazardous secondary material found to be sham recycled is considered discarded and a solid waste. Sham recycling is recycling that is not legitimate recycling, as defined in 35 Ill. Adm. Code 720.143.

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

Section 721.103 Definition of Hazardous Waste

- a) A solid waste, as defined in Section 721.102, is a hazardous waste if the following is true of the waste:
- 1) It is not excluded from regulation as a hazardous waste pursuant to Section 721.104(b); and
 - 2) It meets any of the following criteria:
 - A) It exhibits any of the characteristics of hazardous waste identified in Subpart C ~~of this Part~~. However, any mixture of a waste from the extraction, beneficiation, and processing of ores and minerals excluded pursuant to Section 721.104(b)(7) and any other solid waste exhibiting a characteristic of hazardous waste pursuant to Subpart C ~~of this Part~~ is a hazardous waste only if it exhibits a characteristic that would not have been exhibited by the excluded waste alone if such mixture had not occurred, or if the mixture continues to exhibit any of the characteristics exhibited by the non-excluded wastes prior to mixture. Further, for the purposes of applying the toxicity characteristic to such mixtures, the mixture is also a hazardous waste if it exceeds the maximum concentration for any contaminant listed in Section 721.124 that would not have been exceeded by the excluded waste alone if the mixture had not occurred or if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture.
 - B) It is listed in Subpart D ~~of this Part~~ and has not been excluded from the lists in Subpart D ~~of this Part~~ pursuant to 35 Ill. Adm. Code

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720.120 and 720.122.

- C) This subsection (a)(2)(B) corresponds with 40 CFR 261.3(a)(2)(iii), which USEPA removed and marked as "reserved" at 66 Fed. Reg. 27266 (May 16, 2001). This statement maintains structural consistency with the federal regulations.
- D) It is a mixture of solid waste and one or more hazardous wastes listed in Subpart D ~~of this Part~~ and has not been excluded from this subsection (a)(2) pursuant to 35 Ill. Adm. Code 720.120 and 720.122 or subsection (g) or (h); however, the following mixtures of solid wastes and hazardous wastes listed in Subpart D ~~of this Part~~ are not hazardous wastes (except by application of subsection (a)(2)(A) or (a)(2)(B)) if the generator demonstrates that the mixture consists of wastewater the discharge of which is subject to regulation under either 35 Ill. Adm. Code 309 or 310 (including wastewater at facilities that have eliminated the discharge of wastewater) and the following is true of the waste:
- i) It is one or more of the following solvents listed in Section 721.131: benzene, carbon tetrachloride, tetrachloroethylene, trichloroethylene or the scrubber waters derived from the combustion of these spent solvents, provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 1 part per million, or the total measured concentration of these solvents entering the headworks of the facility's wastewater treatment system (at a facility that is subject to regulation under the federal Clean Air Act new source performance standards or national emission standards for hazardous air pollutants of 40 CFR 60, 61, or 63 or at a facility that is subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 1 part per million on an average weekly basis. Any facility that uses benzene as a solvent and claims this exemption must use an aerated biological

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wastewater treatment system and must use only lined surface impoundments or tanks prior to secondary clarification in the wastewater treatment system. A facility that chooses to measure concentration levels must file a copy of its sampling and analysis plan with the Agency. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once it receives confirmation that the sampling and analysis plan has been received by the Agency. The Agency must reject the sampling and analysis plan if it determines that the sampling and analysis plan fails to include the information required by this subsection (a)(2)(D)(i) or that the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Agency rejects the sampling and analysis plan, or if the Agency determines that the facility is not following the sampling and analysis plan, the Agency must notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected;

- ii) It is one or more of the following spent solvents listed in Section 721.131: methylene chloride, 1,1,1-trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents, 2-ethoxyethanol, or the scrubber waters derived-from the combustion of these spent solvents, provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million,

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or the total measured concentration of these solvents entering the headworks of the facility's wastewater treatment system (at a facility that is subject to regulation under the federal Clean Air Act new source performance standards or national emission standards for hazardous air pollutants of 40 CFR 60, 61, or 63 or at a facility that is subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 25 parts per million on an average weekly basis. A facility that chooses to measure concentration levels must file a copy of its sampling and analysis plan with the Agency. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once it receives confirmation that the sampling and analysis plan has been received by the Agency. The Agency must reject the sampling and analysis plan if it determines that the sampling and analysis plan fails to include the information required by this subsection (a)(2)(D)(ii) or that the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Agency rejects the sampling and analysis plan, or if the Agency determines that the facility is not following the sampling and analysis plan, the Agency must notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected;

- iii) It is one of the following wastes listed in Section 721.132, provided that the wastes are discharged to the refinery oil recovery sewer before primary oil/water/solids separation: heat exchanger bundle cleaning sludge from the petroleum refining industry (USEPA hazardous waste number K050), crude oil storage tank sediment from petroleum refining operations (USEPA hazardous waste number K169), clarified slurry oil tank sediment or in-line filter/separation

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solids from petroleum refining operations (USEPA hazardous waste number K170), spent hydrotreating catalyst (USEPA hazardous waste number K171), and spent hydrorefining catalyst (USEPA hazardous waste number K172);

- iv) It is a discarded hazardous waste, commercial chemical product or chemical intermediate listed in Section 721.121, 721.132, or 721.133 arising from de minimis losses of these materials. For purposes of this subsection (a)(2)(D)(iv), "de minimis" losses are inadvertent releases to a wastewater treatment system, including those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, 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; and rinsate from empty containers or from containers that are rendered empty by that rinsing. Any manufacturing facility that claims an exemption for de minimis quantities of a waste listed in Section 721.131 or 721.132, or any nonmanufacturing facility that claims an exemption for de minimis quantities of wastes listed in Subpart D of this Part, must either have eliminated the discharge of wastewaters or have included in its federal Clean Water Act (33 USC 1251 et seq.) permit application or wastewater pretreatment submission to the Agency or the wastewater pretreatment Control Authority pursuant to 35 Ill. Adm. Code 307 of the constituents for which each waste was listed (in Appendix G ~~of this Part~~); and the constituents in Table T to 35 Ill. Adm. Code 728 for which each waste has a treatment standard (i.e., land disposal restriction constituents). A facility is eligible to claim the exemption once the Agency or Control Authority has been notified of possible de minimis releases via the Clean Water Act permit application or the wastewater pretreatment submission. A copy of the Clean Water Act

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permit application or the wastewater pretreatment submission must be placed in the facility's on-site files;

- v) It is wastewater resulting from laboratory operations containing toxic (T) wastes listed in Subpart D ~~of this Part~~, provided that the annualized average flow of laboratory wastewater does not exceed one percent of total wastewater flow into the headworks of the facility's wastewater treatment or pretreatment system or provided that the wastes' combined annualized average concentration does not exceed one part per million in the headworks of the facility's wastewater treatment or pretreatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation;
- vi) It is one or more of the following wastes listed in Section 721.132: wastewaters from the production of carbamates and carbamoyl oximes (USEPA hazardous waste number K157), provided that the maximum weekly usage of formaldehyde, methyl chloride, methylene chloride, and triethylamine (including all amounts that cannot be demonstrated to be reacted in the process, destroyed through treatment, or recovered, i.e., what is discharged or volatilized) divided by the average weekly flow of process wastewater prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 parts per million by weight, or the total measured concentration of these chemicals entering the headworks of the facility's wastewater treatment system (at a facility that is subject to regulation under the federal Clean Air Act new source performance standards or national emission standards for hazardous air pollutants of 40 CFR 60, 61, or 63 or at a facility that is subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 5 parts per million on an average weekly basis. A facility that chooses to measure concentration levels must file a copy of its sampling and analysis plan with the Agency. A facility must file a copy of a revised

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sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once it receives confirmation that the sampling and analysis plan has been received by the Agency. The Agency must reject the sampling and analysis plan if it determines that the sampling and analysis plan fails to include the information required by this subsection (a)(2)(D)(vi) or that the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Agency rejects the sampling and analysis plan, or if the Agency determines that the facility is not following the sampling and analysis plan, the Agency must notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected; or

- vii) It is wastewater derived from the treatment of one or more of the following wastes listed in Section 721.132: organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (USEPA hazardous waste number K156), provided that the maximum concentration of formaldehyde, methyl chloride, methylene chloride, and triethylamine prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 milligrams per liter, or the total measured concentration of these chemicals entering the headworks of the facility's wastewater treatment system (at a facility that is subject to regulation under the federal Clean Air Act new source performance standards or national emission standards for hazardous air pollutants of 40 CFR 60, 61, or 63 or at a facility that is subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 5 milligrams per liter on an average weekly basis. A facility

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that chooses to measure concentration levels must file a copy of its sampling and analysis plan with the Agency. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once it receives confirmation that the sampling and analysis plan has been received by the Agency. The Agency must reject the sampling and analysis plan if it determines that the sampling and analysis plan fails to include the information required by this subsection (a)(2)(D)(vii) or that the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Agency rejects the sampling and analysis plan, or if the Agency determines that the facility is not following the sampling and analysis plan, the Agency must notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected.

- E) Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Subpart D of this Part. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix H of this Part).
- i) The rebuttable presumption does not apply to a metalworking oil or fluid containing chlorinated paraffins if it is processed through a tolling arrangement, as described in 35 Ill. Adm. Code 739.124(c), to reclaim metalworking oils or fluids. The presumption does apply to a metalworking oil or fluid if such an oil or fluid is recycled in any other manner, or disposed of.

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- ii) The rebuttable presumption does not apply to a used oil contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to a used oil contaminated with CFCs that have been mixed with used oil from a source other than a refrigeration unit.
- b) A solid waste that is not excluded from regulation pursuant to subsection (a)(1) becomes a hazardous waste when any of the following events occur:
- 1) In the case of a waste listed in Subpart D ~~of this Part~~, when the waste first meets the listing description set forth in Subpart D of this Part.
 - 2) In the case of a mixture of solid waste and one or more listed hazardous wastes, when a hazardous waste listed in Subpart D ~~of this Part~~ is first added to the solid waste.
 - 3) In the case of any other waste (including a waste mixture), when the waste exhibits any of the characteristics identified in Subpart C ~~of this Part~~.
- c) Unless and until it meets the criteria of subsection (e), a hazardous waste will remain a hazardous waste.
- BOARD NOTE: This subsection (c) corresponds with 40 CFR 261.3(c)(1). The Board has codified 40 CFR 261.3(c)(2) at subsection (e).
- d) Any solid waste described in subsection (e) is not a hazardous waste if it meets the following criteria:
- 1) In the case of any solid waste, it does not exhibit any of the characteristics of hazardous waste identified in Subpart C ~~of this Part~~. (However, wastes that exhibit a characteristic at the point of generation may still be subject to 35 Ill. Adm. Code 728, even if they no longer exhibit a characteristic at the point of land disposal.)
 - 2) In the case of a waste that is a listed waste pursuant to Subpart D ~~of this Part~~, a waste that contains a waste listed pursuant to Subpart D ~~of this Part~~, or a waste that is derived from a waste listed in Subpart D ~~of this Part~~, it

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also has been excluded from subsection (e) pursuant to 35 Ill. Adm. Code 720.120 and 720.122.

- e) Specific inclusions and exclusions.
- 1) Except as otherwise provided in subsection (e)(2), (g), or (h), any solid waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust, or leachate (but not including precipitation run-off), is a hazardous waste. (However, materials that are reclaimed from solid wastes and that are used beneficially are not solid wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.)
 - 2) The following solid wastes are not hazardous even though they are generated from the treatment, storage, or disposal of a hazardous waste, unless they exhibit one or more of the characteristics of hazardous waste:
 - A) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC Codes 331 and 332).
 - B) Wastes from burning any of the materials exempted from regulation by Section 721.106(a)(3)(C) and (a)(3)(D).
 - C) Nonwastewater residues, such as slag, resulting from high temperature metal recovery (HTMR) processing of K061, K062, or F006 waste in the units identified in this subsection (e)(2) that are disposed of in non-hazardous waste units, provided that these residues meet the generic exclusion levels identified in the tables in this subsection (e)(2)(C) for all constituents and the residues exhibit no characteristics of hazardous waste. The types of units identified are rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations, or the following types of industrial furnaces (as defined in 35 Ill. Adm. Code 720.110): blast furnaces; smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces); and other furnaces designated by

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the Agency pursuant to that definition.

- i) Testing requirements must be incorporated in a facility's waste analysis plan or a generator's self-implementing waste analysis plan; at a minimum, composite samples of residues must be collected and analyzed quarterly and when the process or operation generating the waste changes.
- ii) Persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements. The generic exclusion levels are the following:

Generic exclusion levels for K061 and K062 nonwastewater HTMR residues:

Constituent	Maximum for any single composite sample (mg/ℓ)
Antimony	0.10
Arsenic	0.50
Barium	7.6
Beryllium	0.010
Cadmium	0.050
Chromium (total)	0.33
Lead	0.15
Mercury	0.009
Nickel	1.0
Selenium	0.16
Silver	0.30
Thallium	0.020
Vanadium	1.26
Zinc	70

Generic exclusion levels for F006 nonwastewater HTMR residues:

Constituent	Maximum for any single composite sample (mg/ℓ)
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Antimony	0.10
Arsenic	0.50
Barium	7.6
Beryllium	0.010
Cadmium	0.050
Chromium (total)	0.33
Cyanide (total)	1.8
(mg/kg)	
Lead	0.15
Mercury	0.009
Nickel	1.0
Selenium	0.16
Silver	0.30
Thallium	0.020
Zinc	70

- iii) A one-time notification and certification must be placed in the facility's files and sent to the Agency (or, for out-of-State shipments, to the appropriate Regional Administrator of USEPA or the state agency authorized to implement federal 40 CFR 268 requirements) for K061, K062, or F006 HTMR residues that meet the generic exclusion levels for all constituents, which do not exhibit any characteristics, and which are sent to RCRA Subtitle D (municipal solid waste landfill) units. 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 unit receiving the waste changes. However, the generator or treater need only notify the Agency on an annual basis if such changes occur. Such notification and certification should be sent to the Agency by the end of the calendar year, but no later than December 31. The notification must include the following information: the name and address of the non-hazardous waste management unit receiving the waste shipment; the USEPA hazardous waste number and treatability group at the initial point of generation; and the treatment standards applicable to the waste at the initial point of generation.

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The certification must be signed by an authorized representative and must state as follows:

"I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of hazardous waste is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

- D) Biological treatment sludge from the treatment of one of the following wastes listed in Section 721.132: organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (USEPA hazardous waste number K156) and wastewaters from the production of carbamates and carbamoyl oximes (USEPA hazardous waste number K157).
- E) Catalyst inert support media separated from one of the following wastes listed in Section 721.132: spent hydrotreating catalyst (USEPA hazardous waste number K171) and spent hydrorefining catalyst (USEPA hazardous waste number K172).

BOARD NOTE: This subsection (e) would normally correspond with 40 CFR 261.3(e), a subsection that has been deleted and marked "reserved" by USEPA. Rather, this subsection (e) corresponds with 40 CFR 261.3(c)(2), which the Board codified here to comport with codification requirements and to enhance clarity.

- f) Notwithstanding subsections (a) through (e) and provided the debris, as defined in 35 Ill. Adm. Code 728.102, does not exhibit a characteristic identified at Subpart C ~~of this Part~~, the following materials are not subject to regulation under 35 Ill. Adm. Code 702, 703, 720, 721 to 726, or 728:
 - 1) Hazardous debris as defined in 35 Ill. Adm. Code 728.102 that has been treated using one of the required extraction or destruction technologies specified in Table F to 35 Ill. Adm. Code 728; persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion

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requirements; or

- 2) Debris, as defined in 35 Ill. Adm. Code 728.102, that the Agency, considering the extent of contamination, has determined is no longer contaminated with hazardous waste.
- g) Exclusion of certain wastes listed in Subpart D ~~of this Part~~ solely because they exhibit a characteristic of ignitability, corrosivity, or reactivity.
 - 1) A hazardous waste that is listed in Subpart D ~~of this Part~~ solely because it exhibits one or more characteristics of ignitability, as defined under Section 721.121; corrosivity, as defined under Section 721.122; or reactivity, as defined under Section 721.123 is not a hazardous waste if the waste no longer exhibits any characteristic of hazardous waste identified in Subpart C ~~of this Part~~.
 - 2) The exclusion described in subsection (g)(1) also pertains to the following:
 - A) Any mixture of a solid waste and a hazardous waste listed in Subpart D ~~of this Part~~ solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity, as regulated under subsection (a)(2)(D); and
 - B) Any solid waste generated from treating, storing, or disposing of a hazardous waste listed in Subpart D ~~of this Part~~ solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity, as regulated under subsection (e)(1).
 - 3) Wastes excluded pursuant to this subsection (g) are subject to 35 Ill. Adm. Code 728 (as applicable), even if they no longer exhibit a characteristic at the point of land disposal.
 - 4) Any mixture of a solid waste excluded from regulation in Section 721.104(b)(7) and a hazardous waste listed in Subpart D ~~of this Part~~ solely because the listed hazardous waste exhibits one or more of the characteristics of ignitability, corrosivity, or reactivity, as regulated under subsection (a)(2)(D), is not a hazardous waste if the mixture no longer exhibits any characteristic of hazardous waste identified in Subpart C ~~of~~

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~~this Part~~ for which USEPA listed the hazardous waste listed in Subpart D of ~~this Part~~.

- h) Eligible radioactive mixed waste.
 - 1) Hazardous waste containing radioactive waste is no longer a hazardous waste when it meets the eligibility criteria and conditions of Subpart N of 35 Ill. Adm. Code 726 (i.e., it is "eligible radioactive mixed waste").
 - 2) The exemption described in subsection (h)(1) also pertains to the following:
 - A) Any mixture of a solid waste and an eligible radioactive mixed waste; and
 - B) Any solid waste generated from treating, storing, or disposing of an eligible radioactive mixed waste.
 - 3) Waste exempted pursuant to this subsection (h) must meet the eligibility criteria and specified conditions in 35 Ill. Adm. Code 726.325 and 726.330 (for storage and treatment) and in 35 Ill. Adm. Code 726.410 and 726.415 (for transportation and disposal). Waste that fails to satisfy these eligibility criteria and conditions is regulated as hazardous waste.

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

Section 721.104 Exclusions

- a) Materials that are not solid wastes. The following materials are not solid wastes for the purpose of this Part:
 - 1) Sewage.
 - A) Domestic sewage (untreated sanitary wastes that pass through a sewer system); and
 - B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment.

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- 2) Industrial wastewater discharges that are point source discharges with National Pollutant Discharge Elimination System (NPDES) permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act ~~[415 ILCS 5/12(f)]~~ and 35 Ill. Adm. Code 309.

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

- 3) Irrigation return flows.
- 4) Source, by-product, or special nuclear material, as defined by section 11 of the Atomic Energy Act of 1954, as amended (42 USC 2014), incorporated by reference in 35 Ill. Adm. Code 720.111(b).
- 5) Materials subjected to in-situ mining techniques that are not removed from the ground as part of the extraction process.
- 6) Pulping liquors (i.e., black liquors) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless it is accumulated speculatively, as defined in Section 721.101(c).
- 7) Spent sulfuric acid used to produce virgin sulfuric acid provided, unless it is not accumulated speculatively, as defined in Section 721.101(c).
- 8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated, where they are reused in the production process, provided that the following is true:
 - A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
 - B) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);
 - C) The secondary materials are never accumulated in such tanks for

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over 12 months without being reclaimed; and

- D) The reclaimed material is not used to produce a fuel or used to produce products that are used in a manner constituting disposal.
- 9) Wood preserving wastes.
- A) Spent wood preserving solutions that have been used and which are reclaimed and reused for their original intended purpose;
 - B) Wastewaters from the wood preserving process that have been reclaimed and which are reused to treat wood; and
 - C) Prior to reuse, the wood preserving wastewaters and spent wood preserving solutions described in subsections (a)(9)(A) and (a)(9)(B), so long as they meet all of the following conditions:
 - i) The wood preserving wastewaters and spent wood preserving solutions are reused on-site at water-borne plants in the production process for their original intended purpose;
 - ii) Prior to reuse, the wastewaters and spent wood preserving solutions are managed to prevent release to either land or groundwater or both;
 - iii) Any unit used to manage wastewaters or spent wood preserving solutions prior to reuse can be visually or otherwise determined to prevent such releases;
 - iv) Any drip pad used to manage the wastewaters or spent wood preserving solutions prior to reuse complies with the standards in Subpart W of 35 Ill. Adm. Code 725, regardless of whether the plant generates a total of less than 100 kg/month of hazardous waste; and
 - v) Prior to operating pursuant to this exclusion, the plant owner or operator prepares a one-time notification to the Agency stating that the plant intends to claim the exclusion,

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giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that document in its on-site records until closure of the facility. The exclusion applies only so long as the plant meets all of the conditions. If the plant goes out of compliance with any condition, it may apply to the Agency for reinstatement. The Agency must reinstate the exclusion in writing if it finds that the plant has returned to compliance with all conditions and that the violations are not likely to recur. If the Agency denies an application, it must transmit to the applicant specific, detailed statements in writing as to the reasons it denied the application. The applicant under this subsection (a)(9)(C)(v) may appeal the Agency's determination to deny the reinstatement, to grant the reinstatement with conditions, or to terminate a reinstatement before the Board pursuant to Section 40 of the Act ~~[415 ILCS 5/40]~~.

- 10) ~~USEPA hazardous~~USEPA hazardous waste numbers K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the toxicity characteristic specified in Section 721.124, when subsequent to generation these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or are mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the waste from the point it is generated to the point it is recycled to coke ovens, to tar recovery, to the tar refining processes, or prior to when it is mixed with coal.
- 11) Nonwastewater splash condenser dross residue from the treatment of USEPA hazardous waste number K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.

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- 12) Certain oil-bearing hazardous secondary materials and recovered oil, as follows:
- A) Oil-bearing hazardous secondary materials (i.e., sludges, by-products, or spent materials) that are generated at a petroleum refinery (standard industrial classification (SIC) code 2911) and are inserted into the petroleum refining process (SIC code 2911: including, but not limited to, distillation, catalytic cracking, fractionation, or thermal cracking units (i.e., cokers)), unless the material is placed on the land, or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under this subsection (a)(12), provided that the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated or sent directly to another petroleum refinery and still be excluded under this provision. Except as provided in subsection (a)(12)(B), oil-bearing hazardous secondary materials generated elsewhere in the petroleum industry (i.e., from sources other than petroleum refineries) are not excluded under this Section. Residuals generated from processing or recycling materials excluded under this subsection (a)(12)(A), where such materials as generated would have otherwise met a listing under Subpart D ~~of this Part~~, are designated as USEPA hazardous waste number F037 listed wastes when disposed of or intended for disposal.
 - B) Recovered oil that is recycled in the same manner and with the same conditions as described in subsection (a)(12)(A). Recovered oil is oil that has been reclaimed from secondary materials (including wastewater) generated from normal petroleum industry practices, including refining, exploration and production, bulk storage, and transportation incident thereto (SIC codes 1311, 1321, 1381, 1382, 1389, 2911, 4612, 4613, 4922, 4923, 4789, 5171, and 5172). Recovered oil does not include oil-bearing hazardous wastes listed in Subpart D ~~of this Part~~; however, oil recovered from such wastes may be considered recovered oil. Recovered oil does not include used oil, as defined in 35 Ill. Adm. Code 739.100.
- 13) Excluded scrap metal (processed scrap metal, unprocessed home scrap

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metal, and unprocessed prompt scrap metal) being recycled.

- 14) Shredded circuit boards being recycled, provided that they meet the following conditions:
 - A) The circuit boards are stored in containers sufficient to prevent a release to the environment prior to recovery; and
 - B) The circuit boards are free of mercury switches, mercury relays, nickel-cadmium batteries, and lithium batteries.
- 15) Condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with federal Clean Air Act regulation 40 CFR 63.446(e). The exemption applies only to combustion at the mill generating the condensates.
- 16) This subsection (a)(16) corresponds with 40 CFR 261.4(a)(16), marked "reserved" by USEPA. This statement maintains structural consistency with the federal regulations.
- 17) Spent materials (as defined in Section 721.101) (other than hazardous wastes listed in Subpart D of this Part) generated within the primary mineral processing industry from which minerals, acids, cyanide, water, or other values are recovered by mineral processing or by beneficiation, provided that the following is true:
 - A) The spent material is legitimately recycled to recover minerals, acids, cyanide, water, or other values;
 - B) The spent material is not accumulated speculatively;
 - C) Except as provided in subsection (a)(17)(D), the spent material is stored in tanks, containers, or buildings that meet the following minimum integrity standards: a building must be an engineered structure with a floor, walls, and a roof all of which are made of non-earthen materials providing structural support (except that smelter buildings may have partially earthen floors, provided that the spent material is stored on the non-earthen portion), and have a roof suitable for diverting rainwater away from the foundation; a

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tank must be free standing, not be a surface impoundment (as defined in 35 Ill. Adm. Code 720.110), and be manufactured of a material suitable for containment of its contents; a container must be free standing and be manufactured of a material suitable for containment of its contents. If a tank or container contains any particulate that may be subject to wind dispersal, the owner or operator must operate the unit in a manner that controls fugitive dust. A tank, container, or building must be designed, constructed, and operated to prevent significant releases to the environment of these materials.

- D) The Agency must allow by permit in writing that solid mineral processing spent materials only may be placed on pads, rather than in tanks, containers, or buildings if the facility owner or operator can demonstrate the following: the solid mineral processing secondary materials do not contain any free liquid; the pads are designed, constructed, and operated to prevent significant releases of the spent material into the environment; and the pads provide the same degree of containment afforded by the non-RCRA tanks, containers, and buildings eligible for exclusion.
- i) The Agency must also consider whether storage on pads poses the potential for significant releases via groundwater, surface water, and air exposure pathways. Factors to be considered for assessing the groundwater, surface water, and air exposure pathways must include the following: the volume and physical and chemical properties of the spent material, including its potential for migration off the pad; the potential for human or environmental exposure to hazardous constituents migrating from the pad via each exposure pathway; and the possibility and extent of harm to human and environmental receptors via each exposure pathway.
- ii) Pads must meet the following minimum standards: they must be designed of non-earthen material that is compatible with the chemical nature of the mineral processing spent material; they must be capable of withstanding physical stresses associated with placement and removal; they must

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have runon and runoff controls; they must be operated in a manner that controls fugitive dust; and they must have integrity assurance through inspections and maintenance programs.

- iii) Before making a determination under this subsection (a)(17)(D), the Agency must provide notice and the opportunity for comment to all persons potentially interested in the determination. This can be accomplished by placing notice of this action in major local newspapers, or broadcasting notice over local radio stations.

BOARD NOTE: See Subpart D of 35 Ill. Adm. Code 703 for the RCRA Subtitle C permit public notice requirements.

- E) The owner or operator provides a notice to the Agency, providing the following information: the types of materials to be recycled, the type and location of the storage units and recycling processes, and the annual quantities expected to be placed in land-based units. This notification must be updated when there is a change in the type of materials recycled or the location of the recycling process.
 - F) For purposes of subsection (b)(7), mineral processing spent materials must be the result of mineral processing and may not include any listed hazardous wastes. Listed hazardous wastes and characteristic hazardous wastes generated by non-mineral processing industries are not eligible for the conditional exclusion from the definition of solid waste.
- 18) Petrochemical recovered oil from an associated organic chemical manufacturing facility, where the oil is to be inserted into the petroleum refining process (SIC code 2911) along with normal petroleum refinery process streams, provided that both of the following conditions are true of the oil:
- A) The oil is hazardous only because it exhibits the characteristic of ignitability (as defined in Section 721.121) or toxicity for benzene (Section 721.124, USEPA hazardous waste ~~numbercode~~ D018);

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- B) The oil generated by the organic chemical manufacturing facility is not placed on the land, or speculatively accumulated before being recycled into the petroleum refining process. An "associated organic chemical manufacturing facility" is a facility for which all of the following is true: its primary SIC code is 2869, but its operations may also include SIC codes 2821, 2822, and 2865; it is physically co-located with a petroleum refinery; and the petroleum refinery to which the oil being recycled is returned also provides hydrocarbon feedstocks to the organic chemical manufacturing facility. "Petrochemical recovered oil" is oil that has been reclaimed from secondary materials (i.e., sludges, by-products, or spent materials, including wastewater) from normal organic chemical manufacturing operations, as well as oil recovered from organic chemical manufacturing processes.
- 19) Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid, unless the material is placed on the land or accumulated speculatively, as defined in Section 721.101(c).
- 20) Hazardous secondary materials used to make zinc fertilizers, provided that the following conditions are satisfied:
- A) Hazardous secondary materials used to make zinc micronutrient fertilizers must not be accumulated speculatively, as defined in Section 721.101(c)(8).
- B) A generator or intermediate handler of zinc-bearing hazardous secondary materials that are to be incorporated into zinc fertilizers must fulfill the following conditions:
- i) It must submit a one-time notice to the Agency that contains the name, address, and USEPA identification number of the generator or intermediate handler facility, that provides a brief description of the secondary material that will be subject to the exclusion, and which identifies when the manufacturer intends to begin managing excluded zinc-bearing hazardous secondary materials under the conditions specified in this subsection (a)(20).

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- ii) It must store the excluded secondary material in tanks, containers, or buildings that are constructed and maintained in a way that prevents releases of the secondary materials into the environment. At a minimum, any building used for this purpose must be an engineered structure made of non-earthen materials that provide structural support, and it must have a floor, walls, and a roof that prevent wind dispersal and contact with rainwater. A tank used for this purpose must be structurally sound and, if outdoors, it must have a roof or cover that prevents contact with wind and rain. A container used for this purpose must be kept closed, except when it is necessary to add or remove material, and it must be in sound condition. Containers that are stored outdoors must be managed within storage areas that fulfill the conditions of subsection (a)(20)(F).
 - iii) With each off-site shipment of excluded hazardous secondary materials, it must provide written notice to the receiving facility that the material is subject to the conditions of this subsection (a)(20).
 - iv) It must maintain records at the generator's or intermediate handler's facility for no less than three years of all shipments of excluded hazardous secondary materials. For each shipment these records must, at a minimum, contain the information specified in subsection (a)(20)(G).
- C) A manufacturer of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials must fulfill the following conditions:
- i) It must store excluded hazardous secondary materials in accordance with the storage requirements for generators and intermediate handlers, as specified in subsection (a)(20)(B)(ii).
 - ii) It must submit a one-time notification to the Agency that, at a minimum, specifies the name, address, and USEPA

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identification number of the manufacturing facility and which identifies when the manufacturer intends to begin managing excluded zinc-bearing hazardous secondary materials under the conditions specified in this subsection (a)(20).

- iii) It must maintain for a minimum of three years records of all shipments of excluded hazardous secondary materials received by the manufacturer, which must at a minimum identify for each shipment the name and address of the generating facility, the name of transporter, and the date on which the materials were received, the quantity received, and a brief description of the industrial process that generated the material.
 - iv) It must submit an annual report to the Agency that identifies the total quantities of all excluded hazardous secondary materials that were used to manufacture zinc fertilizers or zinc fertilizer ingredients in the previous year, the name and address of each generating facility, and the industrial processes from which the hazardous secondary materials were generated.
- D) Nothing in this Section preempts, overrides, or otherwise negates the provision in 35 Ill. Adm. Code 722.111 that requires any person who generates a solid waste to determine if that waste is a hazardous waste.
- E) Interim status and permitted storage units that have been used to store only zinc-bearing hazardous wastes prior to the submission of the one-time notice described in subsection (a)(20)(B)(i), and that afterward will be used only to store hazardous secondary materials excluded under this subsection (a)(20), are not subject to the closure requirements of 35 Ill. Adm. Code 724 and 725.
- F) A container used to store excluded secondary material must fulfill the following conditions:

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- i) It must have containment structures or systems sufficiently impervious to contain leaks, spills, and accumulated precipitation;
- ii) It must provide for effective drainage and removal of leaks, spills, and accumulated precipitation; and
- iii) It must prevent run-on into the containment system.

BOARD NOTE: Subsections (a)(20)(F)(i) through (a)(20)(F)(iii) are derived from 40 CFR 261.4(a)(20)(ii)(B)(1) through (a)(20)(ii)(B)(3). The Board added the preamble to these federal paragraphs as subsection (a)(20)(F) to comport with Illinois Administrative Code codification requirements.

- G) Required records of shipments of excluded hazardous secondary materials must, at a minimum, contain the following information:
 - i) The name of the transporter and date of the shipment;
 - ii) The name and address of the facility that received the excluded material, along with documentation confirming receipt of the shipment; and
 - iii) The type and quantity of excluded secondary material in each shipment.

BOARD NOTE: Subsections (a)(20)(G)(i) through (a)(20)(G)(iii) are derived from 40 CFR 261.4(a)(20)(ii)(D)(1) through (a)(20)(ii)(D)(3). The Board added the preamble to these federal paragraphs as subsection (a)(20)(G) to comport with Illinois Administrative Code codification requirements.

- 21) Zinc fertilizers made from hazardous wastes or hazardous secondary materials that are excluded under subsection (a)(20), provided that the following conditions are fulfilled:
 - A) The fertilizers meet the following contaminant limits:

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- i) For metal contaminants:

Constituent	Maximum Allowable Total Concentration in Fertilizer, per Unit (1%) of Zinc (ppm)
Arsenic	0.3
Cadmium	1.4
Chromium	0.6
Lead	2.8
Mercury	0.3

- ii) For dioxin contaminants, the fertilizer must contain no more than eight parts per trillion of dioxin, measured as toxic equivalent (TEQ).

- B) The manufacturer performs sampling and analysis of the fertilizer product to determine compliance with the contaminant limits for metals no less frequently than once every six months, and for dioxins no less frequently than once every 12 months. Testing must also be performed whenever changes occur to manufacturing processes or ingredients that could significantly affect the amounts of contaminants in the fertilizer product. The manufacturer may use any reliable analytical method to demonstrate that no constituent of concern is present in the product at concentrations above the applicable limits. It is the responsibility of the manufacturer to ensure that the sampling and analysis are unbiased, precise, and representative of the products introduced into commerce.
- C) The manufacturer maintains for no less than three years records of all sampling and analyses performed for purposes of determining compliance with subsection (a)(21)(B). Such records must at a minimum include the following:
- i) The dates and times product samples were taken, and the dates the samples were analyzed;
- ii) The names and qualifications of the persons taking the samples;

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- iii) A description of the methods and equipment used to take the samples;
 - iv) The name and address of the laboratory facility at which analyses of the samples were performed;
 - v) A description of the analytical methods used, including any cleanup and sample preparation methods; and
 - vi) All laboratory analytical results used to determine compliance with the contaminant limits specified in this subsection (a)(21).
- 22) Used CRTs.
- A) Used, intact CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste within the United States, unless they are disposed of or speculatively accumulated, as defined in Section 721.101(c)(8), by a CRT collector or glass processor.
 - B) Used, intact CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste when exported for recycling, provided that they meet the requirements of Section 721.140.
 - C) Used, broken CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste, provided that they meet the requirements of Section 721.139.
 - D) Glass removed from CRTs is not a solid waste provided that it meets the requirements of Section 721.139(c).
- 23) Hazardous secondary materials reclaimed under the control of the generator. Hazardous secondary material generated and legitimately reclaimed within the United States or its territories and under the control of the generator, provided that the material complies with subsections (a)(23)(A) and (a)(23)(B):
- A) Excluded hazardous secondary materials.

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- i) The hazardous secondary material is generated and reclaimed at the generating facility. (For purposes of this subsection (a)(23)(A)(i), "generating facility" means all contiguous property owned, leased, or otherwise controlled by the hazardous secondary material generator.);
- ii) The hazardous secondary material is generated and reclaimed at different facilities, if the reclaiming facility is controlled by the generator or if both the generating facility and the reclaiming facility are controlled by a person as defined in 35 Ill. Adm. Code 720.110, and if the generator provides one of the following certifications:

"On behalf of [insert generator facility name], I certify that this facility will send the indicated hazardous secondary material to [insert reclaimer facility name], which is controlled by [insert generator facility name] and that [insert name of either facility] has acknowledged full responsibility for the safe management of the hazardous secondary material."

or

"On behalf of [insert generator facility name], I certify that this facility will send the indicated hazardous secondary material to [insert reclaimer facility name], that both facilities are under common control, and that [insert name of either facility] has acknowledged full responsibility for the safe management of the hazardous secondary material."

For purposes of this subsection (a)(23)(A)(ii), "control" means the power to direct the policies of the facility, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate facilities on behalf of a different person, as defined in 35 Ill. Adm. Code 720.110, cannot be deemed to "control" such facilities. The

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generating and receiving facilities must both maintain at their facilities for no less than three years records of hazardous secondary materials sent or received under this exclusion. In both cases, the records must contain the name of the transporter, the date of the shipment, and the type and quantity of the hazardous secondary material shipped or received under the exclusion. These requirements may be satisfied by routine business records (e.g., financial records, bills of lading, copies of USDOT shipping papers, or electronic confirmations); or

- iii) The hazardous secondary material is generated pursuant to a written contract between a tolling contractor and a toll manufacturer and is reclaimed by the tolling contractor, if the tolling contractor certifies as follows:

"On behalf of [insert tolling contractor name], I certify that [insert tolling contractor name] has a written contract with [insert toll manufacturer name] to manufacture [insert name of product or intermediate] which is made from specified unused materials, and that [insert tolling contractor name] will reclaim the hazardous secondary materials generated during this manufacture. On behalf of [insert tolling contractor name], I also certify that [insert tolling contractor name] retains ownership of, and responsibility for, the hazardous secondary materials that are generated during the course of the manufacture, including any releases of hazardous secondary materials that occur during the manufacturing process."

The tolling contractor must maintain at its facility for no less than three years records of hazardous secondary materials received pursuant to its written contract with the tolling manufacturer, and the tolling manufacturer must maintain at its facility for no less than three years records of hazardous secondary materials shipped pursuant to its written contract with the tolling contractor. In both cases,

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the records must contain the name of the transporter, the date of the shipment, and the type and quantity of the hazardous secondary material shipped or received pursuant to the written contract. These requirements may be satisfied by routine business records (e.g., financial records, bills of lading, copies of USDOT shipping papers, or electronic confirmations). For purposes of this subsection (a)(23)(A)(ii), "tolling contractor" means a person who arranges for the production of a product or intermediate made from specified unused materials through a written contract with a toll manufacturer. "Toll manufacturer" means a person who produces a product or intermediate made from specified unused materials pursuant to a written contract with a tolling contractor.

B) Management of hazardous secondary materials.

- i) The hazardous secondary material is contained, as defined in 35 Ill. Adm. Code 720.110. A hazardous secondary material released to the environment is discarded material and a solid waste unless it is immediately recovered for the purpose of reclamation. Hazardous secondary material managed in a unit with leaks or other continuing or intermittent unpermitted releases is discarded material and a solid waste;
- ii) The hazardous secondary material is not speculatively accumulated, as defined in Section 721.101(c)(8);
- iii) Notice is provided, as required by 35 Ill. Adm. Code 720.142;
- iv) The hazardous secondary material is not otherwise subject to material-specific management conditions under subsection (a) when reclaimed, and it is not a spent lead acid battery (see 35 Ill. Adm. Code 726.180 and 733.102);
- v) Persons performing the recycling of hazardous secondary materials under this exclusion must maintain

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documentation of their legitimacy determination on-site. Documentation must be a written description of how the recycling meets all four factors in 35 Ill. Adm. Code 720.143(a). Documentation must be maintained for three years after the recycling operation has ceased; and

- vi) The emergency preparedness and response requirements found in Subpart M of this Part are met.
- 24) Hazardous secondary materials transferred for off-site reclamation. Hazardous secondary material that is generated and then transferred to a verified reclamation facility for the purpose of reclamation is not a solid waste if the management of the material fulfills the conditions of subsections (a)(24)(A) through (a)(24)(G):
- A) The hazardous secondary material must not be speculatively accumulated, as defined in Section 721.101(c)(8).
 - B) No person or facility other than the hazardous secondary material generator, the transporter, an intermediate facility, or a reclaimer manages the material; the hazardous secondary material must not be stored for more than 10 days at a transfer facility, as defined in Section 721.110; and the hazardous secondary material must be packaged according to applicable USDOT regulations codified as 49 CFR 173, 178, and 179, incorporated by reference in 35 Ill. Adm. Code 720.111, while in transport.
 - C) The hazardous secondary material must not otherwise be subject to material-specific management conditions pursuant to other provisions of this subsection (a) when reclaimed, and the hazardous secondary material must not be a spent lead-acid battery (see 35 Ill. Adm. Code 726.180 and 733.102).
 - D) The reclamation of the hazardous secondary material must be legitimate, as determined pursuant to 35 Ill. Adm. Code 720.143.
 - E) The hazardous secondary material generator must satisfy each of the following conditions:

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- i) The hazardous secondary material must be contained as defined in 35 Ill. Adm. Code 720.110. A hazardous secondary material released to the environment is discarded and a solid waste unless it is immediately recovered for the purpose of recycling. Hazardous secondary material managed in a unit that leaks or which otherwise continuously releases hazardous secondary material is discarded material and a solid waste.
- ii) The hazardous secondary material generator must arrange for transport of hazardous secondary materials to a verified reclamation facility in the United States. A "verified reclamation facility" is a facility that has been granted a verified facility determination pursuant to 35 Ill. Adm. Code 720.131(d), or a reclamation facility where the management of the hazardous secondary material is regulated by any of 35 Ill. Adm. Code 724, 725, 726, or 727. If the hazardous secondary material will pass through an intermediate facility, the facility must be a "verified intermediate facility" that has been granted a verified facility determination pursuant to 35 Ill. Adm. Code 720.131(d) or management of the hazardous secondary materials at that facility must be regulated by any of 35 Ill. Adm. Code 724, 725, 726, or 727, and the hazardous secondary material generator must make contractual arrangements with the intermediate facility to ensure that the hazardous secondary material is sent to the reclamation facility identified by the hazardous secondary material generator.
- iii) The hazardous secondary material generator must maintain certain records at the generating facility for a minimum of three years that document every off-site shipment of hazardous secondary materials. The documentation for each shipment must, at a minimum, include the following information about the shipment: the name of the transporter and date of the shipment; the name and address of each reclaimer and intermediate facility to which the hazardous secondary material was sent; and the type and quantity of hazardous secondary material in the shipment.

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BOARD NOTE: The Board combined and moved the shipping documentation and records retention requirements of corresponding 40 CFR 261.4(a)(24)(v)(C) and (a)(24)(v)(C)(1) through (a)(24)(v)(C)(3) to this single subsection (a)(24)(E)(iii). This combination allowed compliance with codification requirements relating to the maximum permissible indent level.

- iv) The hazardous secondary material generator must maintain at the generating facility, for a minimum of three years, for every off-site shipment of hazardous secondary materials, confirmations of receipt from each reclaimer and intermediate facility to which its hazardous secondary materials were sent. Each confirmation of receipt must include the name and address of the reclaimer (or intermediate facility), the type and quantity of the hazardous secondary materials received, and the date on which the facility received the hazardous secondary materials. The generator may satisfy this requirement using routine business records (e.g., financial records, bills of lading, copies of USDOT shipping papers, or electronic confirmations of receipt).
 - v) The hazardous secondary material generator must comply with the emergency preparedness and response conditions in Subpart M ~~of this Part~~.
- F) The reclaimer of hazardous secondary material or any intermediate facility, as defined in 35 Ill. Adm. Code 720.110, that manages material which is excluded from regulation pursuant to this subsection (a)(24) must satisfy all of the following conditions:
- i) The owner or operator of a reclamation or intermediate facility must maintain at its facility for a minimum of three years records of every shipment of hazardous secondary material that the facility received and, if applicable, for every shipment of hazardous secondary material that the facility received and subsequently sent off-site from the

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facility for further reclamation. For each shipment, these records must, at a minimum, contain the following information: the name of the transporter and date of the shipment; the name and address of the hazardous secondary material generator and, if applicable, the name and address of the reclaimer or intermediate facility from which the facility received the hazardous secondary materials; the type and quantity of hazardous secondary material in the shipment; and, for hazardous secondary materials that the facility subsequently transferred off-site for further reclamation after receiving it, the name and address of the (subsequent) reclaimer and any intermediate facility to which the facility sent the hazardous secondary material.

BOARD NOTE: The Board combined the provisions from 40 CFR 261.4(a)(24)(vi)(A) and (a)(24)(vi)(A)(1) through (a)(24)(vi)(A)(3) that enumerate the required information into this single subsection (a)(24)(F)(i). This combination allowed compliance with codification requirements relating to the maximum permissible indent level.

- ii) The intermediate facility must send the hazardous secondary material to the reclaimers designated by the generator of the hazardous secondary materials.
- iii) The reclaimer or intermediate facility that receives a shipment of hazardous secondary material must send a confirmation of receipt to the hazardous secondary material generator for each off-site shipment of hazardous secondary materials. A confirmation of receipt must include the name and address of the reclaimer (or intermediate facility), the type and quantity of the hazardous secondary materials received, and the date on which the facility received the hazardous secondary materials. The reclaimer or intermediate facility may satisfy this requirement using routine business records (e.g., financial records, bills of lading, copies of USDOT shipping papers, or electronic confirmations of receipt).

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- iv) The reclaimer or intermediate facility must manage the hazardous secondary material in a manner that is at least as protective of human health and the environment as that employed for analogous raw material, and the material must be contained. An "analogous raw material" is a raw material for which the hazardous secondary material substitutes and that serves the same function and has similar physical and chemical properties as the hazardous secondary material.
 - v) A reclaimer of hazardous secondary materials must manage any residuals that are generated from its reclamation processes in a manner that is protective of human health and the environment. If any residuals of the reclamation process exhibit a characteristic of hazardous waste, as defined in Subpart C ~~of this Part~~, or if the residuals themselves are specifically listed as hazardous waste in Subpart D ~~of this Part~~, those residuals are hazardous waste. The reclaimer and any subsequent persons must manage that hazardous waste in accordance with the applicable requirements of 35 Ill. Adm. Code: Subtitle G or similar regulations authorized by USEPA as equivalent to 40 CFR 260 through 272.
 - vi) The reclaimer and intermediate facility must have financial assurance that satisfies the requirements of Subpart H ~~of this Part~~.
 - vii) The reclaimer and intermediate facility must have been granted a solid waste determination pursuant to 35 Ill. Adm. Code 720.131(d), or have a RCRA Part B permit or be subject to interim status standards that address the management of the hazardous secondary materials; and
- G) Any person claiming the exclusion for recycled hazardous secondary material pursuant to this subsection (a)(24) must provide notification as required by 35 Ill. Adm. Code 720.142.

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- 25) This subsection (a)(25) corresponds with 40 CFR 261.4(a)(25), which USEPA removed and marked "reserved:". This statement maintains structural consistency with the corresponding federal regulations.
- 26) Solvent-contaminated wipes that are sent for cleaning and reuse are not solid wastes from the point of generation, provided that all of the following conditions are fulfilled:
- A) The solvent-contaminated wipes, when accumulated, stored, and transported, are contained in non-leaking, closed containers that are labeled "Excluded Solvent-Contaminated Wipes:". The containers must be able to contain free liquids, should free liquids occur. During accumulation, a container is considered closed when there is complete contact between the fitted lid and the rim, except when it is necessary to add or remove solvent-contaminated wipes. When the container is full, when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container must be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions;
 - B) The solvent-contaminated wipes may be accumulated by the generator for up to 180 days from the start date of accumulation for each container prior to being sent for cleaning;
 - C) At the point of being sent for cleaning on-site or at the point of being transported off-site for cleaning, the solvent-contaminated wipes must contain no free liquids, as defined in 35 Ill. Adm. Code 720.110;
 - D) Free liquids removed from the solvent-contaminated wipes or from the container holding the wipes must be managed according to the applicable regulations found in this Part and 35 Ill. Adm. Code 720, 722 through 728, and 733;
 - E) Generators must maintain at their site the following documentation:

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- i) The name and address of the laundry or dry cleaner that is receiving the solvent-contaminated wipes;
 - ii) The documentation that the 180-day accumulation time limit in 35 Ill. Adm. Code 721.104(a)(26)(B) is being met; and
 - iii) A description of the process the generator is using to ensure that the solvent-contaminated wipes contain no free liquids at the point of being laundered or dry cleaned on-site or at the point of being transported off-site for laundering or dry cleaning; and
- F) The solvent-contaminated wipes are sent to a laundry or dry cleaner whose discharge, if any, is regulated under sections 301 and 402 or section 307 of the federal Clean Water Act (33 USC 1311 and 1341 or 33 USC 1317) or equivalent Illinois or sister-state requirements approved by USEPA pursuant to 33 USC 1311 through 1346 and 1370.
- 27) Hazardous secondary material that is generated and then transferred to another person for the purpose of remanufacturing is not a solid waste, provided that the following conditions are fulfilled:

BOARD NOTE: The North American Industrial Classification System (NAICS) codes used in this subsection (a)(27) are defined in the NAICS Manual, available from the Office of Management and Budget and incorporated by reference in 35 Ill. Adm. Code 720.111.

- A) The hazardous secondary material consists of one or more of the following spent solvents: toluene, xylenes, ethylbenzene, 1,2,4-trimethylbenzene, chlorobenzene, n-hexane, cyclohexane, methyl tert-butyl ether, acetonitrile, chloroform, chloromethane, dichloromethane, methyl isobutyl ketone, N,N-dimethylformamide, tetrahydrofuran, n-butyl alcohol, ethanol, or methanol.
- B) The hazardous secondary material originated from using one or more of the solvents listed in subsection (a)(27)(A) in a commercial grade for reacting, extracting, purifying, or blending

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chemicals (or for rinsing out the process lines associated with these functions) in the pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics and resins manufacturing (NAICS 325211), or the paints and coatings manufacturing sectors (NAICS 325510).

- C) The hazardous secondary material generator sends the hazardous secondary material spent solvents listed in subsection (a)(27)(A) to a remanufacturer in the pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics and resins manufacturing (NAICS 325211), or the paints and coatings manufacturing sectors (NAICS 325510).
- D) After remanufacturing one or more of the solvents listed in subsection (a)(27)(A), the use of the remanufactured solvent must be limited to reacting, extracting, purifying, or blending chemicals (or for rinsing out the process lines associated with these functions) in the pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics and resins manufacturing (NAICS 325211), and the paints and coatings manufacturing sectors (NAICS 325510) or to using them as ingredients in a product. These allowed uses correspond to chemical functional uses enumerated in 40 CFR 711.15(b)(4)(i)(C) (Reporting Information to EPA), incorporated by reference in 35 Ill. Adm. Code 720.111, including Industrial Function Category Codes U015 (solvents consumed in a reaction to produce other chemicals) and U030 (solvents that become part of the mixture);

BOARD NOTE: The Board observes that the citation to Toxic Substances Control Act function categories and use of the word “including” to preface specific example Industrial Function Category Codes does not expand the range of permissible uses beyond the express limitations recited in the first segment of this subsection (a)(27)(D) and subsection (a)(27)(E).

- E) After remanufacturing one or more of the solvents listed in subsection (a)(27)(i), the use of the remanufactured solvent does not involve cleaning or degreasing oil, grease, or similar material from textiles, glassware, metal surfaces, or other articles. (These

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disallowed continuing uses correspond to chemical functional uses in Industrial Function Category Code U029 (solvents (for cleaning and degreasing)) in 40 CFR 711.15(b)(4)(i)(C), incorporated by reference in 35 Ill. Adm. Code 720.111.

- F) Both the hazardous secondary material generator and the remanufacturer must fulfill the following requirements:
- i) The generator and remanufacturer must notify USEPA Region 5 and the Agency, and update the notification every two years per 35 Ill. Adm. Code 720.142;
 - ii) The generator and remanufacturer must develop and maintain an up-to-date remanufacturing plan that identifies the information enumerated in subsection (a)(27)(G);

BOARD NOTE: The Board moved corresponding 40 CFR 261.4(a)(27)(vi)(B)(1) through (a)(27)(vi)(B)(1) to appear as subsections (a)(27)(G)(i) through (a)(27)(G)(v) to comport with codification requirements.

- iii) The generator and remanufacturer must maintain records of shipments and confirmations of receipts for a period of three years from the dates of the shipments;
- iv) The generator and remanufacturer must, prior to remanufacturing, store the hazardous spent solvents in tanks or containers that meet technical standards found in Subparts I and J ~~of this Part~~, with the tanks and containers being labeled or otherwise having an immediately available record of the material being stored;
- v) The generator and remanufacturer must, during remanufacturing, and during storage of the hazardous secondary materials prior to remanufacturing, the remanufacturer certifies that the remanufacturing equipment, vents, and tanks are equipped with and are operating air emission controls in compliance with the applicable Clean Air Act regulations of 40 CFR 60, 61 and

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63, incorporated by reference in 35 Ill. Adm. Code 720.111; or, absent such Clean Air Act standards for the particular operation or piece of equipment covered by the remanufacturing exclusion, are in compliance with the appropriate standards in Subparts AA (vents), BB (equipment) and CC (tank storage) ~~of this Part~~; and

- vi) The generator and remanufacturer must meet the requirements prohibiting speculative accumulation in Section 721.101(c)(8).
- G) The following information items are required elements for a remanufacturing plan.
- i) The name, address and USEPA ID number of the generators and the remanufacturers;
 - ii) The types and estimated annual volumes of spent solvents to be remanufactured;
 - iii) The processes and industry sectors that generate the spent solvents;
 - iv) The specific uses and industry sectors for the remanufactured solvents; and
 - v) A certification from the remanufacturer stating as follows:
"On behalf of [insert remanufacturer facility name], I certify that this facility is a remanufacturer under pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics and resins manufacturing (NAICS 325211), and/or the paints and coatings manufacturing sectors (NAICS 325510), and will accept the spent solvent(s) for the sole purpose of remanufacturing into commercial-grade solvent(s) that will be used for reacting, extracting, purifying, or blending chemicals (or for rinsing out the process lines associated with these functions) or for use as product ingredient(s). I also certify that the

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remanufacturing equipment, vents, and tanks are equipped with and are operating air emission controls in compliance with the appropriate Clean Air Act regulations under 40 CFR ~~part 60~~, ~~part 61~~ or ~~part 63~~, or, absent such Clean Air Act standards for the particular operation or piece of equipment covered by the remanufacturing exclusion, are in compliance with the appropriate standards in Subparts AA (vents), BB (equipment) and CC (tank storage)."

BOARD NOTE: Subsections (a)(27)(G)(i) through (a)(27)(G)(v) correspond with 40 CFR 261.4(a)(27)(vi)(B)(1) through (a)(27)(vi)(B)(1), moved to this subsection (a)(27)(G) to comport with codification requirements.

- b) Solid wastes that are not hazardous wastes. The following solid wastes are not hazardous wastes:
- 1) Household waste, including household waste that has been collected, transported, stored, treated, disposed of, recovered (e.g., refuse-derived fuel), or reused. "Household waste" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels, and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A resource recovery facility managing municipal solid waste must not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this Part, if the following describe the facility:
 - A) The facility receives and burns only the following waste:
 - i) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); or
 - ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and
 - B) The facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements

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or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

BOARD NOTE: The U.S. Supreme Court determined, in *City of Chicago v. Environmental Defense Fund, Inc.*, 511 U.S. 328, 114 S. Ct. 1588, 128 L. Ed. 2d 302 (1994), that this exclusion and RCRA section 3001(i) (42 USC 6921(i)) do not exclude the ash from facilities covered by this subsection (b)(1) from regulation as a hazardous waste. At 59 Fed. Reg. 29372 (June 7, 1994), USEPA granted facilities managing ash from such facilities that is determined a hazardous waste under Subpart C ~~of this Part~~ until December 7, 1994 to file a Part A permit application pursuant to 35 Ill. Adm. Code 703.181. At 60 Fed. Reg. 6666 (Feb. 3, 1995), USEPA stated that it interpreted that the point at which ash becomes subject to RCRA Subtitle C regulation is when that material leaves the combustion building (including connected air pollution control equipment).

- 2) Solid wastes generated by any of the following that are returned to the soil as fertilizers:
 - A) The growing and harvesting of agricultural crops, or
 - B) The raising of animals, including animal manures.
- 3) Mining overburden returned to the mine site.
- 4) Coal and fossil fuel combustion waste.
 - A) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, except as provided in 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
 - B) The following wastes generated primarily from processes that support the combustion of coal or other fossil fuels that are co-disposed with the wastes in subsection (b)(4)(A), except as provided by 35 Ill. Adm. Code 726.112 for facilities that burn or process hazardous waste:

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- i) Coal pile run-off. For purposes of [this](#) subsection (b)(4), coal pile run-off means any precipitation that drains off coal piles.
- ii) Boiler cleaning solutions. For purposes of this subsection (b)(4), boiler cleaning solutions means water solutions and chemical solutions used to clean the fire-side and waterside of the boiler.
- iii) Boiler blowdown. For purposes of this subsection (b)(4), boiler blowdown means water purged from boilers used to generate steam.
- iv) Process water treatment and demineralizer regeneration wastes. For purposes of this subsection (b)(4), process water treatment and demineralizer regeneration wastes means sludges, rinses, and spent resins generated from processes to remove dissolved gases, suspended solids, and dissolved chemical salts from combustion system process water.
- v) Cooling tower blowdown. For purposes of this subsection (b)(4), cooling tower blowdown means water purged from a closed cycle cooling system. Closed cycle cooling systems include cooling towers, cooling ponds, or spray canals.
- vi) Air heater and precipitator washes. For purposes of this subsection (b)(4), air heater and precipitator washes means wastes from cleaning air preheaters and electrostatic precipitators.
- vii) Effluents from floor and yard drains and sumps. For purposes of this subsection (b)(4), effluents from floor and yard drains and sumps means wastewaters, such as wash water, collected by or from floor drains, equipment drains, and sumps located inside the power plant building; and

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wastewaters, such as rain runoff, collected by yard drains and sumps located outside the power plant building.

- viii) Wastewater treatment sludges. For purposes of this subsection (b)(4), wastewater treatment sludges refers to sludges generated from the treatment of wastewaters specified in subsections (b)(4)(B)(i) through (b)(4)(B)(vi).
- 5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy.
- 6) Chromium wastes.
 - A) Wastes that fail the test for the toxicity characteristic (Section 721.124 and Appendix B ~~to this Part~~) because chromium is present or which are listed in Subpart D ~~of this Part~~ due to the presence of chromium, that do not fail the test for the toxicity characteristic for any other constituent or which are not listed due to the presence of any other constituent, and that do not fail the test for any other characteristic, if the waste generator shows the following:
 - i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium;
 - ii) The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and
 - iii) The waste is typically and frequently managed in non-oxidizing environments.
 - B) The following are specific wastes that meet the standard in subsection (b)(6)(A) (so long as they do not fail the test for the toxicity characteristic for any other constituent and do not exhibit any other characteristic):
 - i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry:

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- hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;
- ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;
 - iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue;
 - iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;
 - v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;
 - vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, and through-the-blue;
 - vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries; and
 - viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by

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the chloride process.

- 7) Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock, and overburden from the mining of uranium ore), except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
- A) For purposes of this subsection (b)(7), beneficiation of ores and minerals is restricted to the following activities: crushing; grinding; washing; dissolution; crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcining to remove water or carbon dioxide; roasting; autoclaving or chlorination in preparation for leaching (except where the roasting (or autoclaving or chlorination) and leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity concentration; magnetic separation; electrostatic separation; floatation; ion exchange; solvent extraction; electrowinning; precipitation; amalgamation; and heap, dump, vat tank, and in situ leaching.
- B) For the purposes of this subsection (b)(7), solid waste from the processing of ores and minerals includes only the following wastes as generated:
- i) Slag from primary copper processing;
 - ii) Slag from primary lead processing;
 - iii) Red and brown muds from bauxite refining;
 - iv) Phosphogypsum from phosphoric acid production;
 - v) Slag from elemental phosphorus production;
 - vi) Gasifier ash from coal gasification;
 - vii) Process wastewater from coal gasification;
 - viii) Calcium sulfate wastewater treatment plant sludge from

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- primary copper processing;
 - ix) Slag tailings from primary copper processing;
 - x) Fluorogypsum from hydrofluoric acid production;
 - xi) Process wastewater from hydrofluoric acid production;
 - xii) Air pollution control dust or sludge from iron blast furnaces;
 - xiii) Iron blast furnace slag;
 - xiv) Treated residue from roasting and leaching of chrome ore;
 - xv) Process wastewater from primary magnesium processing by the anhydrous process;
 - xvi) Process wastewater from phosphoric acid production;
 - xvii) Basic oxygen furnace and open hearth furnace air pollution control dust or sludge from carbon steel production;
 - xviii) Basic oxygen furnace and open hearth furnace slag from carbon steel production;
 - xix) Chloride processing waste solids from titanium tetrachloride production; and
 - xx) Slag from primary zinc production.
- C) A residue derived from co-processing mineral processing secondary materials with normal beneficiation raw materials or with normal mineral processing raw materials remains excluded under this subsection (b) if the following conditions are fulfilled:
- i) The owner or operator processes at least 50 percent by weight normal beneficiation raw materials or normal mineral processing raw materials; and

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- ii) The owner or operator legitimately reclaims the secondary mineral processing materials.
- 8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
 - 9) Solid waste that consists of discarded arsenical-treated wood or wood products that fails the test for the toxicity characteristic for [USEPA](#) hazardous waste [numberseodes](#) D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons that utilize the arsenical-treated wood and wood products for these materials' intended end use.
 - 10) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 721.124 ([USEPA](#) hazardous waste [numberseodes](#) D018 through D043 only) and which are subject to corrective action regulations under 35 Ill. Adm. Code 731.
 - 11) This subsection (b)(11) corresponds with 40 CFR 261.4(b)(11), which expired by its own terms on January 25, 1993. This statement maintains structural parity with USEPA regulations.
 - 12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems, that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.
 - 13) Non-terne plated used oil filters that are not mixed with wastes listed in Subpart D of this Part, if these oil filters have been gravity hot-drained using one of the following methods:
 - A) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;
 - B) Hot-draining and crushing;

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- C) Dismantling and hot-draining; or
 - D) Any other equivalent hot-draining method that will remove used oil.
- 14) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.
- 15) Leachate or gas condensate collected from landfills where certain solid wastes have been disposed of, under the following circumstances:
- A) The following conditions must be fulfilled:
 - i) The solid wastes disposed of would meet one or more of the listing descriptions for the following USEPA hazardous waste numbers that are generated after the effective date listed for the waste:

USEPA Hazardous Waste Numbers	Listing Effective Date
K169, K170, K171, and K172	February 8, 1999
K174 and K175	May 7, 2001
K176, K177, and K178	May 20, 2002
K181	August 23, 2005
 - ii) The solid wastes described in subsection (b)(15)(A)(i) were disposed of prior to the effective date of the listing (as set forth in that subsection);
 - iii) The leachate or gas condensate does not exhibit any characteristic of hazardous waste nor is derived from any other listed hazardous waste; and
 - iv) Discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is subject to regulation under section 307(b) or 402 of the federal Clean

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Water Act (33 USC 1317(b) or 1342).

- B) Leachate or gas condensate derived from K169, K170, K171, K172, K176, K177, K178, or K181 waste will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge. There is one exception: if the surface impoundment is used to temporarily store leachate or gas condensate in response to an emergency situation (e.g., shutdown of wastewater treatment system), provided the impoundment has a double liner, and provided the leachate or gas condensate is removed from the impoundment and continues to be managed in compliance with the conditions of this subsection (b)(15) after the emergency ends.
- 16) This subsection (b)(16) corresponds with 40 CFR 261.4(b)(16), which USEPA has marked "reserved-". This statement maintains structural parity with USEPA regulations.
- 17) This subsection (b)(17) corresponds with 40 CFR 261.4(b)(17), which pertains exclusively to waste generated by a specific facility outside Illinois. This statement maintains structural parity with USEPA regulations.
- 18) Solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for disposal are not hazardous wastes from the point of generation provided that all of the following conditions are fulfilled:
- A) The solvent-contaminated wipes, when accumulated, stored, and transported, are contained in non-leaking, closed containers that are labeled "Excluded Solvent-Contaminated Wipes-". The containers must be able to contain free liquids, should free liquids occur. During accumulation, a container is considered closed when there is complete contact between the fitted lid and the rim, except when it is necessary to add or remove solvent-contaminated wipes. When the container is full, when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container must be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions;

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- B) The solvent-contaminated wipes may be accumulated by the generator for up to 180 days from the start date of accumulation for each container prior to being sent for disposal;
- C) At the point of being transported for disposal, the solvent-contaminated wipes must contain no free liquids, as defined in 35 Ill. Adm. Code 720.110;
- D) Free liquids removed from the solvent-contaminated wipes or from the container holding the wipes must be managed according to the applicable regulations found in this Part and 35 Ill. Adm. Code 720, 722 through 728, and 733;
- E) Generators must maintain at their site the following documentation:
 - i) The name and address of the landfill or combustor that is receiving the solvent-contaminated wipes;
 - ii) The documentation that the 180 day accumulation time limit in 35 Ill. Adm. Code 721.104(b)(18)(B) is being met; and
 - iii) A description of the process the generator is using to ensure that the solvent-contaminated wipes contain no free liquids at the point of being transported for disposal; and
- F) The solvent-contaminated wipes are sent for disposal at one of the following facilities:
 - i) A municipal solid waste landfill regulated under RCRA Subtitle D regulations: 35 Ill. Adm. Code 810 through 815, including the landfill design criteria of 35 Ill. Adm. Code 811.303 through 811.309, 811.315 through 811.317, and Subpart E of 35 Ill. Adm. Code 811 or 35 Ill. Adm. Code 814.302 and 814.402; 40 CFR 258, including the landfill design criteria of 40 CFR 258.40; or equivalent regulations

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- of a sister state that USEPA has approved pursuant to 42 USC 6943 and 6947; or
- ii) A hazardous waste landfill regulated under RCRA Subtitle C regulations: 35 Ill. Adm. Code 724 or 725; 40 CFR 264 or 265; or equivalent regulations of a sister state that USEPA has approved pursuant to 42 USC 6926; or
 - iii) A municipal waste combustor or other combustion facility regulated under section 129 of the Clean Air Act (42 USC 7429) or equivalent Illinois or sister-state regulations approved by USEPA pursuant to 42 USC 7429; or
 - iv) A hazardous waste combustor, boiler, or industrial furnace regulated under RCRA Subtitle C regulations: 35 Ill. Adm. Code 724 or 725 or Subpart H of 35 Ill. Adm. Code 726; 40 CFR 264 or 265 or subpart H of 40 CFR 266; or equivalent regulations of a sister state that USEPA has approved pursuant to 42 USC 6926.
- c) Hazardous wastes that are exempted from certain regulations. A hazardous waste that is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit, or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728 or to the notification requirements of section 3010 of RCRA (42 USC 6930) until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing or for storage or transportation of product or raw materials.
- d) Samples.
- 1) Except as provided in ~~subsection~~ (d)(2) and (d)(4), a sample of solid waste or a sample of water, soil, or air that is collected for the sole purpose of testing to determine its characteristics or composition is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, and 722 through 728. The sample qualifies when it fulfills one of the following conditions:

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- A) The sample is being transported to a laboratory for the purpose of testing;
 - B) The sample is being transported back to the sample collector after testing;
 - C) The sample is being stored by the sample collector before transport to a laboratory for testing;
 - D) The sample is being stored in a laboratory before testing;
 - E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or
 - F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).
- 2) In order to qualify for the exemption in subsection (d)(1)(A) or (d)(1)(B), a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must do the following:
- A) Comply with USDOT, U.S. Postal Service (USPS), or any other applicable shipping requirements; or
 - B) Comply with the following requirements if the sample collector determines that USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample:
 - i) Assure that the following information accompanies the sample: The sample collector's name, mailing address, and telephone number; the laboratory's name, mailing address, and telephone number; the quantity of the sample; the date of the shipment; and a description of the sample; and
 - ii) Package the sample so that it does not leak, spill, or vaporize from its packaging.

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- 3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1).
 - 4) In order to qualify for the exemption in subsections (d)(1)(A) and (d)(1)(B), the mass of a sample that will be exported to a foreign laboratory or that will be imported to a U.S. laboratory from a foreign source must additionally not exceed 25 kg.
- e) Treatability study samples.
- 1) Except as is provided in ~~subsections~~ subsection (e)(2) and (e)(4), a person that generates or collects samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of section 3010 of RCRA (42 USC 6930)~~the Resource Conservation and Recovery Act~~. Nor are such samples included in the quantity determinations of ~~Section 721.105 and~~ 35 Ill. Adm. Code 722.114 and 722.116~~722.134(d)~~ when:
 - A) The sample is being collected and prepared for transportation by the generator or sample collector;
 - B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or
 - C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.
 - 2) The exemption in subsection (e)(1) is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that the following conditions are fulfilled:
 - A) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with non-acute hazardous waste, 1,000 kg of non-acute hazardous waste other than contaminated media, 1 kg of acute hazardous waste, or 2,500 kg of

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media contaminated with acute hazardous waste for each process being evaluated for each generated waste stream;

- B) The mass of each shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with non-acute hazardous waste, or may include 2,500 kg of media contaminated with acute hazardous waste, 1,000 kg of hazardous waste, and 1 kg of acute hazardous waste;
- C) The sample must be packaged so that it does not leak, spill, or vaporize from its packaging during shipment and the requirements of subsection (e)(2)(C)(i) or (e)(2)(C)(ii) are met.
 - i) The transportation of each sample shipment complies with USDOT, USPS, or any other applicable shipping requirements; or
 - ii) If the USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address, and telephone number of the originator of the sample; the name, address, and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its USEPA hazardous waste number;
- D) The sample is shipped to a laboratory or testing facility that is exempt under subsection (f), or has an appropriate RCRA permit or interim status;
- E) The generator or sample collector maintains the following records for a period ending three years after completion of the treatability study:
 - i) Copies of the shipping documents;
 - ii) A copy of the contract with the facility conducting the treatability study; and

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- iii) Documentation showing the following: The amount of waste shipped under this exemption; the name, address, and USEPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and whether or not unused samples and residues were returned to the generator; and
 - F) The generator reports the information required in subsection (e)(2)(E)(iii) in its report under 35 Ill. Adm. Code 722.141.
- 3) The Agency may grant requests on a case-by-case basis for up to an additional two years for treatability studies involving bioremediation. The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsections (e)(2)(A), (e)(2)(B), and (f)(4), for up to an additional 5,000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, and 1 kg of acute hazardous waste under the circumstances set forth in either subsection (e)(3)(A) or (e)(3)(B), subject to the limitations of subsection (e)(3)(C):
 - A) In response to requests for authorization to ship, store, and conduct further treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process (e.g., batch versus continuous), the size of the unit undergoing testing (particularly in relation to scale-up considerations), the time or quantity of material required to reach steady-state operating conditions, or test design considerations, such as mass balance calculations.
 - B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies when the following occurs: There has been an equipment or mechanical failure during the conduct of the treatability study, there is need to verify the results of a previously-conducted treatability study, there is a need to study and analyze alternative techniques within a previously-evaluated treatment process, or there is a need to do further

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evaluation of an ongoing treatability study to determine final specifications for treatment.

- C) The additional quantities allowed and timeframes allowed in subsections (e)(3)(A) and (e)(3)(B) are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (e)(2)(F). The generator or sample collector must apply to the Agency and provide in writing the following information:
- i) The reason why the generator or sample collector requires additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;
 - ii) Documentation accounting for all samples of hazardous waste from the waste stream that have been sent for or undergone treatability studies, including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;
 - iii) A description of the technical modifications or change in specifications that will be evaluated and the expected results;
 - iv) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and
 - v) Such other information as the Agency determines is necessary.
- 4) In order to qualify for the exemption in subsection (e)(1)(A), the mass of a sample that will be exported to a foreign laboratory or testing facility, or that will be imported to a U.S. laboratory or testing facility from a foreign source must additionally not exceed 25 kg.

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- 54) Final Agency determinations pursuant to this subsection (e) may be appealed to the Board.
- f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 722 through 726, and 728 or to the notification requirements of ~~section~~Section 3010 of ~~RCRA~~~~the Resource Conservation and Recovery Act~~ (42 USC 6930), provided that the requirements of subsections (f)(1) through (f)(11) are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11). Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11) apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.
- 1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection (f).
 - 2) The laboratory or testing facility conducting the treatability study has a USEPA identification number.
 - 3) No more than a total of 10,000 kg of "as received" media contaminated with non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, or 250 kg of other "as received" hazardous waste is subject to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.
 - 4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, 1,000 kg of non-acute hazardous wastes other than contaminated media, and 1 kg of acute hazardous waste. This quantity limitation does not include treatment materials (including non-hazardous solid waste) added to "as received" hazardous waste.

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- 5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.
- 6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.
- 7) The facility maintains records for three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:
 - A) The name, address, and USEPA identification number of the generator or sample collector of each waste sample;
 - B) The date the shipment was received;
 - C) The quantity of waste accepted;
 - D) The quantity of "as received" waste in storage each day;
 - E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;
 - F) The date the treatability study was concluded;
 - G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the USEPA identification number.
- 8) The facility keeps, on-site, a copy of the treatability study contract and all

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shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.

- 9) The facility prepares and submits a report to the Agency, by March 15 of each year, that includes the following information for the previous calendar year:
 - A) The name, address, and USEPA identification number of the facility conducting the treatability studies;
 - B) The types (by process) of treatability studies conducted;
 - C) The names and addresses of persons for whom studies have been conducted (including their USEPA identification numbers);
 - D) The total quantity of waste in storage each day;
 - E) The quantity and types of waste subjected to treatability studies;
 - F) When each treatability study was conducted; and
 - G) The final disposition of residues and unused sample from each treatability study.
 - 10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702, 703, and 721 through 728, unless the residues and unused samples are returned to the sample originator under the exemption of subsection (e).
 - 11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.
- g) Dredged material that is not a hazardous waste. Dredged material that is subject to the requirements of a permit that has been issued under section 404 of the Federal Water Pollution Control Act (33 USC 1344) is not a hazardous waste. For the purposes of this subsection (g), the following definitions apply:

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"Dredged material" has the meaning ascribed it in 40 CFR 232.2 (Definitions), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

"Permit" means any of the following:

A permit issued by the U.S. Army Corps of Engineers (Army Corps) under section 404 of the Federal Water Pollution Control Act (33 USC 1344);

A permit issued by the Army Corps under section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 USC 1413); or

In the case of Army Corps civil works projects, the administrative equivalent of the permits referred to in the preceding two paragraphs of this definition, as provided for in Army Corps regulations (for example, see 33 CFR 336.1, 336.2, and 337.6).

- h) Carbon dioxide stream injected for geologic sequestration. Carbon dioxide streams that are captured and transported for purposes of injection into an underground injection well subject to the requirements for Class VI carbon sequestration injection wells, including the requirements in 35 Ill. Adm. Code 704 and 730, are not a hazardous waste, provided the following conditions are met:
- 1) Transportation of the carbon dioxide stream must be in compliance with U.S. Department of Transportation requirements, including the pipeline safety laws (chapter 601 of subtitle VIII of 49 USC, incorporated by reference in 35 Ill. Adm. Code 720.111) and regulations (49 CFR 190 through 199, incorporated by reference in 35 Ill. Adm. Code 720.111) of the U.S. Department of Transportation, and pipeline safety regulations adopted and administered by a state authority pursuant to a certification under 49 USC 60105, incorporated by reference in 35 Ill. Adm. Code 720.111, and 49 CFR 171 through 180, incorporated by reference in 35 Ill. Adm. Code 720.111, as applicable.

BOARD NOTE: The parenthetical language relating to pipeline transportation does not preclude transportation by air, water, highway, or rail that complies with U.S. Department of Transportation regulations at

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49 CFR 171 through 180. For this reason, the Board has added citations of those regulations.

- 2) Injection of the carbon dioxide stream must be in compliance with the applicable requirements for Class VI carbon sequestration injection wells, including the applicable requirements in 35 Ill. Adm. Code 704 and 730;
- 3) No hazardous wastes may be mixed with, or otherwise co-injected with, the carbon dioxide stream; and
- 4) Required Certifications.
 - A) Any generator of a carbon dioxide stream, who claims that a carbon dioxide stream is excluded under this subsection (h), must have an authorized representative (as defined in 35 Ill. Adm. Code 720.110) sign a certification statement worded as follows:

"I certify under penalty of law that the carbon dioxide stream that I am claiming to be excluded under 35 Ill. Adm. Code 721.104(h) has not been mixed with hazardous wastes, and I have transported the carbon dioxide stream in compliance with (or have contracted with a pipeline operator or transporter to transport the carbon dioxide stream in compliance with) U.S. Department of Transportation requirements, including the pipeline safety laws (49 USC 60101 et seq.) and regulations (49 CFR Parts 190 through 199) of the U.S. Department of Transportation, and the pipeline safety regulations adopted and administered by a state authority pursuant to a certification under 49 USC 60105, as applicable, for injection into a well subject to the requirements for the Class VI Underground Injection Control Program of the federal Safe Drinking Water Act (42 USC 300f et seq.)."
 - B) Any Class VI carbon sequestration injection well owner or operator, who claims that a carbon dioxide stream is excluded under this subsection (h), must have an authorized representative (as defined in 35 Ill. Adm. Code 720.110) sign a certification statement worded as follows:

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"I certify under penalty of law that the carbon dioxide stream that I am claiming to be excluded under 35 Ill. Adm. Code 721.104(h) has not been mixed with, or otherwise co-injected with, hazardous waste at the UIC Class VI permitted facility, and that injection of the carbon dioxide stream is in compliance with the applicable requirements for UIC Class VI wells, including the applicable requirements in 35 Ill. Adm. Code 704 and 730."

- C) The signed certification statement must be kept on-site for no less than three years, and must be made available within 72 hours after a written request from the Agency or USEPA, or their designee. The signed certification statement must be renewed every year that the exclusion is claimed, by having an authorized representative (as defined in 35 Ill. Adm. Code 720.110) annually prepare and sign a new copy of the certification statement within one year after the date of the previous statement. The signed certification statement must also be readily accessible on the facility's publicly-available website (if such website exists) as a public notification with the title of "Carbon Dioxide Stream Certification" at the time the exclusion is claimed.

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

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

- a) ~~A generator is a conditionally exempt small quantity generator (CESQG) in a calendar month if it generates no more than 100 kilograms of hazardous waste in that month.~~
- b) ~~Except for those wastes identified in subsections (e), (f), (g), and (j) of this Section, a CESQG's hazardous wastes are not subject to regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728, and the notification requirements of section 3010 of Resource Conservation and Recovery Act (42 USC 6930), provided the generator complies with subsections (f), (g), and (j) of this Section.~~
- e) ~~When making the quantity determinations of this Part and 35 Ill. Adm. Code 722,~~

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~~the generator must include all hazardous waste that it generates, except the following hazardous waste:~~

- ~~1) Hazardous waste that is exempt from regulation under Section 721.104(e) 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 Section 721.106(c)(2);~~
 - ~~4) Hazardous waste that is used oil managed pursuant to Section 721.106(a)(4) and 35 Ill. Adm. Code 739;~~
 - ~~5) Hazardous waste that is spent lead acid batteries managed pursuant to Subpart G of 35 Ill. Adm. Code 726;~~
 - ~~6) Hazardous waste that is universal waste managed pursuant to Section 721.109 and 35 Ill. Adm. Code 733; and~~
 - ~~7) Hazardous waste that is an unused commercial chemical product (that is listed in Subpart D of 35 Ill. Adm. Code 721 or which exhibits 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 subsection (c)(7), the term "eligible academic entity" has the meaning given that term in 35 Ill. Adm. Code 722.300.~~
- ~~d) In determining the quantity of hazardous waste it generates, a generator need not include the following:~~
- ~~1) Hazardous waste when it is removed from on-site storage;~~
 - ~~2) Hazardous waste produced by on-site treatment (including reclamation) of its hazardous waste so long as the hazardous waste that is treated was counted once;~~

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- 3) ~~Spent materials that are generated, reclaimed, and subsequently reused on-site, so long as such spent materials have been counted once.~~
- e) ~~If a generator generates acute hazardous waste in a calendar month in quantities greater than those set forth in subsections (e)(1) and (e)(2) of this Section, all quantities of that acute hazardous waste are subject to full regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728, and the notification requirements of section 3010 of the Resource Conservation and Recovery Act (42 USC 6930).~~
- 1) ~~A total of one kilogram of one or more of the acute hazardous wastes listed in Section 721.131 or 721.133(e); or~~
- 2) ~~A total of 100 kilograms of any residue or contaminated soil, waste, or other debris resulting from the clean-up of a spill, into or on any land or water, of any one or more of the acute hazardous wastes listed in Section 721.131 or 721.133(e).~~
- BOARD NOTE: "Full regulation" means those regulations applicable to generators of 1,000 kg or greater of hazardous waste in a calendar month.
- f) ~~In order for acute hazardous wastes generated by a generator of acute hazardous wastes in quantities equal to or less than those set forth in subsection (e)(1) or (e)(2) of this Section to be excluded from full regulation under this Section, the generator must comply with the following requirements:~~
- 1) ~~35 Ill. Adm. Code 722.111.~~
- 2) ~~The generator may accumulate acute hazardous waste on site. If the generator accumulates at any time acute hazardous wastes in quantities greater than set forth in subsection (e)(1) or (e)(2) of this Section, all of those accumulated wastes are subject to regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728, and the applicable notification requirements of section 3010 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(a), for accumulation of wastes on site, begins when the accumulated wastes exceed the applicable exclusion limit.~~
- 3) ~~A CESQG may either treat or dispose of its acute hazardous waste in an~~

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~~on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, any of which, if located in the United States, meets any of the following conditions:~~

- ~~A) The facility is permitted under 35 Ill. Adm. Code 702 and 703;~~
- ~~B) The facility has interim status under 35 Ill. Adm. Code 702, 703, and 725;~~
- ~~C) The facility is authorized to manage hazardous waste by a state with a hazardous waste management program approved by USEPA pursuant to 40 CFR 271;~~
- ~~D) The facility is permitted, licensed, or registered by a state to manage municipal solid waste and, if managed in a municipal solid waste landfill facility, the landfill is subject to 35 Ill. Adm. Code 810 through 814 or federal 40 CFR 258;~~
- ~~E) The facility is permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit, the unit is subject to federal 40 CFR 257.5 through 257.30, incorporated by reference in 35 Ill. Adm. Code 720.111;~~

~~BOARD NOTE: The Illinois non-hazardous waste landfill regulations, 35 Ill. Adm. Code 810 through 814, do not allow the disposal of hazardous waste in a landfill regulated under those rules. The Board intends that subsections (f)(3)(D) and (f)(3)(E) of this Section impose a federal requirement on the hazardous waste generator. The Board specifically does not intend that these subsections authorize any disposal of conditionally exempt small quantity generator waste in a landfill not specifically permitted to accept the particular hazardous waste.~~

- ~~F) The facility is one that fulfills one of the following conditions:
 - ~~i) It beneficially uses or reuses or legitimately recycles or reclaims its waste; or~~~~

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- ~~ii) It treats its waste prior to beneficial use or reuse or legitimate recycling or reclamation; or~~
 - ~~G) For universal waste managed under 35 Ill. Adm. Code 733 or federal 40 CFR 273, the facility is a universal waste handler or destination facility subject to 35 Ill. Adm. Code 733 or federal 40 CFR 273.~~
 - ~~g) In order for hazardous waste generated by a CESQG in quantities of 100 kilograms or less of hazardous waste during a calendar month to be excluded from full regulation under this Section, the generator must comply with the following requirements:
 - ~~1) The hazardous waste determination requirements of 35 Ill. Adm. Code 722.111;~~
 - ~~2) The CESQG may accumulate hazardous waste on-site. If it accumulates at any time 1,000 kilograms or greater of the generator's hazardous waste, all of those accumulated wastes are subject to regulation pursuant to the special provisions of 35 Ill. Adm. Code 722 applicable to generators of greater than 100 kg and less than 1,000 kg of hazardous waste in a calendar month, as well as 35 Ill. Adm. Code 702, 703, and 723 through 728, and the applicable notification requirements of Section 3010 of the Resource Conservation and Recovery Act (42 USC 6930). The time period of 35 Ill. Adm. Code 722.134(d) for accumulation of wastes on-site begins for a small quantity generator when the accumulated wastes equal or exceed 1,000 kilograms;~~
 - ~~3) A CESQG may 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, any of which, if located in the United States, meets any of the following conditions:
 - ~~A) The facility is permitted under 35 Ill. Adm. Code 702 and 703;~~
 - ~~B) The facility has interim status under 35 Ill. Adm. Code 702, 703, and 725;~~
 - ~~C) The facility is authorized to manage hazardous waste by a state~~~~~~

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~~with a hazardous waste management program approved by USEPA pursuant to 40 CFR 271;~~

- D) ~~The facility is permitted, licensed, or registered by a state to manage municipal solid waste and, if managed in a municipal solid waste landfill facility, the landfill is subject to 35 Ill. Adm. Code 810 through 814 or federal 40 CFR 258;~~
- E) ~~The facility is permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit, the unit is subject to federal CESQG waste landfill disposal standards in 40 CFR 257.5 through 257.30;~~

~~BOARD NOTE: The Illinois non-hazardous waste landfill regulations, 35 Ill. Adm. Code 810 through 814, do not allow the disposal of hazardous waste in a landfill regulated under those rules. The Board intends that subsections (g)(3)(D) and (g)(3)(E) of this Section impose a federal requirement on the hazardous waste generator. The Board specifically does not intend that these subsections authorize any disposal of conditionally exempt small quantity generator waste in a landfill not specifically permitted to accept the particular hazardous waste.~~

- F) ~~The facility is one that fulfills the following conditions:~~
- ~~i) It beneficially uses or re-uses, or legitimately recycles or reclaims the small quantity generator's waste; or~~
 - ~~ii) It treats its waste prior to beneficial use or re-use or legitimate recycling or reclamation; or~~
- G) ~~For universal waste managed under 35 Ill. Adm. Code 733 or federal 40 CFR 273, the facility is a universal waste handler or destination facility subject to 35 Ill. Adm. Code 733 or federal 40 CFR 273.~~
- h) ~~Hazardous waste subject to the reduced requirements of this Section may be mixed with non-hazardous waste and remain subject to these reduced~~

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~~requirements even though the resultant mixture exceeds the quantity limitations identified in this Section, unless the mixture meets any of the characteristics of hazardous wastes identified in Subpart C of this Part.~~

- ~~i) If a small quantity generator mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this Section, the mixture is subject to full regulation.~~
- ~~j) If a CESQG's hazardous wastes are mixed with used oil, the mixture is subject to the used oil standards in 35 Ill. Adm. Code 739. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated.~~

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

Section 721.106 Requirements for Recyclable Materials

- a) Recyclable materials:
 - 1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of subsections (b) and (c) ~~of this Section~~, except for the materials listed in subsections (a)(2) and (a)(3) ~~of this Section~~. Hazardous wastes that are recycled will be known as "recyclable materials:".
 - 2) The following recyclable materials are not subject to the requirements of this Section but are regulated under Subparts C through H of 35 Ill. Adm. Code 726 and all applicable provisions in 35 Ill. Adm. Code 702, 703, and 728.
 - A) Recyclable materials used in a manner constituting disposal (Subpart C of 35 Ill. Adm. Code 726);
 - B) Hazardous wastes burned (as defined in 35 Ill. Adm. Code 726.200(a)) in boilers and industrial furnaces that are not regulated under Subpart O of 35 Ill. Adm. Code 724 or Subpart O ~~of this Part~~ (Subpart H of 35 Ill. Adm. Code 726);
 - C) Recyclable materials from which precious metals are reclaimed (Subpart F of 35 Ill. Adm. Code 726); and

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- D) Spent lead-acid batteries that are being reclaimed (Subpart G of 35 Ill. Adm. Code 726).
- 3) The following recyclable materials are not subject to regulation under 35 Ill. Adm. Code 722 through 728, or 702 and 703 and are not subject to the notification requirements of section 3010 of RCRA (42 USC 6930)~~the Resource Conservation and Recovery Act~~:
- A) Industrial ethyl alcohol that is reclaimed except that exports and imports of such recyclable materials must comply with the requirements of 40 CFR 262, subpart H. ~~unless provided otherwise in an international agreement as specified in 35 Ill. Adm. Code 722.158, the following requirements continue to apply:~~
- i) ~~A person initiating a shipment for reclamation in a foreign country and any intermediary arranging for the shipment 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; must export such materials only upon consent of the receiving country and in conformance with the USEPA Acknowledgment of Consent, as defined in Subpart E of 35 Ill. Adm. Code 722; and must provide a copy of the USEPA Acknowledgment of Consent to the shipper transporting the shipment for export; and~~
- ii) ~~Transporters transporting a shipment for export must not accept a shipment if the transporter knows that the shipment does not conform to the USEPA Acknowledgement of Consent, must ensure that a copy of the USEPA Acknowledgement of Consent accompanies the shipment, and must ensure that it is delivered to the facility designated by the person initiating the shipment;~~
- B) Scrap metal that is not excluded under Section 721.104(a)(13);
- C) Fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility

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if such wastes result from normal petroleum refining, production, and transportation practices (this exemption does not apply to fuels produced from oil recovered from oil-bearing hazardous waste where such recovered oil is already excluded under Section 721.104(a)(12));

- D) Petroleum refining wastes.
- i) Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production, or transportation practices or produced from oil reclaimed from such hazardous wastes, where such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil, so long as the resulting fuel meets the used oil specification under 35 Ill. Adm. Code 739.111 and so long as no other hazardous wastes are used to produce the hazardous waste fuel;
 - ii) Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining production, and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under 35 Ill. Adm. Code 739.111; and
 - iii) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 35 Ill. Adm. Code 739.111.
- 4) Used oil that is recycled and is also a hazardous waste solely because it exhibits a hazardous characteristic is not subject to the requirements of 35 Ill. Adm. Code 720 through 728, but it is regulated under 35 Ill. Adm. Code 739. Used oil that is recycled includes any used oil that is reused for any purpose following its original use (including the purpose for which the

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oil was originally used). Such term includes, but is not limited to, oil that is re-refined, reclaimed, burned for energy recovery, or reprocessed.

- 5) Hazardous waste that is exported ~~to~~ or imported ~~from designated member countries of the Organization for Economic Cooperation and Development (OECD), as defined in Section 722.158(a)(1),~~ for the purpose of recovery is subject to the requirements of Subpart H of 35 Ill. Adm. Code 722 ~~if it is subject to either the hazardous waste manifesting requirements of 35 Ill. Adm. Code 722 or the universal waste management standards of 35 Ill. Adm. Code 733.~~
- b) Generators and transporters of recyclable materials are subject to the applicable requirements of 35 Ill. Adm. Code 722 and 723 and the notification requirements under section 3010 of RCRA (42 USC 6930)~~the Resource Conservation and Recovery Act~~, except as provided in subsection (a) ~~of this Section~~.
- c) Storage and recycling.
 - 1) Owners or operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of Subparts A through L, AA, BB, and CC of 35 Ill. Adm. Code 724 and 725 and 35 Ill. Adm. Code 702, 703, 705, 726, 727, and 728; and the notification requirement under section 3010 of RCRA (42 USC 6930)~~the Resource Conservation and Recovery Act~~, except as provided in subsection (a) ~~of this Section~~. (The recycling process itself is exempt from regulation, except as provided in subsection (d) ~~of this Section~~.)
 - 2) Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in subsection (a) ~~of this Section~~, the following requirements continue to apply:
 - A) Notification requirements under section 3010 of RCRA (42 USC 6930)~~the Resource Conservation and Recovery Act~~,
 - B) 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies); ~~and~~
 - C) Subsection (d) ~~of this Section~~; and

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D) 35 Ill. Adm. Code 725.175 (annual reporting requirements).

- d) Owners or operators of facilities required to have a RCRA permit pursuant to 35 Ill. Adm. Code 703 with hazardous waste management units that recycle hazardous wastes are subject to Subparts AA and BB of 35 Ill. Adm. Code 724 or 725 or 35 Ill. Adm. Code 267.

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

Section 721.108 PCB Wastes Regulated under TSCA

Polychlorinatedbiphenyl-(PCB-)containing dielectric fluid and electric equipment containing such fluid are exempt from regulation under 35 Ill. Adm. Code 702, 703, and 721 through 728, and from the notification requirements of Section 3010 of [RCRA \(42 USC 6930\)](#)~~the Resource Conservation and Recovery Act~~ if the following conditions are fulfilled with regard to the fluid:

- a) The fluid is authorized for use and regulated pursuant to federal 40 CFR 761; and
- b) The fluid is hazardous only because it fails the test for toxicity characteristic (hazardous waste [numberseodes](#) D018 through D043 only).

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

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

Section 721.110 Criteria for Identifying the Characteristics of Hazardous Waste

- a) USEPA stated in corresponding federal 40 CFR 261.10 that it identifies and defines a characteristic of hazardous waste in Subpart C ~~of this Part~~ only upon determining the following:
- 1) That a solid waste that exhibits the characteristic may do either of the following:
- A) It could cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or

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- B) It could pose a substantial present or potential hazard to human health or the environment when it is improperly treated, stored, transported, disposed of or otherwise managed; and
- 2) That the characteristic can be as follows:
 - A) It can be measured by an available standardized test method that is reasonable within the capability of generators of solid waste or private sector laboratories that are available to serve generators of solid waste; or
 - B) It can reasonably be detected by generators of solid waste through their knowledge of their waste.
- b) Delisting procedures are contained in 35 Ill. Adm. Code 720.122.

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

Section 721.111 Criteria for Listing Hazardous Waste

- a) USEPA stated in corresponding federal 40 CFR 261.11 that it lists a solid waste as a hazardous waste only upon determining that the solid waste meets one of the following criteria:
 - 1) The solid waste exhibits any of the characteristics of hazardous waste identified in Subpart C ~~of this Part~~; or
 - 2) Acute hazardous waste. The solid waste has been found to be fatal to humans in low doses or, in the absence of data on human toxicity, it has been shown in studies to have an oral LD 50 toxicity (rat) of less than 50 mg/kg, an inhalation LC 50 toxicity (rat) of less than 2 mg/l, or a dermal LD 50 toxicity (rabbit) of less than 200 mg/kg or is otherwise capable of causing or significantly contributing to an increase in serious irreversible or incapacitating reversible, illness.

BOARD NOTE: Waste listed in accordance with these criteria are designated Acute Hazardous Waste.

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- 3) Toxic waste. The solid waste contains any of the toxic constituents listed in Appendix H ~~of this Part~~ and, after considering the following factors, USEPA concludes that the waste is capable of posing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed:

BOARD NOTE: Substances are listed in Appendix H ~~of this Part~~ only if they have been shown in scientific studies to have toxic, carcinogenic, mutagenic, or teratogenic effects on humans or other life forms.

- A) The nature of the toxicity presented by the constituent;
- B) The concentration of the constituent in the waste;
- C) The potential of the constituent or any toxic degradation product of the constituent to migrate from the waste into the environment under the types of improper management considered in subsection (a)(3)(G) ~~of this Section~~;
- D) The persistence of the constituent or any toxic degradation product of the constituent;
- E) The potential for the constituent or any toxic degradation product of the constituent to degrade into nonharmful constituents and the rate of degradation;
- F) The degree to which the constituent or any degradation product of the constituent bioaccumulates in ecosystems;
- G) The plausible types of improper management to which the waste could be subjected;
- H) The quantities of the waste generated at individual generation sites or on a regional or national basis;
- I) The nature and severity of the human health and environmental damage that has occurred as a result of the improper management of the wastes containing the constituent;

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- J) Action taken by other governmental agencies or regulatory programs based on the health or environmental hazard posed by the waste or waste constituent; and
- K) Such other factors as may be appropriate.

BOARD NOTE: Wastes listed in accordance with these criteria are designated toxic wastes.

- b) USEPA stated in corresponding federal 40 CFR 261.11(b) that it may list classes or types of solid waste as hazardous waste if USEPA has reason to believe that individual wastes, within the class or type of waste, typically or frequently are hazardous under the definition of hazardous waste found in [section 1004\(5\) of RCRA](#) ~~the federal Resource Conservation and Recovery Act~~ (42 USC 6904(5)).
- c) USEPA will use the criteria for listing specified in this Section to establish the exclusion limits referred to in [35 Ill. Adm. Code 722.113](#) ~~Section 721.105(e)~~.

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

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section 721.120 General

- a) A solid waste, as defined in Section 721.102, which is not excluded from regulation as a hazardous waste under Section 721.104(b), is a hazardous waste if it exhibits any of the characteristics identified in this Subpart C.

BOARD NOTE: 35 Ill. Adm. Code 722.111 sets forth the generator's responsibility to determine whether the generator's waste exhibits one or more characteristics identified in this Subpart C.

- b) A hazardous waste that is identified by a characteristic in this Subpart C is assigned every USEPA hazardous waste number that is applicable as set forth in this Subpart C. This number must be used in complying with the notification requirements of Section 3010 of [RCRA \(42 USC 6930\)](#) ~~the Resource Conservation and Recovery Act (42 USC 6910)~~ and all applicable recordkeeping and reporting requirements under 35 Ill. Adm. Code 702, 703, and 722 through 728.

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- c) For purposes of this Subpart C, a sample obtained using any of the applicable sampling methods specified in Appendix A ~~of this Part~~ is a representative sample within the meaning of 35 Ill. Adm. Code 720.

BOARD NOTE: Since the Appendix A sampling methods are not being formally adopted, a person who desires to employ an alternative sampling method is not required to demonstrate the equivalency of the person's method under the procedures set forth in 35 Ill. Adm. Code 720.121.

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

Section 721.121 Characteristic of Ignitability

- a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:
- 1) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 60°C (140°F), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM D 93-85 (Standard Test Methods for Flash Point by Pensky-Martens Closed Tester), or a Setaflash Closed Cup Tester, using the test method specified in ASTM D 3828-87, (Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester), each incorporated by reference in 35 Ill. Adm. Code 720.111(a).
 - 2) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard.
 - 3) It is a flammable gas, as defined in federal 49 CFR 173.115 (Class 2, Divisions 2.1, 2.2, and 2.3 – Definitions), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and as determined by the test methods described in that regulation or equivalent test methods approved by the Board (35 Ill. Adm. Code 720.120).

BOARD NOTE: Corresponding 40 CFR 261.21(a)(3) uses "ignitable compressed gas" based on the outmoded USDOT hazard class "flammable

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compressed gas," and it replicates the text from former 49 ~~CFR~~~~C.F.R.~~ 173.300(b) (1980) for the definition. In 1990, USDOT replaced that former hazard class with "flammable gas", as defined at 49 CFR 173.115. See 55 Fed. Reg. 52402, 53433 (December 21, 1990) (USDOT rulemaking replacing the old hazard class with the new one). The Board has chosen to avoid major problems inherent to USEPA's approach (the use of obsolete methods and USDOT regulatory mechanisms for the outmoded hazard class). The Board has instead updated the Illinois provision to correspond with the current USDOT regulations and used the "flammable gas" hazard class, together with its associated current methods.

- 4) It is an oxidizer, as defined in ~~federal~~ 49 CFR 173.127 (Class 5, Division 5.1— Definition and Assignment of Packaging Groups), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

BOARD NOTE: Corresponding 40 CFR 261.21(a)(4) uses "oxidizer," and it replicates the text from former 49 ~~CFR~~~~C.F.R.~~ 173.151 (1980) for the definition. Further, corresponding 40 CFR 261.21(a)(4) adds the definition of "organic peroxide" from former 49 ~~CFR~~~~C.F.R.~~ 173.151a to the definition of "oxidizer." In 1990, USDOT replaced that former definition of the hazard class with a new definition at 49 CFR 173.127, which classifies an oxidizer as a Division 5.1 material. See 55 Fed. Reg. 52402, 53433 (Dec. 21, 1990) (USDOT rulemaking replacing the old hazard class with the new one). The Board has chosen to avoid major problems inherent to USEPA's approach (the use of obsolete methods and USDOT regulatory mechanisms for the outmoded hazard class). The Board has instead updated the Illinois provision to correspond with the current USDOT regulations, used the "oxidizer" hazard class, together with its associated current methods, and omitted the addition of "organic peroxide" to the definition.

- b) A solid waste that exhibits the characteristic of ignitability has the USEPA hazardous waste number of D001.

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

Section 721.122 Characteristic of Corrosivity

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- a) A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has either of the following properties:
- 1) It is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5, as determined by a pH meter using Method 9040C (pH Electrometric Measurement) in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," USEPA publication number EPA 530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).
 - 2) It is a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 mm (0.250 inch) per year at a test temperature of 55° C (130° F), as determined by Method 1110A (Corrosivity Toward Steel) in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," USEPA publication number EPA 530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

BOARD NOTE: The corrosivity characteristic determination currently does not apply to non-liquid wastes, as discussed by USEPA at 45 Fed. Reg. 33109, May 19, 1980 and at 55 Fed. Reg. 22549, June 1, 1990.

- b) A solid waste that exhibits the characteristic of corrosivity has the USEPA hazardous waste number of D002.

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

Section 721.124 Toxicity Characteristic

- a) A solid waste (except manufactured gas plant waste) exhibits the characteristic of toxicity if, using Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111(a), the extract from a representative sample of the waste contains any of the contaminants listed in the table in subsection (b) ~~of this Section~~ at a concentration equal to or greater than the respective value given in that table. Where the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering using the methodology outlined in Method 1311, is considered to be the extract for the purpose of this Section.

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BOARD NOTE: The reference to the "EP toxicity test" in 35 Ill. Adm. Code 808.410(b)(4) is to be understood as referencing the test required by this Section.

- b) A solid waste that exhibits the characteristic of toxicity has the USEPA hazardous waste number specified in the following table that corresponds to the toxic contaminant causing it to be hazardous.

MAXIMUM CONCENTRATION OF CONTAMINANTS
FOR THE TOXICITY CHARACTERISTIC

USEPA Hazardous Waste No.	Contaminant	CAS Number	Note	Regulatory Level (mg/l)
D004	Arsenic	7440-38-2		5.0
D005	Barium	7440-39-3		100.0
D018	Benzene	71-43-2		0.5
D006	Cadmium	7440-43-9		1.0
D019	Carbon tetrachloride	56-23-5		0.5
D020	Chlordane	57-74-9		0.03
D021	Chlorobenzene	108-90-7		100.0
D022	Chloroform	67-66-3		6.0
D007	Chromium	7440-47-3		5.0
D023	o-Cresol	95-48-7	2	200.0
D024	m-Cresol	108-39-4	2	200.0
D025	p-Cresol	106-44-5	2	200.0
D026	Cresol		2	200.0
D016	2,4-D	94-75-7		10.0
D027	1,4-Dichlorobenzene	106-46-7		7.5
D028	1,2-Dichloroethane	107-06-2		0.5
D029	1,1-Dichloroethylene	75-35-4		0.7
D030	2,4-Dinitrotoluene	121-14-2	1	0.13
D012	Endrin	72-20-8		0.02
D031	Heptachlor (and its epoxide)	76-44-8		0.008
D032	Hexachlorobenzene	118-74-1	1	0.13
D033	Hexachlorobutadiene	87-68-3		0.5
D034	Hexachloroethane	67-72-1		3.0
D008	Lead	7439-92-1		5.0
D013	Lindane	58-89-9		0.4

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D009	Mercury	7439-97-6		0.2
D014	Methoxychlor	72-43-5		10.0
D035	Methyl ethyl ketone	78-93-3		200.0
D036	Nitrobenzene	98-95-3		2.0
D037	Pentachlorophenol	87-86-5		100.0
D038	Pyridine	110-86-1	1	5.0
D010	Selenium	7782-49-2		1.0
D011	Silver	7440-22-4		5.0
D039	Tetrachloroethylene	127-18-4		0.7
D015	Toxaphene	8001-35-2		0.5
D040	Trichloroethylene	79-01-6		0.5
D041	2,4,5-Trichlorophenol	95-95-4		400.0
D042	2,4,6-Trichlorophenol	88-06-2		2.0
D017	2,4,5-TP (Silvex)	93-72-1		1.0
D043	Vinyl chloride	75-01-4		0.2

Notes to Table:

- 1 Quantitation limit is greater than the calculated regulatory level. The quantitation limit therefore becomes the regulatory level.
- 2 If o-, m-, p-cresol concentrations cannot be differentiated, the total cresol (D026) concentration is used. The regulatory level of total cresol is 200.0 mg/l.

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

SUBPART D: LISTS OF HAZARDOUS WASTE

Section 721.130 General

- a) A solid waste is a hazardous waste if it is listed in this Subpart D, unless it has been excluded from this list pursuant to 35 Ill. Adm. Code 720.120 and 720.122.
- b) The basis for listing the classes or types of wastes listed in this Subpart D is indicated by employing one or more of the following hazard codes:
 - 1) Hazard Codes.

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- A) Ignitable waste (I)
- B) Corrosive waste (C)
- C) Reactive waste (R)
- D) Toxicity Characteristic waste (E)
- E) Acute hazardous waste (H)
- F) Toxic waste (T)

2) Appendix G of this Part identifies the constituent that caused the Administrator to list the waste as a toxicity characteristic waste (E) or toxic waste (T) in Sections 721.131 and 721.132.

c) Each hazardous waste listed in this Subpart D is assigned a USEPA hazardous waste number that precedes the name of the waste. This number must be used in complying with the federal notification requirements of section 3010 of RCRA ([42 USC 6930](#))(~~42 USC 6940~~) and certain recordkeeping and reporting requirements under 35 Ill. Adm. Code 702, 703, and 722 through 725, 727, and 728.

d) The following hazardous wastes listed in Section 721.131 or 721.132 are subject to the exclusion limits for acute hazardous wastes established in [35 Ill. Adm. Code 722.114](#)~~Section 721.105~~: hazardous wastes numbers F020, F021, F022, F023, F026, and F027.

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

Section 721.131 Hazardous Wastes from Nonspecific Sources

a) The following solid wastes are listed hazardous wastes from non-specific sources, unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I ~~of this Part~~.

USEPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
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- F001 The following spent halogenated solvents used in degreasing: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; all spent solvent mixtures and blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F002, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (T)
- F002 The following spent halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, orthodichlorobenzene, trichlorofluoromethane, and 1,1,2-trichloroethane; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F001, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (T)
- F003 The following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; all spent solvent mixtures and blends containing, before use, only the above spent non-halogenated solvents; and all spent solvent mixtures and blends containing, before use, one or more of the above non-halogenated solvents and a total of ten percent or more (by volume) of one or more of those solvents listed in F001, F002, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (I)

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- F004 The following spent non-halogenated solvents: cresols and cresylic acid and nitrobenzene; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (T)
- F005 The following spent non-halogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all spent solvent mixtures and blends, containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (I, T)
- 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/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. (T)
- F007 Spent cyanide plating bath solutions from electroplating operations. (R, T)
- F008 Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process. (R, T)
- F009 Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process. (R, T)

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F010	Quenching bath residues from oil baths from metal heat-treating operations where cyanides are used in the process.	(R, T)
F011	Spent cyanide solutions from salt bath pot cleaning from metal heat-treating operations.	(R, T)
F012	Quenching wastewater treatment sludges from metal heat-treating operations where cyanides are used in the process.	(T)
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.	(T)

Wastewater treatment sludge from the manufacturing of motor vehicles using a zinc phosphating process will not be subject to this listing at the point of generation if the waste is not placed outside on the land prior to shipment to a landfill for disposal and it is disposed of in a regulated landfill that fulfills either of the following conditions:

It is located in Illinois, and it is one of the following types of landfills:

It is a landfill that is a hazardous waste management unit, as defined in 35 Ill. Adm. Code 720.110;

It is a municipal solid waste landfill, as defined in 35 Ill. Adm. Code 810.103; or

It is a putrescible or chemical waste landfill that is subject to the requirements of Subpart C of 35 Ill. Adm. Code 811.

It is located outside Illinois, and it is one of the following types of landfills:

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It is a RCRA Subtitle D municipal solid waste or industrial solid waste landfill unit that is equipped with a single clay liner and which is permitted, licensed or otherwise authorized by the state; or

It is a landfill unit that is subject to or which otherwise meets the landfill requirements in 40 CFR 258.40, 264.301 or 265.301.

For the purposes of this hazardous waste listing, "motor vehicle manufacturing" is defined in subsection (b)(4)(A) of this Section, and subsection (b)(4)(B) of this Section describes the recordkeeping requirements for motor vehicle manufacturing facilities.

- | | | |
|------|---|-----|
| F020 | 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 tri- or tetrachlorophenol or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol.) | (H) |
| F021 | 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 pentachlorophenol or of intermediates used to produce its derivatives. | (H) |

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- F022 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions. (H)
- F023 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 tri- and tetrachlorophenols. (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5-trichlorophenol.) (H)
- F024 Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout 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 this Section or in Section 721.132.) (T)
- F025 Condensed light ends, 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. (T)

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- F026 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions. (H)
- 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.) (H)
- F028 Residues resulting from the incineration or thermal treatment of soil contaminated with hazardous waste numbers F020, F021, F022, F023, F026, and F027. (T)
- 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 [hazardous waste number code](#) deleted in accordance with Section 721.135 and 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 pentachlorophenol. (T)
- 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 (T)

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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.

- F035 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 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. (T)
- 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, sludge generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludge generated in aggressive biological treatment units as defined in subsection (b)(2) ~~of this Section~~ (including sludge 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. This listing does include residuals generated from processing or recycling oil-bearing hazardous secondary materials excluded under Section 721.104(a)(12)(A) if those residuals are to be disposed of. (T)

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- F038 Petroleum refinery secondary (emulsified) oil/water/solids separation sludge – any 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 the following types of units: induced air floatation (IAF) units, tanks and impoundments, and all sludges generated in dissolved air flotation (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 subsection (b)(2) ~~of this Section~~ (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units), F037, K048, and K051 wastes are not included in this listing. (T)
- F039 Multi-source leachate resulting from the disposal of more than one restricted waste classified as hazardous under this Subpart D. For purposes of this hazardous waste listing, "leachate" means liquids that have percolated through land-disposed wastes. (This multi-source leachate listing does not apply to leachate resulting from the disposal of more than one of the following USEPA hazardous wastes where the disposal of no other hazardous waste is involved: F020, F021, F022, F026, F027, and F028. Leachate from disposal of any combination of these hazardous wastes is considered single-source leachate, and that leachate retains the USEPA hazardous waste numbers of the wastes from which the leachate derived, and the leachate must meet the treatment standards for the underlying hazardous waste numberseodes.) BOARD NOTE: Derived from the listing for F039 at 40 CFR 261.31(a) ~~(2017)(2019)~~ and the discussion at 55 Fed. Reg. 22520, 22619-22623 (June 1, 1990). (T)

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BOARD NOTE: The primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The letter H indicates Acute Hazardous Waste. "(I, T)" should be used to specify mixtures that are ignitable and contain toxic constituents.

- b) Listing-specific definitions.
- 1) For the purpose of the F037 and F038 listings, "oil/water/solids" is defined as oil or water or solids.
 - 2) For the purposes of the F037 and F038 listings, the following apply:
 - A) "Aggressive biological treatment units" are defined as units that employ one of the following four treatment methods: activated sludge, trickling filter, rotating biological contactor for the continuous accelerated biological oxidation of wastewaters, or high-rate aeration. "High-rate aeration" is a system of surface impoundments or tanks in which intense mechanical aeration is used to completely mix the wastes, enhance biological activity, and the following is true:
 - i) The units employ a minimum of six horsepower per million gallons of treatment volume; and either
 - ii) The hydraulic retention time of the unit is no longer than five days; or
 - iii) The hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is a hazardous waste by the toxicity characteristic.
 - B) Generators and treatment, storage, or disposal (TSD) facilities have the burden of proving that their sludges are exempt from listing as F037 or F038 wastes under this definition. Generators and TSD facilities must maintain, in their operating or other on site records, documents and data sufficient to prove the following:
 - i) The unit is an aggressive biological treatment unit, as

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defined in this subsection; and

- ii) The sludges sought to be exempted from F037 or F038 were actually generated in the aggressive biological treatment unit.
- 3) Time of generation. For the purposes of the designated waste, the "time of generation" is defined as follows:
- A) For the F037 listing, sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement.
 - B) For the F038 listing:
 - i) Sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement; and
 - ii) Floats are considered to be generated at the moment they are formed in the top of the unit.
- 4) For the purposes of the F019 hazardous waste listing, the following apply to wastewater treatment sludges from the manufacturing of motor vehicles using a zinc phosphating process:
- A) "Motor vehicle manufacturing" is defined to include the manufacture of automobiles and light trucks or utility vehicles (including light duty vans, pick-up trucks, minivans, and sport utility vehicles). A facility owner or operator must be engaged in manufacturing complete vehicles (body and chassis or unibody) or chassis only; and
 - B) The generator must maintain documentation and information in its on-site records that is sufficient to prove that the wastewater treatment sludge to be exempted from the F019 listing meets the conditions of the listing. These records must include the following information: the volumes of waste generated and disposed of off

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site; documentation showing when the waste volumes were generated and sent off site; the name and address of the receiving facility; and documentation confirming receipt of the waste by the receiving facility. The generator must maintain these documents on site for no less than three years. The retention period for the documentation is automatically extended during the pendency of any enforcement action or as requested by USEPA or by the Agency in writing.

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

Section 721.132 Hazardous Waste from Specific Sources

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

USEPA
Hazardous
Waste No.

Industry and Hazardous Waste

Hazard Code

Wood Preservation Process Wastes:

K001 Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol. (T)

Inorganic Pigments Production Wastes:

K002 Wastewater treatment sludge from the production of chrome yellow and orange pigments. (T)

K003 Wastewater treatment sludge from the production of molybdate orange pigments. (T)

K004 Wastewater treatment sludge from the production of zinc yellow pigments. (T)

K005 Wastewater treatment sludge from the production of chrome green pigments. (T)

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K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	(T)
K007	Wastewater treatment sludge from the production of iron blue pigments.	(T)
K008	Oven residue from the production of chrome oxide green pigments.	(T)
Organic Chemicals Production Wastes:		
K009	Distillation bottoms from the production of acetaldehyde from ethylene.	(T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	(T)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	(R, T)
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	(R, T)
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.	(T)
K015	Still bottoms from the distillation of benzyl chloride.	(T)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	(T)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	(T)
K018	Heavy ends from the fractionation column in ethyl chloride production.	(T)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	(T)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	(T)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	(T)
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	(T)
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	(T)

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K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	(T)
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.	(T)
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	(T)
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	(T)
K026	Stripping still tails from the production of methyl ethyl pyridines.	(T)
K027	Centrifuge and distillation residues from toluene diisocyanate production.	(R, T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	(T)
K029	Waste from the product stream stripper in the production of 1,1,1-trichloroethane.	(T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	(T)
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	(T)
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.	(T)
K083	Distillation bottoms from aniline production.	(T)
K103	Process residues from aniline extraction from the production of aniline.	(T)
K104	Combined wastewater streams generated from nitrobenzene/aniline production.	(T)
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.	(T)
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	(T)
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(C, T)

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K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(I, T)
K109	Spent filter cartridges from the product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K111	Product washwaters from the production of dinitrotoluene via nitration of toluene.	(C, T)
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	(T)
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	(T)
K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)

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K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K157	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K158	Baghouse dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K159	Organics from the treatment of thiocarbamate wastes.	(T)
K161	Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust, and floor sweepings from the production of dithiocarbamate acids and their salts. (This listing does not include K125 or K126.)	(R, T)
K174	Wastewater treatment sludges from the production of ethylene dichloride or vinyl chloride monomer (including sludges that result from commingled ethylene dichloride or vinyl chloride monomer wastewater and other wastewater), unless the sludges meet the following conditions: (1) the sludges are disposed of in a RCRA Subtitle C (42 USC 6921-6939e) or non-hazardous landfill licensed or permitted by a state or the federal government; (2) the sludges are not otherwise	(T)

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placed on the land prior to final disposal; and (3) the generator maintains documentation demonstrating that the waste was either disposed of in an on-site landfill or consigned to a transporter or disposal facility that provided a written commitment to dispose of the waste in an off-site landfill. Upon a showing by the government that a respondent in any enforcement action brought to enforce the requirements of [RCRA](#) Subtitle C ~~of this Part~~ managed wastewater treatment sludges from the production of vinyl chloride monomer or ethylene dichloride, the respondent must demonstrate that it meets the conditions of the exclusion that are set forth above. In doing so, the respondent must provide appropriate documentation that the terms of the exclusion were met (e.g., contracts between the generator and the landfill owner or operator, invoices documenting delivery of waste to landfill, etc.).

K175 Wastewater treatment sludges from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process. (T)

Inorganic Chemicals Production Wastes:

K071 Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used. (T)

K073 Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production. (T)

K106 Wastewater treatment sludge from the mercury cell process in chlorine production. (T)

K176 Baghouse filters from the production of antimony oxide, including filters from the production of intermediates (e.g., antimony metal or crude antimony oxide). (E)

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| K177 | Slag from the production of antimony oxide that is speculatively accumulated or disposed of, including slag from the production of intermediates (e.g., antimony metal or crude antimony oxide). | (T) |
| 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. | (T) |
| 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 subsection (c) that are equal to or greater than the corresponding subsection (c) levels, as determined on a calendar year basis. These wastes will not be hazardous if the nonwastewaters are managed in one of the following ways: | (T) |
- 1) They are disposed of in a municipal solid waste landfill unit that is subject to the design criteria in 35 Ill. Adm. Code 811.303 through 811.309 and 811.315 through 811.317 and Subpart E of 35 Ill. Adm. Code 811 or 35 Ill. Adm. Code 814.302 and 814.402;
 - 2) They are disposed of in a hazardous waste landfill unit that is subject to either 35 Ill. Adm. Code 724.401 or 725.401;
 - 3) They are disposed of in other municipal solid waste landfill units that meet the design criteria in 35 Ill. Adm. Code 811.303 through 811.309 and 811.315 through 811.317 and Subpart E of 35 Ill. Adm. Code 811 or 35 Ill.

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Adm. Code 814.302 and 814.402, 35 Ill.
Adm. Code 724.401, or 35 Ill. Adm. Code
725.401; or

- 4) They are treated in a combustion unit that is permitted under 415 ILCS 5/39(d), or an onsite combustion unit that is permitted under 415 ILCS 5/39.5.

For the purposes of this listing, dyes or pigments production is defined in subsection (b)(1). Subsection (d) describes the process for demonstrating that a facility's nonwastewaters are not K181 waste. This listing does not apply to wastes that are otherwise identified as hazardous under Sections 721.121 through 721.124 and 721.131 through 721.133 at the point of generation. Also, the listing does not apply to wastes generated before any annual mass loading limit is met, as set forth in subsection (c).

Pesticides Production Wastes:

K031	By-product salts generated in the production of MSMA and cacodylic acid.	(T)
K032	Wastewater treatment sludge from the production of chlordane.	(T)
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	(T)
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.	(T)
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	(T)
K035	Wastewater treatment sludges generated in the production of creosote.	(T)

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K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	(T)
K037	Wastewater treatment sludges from the production of disulfoton.	(T)
K038	Wastewater from the washing and stripping of phorate production.	(T)
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.	(T)
K040	Wastewater treatment sludge from the production of phorate.	(T)
K041	Wastewater treatment sludge from the production of toxaphene.	(T)
K098	Untreated process wastewater from the production of toxaphene.	(T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D.	(T)
K099	Untreated wastewater from the production of 2,4-D.	(T)
K123	Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.	(C, T)
K125	Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.	(T)
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.	(C, T)

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K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.	(T)
Explosives Production Wastes:		
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.	(R)
K045	Spent carbon from the treatment of wastewater containing explosives.	(R)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(T)
K047	Pink/red water from TNT operations.	(R)
Petroleum Refining Wastes:		
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	(T)
K049	Slop oil emulsion solids from the petroleum refining industry.	(T)
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)
K051	API separator sludge from the petroleum refining industry.	(T)
K052	Tank bottoms (leaded) from the petroleum refining industry.	(T)
K169	Crude oil storage tank sediment from petroleum refining operations.	(T)
K170	Clarified slurry oil tank sediment or in-line filter/separation solids from petroleum refining operations.	(T)
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).	(I, T)
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).	(I, T)

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Iron and Steel Production Wastes:

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

Primary Aluminum Production Wastes:

K088	Spent potliners from primary aluminum reduction.	(T)
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Secondary Lead Production Wastes:

K069	Emission control dust/sludge from secondary lead smelting.	(T)
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BOARD NOTE: This listing is administratively stayed for sludge generated from secondary acid scrubber systems. The stay will remain in effect until this note is removed.

K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.	(T)
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Veterinary Pharmaceuticals Production Wastes:

K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)

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K102 Residue from use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)

Ink Formulation Wastes:

K086 Solvent washes 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. (T)

Coke Production Wastes:

K060 Ammonia still lime sludge from coking operations. (T)

K087 Decanter tank tar sludge from coking operations. (T)

K141 Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke from coal or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludges from coking operations). (T)

K142 Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal. (T)

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. (T)

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. (T)

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K145	Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.	(T)
K147	Tar storage tank residues from coal tar refining.	(T)
K148	Residues from coal tar distillation, including, but not limited to, still bottoms.	(T)
K149	Distillation bottoms from the production of α - (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 distillation of benzyl chloride.)	(T)
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.	(T)
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.	(T)

- b) Listing-specific definition: For the purposes of the K181 hazardous waste listing in subsection (a), "dyes or pigments production" includes manufacture of the following product classes: dyes, pigments, and FDA-certified colors that are in the azo, triarylmethane, perylene, and anthraquinone classes. Azo products include azo, monoazo, diazo, triazo, polyazo, azoic, benzidine, and pyrazolone products. Triarylmethane products include both triarylmethane and triphenylmethane products. Wastes that are not generated at a dyes or pigments manufacturing site, such as wastes from the offsite use, formulation, and packaging of dyes or pigments, are not included in the K181 listing.
- c) K181 listing levels. Nonwastewaters containing constituents in amounts equal to or exceeding the following levels during any calendar year are subject to the

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K181 hazardous waste listing in subsection (a), unless the conditions in the K181 hazardous waste listing are met:

Constituent	Chemical Abstracts No.	Mass Levels (kg/yr)
Aniline	62-53-3	9,300
o-Anisidine	90-04-0	110
4-Chloroaniline	106-47-8	4,800
p-Cresidine	120-71-8	660
2,4-Dimethylaniline	95-68-1	100
1,2-Phenylenediamine	95-54-5	710
1,3-Phenylenediamine	108-45-2	1,200

- d) Procedures for demonstrating that dyes or pigments nonwastewaters are not K181 waste. The procedures described in subsections (d)(1) through (d)(3) and (d)(5) establish when nonwastewaters from the production of dyes or pigments would not be hazardous. (These procedures apply to wastes that are not disposed of in landfill units or treated in combustion units, as specified in subsection (a)). If the nonwastewaters are disposed of in landfill units or treated in combustion units as described in subsection (a), then the nonwastewaters are not hazardous. In order to demonstrate that it is meeting the landfill disposal or combustion conditions contained in the K181 waste listing description, the generator must maintain documentation as described in subsection (d)(4).
- 1) Determination based on no K181 waste constituents. A generator that has knowledge (e.g., knowledge of constituents in wastes based on prior sampling and analysis data or information about raw materials used, production processes used, and reaction and degradation products formed) that its waste contains none of the K181 waste constituents (see subsection (c)) can use its knowledge to determine that its waste is not K181 waste. The generator must document the basis for all such determinations on an annual basis and keep each annual documentation for three years.
 - 2) Determination for generated quantities of 1,000 tonnes (1,000 metric tons) per year or less for wastes that contain K181 waste constituents. If the total annual quantity of dyes or pigments nonwastewaters generated is 1,000 tonnes or less, the generator can use knowledge of the wastes (e.g., knowledge of constituents in wastes based on prior analytical data or information about raw materials used, production processes used, and

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reaction and degradation products formed) to conclude that annual mass loadings for the K181 constituents are below the listing levels of subsection (c). To make this determination, the generator must fulfill the following conditions:

- A) Each year, the generator must document the basis for determining that the annual quantity of nonwastewaters expected to be generated will be less than 1,000 tonnes;
 - B) The generator must track the actual quantity of nonwastewaters generated from January 1 through December 31 of each calendar year. If, at any time within the year, the actual waste quantity exceeds 1,000 tonnes, the generator must comply with the requirements of subsection (d)(3) for the remainder of that calendar year;
 - C) The generator must keep a running total of the K181 waste constituent mass loadings over the course of the calendar year; and
 - D) The generator must keep the following records on site for the three most recent calendar years in which the hazardous waste determinations were made:
 - i) The quantity of dyes or pigments nonwastewaters generated;
 - ii) The relevant process information used; and
 - iii) The calculations performed to determine annual total mass loadings for each K181 waste constituent in the nonwastewaters during the year.
- 3) Determination for generated quantities greater than 1,000 tonnes per year for wastes that contain K181 constituents. If the total annual quantity of dyes or pigments nonwastewaters generated is greater than 1,000 tonnes, the generator must perform each of the following steps in order to make a determination that its waste is not K181 waste:

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- A) The generator must determine which K181 waste constituents (see subsection (c)) are reasonably expected to be present in the wastes based on knowledge of the wastes (e.g., based on prior sampling and analysis data or information about raw materials used, production processes used, and reaction and degradation products formed);
- B) If 1,2-phenylenediamine is present in the wastes, the generator can use either knowledge of the wastes or sampling and analysis procedures to determine the level of this constituent in the wastes. For determinations based on use of knowledge of the wastes, the generator must comply with the procedures for using knowledge of the wastes described in subsection (d)(2) and keep the records described in subsection (d)(2)(D). For determinations based on sampling and analysis, the generator must comply with the sampling and analysis and recordkeeping requirements described in subsection (d)(3)(C);
- C) The generator must develop a waste sampling and analysis plan (or modify an existing plan) to collect and analyze representative waste samples for the K181 waste constituents reasonably expected to be present in the wastes. At a minimum, the plan must include the following elements:
- i) A discussion of the number of samples needed to characterize the wastes fully;
 - ii) The planned sample collection method to obtain representative waste samples;
 - iii) A discussion of how the sampling plan accounts for potential temporal and spatial variability of the wastes; and
 - iv) A detailed description of the test methods to be used, including sample preparation, clean up (if necessary), and determinative methods;

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- D) The generator must collect and analyze samples in accordance with the waste sampling and analysis plan, and the plan must fulfill the following requirements:
- i) The sampling and analysis must be unbiased, precise, and representative of the wastes; and
 - ii) The analytical measurements must be sufficiently sensitive, accurate, and precise to support any claim that the constituent mass loadings are below the listing levels of subsection (c);
- E) The generator must record the analytical results;
- F) The generator must record the waste quantity represented by the sampling and analysis results;
- G) The generator must calculate constituent-specific mass loadings (product of concentrations and waste quantity);
- H) The generator must keep a running total of the K181 waste constituent mass loadings over the course of the calendar year;
- I) The generator must determine whether the mass of any of the K181 waste constituents listed in subsection (c) generated between January 1 and December 31 of any calendar year is below the K181 waste listing levels;
- J) The generator must keep the following records on site for the three most recent calendar years in which the hazardous waste determinations are made:
- i) The sampling and analysis plan;
 - ii) The sampling and analysis results (including quality assurance or quality control data);
 - iii) The quantity of dyes or pigments nonwastewaters generated; and

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- iv) The calculations performed to determine annual mass loadings; and
- K) The generator must conduct non-hazardous waste determinations annually to verify that the wastes remain non-hazardous.
 - i) The annual testing requirements are suspended after three consecutive successful annual demonstrations that the wastes are non-hazardous. The generator can then use knowledge of the wastes to support subsequent annual determinations.
 - ii) The annual testing requirements are reinstated if the manufacturing or waste treatment processes generating the wastes are significantly altered, resulting in an increase of the potential for the wastes to exceed the listing levels.
 - iii) If the annual testing requirements are suspended, the generator must keep records of the process knowledge information used to support a non-hazardous determination. If testing is reinstated, the generator must retain a description of the process change.
- 4) Recordkeeping for the landfill disposal and combustion exemptions. For the purposes of meeting the landfill disposal and combustion condition set out in the K181 waste listing description in subsection (a), the generator must maintain on site for three years documentation demonstrating that each shipment of waste was received by a landfill unit that is subject to or which meets the landfill design standards set out in the listing description or that the waste was treated in combustion units, as specified in the listing description in subsection (a).
- 5) Waste holding and handling. During the interim period, from the point of generation to completion of the hazardous waste determination, the generator must store the wastes appropriately. If the wastes are determined to be hazardous and the generator has not complied with the hazardous waste storage requirements of 35 Ill. Adm. Code

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~~722.116~~~~722.134~~ during the interim period, the generator could be subject to an enforcement action for improper hazardous waste management.

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

Section 721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof

The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded, as described in Section 721.102(a)(2)(A); when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment; when they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are applied to land in lieu of their original intended use; or when, in lieu of their original intended use, they are produced for use as (or as a component of) a fuel, distributed for use as a fuel, or burned as a fuel.

- a) Any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f).
- b) Any off-specification commercial chemical product or manufacturing chemical intermediate that, if it met specifications, would have the generic name listed in subsection (e) or (f).
- c) Any residue remaining in a container or inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f), unless the container is empty, as defined in Section 721.107(b)(3).

BOARD NOTE: Unless the residue is being beneficially used or reused; legitimately recycled or reclaimed; or accumulated, stored, transported, or treated prior to such use, reuse, recycling, or reclamation, the Board considers the residue to be intended for discard, and thus a hazardous waste. An example of a legitimate reuse of the residue would be where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue would be where the drum is sent to a drum reconditioner that reconditions the drum but discards the residue.

- d) Any residue or contaminated soil, water, or other debris resulting from the

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cleanup of a spill into or on any land or water of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) or any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water of any off-specification chemical product or manufacturing chemical intermediate that, if it met specifications, would have the generic name listed in subsection (e) or (f).

BOARD NOTE: The phrase "commercial chemical product or manufacturing chemical intermediate having the generic name listed in..." refers to a chemical substance that is manufactured or formulated for commercial or manufacturing use that consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in subsection (e) or (f). Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in subsection (e) or (f), such waste will be listed in either Sections 721.131 or 721.132 or will be identified as a hazardous waste by the characteristics set forth in Subpart C of this Part.

- e) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products or manufacturing chemical intermediates referred to in subsections (a) through (d) are identified as acute hazardous waste (H) and are subject to the small quantity exclusion defined in Section 721.105(e). These wastes and their corresponding USEPA hazardous waste numbers are the following:

BOARD NOTE: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). The absence of a letter indicates that the compound is only listed for acute toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by USEPA hazardous waste number.

Alphabetical Listing

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance	Hazard Code
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P023	107-20-0	Acetaldehyde, chloro-	
P002	591-08-2	Acetamide, N-(aminothioxomethyl)	
P057	640-19-7	Acetamide, 2-fluoro-	
P058	62-74-8	Acetic acid, fluoro-, sodium salt	
P002	591-08-2	1-Acetyl-2-thiourea	
P003	107-02-8	Acrolein	
P070	116-06-3	Aldicarb	
P203	1646-88-4	Aldicarb sulfone	
P004	309-00-2	Aldrin	
P005	107-18-6	Allyl alcohol	
P006	20859-73-8	Aluminum phosphide	(R, T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol	
P008	504-24-5	4-Aminopyridine	
P009	131-74-8	Ammonium picrate	(R)
P119	7803-55-6	Ammonium vanadate	
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium	
P010	7778-39-4	Arsenic acid H ₃ AsO ₄	
P012	1327-53-3	Arsenic oxide As ₂ O ₃	
P011	1303-28-2	Arsenic oxide As ₂ O ₅	
P011	1303-28-2	Arsenic pentoxide	
P012	1327-53-3	Arsenic trioxide	
P038	692-42-2	Arsine, diethyl-	
P036	696-28-6	Arsonous dichloride, phenyl-	
P054	151-56-4	Aziridine	
P067	75-55-8	Aziridine, 2-methyl	
P013	542-62-1	Barium cyanide	
P024	106-47-8	Benzenamine, 4-chloro-	
P077	100-01-6	Benzenamine, 4-nitro-	
P028	100-44-7	Benzene, (chloromethyl)-	
P042	51-43-4	1,2-Benzenediol, 4-(1-hydroxy-2-(methylamino)ethyl) -, (R)-	
P046	122-09-8	Benzeneethanamine, α,α -dimethyl-	
P014	108-98-5	Benzenethiol	
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate	

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P188	57-64-7	Benzoic acid, 2-hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo(2,3-b) indol-5-yl methylcarbamate ester (1:1)
P001	81-81-2*	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations greater than 0.3 percent
P028	100-44-7	Benzyl chloride
P015	7440-41-7	Beryllium powder
P017	598-31-2	Bromoacetone
P018	357-57-3	Brucine
P045	39196-18-6	2-Butanone,3,3-dimethyl-1-(methylthio)-, O-((methylamino)carbonyl) oxime
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide Ca(CN) ₂
P189	55285-14-8	Carbamic acid, ((dibutylamino)-thio)methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester
P191	644-64-4	Carbamic acid, dimethyl-, 1-((dimethyl-amino)carbonyl) -5-methyl-1H-pyrazol-3-yl ester
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P127	1563-66-2	Carbofuran
P022	75-15-0	Carbon disulfide
P095	75-44-5	Carbonic dichloride
P189	55285-14-8	Carbosulfan
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl)thiourea
P027	542-76-7	3-Chloropropionitrile
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide CuCN

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P202	64-00-6	m-Cumenyl methylcarbamate
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride CNCl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P016	542-88-1	Dichloromethyl ether
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P038	692-42-2	Diethylarsine
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P191	644-64-4	Dimetilan
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1 α ,4 α ,4 β ,5 α ,8 α ,8 β)-
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1 α ,4 α ,4 β ,5 β ,8 β ,8 β)-
P037	60-57-1	2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1 α ,2 β ,2 α ,3 β ,6 β ,6 α ,7 β ,7 α)-
P051	72-20-8*	2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1 α ,2 β ,2 β ,3 α ,6 α ,6 β ,7 β ,7 α)-, and metabolites
P044	60-51-5	Dimethoate
P046	122-09-8	α,α -Dimethylphenethylamine
P047	534-52-1*	4,6-Dinitro-o-cresol and salts
P048	51-28-5	2,4-Dinitrophenol
P020	88-85-7	Dinoseb
P085	152-16-9	Diphosphoramidate, octamethyl-

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P111	107-49-3	Diphosphoric acid, tetraethyl ester	
P039	298-04-4	Disulfoton	
P049	541-53-7	Dithiobiuret	
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-((methylamino)- carbonyl)oxime	
P050	115-29-7	Endosulfan	
P088	145-73-3	Endothall	
P051	72-20-8	Endrin	
P051	72-20-8	Endrin, and metabolites	
P042	51-43-4	Epinephrine	
P031	460-19-5	Ethanedinitrile	
P194	23135-22-0	Ethanimidothioic acid, 2- (dimethylamino)-N- (((methylamino)carbonyl)oxy)-2- oxo-, methyl ester	
P066	16752-77-5	Ethanimidothioic acid, N- (((methylamino)carbonyl)oxy)-, methyl ester	
P101	107-12-0	Ethyl cyanide	
P054	151-56-4	Ethyleneimine	
P097	52-85-7	Famphur	
P056	7782-41-4	Fluorine	
P057	640-19-7	Fluoroacetamide	
P058	62-74-8	Fluoroacetic acid, sodium salt	
P198	23422-53-9	Formetanate hydrochloride	
P197	17702-57-7	Formparanate	
P065	628-86-4	Fulminic acid, mercury (2+) salt	(R, T)
P059	76-44-8	Heptachlor	
P062	757-58-4	Hexaethyl tetraphosphate	
P116	79-19-6	Hydrazinecarbothioamide	
P068	60-34-4	Hydrazine, methyl-	
P063	74-90-8	Hydrocyanic acid	
P063	74-90-8	Hydrogen cyanide	
P096	7803-51-2	Hydrogen phosphide	
P060	465-73-6	Isodrin	
P192	119-38-0	Isolan	
P202	64-00-6	3-Isopropylphenyl-N- methylcarbamate	

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P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-	
P196	15339-36-3	Manganese, bis(dimethylcarbomodithioato-S,S')-	
P196	15339-36-3	Manganese dimethyldithiocarbamate	
P092	62-38-4	Mercury, (acetato-O)phenyl-	
P065	628-86-4	Mercury fulminate	(R, T)
P082	62-75-9	Methanamine, N-methyl-N-nitroso-	
P064	624-83-9	Methane, isocyanato-	
P016	542-88-1	Methane, oxybis(chloro-	
P112	509-14-8	Methane, tetranitro-	(R)
P118	75-70-7	Methanethiol, trichloro-	
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-(3-((methylamino)carbonyl)oxy)phenyl)-, monohydrochloride	
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-(2-methyl-4-(((methylamino)carbonyl)oxy)phenyl)-	
P199	2032-65-7	Methiocarb	
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide	
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	
P066	16752-77-5	Methomyl	
P068	60-34-4	Methyl hydrazine	
P064	624-83-9	Methyl isocyanate	
P069	75-86-5	2-Methylactonitrile	
P071	298-00-0	Methyl parathion	
P190	1129-41-5	Metolcarb	
P128	315-18-4	Mexacarbate	
P072	86-88-4	α -Naphthylthiourea	
P073	13463-39-3	Nickel carbonyl	
P073	13463-39-3	Nickel carbonyl Ni(CO) ₄ , (T-4)-	
P074	557-19-7	Nickel cyanide	

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P074	557-19-7	Nickel cyanide Ni(CN) ₂	
P075	54-11-5*	Nicotine, and salts	
P076	10102-43-9	Nitric oxide	
P077	100-01-6	p-Nitroaniline	
P078	10102-44-0	Nitrogen dioxide	
P076	10102-43-9	Nitrogen oxide NO	
P078	10102-44-0	Nitrogen oxide NO ₂	
P081	55-63-0	Nitroglycerine	(R)
P082	62-75-9	N-Nitrosodimethylamine	
P084	4549-40-0	N-Nitrosomethylvinylamine	
P085	152-16-9	Octamethylpyrophosphoramidate	
P087	20816-12-0	Osmium oxide OsO ₄ , (T-4)-	
P087	20816-12-0	Osmium tetroxide	
P088	145-73-3	7-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic acid	
P194	23135-22-0	Oxamyl	
P089	56-38-2	Parathion	
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-	
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)	
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate	
P048	51-28-5	Phenol, 2,4-dinitro-	
P047	534-52-1*	Phenol, 2-methyl-4,6-dinitro-, and salts	
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate	
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate	
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-	
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt	(R)
P092	62-38-4	Phenylmercury acetate	
P093	103-85-5	Phenylthiourea	
P094	298-02-2	Phorate	
P095	75-44-5	Phosgene	
P096	7803-51-2	Phosphine	

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P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester	
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-(2-(ethylthio)ethyl) ester	
P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-((ethylthio)methyl) ester	
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-(2-(methylamino)-2-oxoethyl) ester	
P043	55-91-4	Phosphorofluoridic acid, bis(1-methylethyl)ester	
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester	
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	
P097	52-85-7	Phosphorothioic acid, O-(4-((dimethylamino)sulfonyl)phenyl) O,O-dimethyl ester	
P071	298-00-0	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	
P204	57-47-6	Physostigmine	
P188	57-64-7	Physostigmine salicylate	
P110	78-00-2	Plumbane, tetraethyl-	
P098	151-50-8	Potassium cyanide	
P098	151-50-8	Potassium cyanide KCN	
P099	506-61-6	Potassium silver cyanide	
P201	2631-37-0	Promecarb	
P203	1646-88-4	Propanal, 2-methyl-2-(methylsulfonyl)-, O-((methylamino)carbonyl) oxime	
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O-((methylamino)carbonyl)oxime	
P101	107-12-0	Propanenitrile	
P027	542-76-7	Propanenitrile, 3-chloro-	
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-	
P081	55-63-0	1,2,3-Propanetriol, trinitrate-	(R)
P017	598-31-2	2-Propanone, 1-bromo-	
P102	107-19-7	Propargyl alcohol	
P003	107-02-8	2-Propenal	

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P005	107-18-6	2-Propen-1-ol	
P067	75-55-8	1,2-Propylenimine	
P102	107-19-7	2-Propyn-1-ol	
P008	504-24-5	4-Pyridinamine	
P075	54-11-5*	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)- and salts	
P204	57-47-6	Pyrrolo(2,3-b)indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-	
P114	12039-52-0	Selenious acid, dithallium (1+) salt	
P103	630-10-4	Selenourea	
P104	506-64-9	Silver cyanide	
P104	506-64-9	Silver cyanide AgCN	
P105	26628-22-8	Sodium azide	
P106	143-33-9	Sodium cyanide	
P106	143-33-9	Sodium cyanide NaCN	
P108	57-24-9*	Strychnidin-10-one, and salts	
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-	
P108	57-24-9*	Strychnine and salts	
P115	7446-18-6	Sulfuric acid, dithallium (1+) salt	
P109	3689-24-5	Tetraethyldithiopyrophosphate	
P110	78-00-2	Tetraethyl lead	
P111	107-49-3	Tetraethylpyrophosphate	
P112	509-14-8	Tetranitromethane	(R)
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester	
P113	1314-32-5	Thallic oxide	
P113	1314-32-5	Thallium oxide Tl ₂ O ₃	
P114	12039-52-0	Thallium (I) selenite	
P115	7446-18-6	Thallium (I) sulfate	
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester	
P045	39196-18-4	Thiofanox	
P049	541-53-7	Thioimidodicarbonic diamide ((H ₂ N)C(S)) ₂ NH	
P014	108-98-5	Thiophenol	
P116	79-19-6	Thiosemicarbazide	
P026	5344-82-1	Thiourea, (2-chlorophenyl)-	
P072	86-88-4	Thiourea, 1-naphthalenyl-	

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P093	103-85-5	Thiourea, phenyl-	
P123	8001-35-2	Toxaphene	
P185	26419-73-8	Tirpate	
P118	75-70-7	Trichloromethanethiol	
P119	7803-55-6	Vanadic acid, ammonium salt	
P120	1314-62-1	Vanadium oxide V ₂ O ₅	
P120	1314-62-1	Vanadium pentoxide	
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-	
P001	81-81-2*	Warfarin, and salts, when present at concentrations greater than 0.3 percent	
P121	557-21-1	Zinc cyanide	
P121	557-21-1	Zinc cyanide Zn(CN) ₂	
P205	137-30-4	Zinc, bis(dimethylcarbomodithioato-S,S')-	
P122	1314-84-7	Zinc phosphide Zn ₃ P ₂ , when present at concentrations greater than 10 percent	(R, T)
P205	137-30-4	Ziram	

Numerical Listing

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance	Hazard Code
P001	81-81-2*	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations greater than 0.3 percent	
P001	81-81-2*	Warfarin, and salts, when present at concentrations greater than 0.3 percent	
P002	591-08-2	Acetamide, N-(aminothioxomethyl)	
P002	591-08-2	1-Acetyl-2-thiourea	
P003	107-02-8	Acrolein	
P003	107-02-8	2-Propenal	
P004	309-00-2	Aldrin	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a- hexahydro-, (1 α ,4 α ,4a β ,5 α ,8 α ,8a β)-	
P005	107-18-6	Allyl alcohol	
P005	107-18-6	2-Propen-1-ol	
P006	20859-73-8	Aluminum phosphide	(R, T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol	
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-	
P008	504-24-5	4-Aminopyridine	
P008	504-24-5	4-Pyridinamine	
P009	131-74-8	Ammonium picrate	(R)
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt	(R)
P010	7778-39-4	Arsenic acid H ₃ AsO ₄	
P011	1303-28-2	Arsenic oxide As ₂ O ₅	
P011	1303-28-2	Arsenic pentoxide	
P012	1327-53-3	Arsenic oxide As ₂ O ₃	
P012	1327-53-3	Arsenic trioxide	
P013	542-62-1	Barium cyanide	
P014	108-98-5	Benzenethiol	
P014	108-98-5	Thiophenol	
P015	7440-41-7	Beryllium powder	
P016	542-88-1	Dichloromethyl ether	
P016	542-88-1	Methane, oxybis(chloro-	
P017	598-31-2	Bromoacetone	
P017	598-31-2	2-Propanone, 1-bromo-	
P018	357-57-3	Brucine	
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-	
P020	88-85-7	Dinoseb	
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-	
P021	592-01-8	Calcium cyanide	
P021	592-01-8	Calcium cyanide Ca(CN) ₂	
P022	75-15-0	Carbon disulfide	
P023	107-20-0	Acetaldehyde, chloro-	
P023	107-20-0	Chloroacetaldehyde	
P024	106-47-8	Benzenamine, 4-chloro-	
P024	106-47-8	p-Chloroaniline	
P026	5344-82-1	1-(o-Chlorophenyl)thiourea	
P026	5344-82-1	Thiourea, (2-chlorophenyl)-	
P027	542-76-7	3-Chloropropionitrile	

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P027	542-76-7	Propanenitrile, 3-chloro-
P028	100-44-7	Benzene, (chloromethyl)-
P028	100-44-7	Benzyl chloride
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide CuCN
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P031	460-19-5	Ethanedinitrile
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride CNCl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P036	696-28-6	Arsonous dichloride, phenyl-
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P037	60-57-1	2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1 α ,2 β ,2 α ,3 β ,6 β ,6 α ,7 β ,7 α)-
P038	692-42-2	Arsine, diethyl-
P038	692-42-2	Diethylarsine
P039	298-04-4	Disulfoton
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-(2-(ethylthio)ethyl) ester
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P042	51-43-4	1,2-Benzenediol, 4-(1-hydroxy-2-(methylamino)ethyl)-, (R)-
P042	51-43-4	Epinephrine
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P043	55-91-4	Phosphorofluoridic acid, bis(1-methylethyl)ester
P044	60-51-5	Dimethoate
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-(2-(methylamino)-2-oxoethyl) ester

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P045	39196-18-6	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-((methylamino)carbonyl) oxime
P045	39196-18-4	Thiofanox
P046	122-09-8	Benzeneethanamine, α,α -dimethyl-
P046	122-09-8	α,α -Dimethylphenethylamine
P047	534-52-1*	4,6-Dinitro-o-cresol and salts
P047	534-52-1*	Phenol, 2-methyl-4,6-dinitro-, and salts
P048	51-28-5	2,4-Dinitrophenol
P048	51-28-5	Phenol, 2,4-dinitro-
P049	541-53-7	Dithiobiuret
P049	541-53-7	Thioimidodicarbonic diamide ((H ₂ N)C(S)) ₂ NH
P050	115-29-7	Endosulfan
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide
P051	72-20-8*	2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1 α ,2 β ,2a β ,3 α ,6 α ,6a β ,7 β ,7a α)-, and metabolites
P051	72-20-8	Endrin
P051	72-20-8	Endrin, and metabolites
P054	151-56-4	Aziridine
P054	151-56-4	Ethyleneimine
P056	7782-41-4	Fluorine
P057	640-19-7	Acetamide, 2-fluoro-
P057	640-19-7	Fluoroacetamide
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P058	62-74-8	Fluoroacetic acid, sodium salt
P059	76-44-8	Heptachlor
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1 α ,4 α ,4a β ,5 β ,8 β ,8a β)-
P060	465-73-6	Isodrin
P062	757-58-4	Hexaethyl tetraphosphate
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester

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NOTICE OF PROPOSED AMENDMENTS

P063	74-90-8	Hydrocyanic acid	
P063	74-90-8	Hydrogen cyanide	
P064	624-83-9	Methane, isocyanato-	
P064	624-83-9	Methyl isocyanate	
P065	628-86-4	Fulminic acid, mercury (2+) salt	(R, T)
P065	628-86-4	Mercury fulminate	(R, T)
P066	16752-77-5	Ethanimidothioic acid, N-(((methylamino)- carbonyl)oxy)-, methyl ester	
P066	16752-77-5	Methomyl	
P067	75-55-8	Aziridine, 2-methyl	
P067	75-55-8	1,2-Propylenimine	
P068	60-34-4	Hydrazine, methyl-	
P068	60-34-4	Methyl hydrazine	
P069	75-86-5	2-Methylactonitrile	
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-	
P070	116-06-3	Aldicarb	
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O- ((methylamino)carbonyl)oxime	
P071	298-00-0	Methyl parathion	
P071	298-00-0	Phosphorothioic acid, O,O-dimethyl O-(4- nitrophenyl) ester	
P072	86-88-4	α -Naphthylthiourea	
P072	86-88-4	Thiourea, 1-naphthalenyl-	
P073	13463-39-3	Nickel carbonyl	
P073	13463-39-3	Nickel carbonyl Ni(CO) ₄ , (T-4)-	
P074	557-19-7	Nickel cyanide	
P074	557-19-7	Nickel cyanide Ni(CN) ₂	
P075	54-11-5*	Nicotine, and salts	
P075	54-11-5*	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)- and salts	
P076	10102-43-9	Nitric oxide	
P076	10102-43-9	Nitrogen oxide NO	
P077	100-01-6	Benzenamine, 4-nitro-	
P077	100-01-6	p-Nitroaniline	
P078	10102-44-0	Nitrogen dioxide	
P078	10102-44-0	Nitrogen oxide NO ₂	
P081	55-63-0	Nitroglycerine	(R)
P081	55-63-0	1,2,3-Propanetriol, trinitrate-	(R)
P082	62-75-9	Methanamine, N-methyl-N-nitroso-	

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P082	62-75-9	N-Nitrosodimethylamine
P084	4549-40-0	N-Nitrosomethylvinylamine
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-
P085	152-16-9	Diphosphoramidate, octamethyl-
P085	152-16-9	Octamethylpyrophosphoramidate
P087	20816-12-0	Osmium oxide OsO ₄ , (T-4)-
P087	20816-12-0	Osmium tetroxide
P088	145-73-3	Endothall
P088	145-73-3	7-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic acid
P089	56-38-2	Parathion
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester
P092	62-38-4	Mercury, (acetato-O)phenyl-
P092	62-38-4	Phenylmercury acetate
P093	103-85-5	Phenylthiourea
P093	103-85-5	Thiourea, phenyl-
P094	298-02-2	Phorate
P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-((ethylthio)methyl) ester
P095	75-44-5	Carbonic dichloride
P095	75-44-5	Phosgene
P096	7803-51-2	Hydrogen phosphide
P096	7803-51-2	Phosphine
P097	52-85-7	Famphur
P097	52-85-7	Phosphorothioic acid, O-(4-((dimethylamino)sulfonyl)phenyl) O,O-dimethyl ester
P098	151-50-8	Potassium cyanide
P098	151-50-8	Potassium cyanide KCN
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium
P099	506-61-6	Potassium silver cyanide
P101	107-12-0	Ethyl cyanide
P101	107-12-0	Propanenitrile
P102	107-19-7	Propargyl alcohol
P102	107-19-7	2-Propyn-1-ol
P103	630-10-4	Selenourea
P104	506-64-9	Silver cyanide
P104	506-64-9	Silver cyanide AgCN

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NOTICE OF PROPOSED AMENDMENTS

P105	26628-22-8	Sodium azide	
P106	143-33-9	Sodium cyanide	
P106	143-33-9	Sodium cyanide NaCN	
P108	57-24-9*	Strychnidin-10-one, and salts	
P108	57-24-9*	Strychnine and salts	
P109	3689-24-5	Tetraethyldithiopyrophosphate	
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester	
P110	78-00-2	Plumbane, tetraethyl-	
P110	78-00-2	Tetraethyl lead	
P111	107-49-3	Diphosphoric acid, tetraethyl ester	
P111	107-49-3	Tetraethylpyrophosphate	
P112	509-14-8	Methane, tetranitro-	(R)
P112	509-14-8	Tetranitromethane	(R)
P113	1314-32-5	Thallic oxide	
P113	1314-32-5	Thallium oxide Tl_2O_3	
P114	12039-52-0	Selenious acid, dithallium (1+) salt	
P114	12039-52-0	Thallium (I) selenite	
P115	7446-18-6	Sulfuric acid, dithallium (1+) salt	
P115	7446-18-6	Thallium (I) sulfate	
P116	79-19-6	Hydrazinecarbothioamide	
P116	79-19-6	Thiosemicarbazide	
P118	75-70-7	Methanethiol, trichloro-	
P118	75-70-7	Trichloromethanethiol	
P119	7803-55-6	Ammonium vanadate	
P119	7803-55-6	Vanadic acid, ammonium salt	
P120	1314-62-1	Vanadium oxide V_2O_5	
P120	1314-62-1	Vanadium pentoxide	
P121	557-21-1	Zinc cyanide	
P121	557-21-1	Zinc cyanide $Zn(CN)_2$	
P122	1314-84-7	Zinc phosphide Zn_3P_2 , when present at concentrations greater than 10 percent	(R, T)
P123	8001-35-2	Toxaphene	
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate	
P127	1563-66-2	Carbofuran	
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)	
P128	315-18-4	Mexacarbate	

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NOTICE OF PROPOSED AMENDMENTS

P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-((methylamino)-carbonyl)oxime
P185	26419-73-8	Tirpate
P188	57-64-7	Benzoic acid, 2-hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo(2,3-b)indol-5-yl methylcarbamate ester (1:1)
P188	57-64-7	Physostigmine salicylate
P189	55285-14-8	Carbamic acid, ((dibutylamino)-thio)methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester
P189	55285-14-8	Carbosulfan
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P190	1129-41-5	Metolcarb
P191	644-64-4	Carbamic acid, dimethyl-, 1-((dimethylamino)carbonyl)-5-methyl-1H-pyrazol-3-yl ester
P191	644-64-4	Dimetilan
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester
P192	119-38-0	Isolan
P194	23135-22-0	Ethanimidothioic acid, 2-(dimethylamino)-N-(((methylamino)carbonyl)oxy)-2-oxo-, methyl ester
P194	23135-22-0	Oxamyl
P196	15339-36-3	Manganese, bis(dimethylcarbamo-dithioato-S,S')-
P196	15339-36-3	Manganese dimethyldithiocarbamate
P197	17702-57-7	Formparanate
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-(2-methyl-4-(((methylamino)carbonyl)oxy)phenyl)-
P198	23422-53-9	Formetanate hydrochloride
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-(3-(((methylamino)-carbonyl)oxy)phenyl)-, monohydrochloride
P199	2032-65-7	Methiocarb

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P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate
P201	2631-37-0	Promecarb
P202	64-00-6	m-Cumenyl methylcarbamate
P202	64-00-6	3-Isopropylphenyl-N-methylcarbamate
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate
P203	1646-88-4	Aldicarb sulfone
P203	1646-88-4	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-((methylamino)carbonyl) oxime
P204	57-47-6	Physostigmine
P204	57-47-6	Pyrrolo(2,3-b)indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-
P205	137-30-4	Zinc, bis(dimethylcarbamodithioato-S,S')-
P205	137-30-4	Ziram

BOARD NOTE: An asterisk (*) following the CAS number indicates that the CAS number is given for the parent compound only.

- f) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in subsections (a) through (d), are identified as toxic wastes (T) unless otherwise designated ~~and are subject to the small quantity exclusion defined in Section 721.105(a) and (g)~~. These wastes and their corresponding USEPA hazardous waste numbers are the following:

BOARD NOTE: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The absence of a letter indicates that the compound is only listed for toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by USEPA hazardous waste number.

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance	Hazard Code
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

U394	30558-43-1	A2213	
U001	75-07-0	Acetaldehyde	(I)
U034	75-87-6	Acetaldehyde, trichloro-	
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-	
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-	
U240	P 94-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters	
U112	141-78-6	Acetic acid, ethyl ester	(I)
U144	301-04-2	Acetic acid, lead (2+) salt	
U214	563-68-8	Acetic acid, thallium (1+) salt	
See F027	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-	
U002	67-64-1	Acetone	(I)
U003	75-05-8	Acetonitrile	(I, T)
U004	98-86-2	Acetophenone	
U005	53-96-3	2-Acetylaminofluorene	
U006	75-36-5	Acetyl chloride	(C, R, T)
U007	79-06-1	Acrylamide	
U008	79-10-7	Acrylic acid	(I)
U009	107-13-1	Acrylonitrile	
U011	61-82-5	Amitrole	
U012	62-53-3	Aniline	(I, T)
U136	75-60-5	Arsinic acid, dimethyl-	
U014	492-80-8	Auramine	
U015	115-02-6	Azaserine	
U010	50-07-7	Azirino(2',3':3,4)pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8-(((aminocarbonyl)oxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, (1a-S-(1 α ,8 β ,8 α ,8 β))-	
U280	101-27-9	Barban	
U278	22781-23-3	Bendiocarb	
U364	22961-82-6	Bendiocarb phenol	
U271	17804-35-2	Benomyl	
U157	56-49-5	Benz(j)aceanthrylene, 1,2-dihydro-3-methyl-	
U016	225-51-4	Benz(c)acridine	
U017	98-87-3	Benzal chloride	

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U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-	
U018	56-55-3	Benz(a)anthracene	
U094	57-97-6	Benz(a)anthracene, 7,12-dimethyl-	
U012	62-53-3	Benzenamine	(I, T)
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis(N,N-dimethyl-	
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride	
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-	
U328	95-53-4	Benzenamine, 2-methyl-	
U353	106-49-0	Benzenamine, 4-methyl-	
U158	101-14-4	Benzenamine, 4,4'-methylenebis(2-chloro-	
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride	
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-	
U019	71-43-2	Benzene	(I, T)
U038	510-15-6	Benzeneacetic acid, 4-chloro- α -(4-chlorophenyl)- α -hydroxy-, ethyl ester	
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-	
U035	305-03-3	Benzenebutanoic acid, 4-(bis(2-chloroethyl)amino)-	
U037	108-90-7	Benzene, chloro-	
U221	25376-45-8	Benzenediamine, ar-methyl-	
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester	
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester	
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester	
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester	
U070	95-50-1	Benzene, 1,2-dichloro-	
U071	541-73-1	Benzene, 1,3-dichloro-	
U072	106-46-7	Benzene, 1,4-dichloro-	
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene)bis(4-chloro-	

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U017	98-87-3	Benzene, (dichloromethyl)-	
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl-	(R, T)
U239	1330-20-7	Benzene, dimethyl-	(I)
U201	108-46-3	1,3-Benzenediol	
U127	118-74-1	Benzene, hexachloro-	
U056	110-82-7	Benzene, hexahydro-	(I)
U220	108-88-3	Benzene, methyl-	
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-	
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-	
U055	98-82-8	Benzene, (1-methylethyl)-	(I)
U169	98-95-3	Benzene, nitro-	(I, T)
U183	608-93-5	Benzene, pentachloro-	
U185	82-68-8	Benzene, pentachloronitro-	
U020	98-09-9	Benzenesulfonic acid chloride	(C, R)
U020	98-09-9	Benzenesulfonyl chloride	(C, R)
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-	
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-chloro-	
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-methoxy-	
U023	98-07-7	Benzene, (trichloromethyl)-	(C, R, T)
U234	99-35-4	Benzene, 1,3,5-trinitro-	(R, T)
U021	92-87-5	Benzidene	
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-	
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-	
U090	94-58-6	1,3-Benzodioxole, 5-propyl-	
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate	
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-	
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-	
U064	189-55-9	Benzo(rst)pentaphene	
U248	81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations of 0.3 percent or less	
U022	50-32-8	Benzo(a)pyrene	
U197	106-51-4	p-Benzoquinone	

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U023	98-07-7	Benzotrichloride	(C, R, T)
U085	1464-53-5	2,2'-Bioxirane	(I, T)
U021	92-87-5	(1,1'-Biphenyl)-4,4'-diamine	
U073	91-94-1	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-	
U091	119-90-4	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-	
U095	119-93-7	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-	
U225	75-25-2	Bromoform	
U030	101-55-3	4-Bromophenyl phenyl ether	
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-	
U031	71-36-3	1-Butanol	(I)
U159	78-93-3	2-Butanone	(I, T)
U160	1338-23-4	2-Butanone, peroxide	(R, T)
U053	4170-30-3	2-Butenal	
U074	764-41-0	2-Butene, 1,4-dichloro-	(I, T)
U143	303-34-4	2-Butenoic acid, 2-methyl-, 7-((2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl)-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, (1S-(1 α (Z), 7(2S*,3R*), 7 α))-	
U031	71-36-3	n-Butyl alcohol	(I)
U136	75-60-5	Cacodylic acid	
U032	13765-19-0	Calcium chromate	
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester	
U271	17804-35-2	Carbamic acid, (1-((butylamino)carbonyl)-1H-benzimidazol-2-yl)-, methyl ester	
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester	
U238	51-79-6	Carbamic acid, ethyl ester	
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester	
U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl ester	

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U409	23564-05-8	Carbamic acid, (1,2-phenylenebis(iminocarbonothioyl))bis-, dimethyl ester	
U097	79-44-7	Carbamic chloride, dimethyl-	
U114	P 111-54-6	Carbamodithioic acid, 1,2-ethanediybis-, salts and esters	
U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester	
U389	2303-17-5	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester	
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester	
U279	63-25-2	Carbaryl	
U372	10605-21-7	Carbendazim	
U367	1563-38-8	Carbofuran phenol	
U215	6533-73-9	Carbonic acid, dithallium (1+) salt	
U033	353-50-4	Carbonic difluoride	(R, T)
U156	79-22-1	Carbonochloridic acid, methyl ester	(I, T)
U033	353-50-4	Carbon oxyfluoride	(R, T)
U211	56-23-5	Carbon tetrachloride	
U034	75-87-6	Chloral	
U035	305-03-3	Chlorambucil	
U036	57-74-9	Chlordane, α and γ isomers	
U026	494-03-1	Chlornaphazin	
U037	108-90-7	Chlorobenzene	
U038	510-15-6	Chlorobenzilate	
U039	59-50-7	p-Chloro-m-cresol	
U042	110-75-8	2-Chloroethyl vinyl ether	
U044	67-66-3	Chloroform	
U046	107-30-2	Chloromethyl methyl ether	
U047	91-58-7	β -Chloronaphthalene	
U048	95-57-8	o-Chlorophenol	
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride	
U032	13765-19-0	Chromic acid H ₂ CrO ₄ , calcium salt	
U050	218-01-9	Chrysene	
U051		Creosote	
U052	1319-77-3	Cresol (Cresylic acid)	
U053	4170-30-3	Crotonaldehyde	
U055	98-82-8	Cumene	(I)

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U246	506-68-3	Cyanogen bromide CNBr	
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione	
U056	110-82-7	Cyclohexane	(I)
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1 α ,2 α ,3 β ,4 α ,5 α ,6 β)-	
U057	108-94-1	Cyclohexanone	(I)
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5- hexachloro-	
U058	50-18-0	Cyclophosphamide	
U240	P 94-75-7	2,4-D, salts and esters	
U059	20830-81-3	Daunomycin	
U060	72-54-8	DDD	
U061	50-29-3	DDT	
U062	2303-16-4	Diallate	
U063	53-70-3	Dibenz(a,h)anthracene	
U064	189-55-9	Dibenzo(a,i)pyrene	
U066	96-12-8	1,2-Dibromo-3-chloropropane	
U069	84-74-2	Dibutyl phthalate	
U070	95-50-1	o-Dichlorobenzene	
U071	541-73-1	m-Dichlorobenzene	
U072	106-46-7	p-Dichlorobenzene	
U073	91-94-1	3,3'-Dichlorobenzidine	
U074	764-41-0	1,4-Dichloro-2-butene	(I, T)
U075	75-71-8	Dichlorodifluoromethane	
U078	75-35-4	1,1-Dichloroethylene	
U079	156-60-5	1,2-Dichloroethylene	
U025	111-44-4	Dichloroethyl ether	
U027	108-60-1	Dichloroisopropyl ether	
U024	111-91-1	Dichloromethoxy ethane	
U081	120-83-2	2,4-Dichlorophenol	
U082	87-65-0	2,6-Dichlorophenol	
U084	542-75-6	1,3-Dichloropropene	
U085	1464-53-5	1,2:3,4-Diepoxybutane	(I, T)
U395	5952-26-1	Diethylene glycol, dicarbamate	
U108	123-91-1	1,4-Diethyleneoxide	
U028	117-81-7	Diethylhexyl phthalate	
U086	1615-80-1	N,N'-Diethylhydrazine	
U087	3288-58-2	O,O-Diethyl S-methyl dithiophosphate	
U088	84-66-2	Diethyl phthalate	

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U089	56-53-1	Diethylstilbestrol	
U090	94-58-6	Dihydrosafrole	
U091	119-90-4	3,3'-Dimethoxybenzidine	
U092	124-40-3	Dimethylamine	(I)
U093	60-11-7	p-Dimethylaminoazobenzene	
U094	57-97-6	7,12-Dimethylbenz(a)anthracene	
U095	119-93-7	3,3'-Dimethylbenzidine	
U096	80-15-9	α , α -Dimethylbenzylhydroperoxide	(R)
U097	79-44-7	Dimethylcarbamoyl chloride	
U098	57-14-7	1,1-Dimethylhydrazine	
U099	540-73-8	1,2-Dimethylhydrazine	
U101	105-67-9	2,4-Dimethylphenol	
U102	131-11-3	Dimethyl phthalate	
U103	77-78-1	Dimethyl sulfate	
U105	121-14-2	2,4-Dinitrotoluene	
U106	606-20-2	2,6-Dinitrotoluene	
U107	117-84-0	Di-n-octyl phthalate	
U108	123-91-1	1,4-Dioxane	
U109	122-66-7	1,2-Diphenylhydrazine	
U110	142-84-7	Dipropylamine	(I)
U111	621-64-7	Di-n-propylnitrosamine	
U041	106-89-8	Epichlorohydrin	
U001	75-07-0	Ethanal	(I)
U404	121-44-8	Ethanamine, N,N-diethyl-	
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-	
U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-	
U067	106-93-4	Ethane, 1,2-dibromo-	
U076	75-34-3	Ethane, 1,1-dichloro-	
U077	107-06-2	Ethane, 1,2-dichloro-	
U131	67-72-1	Ethane, hexachloro-	
U024	111-91-1	Ethane, 1,1'-(methylenebis(oxy))bis(2-chloro-	
U117	60-29-7	Ethane, 1,1'-oxybis-	(I)
U025	111-44-4	Ethane, 1,1'-oxybis(2-chloro-	
U184	76-01-7	Ethane, pentachloro-	
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-	
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-	
U218	62-55-5	Ethanethioamide	

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U226	71-55-6	Ethane, 1,1,1-trichloro-	
U227	79-00-5	Ethane, 1,1,2-trichloro-	
U410	59669-26-0	Ethanimidothioic acid, N,N'- (thiobis((methylimino)carbonyloxy))bis-, dimethyl ester	
U394	30558-43-1	Ethanimidothioic acid, 2- (dimethylamino)-N-hydroxy-2-oxo-, methyl ester	
U359	110-80-5	Ethanol, 2-ethoxy-	
U173	1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-	
U395	5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate	
U004	98-86-2	Ethanone, 1-phenyl-	
U043	75-01-4	Ethene, chloro-	
U042	110-75-8	Ethene, (2-chloroethoxy)-	
U078	75-35-4	Ethene, 1,1-dichloro-	
U079	156-60-5	Ethene, 1,2-dichloro-, (E)-	
U210	127-18-4	Ethene, tetrachloro-	
U228	79-01-6	Ethene, trichloro-	
U112	141-78-6	Ethyl acetate	(I)
U113	140-88-5	Ethyl acrylate	(I)
U238	51-79-6	Ethyl carbamate (urethane)	
U117	60-29-7	Ethyl ether	(I)
U114	P 111-54-6	Ethylenebisdithiocarbamic acid, salts and esters	
U067	106-93-4	Ethylene dibromide	
U077	107-06-2	Ethylene dichloride	
U359	110-80-5	Ethylene glycol monoethyl ether	
U115	75-21-8	Ethylene oxide	(I, T)
U116	96-45-7	Ethylenethiourea	
U076	75-34-3	Ethylidene dichloride	
U118	97-63-2	Ethyl methacrylate	
U119	62-50-0	Ethyl methanesulfonate	
U120	206-44-0	Fluoranthene	
U122	50-00-0	Formaldehyde	
U123	64-18-6	Formic acid	(C, T)
U124	110-00-9	Furan	(I)
U125	98-01-1	2-Furancarboxaldehyde	(I)
U147	108-31-6	2,5-Furandione	
U213	109-99-9	Furan, tetrahydro-	(I)

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U125	98-01-1	Furfural	(I)
U124	110-00-9	Furfuran	(I)
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-, D-	
U206	18883-66-4	D-Glucose, 2-deoxy-2-(((methylnitrosoamino)-carbonyl)amino)-Glycidylaldehyde	
U126	765-34-4	Guanidine, N-methyl-N'-nitro-N-nitroso-	
U163	70-25-7	Hexachlorobenzene	
U127	118-74-1	Hexachlorobutadiene	
U128	87-68-3	Hexachlorocyclopentadiene	
U130	77-47-4	Hexachloroethane	
U131	67-72-1	Hexachlorophene	
U132	70-30-4	Hexachloropropene	
U243	1888-71-7	Hydrazine	(R, T)
U133	302-01-2	Hydrazine, 1,2-diethyl-	
U086	1615-80-1	Hydrazine, 1,1-dimethyl-	
U098	57-14-7	Hydrazine, 1,2-dimethyl-	
U099	540-73-8	Hydrazine, 1,2-diphenyl-	
U109	122-66-7	Hydrofluoric acid	(C, T)
U134	7664-39-3	Hydrogen fluoride	(C, T)
U135	7783-06-4	Hydrogen sulfide	
U135	7783-06-4	Hydrogen sulfide H ₂ S	
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl-	(R)
U116	96-45-7	2-Imidazolidinethione	
U137	193-39-5	Indeno(1,2,3-cd)pyrene	
U190	85-44-9	1,3-Isobenzofurandione	
U140	78-83-1	Isobutyl alcohol	(I, T)
U141	120-58-1	Isosafrole	
U142	143-50-0	Kepone	
U143	303-34-4	Lasiocarpene	
U144	301-04-2	Lead acetate	
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-	
U145	7446-27-7	Lead phosphate	
U146	1335-32-6	Lead subacetate	
U129	58-89-9	Lindane	
U163	70-25-7	MNNG	
U147	108-31-6	Maleic anhydride	
U148	123-33-1	Maleic hydrazide	

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U149	109-77-3	Malononitrile	
U150	148-82-3	Melphalan	
U151	7439-97-6	Mercury	
U152	126-98-7	Methacrylonitrile	(I, T)
U092	124-40-3	Methanamine, N-methyl-	(I)
U029	74-83-9	Methane, bromo-	
U045	74-87-3	Methane, chloro-	(I, T)
U046	107-30-2	Methane, chloromethoxy-	
U068	74-95-3	Methane, dibromo-	
U080	75-09-2	Methane, dichloro-	
U075	75-71-8	Methane, dichlorodifluoro-	
U138	74-88-4	Methane, iodo-	
U119	62-50-0	Methanesulfonic acid, ethyl ester	
U211	56-23-5	Methane, tetrachloro-	
U153	74-93-1	Methanethiol	(I, T)
U225	75-25-2	Methane, tribromo-	
U044	67-66-3	Methane, trichloro-	
U121	75-69-4	Methane, trichlorofluoro-	
U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	
U154	67-56-1	Methanol	(I)
U155	91-80-5	Methapyrilene	
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta(cd)pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-	
U247	72-43-5	Methoxychlor	
U154	67-56-1	Methyl alcohol	(I)
U029	74-83-9	Methyl bromide	
U186	504-60-9	1-Methylbutadiene	(I)
U045	74-87-3	Methyl chloride	(I, T)
U156	79-22-1	Methyl chlorocarbonate	(I, T)
U226	71-55-6	Methylchloroform	
U157	56-49-5	3-Methylcholanthrene	
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)	
U068	74-95-3	Methylene bromide	
U080	75-09-2	Methylene chloride	
U159	78-93-3	Methyl ethyl ketone (MEK)	(I, T)
U160	1338-23-4	Methyl ethyl ketone peroxide	(R, T)
U138	74-88-4	Methyl iodide	

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U161	108-10-1	Methyl isobutyl ketone	(I)
U162	80-62-6	Methyl methacrylate	(I, T)
U161	108-10-1	4-Methyl-2-pentanone	(I)
U164	56-04-2	Methylthiouracil	
U010	50-07-7	Mitomycin C	
U059	20830-81-3	5,12-Naphthacenedione, 8-acetyl-10-((3-amino-2,3,6-trideoxy- α -L-lyxo-hexapyranosyl)oxyl)-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-	
U167	134-32-7	1-Naphthalenamine	
U168	91-59-8	2-Naphthalenamine	
U026	494-03-1	Naphthaleneamine, N,N'-bis(2-chloroethyl)-	
U165	91-20-3	Naphthalene	
U047	91-58-7	Naphthalene, 2-chloro-	
U166	130-15-4	1,4-Naphthalenedione	
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-((3,3'-dimethyl-(1,1'-biphenyl)-4,4'-diyl)bis(azo)bis(5-amino-4-hydroxy)-, tetrasodium salt	
U279	63-25-2	1-Naphthalenol, methylcarbamate	
U166	130-15-4	1,4-Naphthoquinone	
U167	134-32-7	α -Naphthylamine	
U168	91-59-8	β -Naphthylamine	
U217	10102-45-1	Nitric acid, thallium (1+) salt	
U169	98-95-3	Nitrobenzene	(I, T)
U170	100-02-7	p-Nitrophenol	
U171	79-46-9	2-Nitropropane	(I, T)
U172	924-16-3	N-Nitrosodi-n-butylamine	
U173	1116-54-7	N-Nitrosodiethanolamine	
U174	55-18-5	N-Nitrosodiethylamine	
U176	759-73-9	N-Nitroso-N-ethylurea	
U177	684-93-5	N-Nitroso-N-methylurea	
U178	615-53-2	N-Nitroso-N-methylurethane	
U179	100-75-4	N-Nitrosopiperidine	
U180	930-55-2	N-Nitrosopyrrolidine	
U181	99-55-8	5-Nitro-o-toluidine	
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide	

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U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide	
U115	75-21-8	Oxirane	(I, T)
U126	765-34-4	Oxiranecarboxyaldehyde	
U041	106-89-8	Oxirane, (chloromethyl)-	
U182	123-63-7	Paraldehyde	
U183	608-93-5	Pentachlorobenzene	
U184	76-01-7	Pentachloroethane	
U185	82-68-8	Pentachloronitrobenzene (PCNB)	
See F027	87-86-5	Pentachlorophenol	
U161	108-10-1	Pentanol, 4-methyl-	(I)
U186	504-60-9	1,3-Pentadiene	(I)
U187	62-44-2	Phenacetin	
U188	108-95-2	Phenol	
U048	95-57-8	Phenol, 2-chloro-	
U039	59-50-7	Phenol, 4-chloro-3-methyl-	
U081	120-83-2	Phenol, 2,4-dichloro-	
U082	87-65-0	Phenol, 2,6-dichloro-	
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-	
U101	105-67-9	Phenol, 2,4-dimethyl-	
U052	1319-77-3	Phenol, methyl-	
U132	70-30-4	Phenol, 2,2'-methylenebis(3,4,6-trichloro-	
U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methylcarbamate	
U170	100-02-7	Phenol, 4-nitro-	
See F027	87-86-5	Phenol, pentachloro-	
See F027	58-90-2	Phenol, 2,3,4,6-tetrachloro-	
See F027	95-95-4	Phenol, 2,4,5-trichloro-	
See F027	88-06-2	Phenol, 2,4,6-trichloro-	
U150	148-82-3	L-Phenylalanine, 4-(bis(2-chloroethyl)amino)-	
U145	7446-27-7	Phosphoric acid, lead (2+) salt (2:3)	
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester	
U189	1314-80-3	Phosphorus sulfide	(R)
U190	85-44-9	Phthalic anhydride	
U191	109-06-8	2-Picoline	
U179	100-75-4	Piperidine, 1-nitroso-	

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U192	23950-58-5	Pronamide	
U194	107-10-8	1-Propanamine	(I, T)
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-	
U110	142-84-7	1-Propanamine, N-propyl-	(I)
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-	
U083	78-87-5	Propane, 1,2-dichloro-	
U149	109-77-3	Propanedinitrile	
U171	79-46-9	Propane, 2-nitro-	(I, T)
U027	108-60-1	Propane, 2,2'-oxybis(2-chloro-	
See F027	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	
U193	1120-71-4	1,3-Propane sultone	
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)	
U140	78-83-1	1-Propanol, 2-methyl-	(I, T)
U002	67-64-1	2-Propanone	(I)
U007	79-06-1	2-Propenamide	
U084	542-75-6	1-Propene, 1,3-dichloro-	
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-	
U009	107-13-1	2-Propenenitrile	
U152	126-98-7	2-Propenenitrile, 2-methyl-	(I, T)
U008	79-10-7	2-Propenoic acid	(I)
U113	140-88-5	2-Propenoic acid, ethyl ester	(I)
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester	
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester	(I, T)
U373	122-42-9	Propham	
U411	114-26-1	Propoxur	
See F027	93-72-1	Propionic acid, 2-(2,4,5-trichlorophenoxy)-	
U194	107-10-8	n-Propylamine	(I, T)
U083	78-87-5	Propylene dichloride	
U387	52888-80-9	Prosulfocarb	
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-	
U196	110-86-1	Pyridine	
U191	109-06-8	Pyridine, 2-methyl-	
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-(bis(2-chloroethyl) amino)-	
U164	56-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	
U180	930-55-2	Pyrrolidine, 1-nitroso-	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

U200	50-55-5	Reserpine	
U201	108-46-3	Resorcinol	
U203	94-59-7	Safrole	
U204	7783-00-8	Selenious acid	
U204	7783-00-8	Selenium dioxide	
U205	7488-56-4	Selenium sulfide	(R, T)
U205	7488-56-4	Selenium sulfide SeS ₂	(R, T)
U015	115-02-6	L-Serine, diazoacetate (ester)	
See F027	93-72-1	Silvex (2,4,5-TP)	
U206	18883-66-4	Streptozotocin	
U103	77-78-1	Sulfuric acid, dimethyl ester	
U189	1314-80-3	Sulfur phosphide	(R)
See F027	93-76-5	2,4,5-T	
U207	95-94-3	1,2,4,5-Tetrachlorobenzene	
U208	630-20-6	1,1,1,2-Tetrachloroethane	
U209	79-34-5	1,1,2,2-Tetrachloroethane	
U210	127-18-4	Tetrachloroethylene	
See F027	58-90-2	2,3,4,6-Tetrachlorophenol	
U213	109-99-9	Tetrahydrofuran	(I)
U214	563-68-8	Thallium (I) acetate	
U215	6533-73-9	Thallium (I) carbonate	
U216	7791-12-0	Thallium (I) chloride	
U216	7791-12-0	Thallium chloride TlCl	
U217	10102-45-1	Thallium (I) nitrate	
U218	62-55-5	Thioacetamide	
U410	59669-26-0	Thiodicarb	
U153	74-93-1	Thiomethanol	(I, T)
U244	137-26-8	Thioperoxydicarbonic diamide ((H ₂ N)C(S)) ₂ S ₂ , tetramethyl-	
U409	23564-05-8	Thiophanate-methyl	
U219	62-56-6	Thiourea	
U244	137-26-8	Thiram	
U220	108-88-3	Toluene	
U221	25376-45-8	Toluenediamine	
U223	26471-62-5	Toluene diisocyanate	(R, T)
U328	95-53-4	o-Toluidine	
U353	106-49-0	p-Toluidine	
U222	636-21-5	o-Toluidine hydrochloride	

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U389	2303-17-5	Triallate	
U011	61-82-5	1H-1,2,4-Triazol-3-amine	
U227	79-00-5	Ethane, 1,1,2-trichloro-	
U227	79-00-5	1,1,2-Trichloroethane	
U228	79-01-6	Trichloroethylene	
U121	75-69-4	Trichloromonofluoromethane	
See F027	95-95-4	2,4,5-Trichlorophenol	
See F027	88-06-2	2,4,6-Trichlorophenol	
U404	121-44-8	Triethylamine	
U234	99-35-4	1,3,5-Trinitrobenzene	(R, T)
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-	
U235	126-72-7	Tris (2,3-dibromopropyl) phosphate	
U236	72-57-1	Trypan blue	
U237	66-75-1	Uracil mustard	
U176	759-73-9	Urea, N-ethyl-N-nitroso-	
U177	684-93-5	Urea, N-methyl-N-nitroso-	
U043	75-01-4	Vinyl chloride	
U248	81-81-2	Warfarin, and salts, when present at concentrations of 0.3 percent or less	
U239	1330-20-7	Xylene	(I)
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-((3,4,5-trimethoxybenzoyl)oxy)-, methyl ester, (3 β ,16 β ,17 α ,18 β ,20 α)-	
U249	1314-84-7	Zinc phosphide Zn ₃ P ₂ , when present at concentrations of 10 percent or less	

Numerical Listing

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance	Hazard Code
U001	75-07-0	Acetaldehyde	(I)
U001	75-07-0	Ethanal	(I)
U002	67-64-1	Acetone	(I)
U002	67-64-1	2-Propanone	(I)
U003	75-05-8	Acetonitrile	(I, T)
U004	98-86-2	Acetophenone	

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U004	98-86-2	Ethanone, 1-phenyl-	
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-	
U005	53-96-3	2-Acetylaminofluorene	
U006	75-36-5	Acetyl chloride	(C, R, T)
U007	79-06-1	Acrylamide	
U007	79-06-1	2-Propenamamide	
U008	79-10-7	Acrylic acid	(I)
U008	79-10-7	2-Propenoic acid	(I)
U009	107-13-1	Acrylonitrile	
U009	107-13-1	2-Propenenitrile	
U010	50-07-7	Azirino(2',3':3,4)pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8-(((aminocarbonyl)oxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, (1a-S-(1 α ,8 β ,8 α ,8 β))-	
U010	50-07-7	Mitomycin C	
U011	61-82-5	Amitrole	
U011	61-82-5	1H-1,2,4-Triazol-3-amine	
U012	62-53-3	Aniline	(I, T)
U012	62-53-3	Benzenamine	(I, T)
U014	492-80-8	Auramine	
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis(N,N-dimethyl-	
U015	115-02-6	Azaserine	
U015	115-02-6	L-Serine, diazoacetate (ester)	
U016	225-51-4	Benz(c)acridine	
U017	98-87-3	Benzal chloride	
U017	98-87-3	Benzene, (dichloromethyl)-	
U018	56-55-3	Benz(a)anthracene	
U019	71-43-2	Benzene	(I, T)
U020	98-09-9	Benzenesulfonic acid chloride	(C, R)
U020	98-09-9	Benzenesulfonyl chloride	(C, R)
U021	92-87-5	Benzidene	
U021	92-87-5	(1,1'-Biphenyl)-4,4'-diamine	
U022	50-32-8	Benzo(a)pyrene	
U023	98-07-7	Benzene, (trichloromethyl)-	(C, R, T)
U023	98-07-7	Benzotrichloride	(C, R, T)
U024	111-91-1	Dichloromethoxy ethane	

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U024	111-91-1	Ethane, 1,1'-(methylenebis(oxy))bis(2-chloro-	
U025	111-44-4	Dichloroethyl ether	
U025	111-44-4	Ethane, 1,1'-oxybis(2-chloro-	
U026	494-03-1	Chlornaphazin	
U026	494-03-1	Naphthaleneamine, N,N'-bis(2-chloroethyl)-	
U027	108-60-1	Dichloroisopropyl ether	
U027	108-60-1	Propane, 2,2'-oxybis(2-chloro-	
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	
U028	117-81-7	Diethylhexyl phthalate	
U029	74-83-9	Methane, bromo-	
U029	74-83-9	Methyl bromide	
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-	
U030	101-55-3	4-Bromophenyl phenyl ether	
U031	71-36-3	1-Butanol	(I)
U031	71-36-3	n-Butyl alcohol	(I)
U032	13765-19-0	Calcium chromate	
U032	13765-19-0	Chromic acid H ₂ CrO ₄ , calcium salt	
U033	353-50-4	Carbonic difluoride	(R, T)
U033	353-50-4	Carbon oxyfluoride	(R, T)
U034	75-87-6	Acetaldehyde, trichloro-	
U034	75-87-6	Chloral	
U035	305-03-3	Benzenebutanoic acid, 4-(bis(2-chloroethyl)amino)-	
U035	305-03-3	Chlorambucil	
U036	57-74-9	Chlordane, α and γ isomers	
U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	
U037	108-90-7	Benzene, chloro-	
U037	108-90-7	Chlorobenzene	
U038	510-15-6	Benzeneacetic acid, 4-chloro- α -(4-chlorophenyl)- α -hydroxy-, ethyl ester	
U038	510-15-6	Chlorobenzilate	
U039	59-50-7	p-Chloro-m-cresol	
U039	59-50-7	Phenol, 4-chloro-3-methyl-	
U041	106-89-8	Epichlorohydrin	
U041	106-89-8	Oxirane, (chloromethyl)-	

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U042	110-75-8	2-Chloroethyl vinyl ether	
U042	110-75-8	Ethene, (2-chloroethoxy)-	
U043	75-01-4	Ethene, chloro-	
U043	75-01-4	Vinyl chloride	
U044	67-66-3	Chloroform	
U044	67-66-3	Methane, trichloro-	
U045	74-87-3	Methane, chloro-	(I, T)
U045	74-87-3	Methyl chloride	(I, T)
U046	107-30-2	Chloromethyl methyl ether	
U046	107-30-2	Methane, chloromethoxy-	
U047	91-58-7	β -Chloronaphthalene	
U047	91-58-7	Naphthalene, 2-chloro-	
U048	95-57-8	o-Chlorophenol	
U048	95-57-8	Phenol, 2-chloro-	
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride	
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride	
U050	218-01-9	Chrysene	
U051		Creosote	
U052	1319-77-3	Cresol (Cresylic acid)	
U052	1319-77-3	Phenol, methyl-	
U053	4170-30-3	2-Butenal	
U053	4170-30-3	Crotonaldehyde	
U055	98-82-8	Benzene, (1-methylethyl)-	(I)
U055	98-82-8	Cumene	(I)
U056	110-82-7	Benzene, hexahydro-	(I)
U056	110-82-7	Cyclohexane	(I)
U057	108-94-1	Cyclohexanone	(I)
U058	50-18-0	Cyclophosphamide	
U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2- oxide	
U059	20830-81-3	Daunomycin	
U059	20830-81-3	5,12-Naphthacenedione, 8-acetyl-10-((3- amino-2,3,6-trideoxy)- α -L-lyxo- hexapyranosyl)oxyl)-7,8,9,10-tetrahydro- 6,8,11-trihydroxy-1-methoxy-, (8S-cis)-	
U060	72-54-8	Benzene, 1,1'-(2,2- dichloroethylidene)bis(4-chloro-	

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NOTICE OF PROPOSED AMENDMENTS

U060	72-54-8	DDD	
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-chloro-	
U061	50-29-3	DDT	
U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester	
U062	2303-16-4	Diallate	
U063	53-70-3	Dibenz(a,h)anthracene	
U064	189-55-9	Benzo(rst)pentaphene	
U064	189-55-9	Dibenzo(a,i)pyrene	
U066	96-12-8	1,2-Dibromo-3-chloropropane	
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-	
U067	106-93-4	Ethane, 1,2-dibromo-	
U067	106-93-4	Ethylene dibromide	
U068	74-95-3	Methane, dibromo-	
U068	74-95-3	Methylene bromide	
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester	
U069	84-74-2	Dibutyl phthalate	
U070	95-50-1	Benzene, 1,2-dichloro-	
U070	95-50-1	o-Dichlorobenzene	
U071	541-73-1	Benzene, 1,3-dichloro-	
U071	541-73-1	m-Dichlorobenzene	
U072	106-46-7	Benzene, 1,4-dichloro-	
U072	106-46-7	p-Dichlorobenzene	
U073	91-94-1	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-	
U073	91-94-1	3,3'-Dichlorobenzidine	
U074	764-41-0	2-Butene, 1,4-dichloro-	(I, T)
U074	764-41-0	1,4-Dichloro-2-butene	(I, T)
U075	75-71-8	Dichlorodifluoromethane	
U075	75-71-8	Methane, dichlorodifluoro-	
U076	75-34-3	Ethane, 1,1-dichloro-	
U076	75-34-3	Ethylidene dichloride	
U077	107-06-2	Ethane, 1,2-dichloro-	
U077	107-06-2	Ethylene dichloride	
U078	75-35-4	1,1-Dichloroethylene	
U078	75-35-4	Ethene, 1,1-dichloro-	
U079	156-60-5	1,2-Dichloroethylene	

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U079	156-60-5	Ethene, 1,2-dichloro-, (E)-	
U080	75-09-2	Methane, dichloro-	
U080	75-09-2	Methylene chloride	
U081	120-83-2	2,4-Dichlorophenol	
U081	120-83-2	Phenol, 2,4-dichloro-	
U082	87-65-0	2,6-Dichlorophenol	
U082	87-65-0	Phenol, 2,6-dichloro-	
U083	78-87-5	Propane, 1,2-dichloro-	
U083	78-87-5	Propylene dichloride	
U084	542-75-6	1,3-Dichloropropene	
U084	542-75-6	1-Propene, 1,3-dichloro-	
U085	1464-53-5	2,2'-Bioxirane	(I, T)
U085	1464-53-5	1,2:3,4-Diepoxybutane	(I, T)
U086	1615-80-1	N,N'-Diethylhydrazine	
U086	1615-80-1	Hydrazine, 1,2-diethyl-	
U087	3288-58-2	O,O-Diethyl S-methyl dithiophosphate	
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester	
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester	
U088	84-66-2	Diethyl phthalate	
U089	56-53-1	Diethylstilbestrol	
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-	
U090	94-58-6	1,3-Benzodioxole, 5-propyl-	
U090	94-58-6	Dihydrosafrole	
U091	119-90-4	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-	
U091	119-90-4	3,3'-Dimethoxybenzidine	
U092	124-40-3	Dimethylamine	(I)
U092	124-40-3	Methanamine, N-methyl-	(I)
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-	
U093	60-11-7	p-Dimethylaminoazobenzene	
U094	57-97-6	Benz(a)anthracene, 7,12-dimethyl-	
U094	57-97-6	7,12-Dimethylbenz(a)anthracene	
U095	119-93-7	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-	
U095	119-93-7	3,3'-Dimethylbenzidine	

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U096	80-15-9	α , α -Dimethylbenzylhydroperoxide	(R)
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl-	(R)
U097	79-44-7	Carbamic chloride, dimethyl-	
U097	79-44-7	Dimethylcarbamoyl chloride	
U098	57-14-7	1,1-Dimethylhydrazine	
U098	57-14-7	Hydrazine, 1,1-dimethyl-	
U099	540-73-8	1,2-Dimethylhydrazine	
U099	540-73-8	Hydrazine, 1,2-dimethyl-	
U101	105-67-9	2,4-Dimethylphenol	
U101	105-67-9	Phenol, 2,4-dimethyl-	
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester	
U102	131-11-3	Dimethyl phthalate	
U103	77-78-1	Dimethyl sulfate	
U103	77-78-1	Sulfuric acid, dimethyl ester	
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-	
U105	121-14-2	2,4-Dinitrotoluene	
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-	
U106	606-20-2	2,6-Dinitrotoluene	
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester	
U107	117-84-0	Di-n-octyl phthalate	
U108	123-91-1	1,4-Diethyleneoxide	
U108	123-91-1	1,4-Dioxane	
U109	122-66-7	1,2-Diphenylhydrazine	
U109	122-66-7	Hydrazine, 1,2-diphenyl-	
U110	142-84-7	Dipropylamine	(I)
U110	142-84-7	1-Propanamine, N-propyl-	(I)
U111	621-64-7	Di-n-propylnitrosamine	
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-	
U112	141-78-6	Acetic acid, ethyl ester	(I)
U112	141-78-6	Ethyl acetate	(I)
U113	140-88-5	Ethyl acrylate	(I)
U113	140-88-5	2-Propenoic acid, ethyl ester	(I)
U114	P 111-54-6	Carbamodithioic acid, 1,2-ethanediylbis-, salts and esters	
U114	P 111-54-6	Ethylenebisdithiocarbamic acid, salts and esters	
U115	75-21-8	Ethylene oxide	(I, T)

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U115	75-21-8	Oxirane	(I, T)
U116	96-45-7	Ethylenethiourea	
U116	96-45-7	2-Imidazolidinethione	
U117	60-29-7	Ethane, 1,1'-oxybis-	(I)
U117	60-29-7	Ethyl ether	(I)
U118	97-63-2	Ethyl methacrylate	
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester	
U119	62-50-0	Ethyl methanesulfonate	
U119	62-50-0	Methanesulfonic acid, ethyl ester	
U120	206-44-0	Fluoranthene	
U121	75-69-4	Methane, trichlorofluoro-	
U121	75-69-4	Trichloromonofluoromethane	
U122	50-00-0	Formaldehyde	
U123	64-18-6	Formic acid	(C, T)
U124	110-00-9	Furan	(I)
U124	110-00-9	Furfuran	(I)
U125	98-01-1	2-Furancarboxaldehyde	(I)
U125	98-01-1	Furfural	(I)
U126	765-34-4	Glycidylaldehyde	
U126	765-34-4	Oxiranecarboxyaldehyde	
U127	118-74-1	Benzene, hexachloro-	
U127	118-74-1	Hexachlorobenzene	
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	
U128	87-68-3	Hexachlorobutadiene	
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1 α ,2 α ,3 β ,4 α ,5 α ,6 β)-	
U129	58-89-9	Lindane	
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5- hexachloro-	
U130	77-47-4	Hexachlorocyclopentadiene	
U131	67-72-1	Ethane, hexachloro-	
U131	67-72-1	Hexachloroethane	
U132	70-30-4	Hexachlorophene	
U132	70-30-4	Phenol, 2,2'-methylenebis(3,4,6- trichloro-	
U133	302-01-2	Hydrazine	(R, T)
U134	7664-39-3	Hydrofluoric acid	(C, T)
U134	7664-39-3	Hydrogen fluoride	(C, T)
U135	7783-06-4	Hydrogen sulfide	

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U135	7783-06-4	Hydrogen sulfide H ₂ S	
U136	75-60-5	Arsinic acid, dimethyl-	
U136	75-60-5	Cacodylic acid	
U137	193-39-5	Indeno(1,2,3-cd)pyrene	
U138	74-88-4	Methane, iodo-	
U138	74-88-4	Methyl iodide	
U140	78-83-1	Isobutyl alcohol	(I, T)
U140	78-83-1	1-Propanol, 2-methyl-	(I, T)
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-	
U141	120-58-1	Isosafrole	
U142	143-50-0	Kepone	
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta(cd)pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-	
U143	303-34-4	2-Butenoic acid, 2-methyl-, 7-((2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl)-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, (1S-(1α(Z), 7(2S*,3R*), 7αα))-	
U143	303-34-4	Lasiocarpene	
U144	301-04-2	Acetic acid, lead (2+) salt	
U144	301-04-2	Lead acetate	
U145	7446-27-7	Lead phosphate	
U145	7446-27-7	Phosphoric acid, lead (2+) salt (2:3)	
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-	
U146	1335-32-6	Lead subacetate	
U147	108-31-6	2,5-Furandione	
U147	108-31-6	Maleic anhydride	
U148	123-33-1	Maleic hydrazide	
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-	
U149	109-77-3	Malononitrile	
U149	109-77-3	Propanedinitrile	
U150	148-82-3	Melphalan	
U150	148-82-3	L-Phenylalanine, 4-(bis(2-chloroethyl)amino)-	
U151	7439-97-6	Mercury	
U152	126-98-7	Methacrylonitrile	(I, T)
U152	126-98-7	2-Propenenitrile, 2-methyl-	(I, T)

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U153	74-93-1	Methanethiol	(I, T)
U153	74-93-1	Thiomethanol	(I, T)
U154	67-56-1	Methanol	(I)
U154	67-56-1	Methyl alcohol	(I)
U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-	
U155	91-80-5	Methapyrilene	
U156	79-22-1	Carbonochloridic acid, methyl ester	(I, T)
U156	79-22-1	Methyl chlorocarbonate	(I, T)
U157	56-49-5	Benz(j)aceanthrylene, 1,2-dihydro-3-methyl-	
U157	56-49-5	3-Methylcholanthrene	
U158	101-14-4	Benzenamine, 4,4'-methylenebis(2-chloro-	
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)	
U159	78-93-3	2-Butanone	(I, T)
U159	78-93-3	Methyl ethyl ketone (MEK)	(I, T)
U160	1338-23-4	2-Butanone, peroxide	(R, T)
U160	1338-23-4	Methyl ethyl ketone peroxide	(R, T)
U161	108-10-1	Methyl isobutyl ketone	(I)
U161	108-10-1	4-Methyl-2-pentanone	(I)
U161	108-10-1	Pentanol, 4-methyl-	(I)
U162	80-62-6	Methyl methacrylate	(I, T)
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester	(I, T)
U163	70-25-7	Guanidine, N-methyl-N'-nitro-N-nitroso-	
U163	70-25-7	MNNG	
U164	56-04-2	Methylthiouracil	
U164	56-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	
U165	91-20-3	Naphthalene	
U166	130-15-4	1,4-Naphthalenedione	
U166	130-15-4	1,4-Naphthoquinone	
U167	134-32-7	1-Naphthalenamine	
U167	134-32-7	α -Naphthylamine	
U168	91-59-8	2-Naphthalenamine	
U168	91-59-8	β -Naphthylamine	
U169	98-95-3	Benzene, nitro-	(I, T)
U169	98-95-3	Nitrobenzene	(I, T)
U170	100-02-7	p-Nitrophenol	

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U170	100-02-7	Phenol, 4-nitro-	
U171	79-46-9	2-Nitropropane	(I, T)
U171	79-46-9	Propane, 2-nitro-	(I, T)
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-	
U172	924-16-3	N-Nitrosodi-n-butylamine	
U173	1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-	
U173	1116-54-7	N-Nitrosodiethanolamine	
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-	
U174	55-18-5	N-Nitrosodiethylamine	
U176	759-73-9	N-Nitroso-N-ethylurea	
U176	759-73-9	Urea, N-ethyl-N-nitroso-	
U177	684-93-5	N-Nitroso-N-methylurea	
U177	684-93-5	Urea, N-methyl-N-nitroso-	
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester	
U178	615-53-2	N-Nitroso-N-methylurethane	
U179	100-75-4	N-Nitrosopiperidine	
U179	100-75-4	Piperidine, 1-nitroso-	
U180	930-55-2	N-Nitrosopyrrolidine	
U180	930-55-2	Pyrrolidine, 1-nitroso-	
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-	
U181	99-55-8	5-Nitro-o-toluidine	
U182	123-63-7	Paraldehyde	
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-	
U183	608-93-5	Benzene, pentachloro-	
U183	608-93-5	Pentachlorobenzene	
U184	76-01-7	Ethane, pentachloro-	
U184	76-01-7	Pentachloroethane	
U185	82-68-8	Benzene, pentachloronitro-	
U185	82-68-8	Pentachloronitrobenzene (PCNB)	
U186	504-60-9	1-Methylbutadiene	(I)
U186	504-60-9	1,3-Pentadiene	(I)
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-	
U187	62-44-2	Phenacetin	
U188	108-95-2	Phenol	
U189	1314-80-3	Phosphorus sulfide	(R)
U189	1314-80-3	Sulfur phosphide	(R)
U190	85-44-9	1,3-Isobenzofurandione	
U190	85-44-9	Phthalic anhydride	

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U191	109-06-8	2-Picoline	
U191	109-06-8	Pyridine, 2-methyl-	
U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-	
U192	23950-58-5	Pronamide	
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide	
U193	1120-71-4	1,3-Propane sultone	
U194	107-10-8	1-Propanamine	(I, T)
U194	107-10-8	n-Propylamine	(I, T)
U196	110-86-1	Pyridine	
U197	106-51-4	p-Benzoquinone	
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione	
U200	50-55-5	Reserpine	
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-((3,4,5-trimethoxybenzoyl)oxy)-, methyl ester, (3 β ,16 β ,17 α ,18 β ,20 α)-	
U201	108-46-3	1,3-Benzenediol	
U201	108-46-3	Resorcinol	
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-	
U203	94-59-7	Safrole	
U204	7783-00-8	Selenious acid	
U204	7783-00-8	Selenium dioxide	
U205	7488-56-4	Selenium sulfide	(R, T)
U205	7488-56-4	Selenium sulfide SeS ₂	(R, T)
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-, D-	
U206	18883-66-4	D-Glucose, 2-deoxy-2-(((methylnitrosoamino)-carbonyl)amino)-	
U206	18883-66-4	Streptozotocin	
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-	
U207	95-94-3	1,2,4,5-Tetrachlorobenzene	
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-	
U208	630-20-6	1,1,1,2-Tetrachloroethane	
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-	
U209	79-34-5	1,1,2,2-Tetrachloroethane	
U210	127-18-4	Ethene, tetrachloro-	

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U210	127-18-4	Tetrachloroethylene	
U211	56-23-5	Carbon tetrachloride	
U211	56-23-5	Methane, tetrachloro-	
U213	109-99-9	Furan, tetrahydro-	(I)
U213	109-99-9	Tetrahydrofuran	(I)
U214	563-68-8	Acetic acid, thallium (1+) salt	
U214	563-68-8	Thallium (I) acetate	
U215	6533-73-9	Carbonic acid, dithallium (1+) salt	
U215	6533-73-9	Thallium (I) carbonate	
U216	7791-12-0	Thallium (I) chloride	
U216	7791-12-0	Thallium chloride TlCl	
U217	10102-45-1	Nitric acid, thallium (1+) salt	
U217	10102-45-1	Thallium (I) nitrate	
U218	62-55-5	Ethanethioamide	
U218	62-55-5	Thioacetamide	
U219	62-56-6	Thiourea	
U220	108-88-3	Benzene, methyl-	
U220	108-88-3	Toluene	
U221	25376-45-8	Benzenediamine, ar-methyl-	
U221	25376-45-8	Toluenediamine	
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride	
U222	636-21-5	o-Toluidine hydrochloride	
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl-	(R, T)
U223	26471-62-5	Toluene diisocyanate	(R, T)
U225	75-25-2	Bromoform	
U225	75-25-2	Methane, tribromo-	
U226	71-55-6	Ethane, 1,1,1-trichloro-	
U226	71-55-6	Methylchloroform	
U227	79-00-5	Ethane, 1,1,2-trichloro-	
U227	79-00-5	1,1,2-Trichloroethane	
U228	79-01-6	Ethene, trichloro-	
U228	79-01-6	Trichloroethylene	
U234	99-35-4	Benzene, 1,3,5-trinitro-	(R, T)
U234	99-35-4	1,3,5-Trinitrobenzene	(R, T)
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)	
U235	126-72-7	Tris(2,3-dibromopropyl) phosphate	

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U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-((3,3'-dimethyl-(1,1'-biphenyl)-4,4'-diyl)bis(azo)bis(5-amino-4-hydroxy)-, tetrasodium salt	
U236	72-57-1	Trypan blue	
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-(bis(2-chloroethyl)amino)-	
U237	66-75-1	Uracil mustard	
U238	51-79-6	Carbamic acid, ethyl ester	
U238	51-79-6	Ethyl carbamate (urethane)	
U239	1330-20-7	Benzene, dimethyl-	(I, T)
U239	1330-20-7	Xylene	(I, T)
U240	P 94-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters	
U240	P 94-75-7	2,4-D, salts and esters	
U243	1888-71-7	Hexachloropropene	
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-	
U244	137-26-8	Thioperoxydicarbonic diamide ((H ₂ N)C(S)) ₂ S ₂ , tetramethyl-	
U244	137-26-8	Thiram	
U246	506-68-3	Cyanogen bromide CNBr	
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-methoxy-	
U247	72-43-5	Methoxychlor	
U248	81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations of 0.3 percent or less	
U248	81-81-2	Warfarin, and salts, when present at concentrations of 0.3 percent or less	
U249	1314-84-7	Zinc phosphide Zn ₃ P ₂ , when present at concentrations of 10 percent or less	
U271	17804-35-2	Benomyl	
U271	17804-35-2	Carbamic acid, (1-((butylamino)carbonyl)-1H-benzimidazol-2-yl)-, methyl ester	
U278	22781-23-3	Bendiocarb	
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate	

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U279	63-25-2	Carbaryl
U279	63-25-2	1-Naphthalenol, methylcarbamate
U280	101-27-9	Barban
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester
U328	95-53-4	Benzenamine, 2-methyl-
U328	95-53-4	o-Toluidine
U353	106-49-0	Benzenamine, 4-methyl-
U353	106-49-0	p-Toluidine
U359	110-80-5	Ethanol, 2-ethoxy-
U359	110-80-5	Ethylene glycol monoethyl ether
U364	22961-82-6	Bendiocarb phenol
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-
U367	1563-38-8	Carbofuran phenol
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester
U372	10605-21-7	Carbendazim
U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl ester
U373	122-42-9	Propham
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester
U387	52888-80-9	Prosulfocarb
U389	2303-17-5	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester
U389	2303-17-5	Triallate
U394	30558-43-1	A2213
U394	30558-43-1	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester
U395	5952-26-1	Diethylene glycol, dicarbamate
U395	5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate
U404	121-44-8	Ethanamine, N,N-diethyl-
U404	121-44-8	Triethylamine
U409	23564-05-8	Carbamic acid, (1,2-phenylenebis(iminocarbonothioyl))bis-, dimethyl ester

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U409	23564-05-8	Thiophanate-methyl
U410	59669-26-0	Ethanimidothioic acid, N,N'- (thiobis((methylimino)carbonyloxy))bis-, dimethyl ester
U410	59669-26-0	Thiodicarb
U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methylcarbamate
U411	114-26-1	Propoxur

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

SUBPART E: EXCLUSIONS AND EXEMPTIONS

Section 721.139 Conditional Exclusion for Used, Broken CRTs and Processed CRT Glass Undergoing Recycling

Used, broken CRTs are not solid waste if they meet the following conditions:

- a) Prior to CRT processing. These materials are not solid wastes if they are destined for recycling and they meet the following requirements:
 - 1) Storage. The broken CRTs must be managed in either of the following ways:
 - A) They are stored in a building with a roof, floor, and walls, or
 - B) They are placed in a container (i.e., a package or a vehicle) that is constructed, filled, and closed to minimize releases to the environment of CRT glass (including fine solid materials).
 - 2) Labeling. Each container in which the used, broken CRT is contained must be labeled or marked clearly with one of the following phrases: "Used cathode ray tubes – contains leaded glass" or "Leaded glass from televisions or computers-". It must also be labeled with the following statement: "Do not mix with other glass materials."
 - 3) Transportation. The used, broken CRTs must be transported in a container meeting the requirements of subsections (a)(1)(B) and (a)(2) ~~of this Section.~~

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- 4) Speculative accumulation and use constituting disposal. The used, broken CRTs are subject to the limitations on speculative accumulation, as defined in subsection (c)(8) ~~of this Section~~. If they are used in a manner constituting disposal, they must comply with the applicable requirements of Subpart C of 40 CFR 726, instead of the requirements of this Section.
- 5) Exports. In addition to the applicable conditions specified in subsections (a)(1) through (a)(4) ~~of this Section~~, an exporter of used, broken CRTs must comply with the following requirements:
 - A) It must notify the Agency and USEPA of an intended export before the CRTs are scheduled to leave the United States. A complete notification should be submitted sixty (60) days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a 12-month or shorter period. The notification must be in writing, signed by the exporter, and include the following information:
 - i) The name, mailing address, telephone number and USEPA identification number (if applicable) of the exporter of the CRTs.
 - ii) The estimated frequency or rate at which the CRTs are to be exported and the period of time over which they are to be exported.
 - iii) The estimated total quantity of CRTs specified in kilograms.
 - iv) All points of entry to and departure from each foreign country through which the CRTs will pass.
 - v) A description of the means by which each shipment of the CRTs will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), types of container (drums, boxes, tanks, etc.)).

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- vi) The name and address of the recycler or recyclers and the estimated quantity of used CRTs to be sent to each facility, as well as the name of any alternate recycler.
 - vii) A description of the manner in which the CRTs will be recycled in the foreign country that will be receiving the CRTs.
 - viii) The name of any transit country through which the CRTs will be sent and a description of the approximate length of time the CRTs will remain in such country and the nature of their handling while there.
- B) Notifications submitted [electronically using USEPA's Waste Import Export Tracking System \(WIETS\)](#). ~~Whether delivered by mail or hand-delivered, the following words must be prominently displayed on the front of any envelope containing an export notification: "Attention: Notification of Intent to Export CRTs."~~
- i) An export notification submitted to USEPA by mail must be sent to the following mailing address:

Office of Enforcement and Compliance Assurance
Office of Federal Activities, International Compliance
Assurance Division (Mail Code 2254A)
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
 - ii) An export notification hand-delivered to USEPA must be sent to:

Office of Enforcement and Compliance Assurance
Office of Federal Activities, International Compliance
Assurance Division (Mail Code 2254A)
Environmental Protection Agency
Ariel Rios Bldg., Room 6144
1200 Pennsylvania Ave., NW
Washington, DC [20460](#)

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- iii) An export notification submitted to the Agency by mail or hand-delivered must be sent to the following mailing address:

Illinois Environmental Protection Agency
Bureau of Land Pollution Control
1021 North Grand Ave East
P.O. Box 19276
Springfield, IL 62794-9276

- C) Upon request by the Agency or USEPA, the exporter must furnish to the Agency and USEPA any additional information which a receiving country requests in order to respond to a notification.
- D) USEPA has stated that it will provide a complete notification to the receiving country and any transit countries. A notification is complete when the Agency and USEPA receives a notification that USEPA determines satisfies the requirements of subsection (a)(5)(A) of this Section. ~~Where a claim of confidentiality is asserted with respect to any notification information required by subsection (a)(5)(A) of this Section, USEPA has stated that it may find the notification not complete until any such claim is resolved in accordance with 40 CFR 260.2.~~
- E) The export of CRTs is prohibited, unless all of the following occur:
- i) ~~The~~ receiving country consents to the intended export. When the receiving country consents in writing to the receipt of the CRTs, USEPA has stated that it will forward a USEPA an Acknowledgment of Consent (AOC) to Export CRTs to the exporter. Where the receiving country objects to receipt of the CRTs or withdraws a prior consent, USEPA has stated that it will notify the exporter in writing. USEPA has stated that it will also notify the exporter of any responses from transit countries.
- ii) The exporter or a U.S. authorized agent must fulfill the requirements of subsection (a)(6).

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BOARD NOTE: The Board moved the text of corresponding 40 CFR 261.39(a)(5)(v)(B)(1) through (a)(5)(v)(B)(2)(vii) to appear as subsections (a)(6)(A) through (a)(6)(B)(vii) to comport with codification requirements.

- F) When the conditions specified on the original notification change, the exporter must provide the Agency and USEPA with a written renotification of the change using the allowable methods listed in subsection (a)(5)(ii) of this section, except for changes to the telephone number in subsection (a)(5)(A)(i) ~~of this Section~~ and decreases in the quantity indicated pursuant to subsection (a)(5)(A)(iii) ~~of this Section~~. The shipment cannot take place until consent of the receiving country to the changes has been obtained (except for changes to information about points of entry and departure and transit countries pursuant to subsections (a)(5)(A)(iv) and (a)(5)(A)(viii) ~~of this Section~~) and the exporter of CRTs receives from USEPA a copy of the AOC Acknowledgment of Consent to Export CRTs reflecting the receiving country's consent to the changes.
- G) A copy of the AOC Acknowledgment of Consent to Export CRTs must accompany the shipment of CRTs. The shipment must conform to the terms of the Acknowledgment.
- H) If a shipment of CRTs cannot be delivered for any reason to the recycler or the alternate recycler, the exporter of CRTs must renotify the Agency and USEPA of a change in the conditions of the original notification to allow shipment to a new recycler in accordance with subsection (a)(5)(F) ~~of this Section~~ and obtain another AOC Acknowledgment of Consent to Export CRTs.
- I) An exporter must keep copies of notifications and ~~AOCs Acknowledgments of Consent to~~ Export CRTs for a period of three years following receipt of the AOC Acknowledgment. An exporter may satisfy this recordkeeping requirement by retaining electronically submitted notifications or electronically generated Acknowledgements in the CRT exporter's account on USEPA's WIETS, or its successor system, provided that such copies are

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readily available for viewing and production if requested by any USEPA or authorized state inspector. No CRT exporter may be held liable for the inability to produce a notification or Acknowledgement for inspection under this section if the CRT exporter can demonstrate that the inability to produce such copies are due exclusively to technical difficulty with USEPA's WIETS, or its successor system for which the CRT exporter bears no responsibility.

J) A CRT exporter must file with USEPA, no later than March 1 of each year, an annual report summarizing the quantities (in kilograms), frequency of shipment, and ultimate destinations (i.e., the facility or facilities where the recycling occurs) of all used CRTs exported during the previous calendar year. This annual report must also include the following:

- i) The name, USEPA identification number (if applicable), and mailing and site address of the exporter;
- ii) The calendar year covered by the report;
- iii) A certification signed by the CRT exporter 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 this 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."

K) Annual reports must be submitted to the office listed using the allowable methods specified in subsection (a)(5)(B). Exporters must keep copies of each annual report for a period of at least three years after the due date of the report. An exporter may satisfy this recordkeeping requirement by retaining electronically submitted

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annual reports in the CRT exporter's account on USEPA's WIETS, or its successor system, provided that a copy is readily available for viewing and production if requested by any USEPA or authorized Agency inspector. No CRT exporter may be held liable for the inability to produce an annual report for inspection under this Section if the CRT exporter can demonstrate that the inability to produce the annual report is due exclusively to technical difficulty with USEPA's WIETS, or its successor system for which the CRT exporter bears no responsibility. Annual reports must be submitted to the office specified in subsection (a)(5)(B) of this Section. A CRT exporter must keep copies of each annual report for a period of at least three years from the due date of the report.

BOARD NOTE: The hazardous waste import and export rules define "USEPA Acknowledgement of Consent in 35 Ill. Adm. Code 722.181.

- 6) AES Reporting Requirements.
- A) 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.
- B) Include 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:
- i) The USEPA license code;
 - ii) The commodity classification code (per 15 CFR 30.6(a)(12));
 - iii) The USEPA consent number;
 - iv) The country of ultimate destination (per 15 CFR 30.6(a)(5));;
 - v) The date of export (per 15 CFR 30.6(a)(2));;

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- vi) The quantity of 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));; or
- vii) The USEPA net quantity reported in units of kilograms, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

BOARD NOTE: The Board moved the text of corresponding 40 CFR 261.39(a)(5)(v)(B)(1) through (a)(5)(v)(B)(2)(vii) to appear as subsections (a)(6)(A) through (a)(6)(B)(vii) to comport with codification requirements.

BOARD NOTE: Corresponding 40 CFR 261.39(a)(5) requires communications relating to export of CRTs between the exporter and USEPA. It is clear that USEPA intends to maintain its central role between the exporter and the export-receiving country and its granting authorization to export. Nevertheless, the Board has required the exporter submit to the Agency also whatever notifications it must submit to USEPA relating to the export. The intent is to facilitate the Agency's efforts towards assurance of compliance with the regulations as a whole, and not to require a separate authorization for export by the Agency.

- b) Requirements for used CRT processing. Used, broken CRTs undergoing CRT processing, as defined in 35 Ill. Adm. Code 720.110, are not solid waste if they meet the following requirements:
 - 1) Storage. Used, broken CRTs undergoing CRT processing are subject to the requirement of subsection (a)(4) of this Section.
 - 2) CRT processing.
 - A) All activities specified in the second and third paragraphs of the definition of "CRT processing" in 35 Ill. Adm. Code 720.110 must be performed within a building with a roof, floor, and walls; and

BOARD NOTE: The activities specified in the second and third paragraphs of the definition of "CRT processing" are "intentionally breaking intact CRTs or further breaking or separating broken

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CRTs" and "sorting or otherwise managing glass removed from CRT monitors-".

- B) No activities may be performed that use temperatures high enough to volatilize lead from CRTs.
- c) Glass from CRT processing that is sent to CRT glass making or lead smelting. Glass from CRT processing that is destined for recycling at a CRT glass manufacturer or a lead smelter after CRT processing is not a solid waste unless it is speculatively accumulated, as defined in Section 721.101(c)(8).
- d) Use constituting disposal. Glass from CRT processing that is used in a manner constituting disposal must comply with the requirements of Subpart C of 35 Ill. Adm. Code 726 instead of the requirements of this Section.

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

Section 721.141 Notification and Recordkeeping for Used, Intact CRTs Exported for Reuse

- a) A CRT exporter that exports used, intact CRTs for reuse must send a notification to the Agency and USEPA. This notification may cover export activities extending over a 12-month or lesser period.
 - 1) The notification must be in writing, signed by the exporter, and include the following information:
 - A) Name, mailing address, telephone number, and USEPA identification number (if applicable) of the exporter of the used, intact CRTs;
 - B) The estimated frequency or rate at which the used, intact CRTs are to be exported for reuse and the period of time over which they are to be exported;
 - C) The estimated total quantity of used, intact CRTs specified in kilograms;
 - D) All points of entry to and departure from each transit country through which the used, intact CRTs will pass, a description of the

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approximate length of time the used, intact CRTs will remain in that country, and the nature of their handling while there;

- E) A description of the means by which each shipment of the used, intact CRTs will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), types of container (drums, boxes, tanks, etc.));
- F) The name and address of the ultimate destination facility or facilities where the used, intact CRTs will be reused, refurbished, distributed, or sold for reuse and the estimated quantity of used, intact CRTs to be sent to each facility, as well as the name of any alternate destination facility or facilities;
- G) A description of the manner in which the used, intact CRTs will be reused (including reuse after refurbishment) in the foreign country that will be receiving the used, intact CRTs; and
- H) A certification signed by the CRT exporter that states as follows:

"I certify under penalty of law that the CRTs described in this notice are intact and fully functioning or capable of being functional after refurbishment and that the used CRTs will be reused or refurbished and reused. 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."

- 2) Notifications submitted by mail should be sent to the following mailing address:

Office of Enforcement and Compliance Assurance
Office of Federal Activities
International Compliance Assurance Division (Mail Code 2254A)
Environmental Protection Agency
1200 Pennsylvania Ave., NW

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Washington, DC 20460

Hand-delivered notifications should be sent to the following address:

Office of Enforcement and Compliance Assurance
Office of Federal Activities
International Compliance Assurance Division (Mail Code 2254A)
Environmental Protection Agency
William Jefferson Clinton Building, Room 6144
1200 Pennsylvania Ave., NW
Washington, DC 20004

In either case, the following must be prominently displayed on the front of the envelope:

"Attention: Notification of Intent to Export CRTs:"

A notification submitted to the Agency by mail or hand-delivered must be sent to the following mailing address:

Illinois Environmental Protection Agency
Bureau of Land Pollution Control
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

- b) A CRT exporter that exports used, intact CRTs for reuse must keep copies of normal business records, such as contracts, demonstrating that each shipment of exported used, intact CRTs will be reused. This documentation must be retained for a period of at least three years from the date the CRTs were exported. If the documents are written in a language other than English, a CRT exporter of used, intact CRTs sent for reuse must provide both the original, non-English version of the normal business records, as well as a third-party translation of the normal business records into English, within 30 days after a request by USEPA.

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

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

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Section 721.242 Cost Estimate

- a) The owner or operator of a reclamation or intermediate facility must have a detailed written estimate, in current dollars, of the cost of disposing of any hazardous secondary material as listed or characteristic hazardous waste, and the potential cost of closing the facility as a treatment, storage, and disposal facility.
 - 1) The estimate must equal the cost of conducting the activities described in this subsection (a) at the point when the extent and manner of the facility's operation would make these activities the most expensive.
 - 2) The cost estimate must be based on the costs to the owner or operator of hiring a third party to conduct these activities. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of "parent corporation" in 35 Ill. Adm. Code 725.241(d).) The owner or operator may use costs for on-site disposal in accordance with applicable requirements if the owner or operator can demonstrate that on-site disposal capacity will exist at all times over the life of the facility.
 - 3) The cost estimate may not incorporate any salvage value that may be realized with the sale of hazardous secondary materials, hazardous waste, non-hazardous wastes (if permitted by the Agency pursuant to 35 Ill. Adm. Code 725.213(d)), facility structures or equipment, land, or other assets associated with the facility.
 - 4) The owner or operator may not incorporate a zero cost for hazardous secondary materials, hazardous waste, non-hazardous wastes (if permitted by the Agency pursuant to 35 Ill. Adm. Code 725.213(d)) that might have economic value.
- b) During the active life of the facility, the owner or operator must adjust the written cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instruments used to comply with the requirements of Section 721.243. An owner or operator that uses the financial test or corporate guarantee must update its cost estimate for inflation within 30 days after the close of the firm's fiscal year and before submission of updated information to the Agency and USEPA pursuant to Section 721.243(e)(3). The adjustment may be made by recalculating the cost estimate in current dollars, or by using an inflation factor derived from the most recent Implicit Price Deflator for Gross National

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Product (Deflator) published by the U.S. Department of Commerce, as specified in subsections (b)(1) and ~~(b)(2) of this Section~~. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

- 1) The first adjustment is made by multiplying the cost estimate by the inflation factor. The result is the adjusted cost estimate.
- 2) Subsequent adjustments are made by multiplying the latest adjusted 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/national/nipaweb/TableView.asp?SelectedTable=13&FirstYear=2002&LastYear=2004&Freq=Qtr.

- c) During the active life of the facility, the owner or operator must revise the cost estimate no later than 30 days after a change in a facility's operating plan or design that would increase the costs of conducting the activities described in subsection (a) ~~of this Section~~ or no later than 60 days after an unexpected event which increases the cost of conducting the activities described in subsection (a) of this Section. The revised cost estimate must be adjusted for inflation, as specified in subsection (b) ~~of this Section~~.
- d) The owner or operator must keep the following documents at the facility during the operating life of the facility: The latest cost estimate prepared in accordance with subsections (a) and (c) ~~of this Section~~ and, when this estimate has been adjusted in accordance with subsection (b) ~~of this Section~~, the latest adjusted cost estimate.

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

Section 721.243 Financial Assurance Condition

As required by Section 721.104(a)(24)(F)(vi), an owner or operator of a reclamation facility or an intermediate facility must have financial assurance as a condition of the exclusion. The owner or operator must choose from among the options specified in subsections (a) through (e) ~~of this Section~~.

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- a) Trust fund.
- 1) An owner or operator may satisfy the requirements of this Section by establishing a trust fund that conforms to the requirements of this subsection (a) and submitting an originally signed duplicate of the trust agreement to the Agency. The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.
 - 2) The wording of the trust agreement must be identical to the wording specified by the Agency pursuant to Section 721.251, and the trust agreement must be accompanied by a formal certification of acknowledgment as specified by the Agency pursuant to Section 721.251. Schedule A of the trust agreement must be updated within 60 days after any change in the amount of the current cost estimate covered by the agreement.
 - 3) The trust fund must be funded for the full amount of the current cost estimate before it may be relied upon to satisfy the requirements of this Section.
 - 4) Whenever the current cost estimate changes, the owner or operator must compare the new cost estimate with the trustee's most recent annual valuation of the trust fund. Within 60 days after the change in the cost estimate, if the value of the fund is less than the amount of the new cost estimate, the owner or operator must either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current cost estimate, or the owner or operator must obtain other financial assurance that satisfies the requirements of this Section to cover the difference.
 - 5) If the value of the trust fund is greater than the total amount of the current cost estimate, the owner or operator may submit a written request to the Agency for release of the amount in excess of the current cost estimate.
 - 6) If an owner or operator substitutes other financial assurance that satisfies the requirements of this Section for all or part of the trust fund, it may

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submit a written request to the Agency for release of the amount in excess of the current cost estimate covered by the trust fund.

- 7) Within 60 days after receiving a request from the owner or operator for a release of funds, as specified in subsection (a)(5) or (a)(6) ~~of this Section~~, the Agency must instruct the trustee to release to the owner or operator such funds as the Agency specifies in writing. If the owner or operator begins final closure pursuant to Subpart G of 35 Ill. Adm. Code 724 or 725, it may request reimbursements for partial or final closure expenditures by submitting itemized bills to the Agency. The owner or operator may request reimbursements for partial closure only if sufficient funds are remaining in the trust fund to cover the maximum costs of closing the facility over its remaining operating life. No later than 60 days after receiving bills for partial or final closure activities, if the Agency determines that the partial or final closure expenditures are in accordance with the approved closure plan, or otherwise justified, the Agency must instruct the trustee to make reimbursements in those amounts as the Agency specifies in writing. If the Agency has reason to believe that the maximum cost of closure over the remaining life of the facility will be significantly greater than the value of the trust fund, the Agency may withhold reimbursements of such amounts as the Agency deems prudent until the Agency determines, in accordance with 35 Ill. Adm. Code 725.243(i), that the owner or operator is no longer required to maintain financial assurance for final closure of the facility. If the Agency does not instruct the trustee to make such reimbursements, the Agency must provide to the owner or operator a detailed written statement of reasons.
 - 8) The Agency must agree to termination of the trust fund when either of the following has occurred:
 - A) The Agency determines that the owner or operator has substituted alternative financial assurance that satisfies the requirements of this Section; or
 - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i) ~~of this Section~~.
- b) Surety bond guaranteeing payment into a trust fund.

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- 1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond that conforms to the requirements of this subsection (b) and submitting the bond to the Agency. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury.

BOARD NOTE: The U.S. Department of the Treasury updates Circular 570, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies," on an annual basis pursuant to 31 CFR 223.16. Circular 570 is available on the Internet from the following website: <http://www.fms.treas.gov/c570/>.

- 2) The wording of the surety bond must be identical to the wording specified by the Agency pursuant to Section 721.251.
- 3) The owner or operator who uses a surety bond to satisfy the requirements of this Section must also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements specified in subsection (a) ~~of this Section~~, except that the following also apply:
 - A) The owner or operator must submit an originally signed duplicate of the trust agreement to the Agency with the surety bond; and
 - B) Until the standby trust fund is funded pursuant to the requirements of this Section, the following are not required:
 - i) Payments into the trust fund, as specified in subsection (a) ~~of this Section~~;
 - ii) Updating of Schedule A of the trust agreement to show current cost estimates;
 - iii) Annual valuations, as required by the trust agreement; and
 - iv) Notices of nonpayment, as required by the trust agreement.

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- 4) The bond must guarantee that the owner or operator will undertake one of the following actions:
 - A) That the owner or operator will fund the standby trust fund in an amount equal to the penal sum of the bond before loss of the exclusion pursuant to Section 721.104(a)(24);
 - B) That the owner or operator will fund the standby trust fund in an amount equal to the penal sum within 15 days after an administrative order to begin closure issued by the Agency becomes final, or within 15 days after an order to begin closure is issued by the Board or a court of competent jurisdiction; or
 - C) Within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety, that the owner or operator will provide alternate financial assurance that satisfies the requirements of this Section and obtain the Agency's written approval of the assurance provided.
- 5) Under the terms of the bond, the surety must become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.
- 6) The penal sum of the bond must be in an amount at least equal to the current cost estimate, except as provided in subsection (f) ~~of this Section~~.
- 7) Whenever the current cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance that satisfies the requirements of this Section to cover the increase. Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate following written approval by the Agency.
- 8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days

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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.

- 9) The owner or operator may cancel the bond if the Agency has given prior written consent based on the Agency's receipt of evidence of alternate financial assurance that satisfies the requirements of this Section.
- c) Letter of credit.
- 1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the requirements of this subsection (c) and submitting the letter to the Agency. The issuing institution must be an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.
 - 2) The wording of the letter of credit must be identical to the wording specified by the Agency pursuant to Section 721.251.
 - 3) An owner or operator who uses a letter of credit to satisfy the requirements of this Section must also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Agency will be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements of the trust fund specified in subsection (a) ~~of this Section~~, except that the following also apply:
 - A) The owner or operator must submit an originally signed duplicate of the trust agreement to the Agency with the letter of credit; and
 - B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required:
 - i) Payments into the trust fund, as specified in subsection (a) ~~of this Section~~;
 - ii) Updating of Schedule A of the trust agreement to show current cost estimates;

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- iii) Annual valuations, as required by the trust agreement; and
 - iv) Notices of nonpayment, as required by the trust agreement.
- 4) The letter of credit must be accompanied by a letter from the owner or operator that refers to the letter of credit by number, issuing institution, and date, and which provides the following information: The USEPA identification number (if any issued), name, and address of the facility, and the amount of funds assured for the facility by the letter of credit.
 - 5) The letter of credit must be irrevocable, and the letter must be issued for a period of at least one year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the Agency by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts.
 - 6) The letter of credit must be issued in an amount at least equal to the current cost estimate, except as provided in subsection (f) ~~of this Section~~.
 - 7) Whenever the current cost estimate increases to an amount greater than the amount of the credit, within 60 days after the increase, the owner or operator must either cause the amount of the credit to be increased, so that it at least equals the current cost estimate, and submit evidence of such increase to the Agency, or it must obtain other financial assurance that satisfies the requirements of this Section to cover the increase. Whenever the current cost estimate decreases, the amount of the credit may be reduced to the amount of the current cost estimate following written approval by the Agency.
 - 8) Following a determination by the Agency that the hazardous secondary materials do not meet the conditions of the exclusion set forth in Section 721.104(a)(24), the Agency may draw on the letter of credit.
 - 9) If the owner or operator does not establish alternative financial assurance that satisfies the requirements of this Section and obtain written approval

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of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the Agency may draw on the letter of credit. The Agency may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any such extension, the Agency may draw on the letter of credit if the owner or operator has failed to provide alternative financial assurance that satisfies the requirements of this Section and obtain written approval of such assurance from the Agency.

- 10) The Agency must return the letter of credit to the issuing institution for termination when either of the following occurs:
 - A) The owner or operator substitutes alternative financial assurance that satisfies the requirements of this Section; or
 - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i) ~~of this Section~~.
- d) Insurance.
 - 1) An owner or operator may satisfy the requirements of this Section by obtaining insurance that conforms to the requirements of this subsection (d) and submitting a certificate of such insurance to the Agency. At a minimum, the insurer must be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states.
 - 2) The wording of the certificate of insurance must be identical to the wording specified by the Agency pursuant to Section 721.251.
 - 3) The insurance policy must be issued for a face amount at least equal to the current cost estimate, except as provided in subsection (f) ~~of this Section~~. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

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- 4) The insurance policy must guarantee that funds will be available whenever needed to pay the cost of removal of all hazardous secondary materials from the unit, to pay the cost of decontamination of the unit, and to pay the costs of the performance of activities required under Subpart G of 35 Ill. Adm. Code 724 or 725, as applicable, for the facilities covered by the policy. The policy must also guarantee that once funds are needed, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency, to such party or parties as the Agency specifies.
- 5) After beginning partial or final closure pursuant to 35 Ill. Adm. Code 724 or 725, as applicable, an owner or operator or any other authorized person may request reimbursements for closure expenditures by submitting itemized bills to the Agency. The owner or operator may request reimbursements only if the remaining value of the policy is sufficient to cover the maximum costs of closing the facility over its remaining operating life. If the Agency determines that the expenditures are in accordance with the approved plan or are otherwise justified, the Agency must, within 60 days after receiving bills for closure activities, instruct the insurer in writing to make reimbursements in such amounts as the Agency specifies. If the Agency has reason to believe that the maximum cost over the remaining life of the facility will be significantly greater than the face amount of the policy, the Agency may withhold reimbursement of such amounts as the Agency deems prudent until the Agency determines, in accordance with subsection (h) ~~of this Section~~, that the owner or operator is no longer required to maintain financial assurance for the particular facility. If the Agency does not instruct the insurer to make such reimbursements, the Agency must provide to the owner or operator a detailed written statement of reasons.

BOARD NOTE: The owner or operator may appeal any Agency determination made pursuant to this subsection (d)(5), as provided by Section 40 of the Act ~~[415 ILCS 5/40]~~.

- 6) The owner or operator must maintain the policy in full force and effect until the Agency consents to termination of the policy by the owner or operator, as specified in subsection (d)(10) ~~of this Section~~. Failure to pay the premium, without substitution of alternate financial assurance as specified in this Section, will constitute a significant violation of these

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regulations warranting such remedy as is deemed necessary pursuant to Sections 31, 39, and 40 of the Act ~~[415 ILCS 5/31, 39, and 40]~~. Such a violation will be deemed to begin upon receipt by the Agency of a notice of future cancellation, termination, or failure to renew the policy due to nonpayment of the premium, rather than upon the date of policy expiration.

- 7) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditioned on consent of the insurer, so long as the policy provides that the insurer may not unreasonably refuse such consent.
- 8) The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy, except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If the owner or operator fails to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination, or failure to renew may not occur, however, during the 120 days that begin on the date that both the Agency and the owner or operator have received the notice, as evidenced by the return receipts. Cancellation, termination, or failure to renew the policy may not occur, and the policy will remain in full force and effect, in the event that on or before the expiration date, one of the following events occurs:
 - A) The Agency deems the facility abandoned;
 - B) Conditional exclusion or interim status is lost, terminated, or revoked;
 - C) Closure is ordered by the Board or a court of competent jurisdiction;
 - D) The owner or operator is named as debtor in a voluntary or involuntary proceeding under Title 11 of the U.S. Code (Bankruptcy); or
 - E) The premium due has been paid.

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- 9) Whenever the owner or operator learns that the current cost estimate has increased to an amount greater than the face amount of the policy, the owner or operator must, within 60 days after learning of the increase, either cause the face amount to be increased to an amount at least equal to the current cost estimate and submit evidence of such increase to the Agency, or the owner or operator must obtain other financial assurance that satisfies the requirements of this Section to cover the increase. Whenever the current cost estimate decreases, the face amount may be reduced to the amount of the current cost estimate after the owner or operator has obtained the written approval of the Agency.
- 10) The Agency must give written consent that allows the owner or operator to terminate the insurance policy when either of the following events occurs:
 - A) The Agency has determined that the owner or operator has substituted alternative financial assurance that satisfies the requirements of this Section; or
 - B) The Agency has released the owner or operator from the requirements of this Section pursuant to subsection (i) ~~of this Section~~.
- e) Financial test and corporate guarantee.
 - 1) An owner or operator may satisfy the requirements of this Section by demonstrating that the owner or operator passes one of the financial tests specified in this subsection (e). To pass a financial test, the owner or operator must meet the criteria of either subsection (e)(1)(A) or (e)(1)(B) ~~of this Section~~:
 - A) Test 1. The owner or operator must have each of the following:
 - i) Two of the following three ratios: A ratio of total liabilities to net worth less than 2:0; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than 0:1; and a ratio of current assets to current liabilities greater than 1:5;

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- ii) Net working capital and tangible net worth each at least six times the sum of the current cost estimates and the current plugging and abandonment cost estimates;
 - iii) Tangible net worth of at least \$10 million; and
 - iv) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current cost estimates and the current plugging and abandonment cost estimates.
- B) Test 2. The owner or operator must have each of the following:
- i) A current rating for its most recent bond issuance of AAA, AA, A, or BBB, as issued by Standard and Poor's, or Aaa, Aa, A, or Baa, as issued by Moody's;
 - ii) Tangible net worth at least six times the sum of the current cost estimates and the current plugging and abandonment cost estimates;
 - iii) Tangible net worth of at least \$10 million; and
 - iv) Assets located in the United States amounting to either at least 90 percent of total assets or at least six times the sum of the current cost estimates and the current plugging and abandonment cost estimates.
- 2) Definitions.

"Current cost estimates," as used in subsection (e)(1) ~~of this Section~~, refers to the following four cost estimates required in the standard letter from the owner's or operator's chief financial officer:

The cost estimate for each facility for which the owner or operator has demonstrated financial assurance through the financial test specified in subsections (e)(1) through (e)(9) ~~of this Section~~;

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The cost estimate for each facility for which the owner or operator has demonstrated financial assurance through the corporate guarantee specified in subsection (e)(10)~~of this Section~~;

For facilities in a state outside of Illinois, the cost estimate for each facility for which the owner or operator has demonstrated financial assurance through the financial test specified in Subpart H of 40 CFR 261 or through a financial test deemed by USEPA as equivalent to that set forth in Subpart H of 40 CFR 261; and

The cost estimate for each facility for which the owner or operator has not demonstrated financial assurance to the Agency, USEPA, or a sister state in which the facility is located by any mechanism that satisfies the requirements of the applicable of this Subpart H, Subpart H of 40 CFR 261, or regulations deemed by USEPA as equivalent to Subpart H of 40 CFR 261.

"Current plugging and abandonment cost estimates,"² as used in subsection (e)(1)~~of this Section~~, refers to the following four cost estimates required in the standard form of a letter from the owner's or operator's chief financial officer (see 35 Ill. Adm. Code 704.240):

The cost estimate for each facility for which the owner or operator has demonstrated financial assurance through the financial test specified in 35 Ill. Adm. Code 704.219(a) through (i);

The cost estimate for each facility for which the owner or operator has demonstrated financial assurance through the financial test specified in 35 Ill. Adm. Code 704.219(j);

For facilities in a state outside of Illinois, the cost estimate for each facility for which the owner or operator has demonstrated financial assurance through the financial test specified in Subpart F of 40 CFR 144 or through a financial test deemed by USEPA as equivalent to that set forth in Subpart F of 40 CFR 144; and

The cost estimate for each facility for which the owner or operator has not demonstrated financial assurance to the Agency, USEPA, or a sister state in which the facility is located by any mechanism

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that satisfies the requirements of the applicable of Subpart G of 35 Ill. Adm. Code 704, Subpart F of 40 CFR 144, or regulations deemed by USEPA as equivalent to Subpart F of 40 CFR 144.

BOARD NOTE: Corresponding 40 CFR 261.143(e)(2) defines "current cost estimate" as "the cost estimates required to be shown in paragraphs 1-4 of the letter from the owner's or operator's chief financial officer (Section 261.151(e))" and "current plugging and abandonment cost estimates" as "the cost estimates required to be shown in paragraphs 1-4 of the letter from the owner's or operator's chief financial officer (Section 144.70(f) of this chapter)." The Board has substituted the descriptions of these estimates, using those set forth by USEPA in 40 CFR 261.151(e) and 144.70(f), as appropriate. Since the letter of the chief financial officer must include the cost estimates for any facilities that the owner or operator manages outside of Illinois, the Board has referred to the corresponding regulations of those sister states as "regulations deemed by USEPA as equivalent to Subpart F of 40 CFR 144 and Subpart H of 40 CFR 261-".

- 3) To demonstrate that it meets the financial test set forth in subsection (e)(1) ~~of this Section~~, 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 and worded as specified by the Agency pursuant to Section 721.251 that is derived from the independently audited, year-end financial statements for the latest fiscal year, with the amounts of the pertinent environmental liabilities included in such financial statements;
 - B) A copy of an independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year; and
 - C) If the chief financial officer's letter prepared pursuant to subsection (e)(3)(A) ~~of this Section~~ includes financial data which shows that the owner or operator satisfies the test set forth in subsection (e)(1)(A) ~~of this Section~~ (Test 1), and either the data in the chief financial officer's letter are different from the data in the audited financial statements required by subsection (e)(3)(B) of this

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Section, or the data are different from any other audited financial statement or data filed with the federal Securities and Exchange Commission, then the owner or operator must submit a special report from its independent certified public accountant. The special report must be based on an agreed-upon procedures engagement, in accordance with professional auditing standards. The report must describe the procedures used to compare the data in the chief financial officer's letter (prepared pursuant to subsection (e)(3)(A) ~~of this Section~~), the findings of the comparison, and the reasons for any differences.

- 4) This subsection (e)(3)(4) corresponds with 40 CFR 261.143(e)(3)(iv), a provision relating to extension of the deadline for filing the financial documents required by 40 CFR 261.143(e)(3) until as late as 90 days after the effective date of the federal rule. Thus, the latest date for filing the documents was March 29, 2009, which is now past. See 40 CFR 261.143(e)(3) and 73 Fed. Reg. 64668 (Oct. 30, 2008). This statement maintains structural consistency with the corresponding federal provision.
- 5) After the initial submission of items specified in subsection (e)(3) ~~of this Section~~, the owner or operator must send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (e)(3) ~~of this Section~~.
- 6) If the owner or operator no longer fulfills the requirements of subsection (e)(1) ~~of this Section~~, it must send notice to the Agency of intent to establish alternative financial assurance that satisfies the requirements of this Section. The owner or operator must send the notice by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator must provide the alternative financial assurance within 120 days after the end of such fiscal year.
- 7) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (e)(1) ~~of this Section~~, require reports of financial condition at any time from the owner or operator in addition to those specified in subsection (e)(3) ~~of this Section~~. If the Agency finds, on the basis of such reports or other information, that

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the owner or operator no longer meets the requirements of subsection (e)(1) ~~of this Section~~, the owner or operator must provide alternative financial assurance that satisfies the requirements of this Section within 30 days after notification of such a finding.

- 8) The Agency must disallow use of the financial tests set forth in this subsection (e) on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (e)(3)(B) ~~of this Section~~) where the Agency determines that those qualifications significantly, adversely affect the owner's or operator's ability to provide its own financial assurance by this mechanism. An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency must evaluate all other kinds of qualifications on an individual basis. The owner or operator must provide alternative financial assurance that satisfies the requirements of this Section within 30 days after a notification of Agency disallowance pursuant to this subsection (e)(8).
- 9) The owner or operator is no longer required to submit the items specified in subsection (e)(3) ~~of this Section~~ when either of the following events occur:
 - A) An owner or operator has substituted alternative financial assurance that satisfies the requirements of this Section; or
 - B) The Agency releases the owner or operator from the requirements of this Section pursuant to subsection (i) ~~of this Section~~.
- 10) Corporate guarantee for financial responsibility. An owner or operator may comply with the requirements of this Section by obtaining a written corporate guarantee. The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a sister 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 applicable to an owner or operator as set forth in subsections (e)(1) through (e)(8) ~~of this Section~~, and it must comply with the terms of the guarantee. The wording of the guarantee must be identical to the wording specified by the Agency

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pursuant to Section 721.251. A certified copy of the guarantee must accompany the items sent to the Agency that are required by subsection (e)(3)~~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, the 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. The terms of the guarantee must provide as follows:

- A) Following a determination by the Agency that the hazardous secondary materials at the owner or operator's facility covered by this guarantee do not meet the conditions of the exclusion under Section 721.104(a)(24), the guarantor must dispose of any hazardous secondary material as hazardous waste and close the facility in accordance with the applicable closure requirements set forth in 35 Ill. Adm. Code 724 or 725, or the guarantor must establish a trust fund in the name of the owner or operator and in the amount of the current cost estimate that satisfies the requirements of subsection (a)~~of this Section~~.
- B) The corporate guarantee must remain in force unless the guarantor has sent 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 on which both the owner or operator and the Agency have received the notice of cancellation, as evidenced by the return receipts.
- C) If the owner or operator fails to provide alternative financial assurance that satisfies the requirements of this Section and obtain the written approval of such alternate assurance from the Agency within 90 days after the date on which both the owner or operator and the Agency have received the notice of cancellation of the corporate guarantee from the guarantor, the guarantor must provide such alternative financial assurance in the name of the owner or operator.

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- f) Use of multiple financial mechanisms. An owner or operator may satisfy the requirements of this Section by establishing more than one financial mechanism per facility. The mechanisms that an owner or operator may use for this purpose are limited to a trust fund that satisfies the requirements of subsection (a) ~~of this Section~~, a surety bond that satisfies the requirements of subsection (b) ~~of this Section~~, a letter of credit that satisfies the requirements of subsection (c) ~~of this Section~~, and insurance that satisfies the requirements of subsection (d) ~~of this Section~~. The mechanisms must individually satisfy the indicated requirements of this Section, except that it is the combination of all mechanisms used by the owner or operator, rather than any individual mechanism, that must provide financial assurance for an aggregated amount at least equal to the current cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, the owner or operator may use the trust fund as the standby trust fund for the other mechanisms. The owner or operator may establish a single standby trust fund for two or more mechanisms. The Agency may use any or all of the mechanisms to provide care for the facility.
- g) Use of a single financial mechanism for multiple facilities. An owner or operator may use a single financial assurance mechanism that satisfies the requirements of this Section to fulfill the requirements of this Section for more than one facility. Evidence of financial assurance submitted to the Agency must include a list showing, for each facility, the USEPA identification number (if any), name, address, and the amount of funds assured by the mechanism. If the facilities covered by the mechanism are in more than one Region, USEPA requires the owner or operator to submit and maintain identical evidence of financial assurance with each USEPA Region in which a covered facility is located. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. In directing funds available through a mechanism for any of the facilities covered by that mechanism, the Agency may direct only that amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.
- h) Removal and decontamination plan for release from financial assurance obligations.
- 1) An owner or operator of a reclamation facility or an intermediate facility that wishes to be released from its financial assurance obligations under Section 721.104(a)(24)(F)(vi) must submit a plan for removing all

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hazardous secondary material residues from the facility. The owner or operator must submit the plan to the Agency at least 180 days prior to the date on which the owner or operator expects to cease to operate under the exclusion.

- 2) The plan must, at a minimum, include the following information:
 - A) For each hazardous secondary materials storage unit subject to financial assurance requirements pursuant to Section 721.104(a)(24)(F)(vi), the plan must include a description of how all excluded hazardous secondary materials will be recycled or sent for recycling, and how all residues, contaminated containment systems (liners, etc.), contaminated soils, subsoils, structures, and equipment will be removed or decontaminated as necessary to protect human health and the environment;
 - B) The plan must include a detailed description of the steps necessary to remove or decontaminate all hazardous secondary material residues and contaminated containment system components, equipment, structures, and soils, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination necessary to protect human health and the environment;
 - C) The plan must include a detailed description of any other activities necessary to protect human health and the environment during this timeframe, including, but not limited to, leachate collection, run-on and run-off control, etc.; and
 - D) The plan must include a schedule for conducting the activities described that, at a minimum, includes the total time required to remove all excluded hazardous secondary materials for recycling and decontaminate all units subject to financial assurance pursuant to Section 721.104(a)(24)(F)(vi) and the time required for intervening activities that will allow tracking of the progress of decontamination.

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- 3) The Agency must provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on and request modifications to the plan. The Agency must accept any comments or requests to modify the plan that it receives no later than 30 days after the date of publication of the notice. The Agency must also, in response to a request or in its discretion, hold a public hearing whenever it determines that such a hearing might clarify one or more issues concerning the plan. The Agency must give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the Agency may combine the two notices.) The Agency must approve, modify, or disapprove the plan within 90 days after its receipt. If the Agency does not approve the plan, the Agency must provide the owner or operator with a detailed written statement of reasons for its refusal, and the owner or operator must modify the plan or submit a new plan for approval within 30 days after the owner or operator receives such a written statement from the Agency. The Agency must approve or modify this owner- or operator-modified plan in writing within 60 days. If the Agency modifies the owner- or operator-modified plan, this modified plan becomes the approved plan. The Agency must assure that the approved plan is consistent with this subsection (h). A copy of the modified plan with a detailed statement of reasons for the modifications must be mailed to the owner or operator.
- 4) Within 60 days after completion of the activities described for each hazardous secondary materials management unit, the owner or operator must submit to the Agency, by registered mail, a certification that all hazardous secondary materials have been removed from the unit and that the unit has been decontaminated in accordance with the specifications in the approved plan. The certification must be signed by the owner or operator and by a qualified Professional Engineer. Upon request, the owner or operator must furnish the Agency with documentation that supports the Professional Engineer's certification, until the Agency releases the owner or operator from the financial assurance requirements of Section 721.104(a)(24)(F)(vi).
- i) Release of the owner or operator from the requirements of this Section. Within 60 days after receiving certifications from the owner or operator and a qualified Professional Engineer that all hazardous secondary materials have been removed

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from the facility or from a unit at the facility and the facility or unit has been decontaminated in accordance with the approved plan in compliance with the requirements of subsection (h) ~~of this Section~~, the Agency must determine whether or not the owner or operator has accomplished the objectives of removing all hazardous secondary materials from the facility or from a unit at the facility and decontaminating the facility in accordance with the approved plan. If the Agency determines that the owner or operator has accomplished both objectives, the Agency must notify the owner or operator in writing, within the 60 days, that the owner and operator are no longer required pursuant to Section 721.104(a)(24)(F)(vi) to maintain financial assurance for that facility or unit at the facility. If the Agency determines that the owner or operator has not accomplished both objectives, it must provide the owner or operator with a detailed written statement of the basis for its determination.

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

Section 721.247 Liability Requirements

- a) Coverage for sudden accidental occurrences. The owner or operator of one or more hazardous secondary material reclamation facilities or intermediate facilities that are subject to financial assurance requirements pursuant to Section 721.104(a)(24)(F)(vi) must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of its facilities. The owner or operator must maintain liability coverage in force 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 any of subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), or (a)(6) ~~of this Section~~.
- 1) An owner or operator may demonstrate the required liability coverage by having liability insurance that satisfies the requirements of this subsection (a)(1).
 - A) Each insurance policy must be amended by attachment of the Hazardous Secondary Material Facility Liability Endorsement, or evidenced by a Certificate of Liability Insurance. The wording of the Hazardous Secondary Material Facility Liability Endorsement must be identical to the wording specified by the Agency pursuant

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to Section 721.251. The wording of the Certificate of Liability Insurance must be identical to the wording specified by the Agency pursuant to Section 721.251. The owner or operator must submit a signed duplicate original of the Hazardous Secondary Material Facility Liability Endorsement or the Certificate of Liability Insurance to the Agency. If requested by the Agency, the owner or operator must provide a signed duplicate original of the insurance policy.

- B) At a minimum, each insurance policy must be issued by an insurer that is licensed to transact the business of insurance, or which is eligible to provide insurance as an excess or surplus lines insurer, in one or more states.
- 2) An owner or operator may satisfy the requirements of this Section by passing a financial test or using the guarantee for liability coverage that satisfies the requirements of subsections (f) and (g) ~~of this Section~~.
 - 3) An owner or operator may satisfy the requirements of this Section by obtaining a letter of credit for liability coverage that satisfies the requirements of subsection (h) ~~of this Section~~.
 - 4) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond for liability coverage that satisfies the requirements of subsection (i) ~~of this Section~~.
 - 5) An owner or operator may satisfy the requirements of this Section by obtaining a trust fund for liability coverage that satisfies the requirements of subsection (j) ~~of this Section~~.
 - 6) An owner or operator may demonstrate the required liability coverage through the use of a combination of insurance (subsection (a)(1) ~~of this Section~~), financial test (subsection (f) of this Section), guarantee (subsection (g) ~~of this Section~~), letter of credit (subsection (h) ~~of this Section~~), surety bond (subsection (i) ~~of this Section~~), and trust fund (subsection (j) ~~of this Section~~), except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee where the financial statement of the owner or operator is consolidated with the financial statement of the guarantor. The amounts

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of coverage demonstrated by the combination must total at least the minimum amounts required for the facility by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances pursuant to this subsection (a)(6), the owner or operator must specify at least one such assurance as "primary" coverage and all other assurance as "excess" coverage.

- 7) An owner or operator must notify the Agency in writing within 30 days whenever any of the following events has occurred:
- A) A claim has resulted in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized by any of subsections (a)(1) through (a)(6) ~~of this Section;~~
 - B) A Certification of Valid Claim for bodily injury or property damages caused by a sudden or non-sudden accidental occurrence arising from the operation of a hazardous secondary material reclamation facility or intermediate facility is entered between the owner or operator and a third-party claimant for liability coverage established pursuant to any of subsections (a)(1) through (a)(6) ~~of this Section;~~ or
 - C) A final court order that establishes a judgment for bodily injury or property damage caused by a sudden or non-sudden accidental occurrence which arose from the operation of a hazardous secondary material reclamation facility or intermediate facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage pursuant to any of subsections (a)(1) through (a)(6) ~~of this Section.~~

BOARD NOTE: Corresponding 40 CFR 261.147(a) recites that it applies to "a hazardous secondary material reclamation facility or intermediate facility with land-based units...or a group of such facilities." The Board has rendered this provision in the singular, intending that it include several facilities as a group where necessary. The Board does not intend to limit the applicability of this provision to multiple facilities. Note that the Agency can require compliance with this provision by a facility to which it would not otherwise apply pursuant to

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subsection (d)(2)~~of this Section~~, subject to the owner's or operator's right to appeal an Agency determination to the Board.

- b) Coverage for non-sudden accidental occurrences. An owner or operator of a hazardous secondary material reclamation facility or intermediate facility with land-based units, as defined in Section 720.110, that is used to manage hazardous secondary materials excluded pursuant to Section 721.104(a)(24) must demonstrate financial responsibility for bodily injury and property damage to third parties caused by non-sudden accidental occurrences that arise from operations of the facility or group of facilities. The owner or operator must maintain liability coverage for non-sudden accidental occurrences in the amount of at least \$3 million per occurrence with an annual aggregate of at least \$6 million, exclusive of legal defense costs. An owner or operator that must satisfy the requirements of this Section may combine the required per occurrence coverage levels for sudden and non-sudden accidental occurrences into a single per-occurrence level, and the owner or operator may combine the required annual aggregate coverage levels for sudden and non-sudden accidental occurrences into a single annual aggregate level. An owner or operator that combines coverage levels for sudden and non-sudden accidental occurrences must maintain liability coverage in the amount of at least \$4 million per occurrence and \$8 million annual aggregate. The owner or operator may demonstrate this liability coverage by any of the means set forth in subsections (b)(1) through (b)(6)~~of this Section~~:
- 1) An owner or operator may demonstrate the required liability coverage by having liability insurance that satisfies the requirements of this subsection (b)(1).
 - A) Each insurance policy must be amended by attachment of the Hazardous Secondary Material Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the Hazardous Secondary Material Facility Liability Endorsement must be identical to the wording specified by the Agency pursuant to Section 721.251. The wording of the Certificate of Liability Insurance must be identical to the wording specified by the Agency pursuant to Section 721.251. The owner or operator must submit a signed duplicate original of the Hazardous Secondary Material Facility Liability Endorsement or the Certificate of Liability Insurance to the Agency. If requested by the Agency, the owner or

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operator must provide a signed duplicate original of the insurance policy.

- B) At a minimum, each insurance policy must be issued by an insurer that is licensed to transact the business of insurance, or which is eligible to provide insurance as an excess or surplus lines insurer, in one or more states.
- 2) An owner or operator may satisfy the requirements of this Section by passing a financial test or by using the guarantee for liability coverage that satisfies the requirements of subsections (f) and (g) ~~of this Section~~.
- 3) An owner or operator may satisfy the requirements of this Section by obtaining a letter of credit for liability coverage that satisfies the requirements of subsection (h) ~~of this Section~~.
- 4) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond for liability coverage that satisfies the requirements of subsection (i) ~~of this Section~~.
- 5) An owner or operator may satisfy the requirements of this Section by obtaining a trust fund for liability coverage that satisfies the requirements of subsection (j) ~~of this Section~~.
- 6) An owner or operator may demonstrate the required liability coverage through the use of a combination of insurance (subsection (b)(1) ~~of this Section~~), financial test (subsection (f) ~~of this Section~~), guarantee (subsection (g) ~~of this Section~~), letter of credit (subsection (h) ~~of this Section~~), surety bond (subsection (i) ~~of this Section~~), or trust fund (subsection (j) ~~of this Section~~), except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee where the financial statement of the owner or operator is consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated by the combination must total to at least the minimum amounts required for the facility by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances pursuant to this subsection (b)(6), the owner or operator must specify at least one such assurance as "primary" coverage and all other assurance as "excess" coverage.

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- 7) An owner or operator must notify the Agency in writing within 30 days whenever any of the following events has occurred:
- A) A claim has resulted in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized by any of subsections (b)(1) through (b)(6) ~~of this Section;~~
 - B) A Certification of Valid Claim for bodily injury or property damages caused by a sudden or non-sudden accidental occurrence arising from the operation of a hazardous secondary material treatment or storage facility is entered between the owner or operator and a third-party claimant for liability coverage established pursuant to any of subsections (b)(1) through (b)(6) ~~of this Section;~~ or
 - C) A final court order that establishes a judgment for bodily injury or property damage caused by a sudden or non-sudden accidental occurrence which arose from the operation of a hazardous secondary material treatment and/or storage facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage pursuant to any of subsections (b)(1) through (b)(6) ~~of this Section.~~

BOARD NOTE: Corresponding 40 CFR 261.147(b) recites that it applies to "a hazardous secondary material reclamation facility or intermediate facility with land-based units...or a group of such facilities-". The Board has rendered this provision in the singular, intending that it include several facilities as a group where necessary. The Board does not intend to limit the applicability of this provision to multiple facilities. Note that the Agency can require compliance with this provision by a facility to which it would not otherwise apply pursuant to subsection (d)(2) ~~of this Section~~, subject to the owner's or operator's right to appeal an Agency determination to the Board.

- c) Petition for adjusted standard. If an owner or operator can demonstrate that the level of financial responsibility required by subsection (a) or (b) ~~of this Section~~ is not consistent with the degree and duration of risk associated with treatment or storage at a facility, the owner or operator may petition the Board for an adjusted

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standard pursuant to Section 28.1 of the Act ~~[415 ILCS 5/28.1]~~. The petition for an adjusted standard must be filed with the Board and submitted in writing to the Agency, as required by 35 Ill. Adm. Code 101 and Subpart D of 35 Ill. Adm. Code 104. If granted, the adjusted standard will take the form of an adjusted level of required liability coverage, such level to be based on the Board's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. The owner or operator that requests an adjusted standard must provide such technical and engineering information as is necessary for the Board to determine that an alternative level of financial responsibility to that required by subsection (a) or (b) ~~of this Section~~ should apply.

BOARD NOTE: Corresponding 40 CFR 261.147(c) allows application for a "variance" for "the levels of financial responsibility" required for "the facility or group of facilities-". The Board has rendered this provision in the singular, intending that it include a single petition pertaining to several facilities as a group. The Board does not intend to limit the applicability of this provision to multiple facilities in a single petition. The Board has chosen the adjusted standard procedure for variance from the level of financial responsibility required by subsection (a) or (b) ~~of this Section~~.

- d) Adjustments by the Agency.
- 1) If the Agency determines that the level of financial responsibility required by subsection (a) or (b) ~~of this Section~~ is not consistent with the degree and duration of risk associated with treatment or storage of hazardous secondary material at a facility, the Agency may adjust the level of financial responsibility required to satisfy the requirements of subsection (a) or (b) ~~of this Section~~ to the level that the Agency deems necessary to protect human health and the environment. The Agency must base this adjusted level on an assessment of the degree and duration of risk associated with the ownership or operation of the facility.
 - 2) In addition, if the Agency determines that there is a significant risk to human health and the environment from non-sudden accidental occurrences resulting from the operations of a facility that is not a surface impoundment, pile, or land treatment facility, the Agency may require the owner or operator of the facility to comply with subsection (b) ~~of this Section~~.

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- 3) An owner or operator must furnish to the Agency, within a reasonable time, any information that the Agency requests to aid its determination whether cause exists for such adjustments of level or type of coverage.

BOARD NOTE: The owner or operator may appeal any Agency determination made pursuant to this subsection (d) pursuant to Section 40 of the Act ~~[415 ILCS 5/40]~~.

- e) Release from the financial assurance obligation for a facility or a unit at a facility.
 - 1) After an owner or operator has removed all hazardous secondary material from a facility or a unit at a facility and decontaminated the facility or unit at the facility, the owner or operator may submit a written request that the Agency release it from the obligation of ~~subsection (a) and (b) of this Section~~ as they apply to the facility or to the unit. The owner or operator and a qualified Professional Engineer must submit with the request certifications stating that all hazardous secondary materials have been removed from the facility or from a unit at the facility, and that the facility or a unit has been decontaminated in accordance with the owner's or operator's Agency-approved Section 721.243(h) plan.
 - 2) Within 60 days after receiving the complete request and certifications described in subsection (e)(1) ~~of this Section~~, the Agency must notify the owner or operator in writing of its determination on the request. The Agency must grant the request only if it determines that the owner or operator has removed all hazardous secondary materials from the facility or from the unit at the facility and that the owner or operator has decontaminated the facility or unit in accordance with its Agency-approved Section 721.243(h) plan.
 - 3) After an affirmative finding by the Agency pursuant to subsection (e)(2) ~~of this Section~~, the owner or operator is no longer required to maintain liability coverage pursuant to Section 721.104(a)(24)(F)(vi) for that facility or unit at the facility that is indicated in the written notice issued by the Agency.

BOARD NOTE: The Board has broken the single sentence of corresponding 40 CFR 261.147(e) into five sentences in three subsections in this subsection (e) for enhanced clarity. The owner or operator may appeal any Agency determination

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made pursuant to this subsection (e) pursuant to Section 40 of the Act ~~[415 ILCS 5/40]~~.

- f) Financial test for liability coverage.
- 1) An owner or operator may satisfy the requirements of this Section by demonstrating that it passes one of the financial tests specified in this subsection (f)(1). To pass a financial test, the owner or operator must meet the criteria of either subsection (f)(1)(A) or (f)(1)(B) ~~of this Section~~:
- A) Test 1. The owner or operator must have each of the following:
- i) Net working capital and tangible net worth each at least six times the amount of liability coverage that the owner or operator needs to demonstrate by this test;
 - ii) Tangible net worth of at least \$10 million; and
 - iii) Assets in the United States that amount to either at least 90 percent of the owner's or operator's total assets or at least six times the amount of liability coverage that it needs to demonstrate by this test.
- B) Test 2. The owner or operator must have each of the following:
- i) A current rating for its most recent bond issuance of AAA, AA, A, or BBB, as issued by Standard and Poor's, or Aaa, Aa, A, or Baa, as issued by Moody's;
 - ii) Tangible net worth of at least \$10 million;
 - iii) Tangible net worth at least six times the amount of liability coverage to be demonstrated by this test; and
 - iv) Assets in the United States amounting to either at least 90 percent of the owner's or operator's total assets or at least six times the amount of liability coverage that it needs to demonstrate by this test.

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2) Definition.

"Amount of liability coverage," as used in subsection (f)(1) ~~of this Section~~, refers to the annual aggregate amounts for which coverage is required pursuant to subsections (a) and (b) ~~of this Section~~ and the annual aggregate amounts for which coverage is required pursuant to 35 Ill. Adm. Code 724.247(a) and (b) or 725.247(a) and (b).

3) To demonstrate that it meets the financial test set forth in subsection (f)(1) ~~of this Section~~, the owner or operator must submit the following three items to the Agency:

- A) A letter signed by the owner's or operator's chief financial officer and worded as specified by the Agency pursuant to Section 721.251. If an owner or operator is using the financial test to demonstrate both financial assurance, as specified by Section 721.243(e), and liability coverage, as specified by this Section, the owner or operator must submit the letter specified by the Agency pursuant to Section 721.251 for financial assurance to cover both forms of financial responsibility; no separate letter is required for liability coverage;
- B) A copy of an independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year; and
- C) If the chief financial officer's letter prepared pursuant to subsection (f)(3)(A) ~~of this Section~~ includes financial data which shows that the owner or operator satisfies the test set forth in subsection (f)(1)(A) ~~of this Section~~ (Test 1), and either the data in the chief financial officer's letter are different from the data in the audited financial statements required by subsection (f)(3)(B) ~~of this Section~~, or the data are different from any other audited financial statement or data filed with the federal Securities and Exchange Commission, then the owner or operator must submit a special report from its independent certified public accountant. The special report must be based on an agreed-upon procedures engagement, in accordance with professional auditing standards. The report must describe the procedures used to compare the data

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in the chief financial officer's letter (prepared pursuant to subsection (f)(3)(A) ~~of this Section~~), the findings of the comparison, and the reasons for any difference.

- 4) This subsection (f)(4) corresponds with 40 CFR 261.147(f)(3)(iv), a provision relating to extension of the deadline for filing the financial documents required by 40 CFR 261.147(f)(3) until as late as 90 days after the effective date of the federal rule. Thus, the latest date for filing the documents was March 29, 2009, which is now past. See 40 CFR 261.147(f)(3) and 73 Fed. Reg. 64668 (Oct. 30, 2008). This statement maintains structural consistency with the corresponding federal provision.
- 5) After the initial submission of items specified in subsection (f)(3) ~~of this Section~~, the owner or operator must send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (f)(3) ~~of this Section~~.
- 6) If the owner or operator no longer fulfills the requirements of subsection (f)(1) ~~of this Section~~, it must obtain insurance (subsection (a)(1) ~~of this Section~~), a letter of credit (subsection (h) ~~of this Section~~), a surety bond (subsection (i) ~~of this Section~~), a trust fund (subsection (j) ~~of this Section~~), or a guarantee (subsection (g) ~~of this Section~~) for the entire amount of required liability coverage required by this Section. Evidence of liability coverage must be submitted to the Agency within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the test requirements.
- 7) The Agency must disallow use of the financial tests set forth in this subsection (f) on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (f)(3)(B) ~~of this Section~~) where the Agency determines that those qualifications significantly, adversely affect the owner's or operator's ability to provide its own financial assurance by this mechanism. An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency must evaluate all other kinds of qualifications on an individual basis. The owner or operator must provide evidence of insurance for the entire amount of required liability coverage that satisfies

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the requirements of this Section within 30 days after a notification of Agency disallowance pursuant to this subsection (f)(7).

- g) Corporate guarantee for liability coverage.
- 1) Subject to the limitations of subsection (g)(2) ~~of this Section~~, an owner or operator may meet the requirements of this Section by obtaining a written guarantee ("guarantee"). The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a sister 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 applicable to an owner or operator as set forth in subsections (f)(1) through (f)(6) ~~of this Section~~. The wording of the guarantee must be identical to the wording specified by the Agency pursuant to Section 721.251. A certified copy of the guarantee must accompany the items sent to the Agency that are required by subsection (f)(3) ~~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.
- A) The guarantor must pay full satisfaction, up to the limits of coverage, whenever either of the following events has occurred with regard to liability for bodily injury or property damage to third parties caused by sudden or non-sudden accidental occurrences (or both) that arose from the operation of facilities covered by the corporate guarantee:
- i) The owner or operator has failed to satisfy a judgment based on a determination of liability; or
- ii) The owner or operator has failed to pay an amount agreed to in settlement of claims arising from or alleged to arise from such injury or damage.

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- B) This subsection (g)(1)(B) is derived from 40 CFR 261.147(g)(1)(ii), which USEPA has marked as "reserved". This statement maintains structural consistency with the corresponding federal regulations.

BOARD NOTE: Any determination by the Agency pursuant to this subsection (g)(1)(B) is subject to Section 40 of the Act ~~[415 ILCS 5/40]~~. This subsection (g)(1)(B) is derived from 40 CFR 264.141(h) and 265.141(h) ~~(2017)(2009)~~.

- 2) Limitations on guarantee and documentation required.
- A) Where both the guarantor and the owner or operator are incorporated in the United States, a guarantee may be used to satisfy the requirements of this Section only if the Attorneys General or Insurance Commissioners of each of the following states have submitted a written statement to the Agency that a guarantee executed as described in this Section is a legally valid and enforceable obligation in that state:
- i) The state in which the guarantor is incorporated (if other than the State of Illinois); and
 - ii) The State of Illinois (as the state in which the facility covered by the guarantee is located).
- B) Where either the guarantor or the owner or operator is incorporated outside the United States, a guarantee may be used to satisfy the requirements of this Section only if both of the following has occurred:
- i) The non-U.S. corporation has identified a registered agent for service of process in the State of Illinois (as the state in which the facility covered by the guarantee is located) and in the state in which it has its principal place of business (if other than the State of Illinois); and
 - ii) The Attorney General or Insurance Commissioner of the State of Illinois (as the state in which a facility covered by

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the guarantee is located) and the state in which the guarantor corporation has its principal place of business (if other than the State of Illinois) has submitted a written statement to the Agency that a guarantee executed as described in this Section is a legally valid and enforceable obligation in that state.

- C) The facility owner or operator and the guarantor must provide the Agency with all documents that are necessary and adequate to support an Agency determination that the required substantial business relationship exists adequate to support the guarantee.

BOARD NOTE: The Board added documentation to this subsection (g)(2)(C) to ensure that the owner and operator ensures all information necessary for an Agency determination is submitted to the Agency. The information required would include copies of any contracts and other documents that establish the nature, extent, and duration of the business relationship; any statements of competent legal opinion, signed by an attorney duly licensed to practice law in each of the jurisdictions referred to in the applicable of subsection (g)(2)(A) or (g)(2)(B) ~~of this Section~~, that would support a conclusion that the business relationship is adequate consideration to support the guarantee in the pertinent jurisdiction; a copy of the documents required by subsection (g)(2)(A)(ii) or (g)(2)(B)(ii) ~~of this Section~~; documents that identify the registered agent, as required by subsection (g)(2)(B)(i) of this Section; and any other documents requested by the Agency that are reasonably necessary to make a determination that a substantial business relationship exists, as such is defined in subsection (g)(1)(A) ~~of this Section~~.

- h) Letter of credit for liability coverage.
- 1) An owner or operator may fulfill the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the requirements of this subsection (h) and submitting a copy of the letter of credit to the Agency.

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- 2) The financial institution issuing the letter of credit must be an entity that has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency.
 - 3) The wording of the letter of credit must be identical to the wording specified by the Agency pursuant to Section 721.251.
 - 4) An owner or operator that uses a letter of credit to fulfill the requirements of this Section may also establish a standby trust fund. Under the terms of such a letter of credit, all amounts paid pursuant to a draft by the trustee of the standby trust fund must be deposited by the issuing institution into the standby trust fund in accordance with instructions from the trustee. The trustee of the standby trust fund must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.
 - 5) The wording of the standby trust fund must be identical to the wording specified by the Agency pursuant to Section 721.251.
- i) Surety bond for liability coverage.
- 1) An owner or operator may fulfill the requirements of this Section by obtaining a surety bond that conforms to the requirements of this subsection (i) and submitting a copy of the bond to the Agency.
 - 2) The surety company issuing the bond must be among those listed as acceptable sureties on federal bonds in the most recent Circular 570 of the U.S. Department of the Treasury.

BOARD NOTE: The U.S. Department of the Treasury updates Circular 570, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies," on an annual basis pursuant to 31 CFR 223.16. Circular 570 is available on the Internet at the following website: <http://www.fms.treas.gov/c570/>.

- 3) The wording of the surety bond must be identical to the wording specified by the Agency pursuant to Section 721.251.

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- 4) A surety bond may be used to fulfill the requirements of this Section only if the Attorneys General or Insurance Commissioners of the following states have submitted a written statement to the Agency that a surety bond executed as described in this Section is a legally valid and enforceable obligation in that state:
 - A) The state in which the surety is incorporated; and
 - B) The State of Illinois (as the state in which the facility covered by the surety bond is located).
- j) Trust fund for liability coverage.
 - 1) An owner or operator may fulfill the requirements of this Section by establishing a trust fund that conforms to the requirements of this subsection (j) and submitting an originally signed duplicate of the trust agreement to the Agency.
 - 2) The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.
 - 3) The trust fund for liability coverage must be funded for the full amount of the liability coverage to be provided by the trust fund before it may be relied upon to fulfill the requirements of this Section. If at any time after the trust fund is created the amount of funds in the trust fund is reduced below the full amount of the liability coverage that the owner or operator must provide, the owner or operator must either add sufficient funds to the trust fund to cause its value to equal the full amount of liability coverage to be provided, or the owner or operator must obtain other financial assurance that satisfies the requirements of this Section to cover the difference. Where the owner or operator must either add sufficient funds or obtain other financial assurance, it must do so before the anniversary date of the establishment of the trust fund. For purposes of this subsection, "the full amount of the liability coverage to be provided" means the amount of coverage for sudden or non-sudden occurrences that the owner or operator is required to provide pursuant to this Section, less the amount of financial assurance for liability coverage that the owner or

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operator has provided by other financial assurance mechanisms to demonstrate financial assurance.

- 4) The wording of the trust fund must be identical to the wording specified by the Agency pursuant to Section 721.251.

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

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section 721.279 Air Emission Standards

The remanufacturer or other person that stores or treats the hazardous secondary material must manage all hazardous secondary material placed in a container in accordance with the applicable requirements of Subparts AA, BB, and CC ~~of this Part~~.

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

SUBPART J: TANK SYSTEMS

Section 721.291 Assessment of Existing Tank System's Integrity

- a) A tank system must meet the secondary containment requirements of Section 721.293, or the remanufacturer or other person that handles the hazardous secondary material must determine that the tank system is not leaking or is unfit for use. Except as provided in subsection (c), a written assessment reviewed and certified by a qualified Professional Engineer must be kept on file at the remanufacturer's facility or other facility that stores or treats the hazardous secondary material that attests to the tank system's integrity.
- b) The qualified Professional Engineer's assessment must determine that the tank system is adequately designed and has sufficient structural strength and compatibility with the materials to be stored or treated, to ensure that the tank system will not collapse, rupture, or fail. At a minimum, this assessment must consider the following:
 - 1) Design standards, if available, according to which the tank system and ancillary equipment were constructed;

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- 2) Hazardous characteristics of the materials that have been and will be handled;
- 3) Existing corrosion protection measures;
- 4) Documented age of the tank system, if available (otherwise, an estimate of the age); and
- 5) Results of a leak test, internal inspection, or other tank system integrity examination such that:
 - A) For non-enterable underground tanks, the assessment must include a leak test that is capable of taking into account the effects of temperature variations, tank end deflection, vapor pockets, and high water table effects; and
 - B) For other than non-enterable underground tanks and for ancillary equipment, this assessment must include either a leak test, as described above, or other integrity examination that is certified by a qualified Professional Engineer that addresses cracks, leaks, corrosion, and erosion.

BOARD NOTE: The practices described in the American Petroleum Institute (API) Publication, Guide for Inspection of Refinery Equipment, Chapter XIII, "Atmospheric and Low-Pressure Storage Tanks," 4th edition, 1981, incorporated by reference in 35 Ill. Adm. Code 720.111, may be used, where applicable, as guidelines in conducting other than a leak test.

- c) If, as a result of the assessment conducted in accordance with subsection (a), a tank system is found to be leaking or unfit for use, the remanufacturer or other person that stores or treats the hazardous secondary material must comply with the requirements of Section 721.296.

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

Section 721.293 Containment and Detection of Releases

- a) The following must be true of a secondary containment system:

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- 1) The system is designed, installed, and operated to prevent any migration of materials or accumulated liquid out of the system to the soil, ground water, or surface water at any time during the use of the tank system; and
- 2) The system is capable of detecting and collecting releases and accumulated liquids until the collected material is removed.

BOARD NOTE: If the collected material is a hazardous waste under this Part, the material is subject to management as a hazardous waste in accordance with all applicable requirements of 35 Ill. Adm. Code 722 through 728. If the collected material is discharged through a point source to waters of the United States, it is subject to the NPDES permit requirement of Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309. If discharged to a Publicly Owned Treatment Works (POTW), it is subject to the requirements of 35 Ill. Adm. Code 307 and 310. If the collected material is released to the environment, it may be subject to the reporting requirements of 35 Ill. Adm. Code 750.410 and federal 40 CFR 302.6.

- b) To meet the requirements of subsection (a), a secondary containment system must fulfill the following requirements:
 - 1) The secondary containment system must be constructed of or lined with materials that are compatible with the materials 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 material to which it is exposed, climatic conditions, and the stress of daily operation (including stresses from nearby vehicular traffic);
 - 2) The secondary containment system 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;
 - 3) The secondary containment system must be provided with a leak-detection system that is designed and operated so that the system will detect the failure of either the primary or secondary containment structure or the

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presence of any release of hazardous secondary material or accumulated liquid in the secondary containment system at the earliest practicable time; and

- 4) The secondary containment system must be sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked material and accumulated precipitation must be removed from the secondary containment system in as timely a manner as is possible, but in no case later than 24 hours after the leak, spill, or accumulation of precipitation occurs, to prevent harm to human health and the environment.
- c) Secondary containment for tanks must include one or more of the following devices:
- 1) A liner (external to the tank);
 - 2) A vault; or
 - 3) A double-walled tank.
- d) In addition to the requirements of subsections (a), (b), and (c), secondary containment systems must satisfy the following requirements:
- 1) An external liner system must fulfill the following requirements:
 - A) The secondary containment system must be designed or operated to contain 100 percent of the capacity of the largest tank within its boundary;
 - B) The secondary containment system 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) The secondary containment system must be free of cracks or gaps; and

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- D) The secondary containment system must be designed and installed to surround the tank completely and to cover all surrounding earth likely to come into contact with the material if the material is released from the tanks (i.e., capable of preventing lateral as well as vertical migration of the material).
- 2) A vault system must fulfill the following requirements:
- A) The vault system must be designed or operated to contain 100 percent of the capacity of the largest tank within its boundary;
 - B) The vault system 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) The vault system must be constructed with chemical-resistant water stops in place at all joints (if any);
 - D) The vault system must be provided with an impermeable interior coating or lining that is compatible with the stored material and that will prevent migration of material into the concrete;
 - E) The vault system must be provided with a means to protect against the formation of and ignition of vapors within the vault, if the material being stored or treated is ignitable or reactive; and
 - F) The vault system must be provided with an exterior moisture barrier or be otherwise designed or operated to prevent migration of moisture into the vault if the vault is subject to hydraulic pressure.
- 3) A double-walled tank must fulfill the following requirements:

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- A) The double-walled tank must be designed as an integral structure (i.e., an inner tank completely enveloped within an outer shell) so that any release from the inner tank is contained by the outer shell;
- B) The double-walled tank 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) The double-walled tank must be provided with a built-in continuous leak detection system capable of detecting a release at the earliest practicable time, but in no case later than 24 hours after the release occurs.

BOARD NOTE: The provisions outlined in the Steel Tank Institute's (STI) "Standard for Dual Wall Underground Steel Storage Tanks," incorporated by reference in 35 Ill. Adm. Code 720.111, may be used as guidelines for aspects of the design of underground steel double-walled tanks.

- e) This subsection (e) corresponds with 40 CFR 261.194(e), which USEPA has marked "reserved." This statement maintains structural consistency with the corresponding federal regulations.
- f) Ancillary equipment must be provided with secondary containment (e.g., trench, jacketing, double-walled piping, etc.) that meets the requirements of subsections (a) and (b), except for the following equipment:
 - 1) Aboveground piping (exclusive of flanges, joints, valves, and other connections) that are visually inspected for leaks on a daily basis;
 - 2) Welded flanges, welded joints, and welded connections that are visually inspected for leaks on a daily basis;
 - 3) Seal-less or magnetic coupling pumps and seal-less valves that are visually inspected for leaks on a daily basis; and
 - 4) Pressurized aboveground piping systems with automatic shut-off devices (e.g., excess flow check valves, flow metering shutdown devices, loss of

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pressure actuated shut-off devices, etc.) that are visually inspected for leaks on a daily basis.

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

Section 721.298 Special Requirements for Ignitable or Reactive Materials

- a) Ignitable or reactive material must not be placed in a tank system, unless the material is stored or treated in such a way that it is protected from any material or conditions that may cause the material to ignite or react.
- b) The remanufacturer or other person that stores or treats hazardous secondary material that is ignitable or reactive must store or treat the hazardous secondary material in a tank system that is in compliance with the requirements for the maintenance of protective distances between the material management area and any public ways, streets, alleys, or an adjoining property line that can be built upon as required in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code," incorporated by reference in 35 Ill. Adm. Code 720.111.

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

Section 721.300 Air Emission Standards

The remanufacturer or other person that stores or treats the hazardous secondary material must manage all hazardous secondary material placed in a tank in accordance with the applicable requirements of Subparts AA, BB, and CC ~~of this Part~~.

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

**SUBPART M: EMERGENCY PREPAREDNESS AND RESPONSE FOR
MANAGEMENT OF EXCLUDED HAZARDOUS SECONDARY MATERIALS****Section 721.520 Contingency Planning and Emergency Procedures for Facilities
Generating or Accumulating More Than 6,000 kg of Hazardous Secondary Material**

A generator or an intermediate or reclamation facility operating under a verified recycler variance under 35 Ill. Adm. Code 720.131(d) that generates or accumulates more than 6,000 kg of hazardous secondary material must comply with the following requirements:

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- a) Purpose and implementation of contingency plan.
 - 1) Each generator or an intermediate or reclamation facility operating under a verified facility determination under 35 Ill. Adm. Code 720.131(d) that accumulates more than 6,000 kg of hazardous secondary material must have a contingency plan for his facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous secondary material or hazardous secondary material constituents to air, soil, or surface water.
 - 2) The provisions of the contingency plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous secondary material or hazardous secondary material constituents that could threaten human health or the environment.
- b) Content of contingency plan.
 - 1) The contingency plan must describe the actions facility personnel must take to comply with subsections (a) and (f) in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous secondary material or hazardous secondary material constituents to air, soil, or surface water at the facility.
 - 2) If the generator or an intermediate or reclamation facility operating under a verified facility determination under 35 Ill. Adm. Code 720.131(d) accumulating more than 6,000 kg of hazardous secondary material 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 facility needs only amend that plan to incorporate hazardous secondary material management provisions that are sufficient to comply with the requirements of this Part. The hazardous secondary material generator or an intermediate or reclamation facility operating under a verified recycler variance under 35 Ill. Adm. Code 720.131(d) may develop one contingency plan which meets all regulatory requirements. When modifications are made to non-RCRA provisions in an integrated contingency plan, the changes do not trigger the need for a RCRA permit modification.

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BOARD NOTE: USEPA has recommended that the contingency plan be based on the National Response Team's Integrated Contingency Plan Guidance ("One Plan").

- 3) The contingency plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to 35 Ill. Adm. Code 722.510(f).
 - 4) The contingency plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see subsection (e)), and this list must be kept 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.
 - 5) The contingency 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. This list must be kept up to date. In addition, the plan must include the location and a physical description of each emergency equipment item on the list, and a brief outline of its capabilities.
 - 6) The contingency plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This evacuation 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 secondary material or fires).
- c) Copies of contingency plan. The facility owner or operator must do as follows with the contingency plan and all revisions to the plan:
- 1) Maintain a copy at the facility; and

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- 2) Submit a copy to every local police department, fire department, hospital, and State and local emergency response team that may be called upon to provide emergency services.
- d) Amendment of contingency plan. The facility owner or operator must review and immediately amend its contingency plan, if necessary, whenever any of the following occurs:
- 1) Applicable regulations are revised;
 - 2) The plan fails in an emergency;
 - 3) The 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 secondary material or hazardous secondary material constituents, or the facility changes the response necessary in an emergency;
 - 4) The list of emergency coordinators changes; or
 - 5) The list of emergency equipment changes.
- e) Emergency coordinator. At all times, there must be at least one employee, either on the facility 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. 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 hazardous secondary materials 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. The emergency coordinator's responsibilities are more fully spelled out in subsection (f). Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of hazardous secondary materials handled by the facility, and type and complexity of the facility.
- f) Emergency procedures.

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- 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:
 - A) Activate internal facility alarms or communication systems, when applicable, to notify all facility personnel; and
 - B) 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 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 facility records or manifests and, if necessary, by chemical analysis.
- 3) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions).
- 4) 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 his or her findings as follows:
 - A) If the emergency coordinator's 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
 - B) 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-

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hour toll free number 800-424-8802). The report must include the following information:

- i) The name and telephone number of reporter;
 - ii) The name and address of facility;
 - iii) The time and type of incident (e.g., release, 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.
- 5) 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 secondary material at the facility. These measures must include, when applicable, stopping processes and operations, collecting and containing released material, and removing or isolating containers.
- 6) If the facility stops operations in response to a fire, explosion or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.
- 7) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered secondary material, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility. Unless the hazardous secondary material generator can demonstrate, in accordance with Section 721.103(c) or (d), that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage the recovered material in accordance with all applicable requirements of 35 Ill. Adm. Code 722, 723, and 725.

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- 8) The emergency coordinator must ensure that the following has occurred in the affected areas of the facility:
- A) No secondary material 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.
- 9) The hazardous secondary material 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 emergency coordinator must submit a written report on the incident to the Regional Administrator. The report must include the following information:
- A) The name, address, and telephone number of the hazardous secondary material generator;
 - B) The name, address, and telephone number of the facility;
 - C) The date, time, and type of incident (e.g., fire, explosion, etc.);
 - 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, when this is applicable; and
 - G) The estimated quantity and disposition of recovered material that resulted from the incident.

g) Personnel Training. All employees must be thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies.

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

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SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section 721.931 Definitions

As used in this Subpart AA, all terms not defined in this Section will have the meaning given them in [section 1004 of the Resource Conservation and Recovery Act, incorporated by reference in 35 Ill. Adm. Code 720.111](#), and 35 Ill. Adm. Code 720 through 726.

"Air stripping operation" is a desorption operation employed to transfer one or more volatile components from a liquid mixture into a gas (air) either with or without the application of heat to the liquid. Packed towers, spray towers, and bubble-cap, sieve, or valve-type plate towers are among the process configurations used for contacting the air and a liquid.

"Bottoms receiver" means a container or tank used to receive and collect the heavier bottoms fractions of the distillation feed stream that remain in the liquid phase.

"Closed-vent system" means a system that is not open to the atmosphere and that is composed of piping, connections, and, if necessary, flow-inducing devices that transport gas or vapor from a piece or pieces of equipment to a control device.

"Condenser" means a heat-transfer device that reduces a thermodynamic fluid from its vapor phase to its liquid phase.

"Connector" means flanged, screwed, welded, or other joined fittings used to connect two pipelines or a pipeline and a piece of equipment. For the purposes of reporting and recordkeeping, connector means flanged fittings that are not covered by insulation or other materials that prevent location of the fittings.

"Continuous recorder" means a data-recording device recording an instantaneous data value at least once every 15 minutes.

"Control device" means an enclosed combustion device, vapor recovery system, or flare. Any device the primary function of which is the recovery or capture of solvents or other organics for use, reuse, or sale (e.g., a primary condenser on a solvent recovery unit) is not a control device.

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"Control device shutdown" means the cessation of operation of a control device for any purpose.

"Distillate receiver" means a container or tank used to receive and collect liquid material (condensed) from the overhead condenser of a distillation unit and from which the condensed liquid is pumped to larger storage tanks or other process units.

"Distillation operation" means an operation, either batch or continuous, separating one or more feed streams into two or more exit streams, each exit stream having component concentrations different from those in the feed streams. The separation is achieved by the redistribution of the components between the liquid and vapor phase as they approach equilibrium within the distillation unit.

"Double block and bleed system" means two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

"Equipment" means each valve, pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, or flange or other connector, and any control devices or systems required by this Subpart AA.

"Flame zone" means the portion of the combustion chamber in a boiler occupied by the flame envelope.

"Flow indicator" means a device that indicates whether gas flow is present in a vent stream.

"First attempt at repair" means to take rapid action for the purpose of stopping or reducing leakage of organic material to the atmosphere using best practices.

"Fractionation operation" means a distillation operation or method used to separate a mixture of several volatile components of different boiling points in successive stages, each stage removing from the mixture some proportion of one of the components.

"Hazardous secondary material management unit shutdown" means a work practice or operational procedure that stops operation of a hazardous secondary material management unit or part of a hazardous secondary material management unit. An unscheduled work practice or operational procedure that stops operation

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of a hazardous secondary material management unit or part of a hazardous secondary material management unit for less than 24 hours is not a hazardous secondary material management unit shutdown. The use of spare equipment and technically feasible bypassing of equipment without stopping operation are not hazardous secondary material management unit shutdowns.

"Hot well" means a container for collecting condensate as in a steam condenser serving a vacuum-jet or steam-jet ejector.

"In gas/vapor service" means that the piece of equipment contains or contacts a hazardous secondary material stream that is in the gaseous state at operating conditions.

"In heavy liquid service" means that the piece of equipment is not in gas/vapor service or in light liquid service.

"In light liquid service" means that the piece of equipment contains or contacts a material stream where the vapor pressure of one or more of the organic components in the stream is greater than 0.3 kilopascals (kPa) at 20 °C, the total concentration of the pure organic components having a vapor pressure greater than 0.3 kPa at 20 °C is equal to or greater than 20 percent by weight, and the fluid is a liquid at operating conditions.

"In situ sampling systems" means non-extractive samplers or in-line samplers.

"In vacuum service" means that equipment is operating at an internal pressure that is at least 5 kPa below ambient pressure.

"Malfunction" means any sudden failure of a control device or a hazardous secondary material management unit or failure of a hazardous secondary material management unit to operate in a normal or usual manner, so that organic emissions are increased.

"Open-ended valve or line" means any valve, except pressure relief valves, having one side of the valve seat in contact with hazardous secondary material and one side open to the atmosphere, either directly or through open piping.

"Pressure release" means the emission of materials resulting from the system pressure being greater than the set pressure of the pressure relief device.

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"Process heater" means a device that transfers heat liberated by burning fuel to fluids contained in tubes, including all fluids except water that are heated to produce steam.

"Process vent" means any open-ended pipe or stack that is vented to the atmosphere either directly, through a vacuum-producing system, or through a tank (e.g., distillate receiver, condenser, bottoms receiver, surge control tank, separator tank, or hot well) associated with hazardous secondary material distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations.

"Repaired" means that equipment is adjusted, or otherwise altered, to eliminate a leak.

"Sampling connection system" means an assembly of equipment within a process or material management unit used during periods of representative operation to take samples of the process or material fluid. Equipment used to take non-routine grab samples is not considered a sampling connection system.

"Sensor" means a device that measures a physical quantity or the change in a physical quantity, such as temperature, pressure, flow rate, pH, or liquid level.

"Separator tank" means a device used for separation of two immiscible liquids.

"Solvent extraction operation" means an operation or method of separation in which a solid or solution is contacted with a liquid solvent (the two being mutually insoluble) to preferentially dissolve and transfer one or more components into the solvent.

"Startup" means the setting in operation of a hazardous secondary material management unit or control device for any purpose.

"Steam stripping operation" means a distillation operation in which vaporization of the volatile constituents of a liquid mixture takes place by the introduction of steam directly into the charge.

"Surge control tank" means a large-sized pipe or storage reservoir sufficient to contain the surging liquid discharge of the process tank to which it is connected.

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"Thin-film evaporation operation" means a distillation operation that employs a heating surface consisting of a large diameter tube that may be either straight or tapered, horizontal or vertical. Liquid is spread on the tube wall by a rotating assembly of blades that maintain a close clearance from the wall or actually ride on the film of liquid on the wall.

"Vapor incinerator" means any enclosed combustion device that is used for destroying organic compounds and does not extract energy in the form of steam or process heat.

"Vented" means discharged through an opening, typically an open-ended pipe or stack, allowing the passage of a stream of liquids, gases, or fumes into the atmosphere. The passage of liquids, gases, or fumes is caused by mechanical means such as compressors or vacuum-producing systems or by process-related means such as evaporation produced by heating and not caused by tank loading and unloading (working losses) or by natural means such as diurnal temperature changes.

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

Section 721.933 Standards: Closed-Vent Systems and Control Devices

- a) Applicability.
 - 1) The remanufacturer or other person that stores or treats the hazardous secondary materials in hazardous secondary material management units using closed-vent systems and control devices used to comply with provisions of this Part must comply with the provisions of this Section.
 - 2) This subsection (a)(2) corresponds with 40 CFR 261.1033, which USEPA has marked "reserved-". This statement maintains structural consistency with the federal regulations.
- b) A control device involving vapor recovery (e.g., a condenser or adsorber) must be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless the total organic emission limits of Section 721.932(a)(1) for all affected process vents can be attained at an efficiency less than 95 weight percent.

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- c) An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) must be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater; to achieve a total organic compound concentration of 20 ppmv, expressed as the sum of the actual compounds, not carbon equivalents, on a dry basis corrected to three percent oxygen; or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760°C. If a boiler or process heater is used as the control device, then the vent stream must be introduced into the flame zone of the boiler or process heater.
- d) Flares.
- 1) A flare must be designed for and operated with no visible emissions, as determined by the methods specified in subsection (e)(1), except for periods not to exceed a total of five minutes during any two consecutive hours.
 - 2) A flare must be operated with a flame present at all times, as determined by the methods specified in subsection (f)(2)(C).
 - 3) A flare must be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted; or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater if the flare is non-assisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e)(2).
 - 4) Exit velocity.
 - A) A steam-assisted or nonassisted flare must be designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3), less than 18.3 m/s (60 ft/s), except as provided in subsections (d)(4)(B) and (C).
 - B) A steam-assisted or non-assisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3), equal to or greater than 18.3 m/s (60 ft/s) but less than 122 m/s (400 ft/s) is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1,000 Btu/scf).

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- C) A steam-assisted or non-assisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3), less than the velocity, V_{\max} , as determined by the method specified in subsection (e)(4), and less than 122 m/s (400 ft/s) is allowed.
- 5) An air-assisted flare must be designed and operated with an exit velocity less than the velocity, V_{\max} , as determined by the method specified in subsection (e)(5).
- 6) A flare used to comply with this Section must be steam-assisted, air-assisted, or unassisted.
- e) Compliance determination and equations.
- 1) Reference Method 22 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to determine the compliance of a flare with the visible emission provisions of this Subpart AA. The observation period is two hours and must be used according to Method 22.
- 2) The net heating value of the gas being combusted in a flare must be calculated using the following equation:

$$H_T = K \left[\sum_{i=1}^n C_i H_i \right]$$

Where:

- H_T = Net heating value of the sample, MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25°C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mol is 20°C;
- K = Constant, 1.74×10^{-7} (1/ppm) (g mol/scm) (MJ/kcal) where standard temperature for (g mol/scm) is 20°C;
- C_i = Concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18

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(Measurement of Gaseous Organic Compound Emissions by Gas Chromatography) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111, and measured for hydrogen and carbon monoxide by ASTM D 1946-90, incorporated by reference in Section 720.111; and

H_i = Net heat of combustion of sample component i , kcal/g mol at 25°C and 760 mm Hg. The heats of combustion may be determined using ASTM D 2382-83, incorporated by reference in Section 720.111, if published values are not available or cannot be calculated.

- 3) The actual exit velocity of a flare must be determined by dividing the volumetric flow rate (in units of standard temperature and pressure), as determined by Reference Methods 2 (Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube)), 2A (Direct Measurement of Gas Volume through Pipes and Small Ducts), 2C (Determination of Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube)), or 2D (Measurement of Gas Volume Flow Rates in Small Pipes and Ducts) in appendix A to 40 CFR 60 (Test Methods), each incorporated by reference in 35 Ill. Adm. Code 720.111, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.
- 4) The maximum allowed velocity in m/s, V_{max} , for a flare complying with subsection (d)(4)(C) must be determined by the following equation:

$$\log_{10}(V_{max}) = \frac{(H_T + 28.8)}{31.7}$$

Where:

H_T = The net heating value as determined in subsection (e)(2).

- 5) The maximum allowed velocity in m/s, V_{max} , for an air-assisted flare must be determined by the following equation:

$$V_{max} = 8.706 + 0.7084 (H_T)$$

Where:

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H_T = The net heating value as determined in subsection (e)(2).

- f) The remanufacturer or other person that stores or treats the hazardous secondary material must monitor and inspect each control device required to comply with this section to ensure proper operation and maintenance of the control device by implementing the following requirements:
- 1) Install, calibrate, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of vent stream flow from each affected process vent to the control device at least once every hour. The flow indicator sensor must be installed in the vent stream at the nearest feasible point to the control device inlet but before the point at which the vent streams are combined.
 - 2) Install, calibrate, maintain, and operate according to the manufacturer's specifications a device to continuously monitor control device operation as specified below:
 - A) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the combustion chamber downstream of the combustion zone.
 - B) For a catalytic vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. One temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed inlet and a second temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed outlet.
 - C) For a flare, a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.

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- D) For a boiler or process heater having a design heat input capacity less than 44 MW, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the furnace downstream of the combustion zone.
- E) For a boiler or process heater having a design heat input capacity greater than or equal to 44 MW, a monitoring device equipped with a continuous recorder to measure a parameters that indicates good combustion operating practices are being used.
- F) For a condenser, either:
- i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the condenser; or
 - ii) A temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature with an accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the exhaust vent stream from the condenser exit (i.e., product side).
- G) For a carbon adsorption system that regenerates the carbon bed directly in the control device such as a fixed-bed carbon adsorber, either:
- i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the carbon bed; or
 - ii) A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined time cycle.

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- 3) Inspect the readings from each monitoring device required by subsections (f)(1) and (f)(2) at least once each operating day to check control device operation and, if necessary, immediately implement the corrective measures necessary to ensure the control device operates in compliance with the requirements of this Section.
- g) A remanufacturer or other person that stores or treats hazardous secondary material in a hazardous secondary material management unit using a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device must replace the existing carbon in the control device with fresh carbon at a regular, predetermined time interval that is no longer than the carbon service life established as a requirement of Section 721.935(b)(4)(C)(vi).
- h) A remanufacturer or other person that stores or treats hazardous secondary material in a hazardous secondary material management unit using a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device must replace the existing carbon in the control device with fresh carbon on a regular basis by using one of the following procedures:
 - 1) Monitor the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency must be daily or at an interval no greater than 20 percent of the time required to consume the total carbon working capacity established as a requirement of Section 721.935(b)(4)(C)(vii), whichever is longer.
 - 2) Replace the existing carbon with fresh carbon at a regular, predetermined time interval that is less than the design carbon replacement interval established as a requirement of Section 721.935(b)(4)(C)(vii).
- i) An alternative operational or process parameter may be monitored if it can be demonstrated that another parameter will ensure that the control device is operated in conformance with these standards and the control device's design specifications.

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- j) A remanufacturer or other person that stores or treats hazardous secondary material at an affected facility seeking to comply with the provisions of this part by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.
- k) A closed-vent system must meet either of the following design requirements:
 - 1) A closed-vent system must be designed to operate with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background as determined by the procedure in Section 721.934(b), and by visual inspections; or
 - 2) A closed-vent system must be designed to operate at a pressure below atmospheric pressure. The system must be equipped with at least one pressure gauge or other pressure measurement device that can be read from a readily accessible location to verify that negative pressure is being maintained in the closed-vent system when the control device is operating.
- l) The remanufacturer or other person that stores or treats the hazardous secondary material must monitor and inspect each closed-vent system required to comply with this section to ensure proper operation and maintenance of the closed-vent system by implementing the following requirements:
 - 1) Each closed-vent system that is used to comply with subsection (k)(1) must be inspected and monitored in accordance with the following requirements:
 - A) An initial leak detection monitoring of the closed-vent system must be conducted by the remanufacturer or other person that stores or treats the hazardous secondary material on or before the date that the system becomes subject to this section. The remanufacturer or other person that stores or treats the hazardous secondary material must monitor the closed-vent system components and connections using the procedures specified in Section 721.934(b) to demonstrate that the closed-vent system operates with no

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detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background.

- B) After initial leak detection monitoring required in subsection (1)(1)(A), the remanufacturer or other person that stores or treats the hazardous secondary material must inspect and monitor the closed-vent system as follows:
- i) Closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of hard piping or a bolted and gasketed ducting flange) must be visually inspected at least once per year to check for defects that could result in air pollutant emissions. The remanufacturer or other person that stores or treats the hazardous secondary material must monitor a component or connection using the procedures specified in Section 721.934(b) to demonstrate that it operates with no detectable emissions following any time the component is repaired or replaced (e.g., a section of damaged hard piping is replaced with new hard piping) or the connection is unsealed (e.g., a flange is unbolted).
 - ii) Closed-vent system components or connections other than those specified in subsection (1)(1)(B)(i) must be monitored annually and at other times as requested by the Agency, except as provided for in subsection (o), using the procedures specified in Section 721.934(b) to demonstrate that the components or connections operate with no detectable emissions. The Agency must make any request for monitoring in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.
- C) In the event that a defect or leak is detected, the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect or leak in accordance with the requirements of subsection (1)(3).

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- D) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 721.935.
- 2) Each closed-vent system that is used to comply with subsection (k)(2) must be inspected and monitored in accordance with the following requirements:
- A) The closed-vent system must be visually inspected by the remanufacturer or other person that stores or treats the hazardous secondary material to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in ductwork or piping or loose connections.
 - B) The remanufacturer or other person that stores or treats the hazardous secondary material must perform an initial inspection of the closed-vent system on or before the date that the system becomes subject to this Section. Thereafter, the remanufacturer or other person that stores or treats the hazardous secondary material must perform the inspections at least once every year.
 - C) In the event that a defect or leak is detected, the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect in accordance with the requirements of subsection (l)(3).
 - D) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 721.935.
- 3) The remanufacturer or other person that stores or treats the hazardous secondary material must repair all detected defects as follows:
- A) Detectable emissions, as indicated by visual inspection, or by an instrument reading greater than 500 ppmv above background, must be controlled as soon as practicable, but not later than 15 calendar

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days after the emission is detected, except as provided for in subsection (1)(3)(C).

- B) A first attempt at repair must be made no later than 5 calendar days after the emission is detected.
 - C) Delay of repair of a closed-vent system for which leaks have been detected is allowed if the repair is technically infeasible without a process unit shutdown, or if the remanufacturer or other person that stores or treats the hazardous secondary material determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of such equipment must be completed by the end of the next process unit shutdown.
 - D) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the defect repair in accordance with the requirements specified in Section 721.935.
- m) Closed-vent systems and control devices used to comply with provisions of this Subpart AA must be operated at all times when emissions may be vented to them.
- n) The owner or operator using a carbon adsorption system to control air pollutant emissions must document that all carbon that is a hazardous waste and that is removed from the control device is managed in one of the following manners, regardless of the average volatile organic concentration of the carbon:
- 1) Regenerated or reactivated in a thermal treatment unit that meets one of the following:
 - A) The owner or operator of the unit has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart X ~~of this Part~~;
 - B) The unit is equipped with and operating air emission controls in accordance with the applicable requirements of Subparts AA and CC ~~of this Part~~ or Subparts AA and CC of 35 Ill. Adm. Code 725; or

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- C) The unit is equipped with and operating air emission controls in accordance with a national emission standard for hazardous air pollutants under 40 CFR 61 (National Emission Standards for Hazardous Air Pollutants) or 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), each incorporated by reference in 35 Ill. Adm. Code 720.111(b).
- 2) Incinerated in a hazardous waste incinerator for which the owner or operator either:
 - A) Has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart O ~~of this Part~~; or
 - B) Has designed and operates the incinerator in accordance with the interim status requirements of Subpart O of 35 Ill. Adm. Code 725.
 - 3) Burned in a boiler or industrial furnace for which the owner or operator either:
 - A) Has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart H of 35 Ill. Adm. Code 726; or
 - B) Has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of Subpart H of 35 Ill. Adm. Code 726.
 - o) Any components of a closed-vent system that are designated, as described in Section 721.935(c)(9), as unsafe to monitor are exempt from the requirements of subsection (l)(1)(B)(ii) if both of the following conditions are fulfilled:
 - 1) The remanufacturer or other person that stores or treats the hazardous secondary material in a hazardous secondary material management unit using a closed-vent system determines that the components of the closed-vent system are unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with subsection (l)(1)(B)(ii); and

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- 2) The remanufacturer or other person that stores or treats the hazardous secondary material in a hazardous secondary material management unit using a closed-vent system adheres to a written plan that requires monitoring the closed-vent system components using the procedure specified in subsection (l)(1)(B)(ii) as frequently as practicable during safe-to-monitor times.

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

Section 721.934 Test Methods and Procedures

- a) Each remanufacturer or other person that stores or treats the hazardous secondary material subject to the provisions of this Subpart AA must comply with the test methods and procedural requirements provided in this Section.
- b) When a closed-vent system is tested for compliance with no detectable emissions, as required in Section 721.933(l) of this Subpart AA, the test must comply with the following requirements:
 - 1) Monitoring must comply with Reference Method 21 (Determination of Volatile Organic Compound Leaks) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 2) The detection instrument must meet the performance criteria of Reference Method 21.
 - 3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.
 - 4) Calibration gases must be:
 - A) Zero air (less than 10 ppm of hydrocarbon in air).
 - B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.
 - 5) The background level must be determined as set forth in Reference Method 21.

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- 6) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
 - 7) The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.
- c) Performance tests to determine compliance with Section 721.932(a) and with the total organic compound concentration limit of Section 721.933(c) must comply with the following:
- 1) Performance tests to determine total organic compound concentrations and mass flow rates entering and exiting control devices must be conducted and data reduced in accordance with the following reference methods and calculation procedures:
 - A) Reference Method 2 (Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube)) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111 for velocity and volumetric flow rate.
 - B) Reference Method 18 (Measurement of Gaseous Organic Compound Emissions by Gas Chromatography) or Reference Method 25A (Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111, for organic content. If Reference Method 25A is used, the organic HAP used as the calibration gas must be the single organic HAP representing the largest percent by volume of the emissions. The use of Reference Method 25A is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.
 - C) Each performance test must consist of three separate runs; each run must be conducted for at least one hour under the conditions that exist when the hazardous secondary material management unit is

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operating at the highest load or capacity level reasonably expected to occur. For the purpose of determining total organic compound concentrations and mass flow rates, the average of results of all runs must apply. The average must be computed on a time-weighted basis.

D) Total organic mass flow rates must be determined by the following equation:

i) For sources utilizing Reference Method 18.

$$E_h = Q_{2sd} \left\{ \sum_{i=1}^n C_i MW_i \right\} [0.0416][10^{-6}]$$

Where:

- E_h = Total organic mass flow rate, kg/h;
 Q_{2sd} = Volumetric flow rate of gases entering or exiting control device, as determined by Reference Method 2, dscm/h;
 n = Number of organic compounds in the vent gas;
 C_i = Organic concentration in ppm, dry basis, of compound i in the vent gas, as determined by Reference Method 18;
 MW_i = Molecular weight of organic compound i in the vent gas, kg/kg-mol;
 0.0416 = Conversion factor for molar volume, kg-mol/m³ (@293 K and 760 mm Hg); and
 10^{-6} = Conversion from ppm.

ii) For sources utilizing Reference Method 25A.

$$E_h = (Q)(C)(MW)(0.0416)(10^{-6})$$

Where:

- E_h = Total organic mass flow rate, kg/h;

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- Q = Volumetric flow rate of gases entering or exiting control device, as determined by Reference Method 2, dscm/h;
- C = Organic concentration in ppm, dry basis, as determined by Reference Method 25A;
- MW = Molecular weight of propane, 44;
- 0.0416 = Conversion factor for molar volume, kg-mol/m³ (@293 K and 760 mm Hg); and
- 10⁻⁶ = Conversion from ppm.

- E) The annual total organic emission rate must be determined by the following equation:

$$E_A = (E_h)(H)$$

Where:

- E_A = Total organic mass emission rate, kg/y;
- E_h = Total organic mass flow rate for the process vent, kg/h;
and
- H = Total annual hours of operations for the affected unit, h/y.

- F) Total organic emissions from all affected process vents at the facility must be determined by summing the hourly total organic mass emission rates (E_h , as determined in subsection (c)(1)(D)) and by summing the annual total organic mass emission rates (E_A , as determined in subsection (c)(1)(E)) for all affected process vents at the facility.
- 2) The remanufacturer or other person that stores or treats the hazardous secondary material must record process information as necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction must not constitute representative conditions for the purpose of a performance test.
- 3) The remanufacturer or other person that stores or treats the hazardous secondary material at an affected facility must provide, or cause to be provided, performance testing facilities, as follows:

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- A) Sampling ports adequate for the test methods specified in subsection (c)(1).
 - B) Safe sampling platforms.
 - C) Safe access to sampling platforms.
 - D) Utilities for sampling and testing equipment.
- 4) For the purpose of making compliance determinations, the time-weighted average of the results of the three runs must apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the control of the remanufacturer or other person that stores or treats the hazardous secondary material, the Agency may approve compliance determination using the average of the results of the two other runs. The Agency must state any approval or disapproval of a compliance determination in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.
- d) To show that a process vent associated with a hazardous secondary material distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation is not subject to the requirements of this Subpart AA, the remanufacturer or other person that stores or treats the hazardous secondary material must make an initial determination that the time-weighted, annual average total organic concentration of the material managed by the hazardous secondary material management unit is less than 10 ppmw using one of the following two methods:
- 1) Direct measurement of the organic concentration of the material using the following procedures:
 - A) The remanufacturer or other person that stores or treats the hazardous secondary material must take a minimum of four grab samples of material for each material stream managed in the

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affected unit under process conditions expected to cause the maximum material organic concentration.

- B) For material generated onsite, the grab samples must be collected at a point before the material is exposed to the atmosphere such as in an enclosed pipe or other closed system that is used to transfer the material after generation to the first affected distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation. For material generated offsite, the grab samples must be collected at the inlet to the first material management unit that receives the material provided the material has been transferred to the facility in a closed system such as a tank truck and the material is not diluted or mixed with other material.
- C) Each sample must be analyzed and the total organic concentration of the sample must be computed using Method 9060A of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or analyzed for its individual organic constituents.
- D) The arithmetic mean of the results of the analyses of the four samples must apply for each material stream managed in the unit in determining the time-weighted, annual average total organic concentration of the material. The time-weighted average is to be calculated using the annual quantity of each material stream processed and the mean organic concentration of each material stream managed in the unit.
- 2) Using knowledge of the material to determine that its total organic concentration is less than 10 ppmw. Documentation of the material determination is required. Examples of documentation that must be used to support a determination under this provision include production process information documenting that no organic compounds are used, information that the material is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to generate a material stream having a total organic content less than 10 ppmw, or prior speciation analysis

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results on the same material stream where it can also be documented that no process changes have occurred since that analysis that could affect the material total organic concentration.

- e) The determination that distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations manage hazardous secondary materials with time-weighted, annual average total organic concentrations less than 10 ppmw must be made as follows:
 - 1) By the effective date that the facility becomes subject to the provisions of this Subpart AA or by the date when the material is first managed in a hazardous secondary material management unit, whichever is later; and
 - 2) For continuously generated material, annually; or
 - 3) Whenever there is a change in the material being managed or a change in the process that generates or treats the material.

- f) When a remanufacturer or other person that stores or treats the hazardous secondary material and the Agency do not agree on whether a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation manages a hazardous secondary material with organic concentrations of at least 10 ppmw based on knowledge of the material, the dispute may be resolved by using direct measurement, as specified at subsection (d)(1). The Agency must state any disagreement in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.

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

Section 721.935 Recordkeeping Requirements

- a) Compliance Required.
 - 1) Each remanufacturer or other person that stores or treats the hazardous secondary material subject to the provisions of this Subpart AA must comply with the recordkeeping requirements of this Section.
 - 2) A remanufacturer or other person that stores or treats the hazardous secondary material of more than one hazardous secondary material

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management unit subject to the provisions of this Subpart AA may comply with the recordkeeping requirements for these hazardous secondary material management units in one recordkeeping system if the system identifies each record by each hazardous secondary material management unit.

- b) The remanufacturer or other person that stores or treats the hazardous secondary material must keep the following records on-site:
- 1) For facilities that comply with the provisions of Section 721.933(a)(2), an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The schedule must also include a rationale of why the installation cannot be completed at an earlier date. The implementation schedule must be kept on-site at the facility by the effective date that the facility becomes subject to the provisions of this Subpart AA.
 - 2) Up-to-date documentation of compliance with the process vent standards in Section 721.932, including the following:
 - A) Information and data identifying all affected process vents, annual throughput and operating hours of each affected unit, estimated emission rates for each affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous secondary material management units on a facility plot plan).
 - B) Information and data supporting determinations of vent emissions and emission reductions achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, determinations of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or vent stream organic compounds and concentrations) that represent the conditions that result in maximum organic emissions, such as when the hazardous secondary material management unit is operating at the highest load or capacity level reasonably expected to occur. If the remanufacturer or other person that stores or treats the hazardous

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secondary material takes any action (e.g., managing a material of different composition or increasing operating hours of affected hazardous secondary material management units) that would result in an increase in total organic emissions from affected process vents at the facility, then a new determination is required.

- 3) Where a remanufacturer or other person that stores or treats the hazardous secondary material chooses to use test data to determine the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan must be developed and include the following:
 - A) A description of how it is determined that the planned test is going to be conducted when the hazardous secondary material management unit is operating at the highest load or capacity level reasonably expected to occur. This must include the estimated or design flow rate and organic content of each vent stream and define the acceptable operating ranges of key process and control device parameters during the test program.
 - B) A detailed engineering description of the closed-vent system and control device, including the following:
 - i) Manufacturer's name and model number of control device.
 - ii) Type of control device.
 - iii) Dimensions of the control device.
 - iv) Capacity.
 - v) Construction materials.
 - C) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis.

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- 4) Documentation of compliance with Section 721.933 must include the following information:
- A) A list of all information references and sources used in preparing the documentation.
 - B) Records, including the dates, of each compliance test required by Section 721.933(k).
 - C) If engineering calculations are used, a design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions,"² incorporated by reference as specified in 35 Ill. Adm. Code 720.111, or other engineering texts acceptable to the Agency that present basic control device design information. Documentation provided by the control device manufacturer or vendor that describes the control device design in accordance with subsections (b)(4)(C)(i) through (b)(4)(C)(vii) may be used to comply with this requirement. The design analysis must address the vent stream characteristics and control device operation parameters, as specified below. The Agency must state whether or not the other engineering texts are acceptable or unacceptable in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.
 - i) For a thermal vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also establish the design minimum and average temperature in the combustion zone and the combustion zone residence time.
 - ii) For a catalytic vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also establish the design minimum and average temperatures across the catalyst bed inlet and outlet.

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- iii) For a boiler or process heater, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also establish the design minimum and average flame zone temperatures, combustion zone residence time, and description of method and location where the vent stream is introduced into the combustion zone.
- iv) For a flare, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also consider the requirements specified in Section 721.933(d).
- v) For a condenser, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity, and temperature. The design analysis must also establish the design outlet organic compound concentration level, design average temperature of the condenser exhaust vent stream, and design average temperatures of the coolant fluid at the condenser inlet and outlet.
- vi) For a carbon adsorption system such as a fixed-bed adsorber that regenerates the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity, and temperature. The design analysis must also establish the design exhaust vent stream organic compound concentration level, number and capacity of carbon beds, type and working capacity of activated carbon used for carbon beds, design total steam flow over the period of each complete carbon bed regeneration cycle, duration of the carbon bed steaming and cooling/ drying cycles, design carbon bed temperature after regeneration, design carbon bed regeneration time, and design service life of carbon.
- vii) For a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in

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the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity, and temperature. The design analysis must also establish the design outlet organic concentration level, capacity of carbon bed, type and working capacity of activated carbon used for carbon bed, and design carbon replacement interval based on the total carbon working capacity of the control device and source operating schedule.

- D) A statement signed and dated by the remanufacturer or other person that stores or treats the hazardous secondary material certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous secondary material management unit is or would be operating at the highest load or capacity level reasonably expected to occur.
 - E) A statement signed and dated by the remanufacturer or other person that stores or treats the hazardous secondary material certifying that the control device is designed to operate at an efficiency of 95 percent or greater unless the total organic concentration limit of Section 721.932(a) is achieved at an efficiency less than 95 weight percent or the total organic emission limits of Section 721.932(a) for affected process vents at the facility can be attained by a control device involving vapor recovery at an efficiency less than 95 weight percent. A statement provided by the control device manufacturer or vendor certifying that the control equipment meets the design specifications may be used to comply with this requirement.
 - F) If performance tests are used to demonstrate compliance, all test results.
- c) Design documentation and monitoring, operating, and inspection information for each closed-vent system and control device required to comply with the provisions of this part must be recorded and kept up-to-date at the facility. The information must include the following:

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- 1) Description and date of each modification that is made to the closed-vent system or control device design.
- 2) Identification of operating parameter, description of monitoring device, and diagram of monitoring sensor location or locations used to comply with Section 721.933 (f)(1) and (f)(2).
- 3) Monitoring, operating, and inspection information required by Section 721.933(f) through (k).
- 4) Date, time, and duration of each period that occurs while the control device is operating when any monitored parameter exceeds the value established in the control device design analysis, as specified below:
 - A) For a thermal vapor incinerator designed to operate with a minimum residence time of 0.50 second at a minimum temperature of 760°C, period when the combustion temperature is below 760°C.
 - B) For a thermal vapor incinerator designed to operate with an organic emission reduction efficiency of 95 weight percent or greater, period when the combustion zone temperature is more than 28°C below the design average combustion zone temperature established as a requirement of subsection (b)(4)(C)(i).
 - C) For a catalytic vapor incinerator, period when either of the following occurs:
 - i) Temperature of the vent stream at the catalyst bed inlet is more than 28°C below the average temperature of the inlet vent stream established as a requirement of subsection (b)(4)(C)(i); or
 - ii) Temperature difference across the catalyst bed is less than 80 percent of the design average temperature difference established as a requirement of subsection (b)(4)(C)(i).
 - D) For a boiler or process heater, period when either of the following occurs:

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- i) Flame zone temperature is more than 28°C below the design average flame zone temperature established as a requirement of subsection (b)(4)(C)(iii); or
 - ii) Position changes where the vent stream is introduced to the combustion zone from the location established as a requirement of subsection (b)(4)(C)(iii).
- E) For a flare, period when the pilot flame is not ignited.
- F) For a condenser that complies with Section 721.933(f)(2)(F)(i), period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the condenser are more than 20 percent greater than the design outlet organic compound concentration level established as a requirement of subsection (b)(4)(C)(v).
- G) For a condenser that complies with Section 721.933(f)(2)(F)(ii), period when either of the following occurs:
 - i) Temperature of the exhaust vent stream from the condenser is more than 6°C above the design average exhaust vent stream temperature established as a requirement of subsection (b)(4)(C)(v); or
 - ii) Temperature of the coolant fluid exiting the condenser is more than 6°C above the design average coolant fluid temperature at the condenser outlet established as a requirement of subsection (b)(4)(C)(v).
- H) For a carbon adsorption system, such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and which complies with Section 721.933(f)(2)(G)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the carbon bed are more than 20 percent greater than the design exhaust vent stream organic compound

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concentration level established as a requirement of subsection (b)(4)(C)(vi).

- D) For a carbon adsorption system, such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and which complies with Section 721.933(f)(2)(G)(ii), any period when the vent stream continues to flow through the control device beyond the predetermined carbon bed regeneration time established as a requirement of subsection (b)(4)(C)(vi).
- 5) Explanation for each period recorded under subsection (c)(4) of the cause for control device operating parameter exceeding the design value and the measures implemented to correct the control device operation.
- 6) For a carbon adsorption system operated subject to requirements specified in Section 721.933(g) or (h)(2), any date when existing carbon in the control device is replaced with fresh carbon.
- 7) For a carbon adsorption system operated subject to requirements specified in Section 721.933(h)(1), a log that records:
 - A) Date and time when control device is monitored for carbon breakthrough and the monitoring device reading.
 - B) Date when existing carbon in the control device is replaced with fresh carbon.
- 8) Date of each control device startup and shutdown.
- 9) A remanufacturer or other person that stores or treats the hazardous secondary material designating any components of a closed-vent system as unsafe to monitor pursuant to Section 721.933(o) must record in a log that is kept at the facility the identification of closed-vent system components that are designated as unsafe to monitor in accordance with the requirements of Section 721.933(o), an explanation for each closed-vent system component stating why the closed-vent system component is unsafe to monitor, and the plan for monitoring each closed-vent system component.

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- 10) When each leak is detected as specified in Section 721.933(1), the following information must be recorded:
- A) The instrument identification number, the closed-vent system component identification number, and the operator name, initials, or identification number.
 - B) The date the leak was detected and the date of first attempt to repair the leak.
 - C) The date of successful repair of the leak.
 - D) Maximum instrument reading measured by Reference Method 21 (Determination of Volatile Organic Compound Leaks) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111, after it is successfully repaired or determined to be nonrepairable.
 - E) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.
 - i) The remanufacturer or other person that stores or treats the hazardous secondary material may develop a written procedure that identifies the conditions that justify a delay of repair. In such cases, reasons for delay of repair may be documented by citing the relevant sections of the written procedure.
 - ii) If delay of repair was caused by depletion of stocked parts, there must be documentation that the spare parts were sufficiently stocked on-site before depletion and the reason for depletion.
- d) Records of the monitoring, operating, and inspection information required by subsections (c)(3) through (c)(10) must be maintained by the owner or operator for at least three years following the date of each occurrence, measurement, maintenance, corrective action, or record.

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- e) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, the Agency must specify the appropriate recordkeeping requirements. The Agency must specify the appropriate recordkeeping requirements in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.
- f) Up-to-date information and data used to determine whether or not a process vent is subject to the requirements in Section 721.932, including supporting documentation as required by Section 721.934(d)(2) when application of the knowledge of the nature of the hazardous secondary material stream or the process by which it was produced is used, must be recorded in a log that is kept at the facility.

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

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section 721.950 Applicability

The regulations in this this Subpart BB apply to equipment that contains hazardous secondary materials excluded under the remanufacturing exclusion at Section 721.104(a)(27), unless the equipment operations are subject to the requirements of an applicable federal Clean Air Act regulation in 40 CFR 60 (Standards of Performance for New Stationary Sources), 61 (National Emission Standards for Hazardous Air Pollutants), or 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), each incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: [Section 9.1\(b\) and \(d\) of the Act](#)~~415 ILCS 5/9.1(b) and (d)~~ make the federal new source performance standards and national emission standards for hazardous air pollutants directly applicable in Illinois and prohibit operation of an emission source without a permit issued by the Agency. The Agency issues permits that incorporate the federal new source performance standards and national emission standards for hazardous air pollutants pursuant to [Section 39.5 of the Act](#)~~415 ILCS 5/39.5~~.

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

Section 721.960 Standards: Closed-Vent Systems and Control Devices

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- a) The remanufacturer or other person that stores or treats the hazardous secondary material in a hazardous secondary material management ~~unit~~units using closed-vent systems and control devices subject to this Subpart BB must comply with the provisions of Section 721.933.
- b) Implementation Schedule.
 - 1) The remanufacturer or other person that stores or treats the hazardous secondary material at an existing facility who cannot install a closed-vent system and control device to comply with the provisions of this Subpart BB on the effective date that the facility becomes subject to the provisions of this Subpart BB must prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subpart BB for installation and startup.
 - 2) Any unit ~~beginning~~that begins operation ~~thatafter July 13, 2015 and which~~ is subject to the provisions of this Subpart BB when operation begins, must comply with the rules immediately (i.e., must have control devices installed and operating on startup of the affected unit); the 30-month implementation schedule does not apply.
 - 3) The remanufacturer or other person that stores or treats the hazardous secondary material at any facility in existence on the effective date of a statutory or regulatory amendment that renders the facility subject to this Subpart BB must comply with all requirements of this Subpart BB as soon as practicable but no later than 30 months after the amendment's effective date. When control equipment required by this Subpart BB cannot be installed and begin operation by the effective date of the statutory or regulatory amendment that renders the facility subject to this Subpart BB, the facility owner or operator must prepare an implementation schedule that includes the following information: specific calendar dates for award of contracts or issuance of purchase orders for the control equipment, initiation of on-site installation of the control equipment, completion of the control equipment installation, and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this Subpart BB. The remanufacturer or other person that stores or treats

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the hazardous secondary material must keep a copy of the implementation schedule at the facility.

BOARD NOTE: The federal effective date of this provision was July 15, 2015. The resulting compliance deadline for the Subpart BB standards was then January 18, 2018 for all facilities to which this Subpart BB applied on July 15, 2015. ~~All and for all~~ new and modified facilities to which this Subpart BB ~~applies are to immediately comply upon beginning operation after would have applied had they existed on or been modified before~~ July 15, 2015 ~~in a way that would have made them subject to the requirements of this Subpart BB~~. Where this Subpart BB becomes applicable to a facility subject to after July 15, 2015 as a result of statutory or regulatory amendment, compliance with the Subpart BB standards is required 30 months after the effective date of the statutory or regulatory amendment that subjected that facility to this provision.

- 4) Remanufacturers or other persons that store or treat the hazardous secondary materials at facilities and units that become newly subject to the requirements of this Subpart BB ~~after January 13, 2015~~, due to an action other than those described in subsection (b)(3), must comply with all applicable requirements immediately (i.e., must have control devices installed and operating on the date the facility or unit becomes subject to this Subpart BB; the 30-month implementation schedule does not apply).

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

Section 721.963 Test Methods and Procedures

- a) Each remanufacturer or other person that stores or treats the hazardous secondary material subject to the provisions of this Subpart BB must comply with the test methods and procedures requirements provided in this Section.
- b) Leak detection monitoring, as required in Sections 721.952 through 721.962, must comply with the following requirements:
 - 1) Monitoring must comply with Reference Method 21 (Determination of Volatile Organic Compound Leaks) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111.

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- 2) The detection instrument must meet the performance criteria of Reference Method 21.
 - 3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.
 - 4) Calibration gases must be as follows:
 - A) Zero air (less than 10 ppm of hydrocarbon in air); and
 - B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.
 - 5) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
- c) When equipment is tested for compliance with no detectable emissions, as required in Sections 721.952(e), 721.953(i), 721.954, and 721.957(f), the test must comply with the following requirements:
- 1) The requirements of subsections (b)(1) through (b)(4).
 - 2) The background level must be determined as set forth in Reference Method 21.
 - 3) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
 - 4) The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.
- d) A remanufacturer or other person that stores or treats the hazardous secondary material must determine, for each piece of equipment, whether the equipment contains or contacts a hazardous secondary material with organic concentration that equals or exceeds 10 percent by weight using the following:
- 1) Methods described in ASTM Methods D 2267-88, E 169-87, E 168-88, E 260-85, incorporated by reference in 35 Ill. Adm. Code 720.111;

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- 2) Method 9060A of "Test Methods for Evaluating Solid Waste," USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, for computing total organic concentration of the sample, or analyzed for its individual organic constituents; or
- 3) Application of the knowledge of the nature of the hazardous secondary material stream or the process by which it was produced. Documentation of a material determination by knowledge is required. Examples of documentation that must be used to support a determination under this provision include production process information documenting that no organic compounds are used, information that the material is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to have a total organic content less than 10 percent, or prior speciation analysis results on the same material stream, where it can also be documented that no process changes have occurred since that analysis that could affect the material total organic concentration.
 - e) If a remanufacturer or other person that stores or treats the hazardous secondary material determines that a piece of equipment contains or contacts a hazardous secondary material with organic concentrations at least 10 percent by weight, the determination can be revised only after following the procedures in subsection (d)(1) or (d)(2).
 - f) When a remanufacturer or other person that stores or treats the hazardous secondary material and the Agency do not agree on whether a piece of equipment contains or contacts a hazardous secondary material with organic concentrations at least 10 percent by weight, the procedures in subsection (d)(1) or (d)(2) can be used to resolve the dispute. The Agency must state any disagreement on whether a piece of equipment contains or contacts a hazardous secondary material with organic concentrations at least 10 percent by weight in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.
 - g) Samples used in determining the percent organic content must be representative of the highest total organic content hazardous secondary material that is expected to be contained in or contact the equipment.

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- h) To determine if pumps or valves are in light liquid service, the vapor pressures of constituents may be obtained from standard reference texts or may be determined by ASTM D 2879-92, incorporated by reference in 35 Ill. Adm. Code 720.111.
- i) Performance tests to determine if a control device achieves 95 weight percent organic emission reduction must comply with the procedures of Section 721.934(c)(1) through (c)(4).

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

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS AND CONTAINERS

Section 721.983 Material Determination Procedures

- a) Procedure to Determine Average Volatile Organic (VO) Concentration.
 - 1) Determining average VO concentration at the point of material origination. A remanufacturer or other person that stores or treats the hazardous secondary material must determine the average VO concentration at the point of material origination for each hazardous secondary material placed in a hazardous secondary material management unit exempted under the provisions of Section 721.982(c)(1) from using air emission controls in accordance with standards specified in Sections 721.984 through 721.987, as applicable to the hazardous secondary material management unit.
 - A) An initial determination of the average VO concentration of the material stream must be made before the first time any portion of the material in the hazardous secondary material stream is placed in a hazardous secondary material management unit exempted under the provisions of Section 721.982(c)(1) from using air emission controls, and thereafter an initial determination of the average VO concentration of the material stream must be made for each averaging period that a hazardous secondary material is managed in the unit; and
 - B) Perform a new material determination whenever changes to the source generating the material stream are reasonably likely to cause the average VO concentration of the hazardous secondary

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material to increase to a level that is equal to or greater than the applicable VO concentration limits specified in Section 721.982.

- 2) Determination of average VO concentration using direct measurement or knowledge. For a material determination that is required by subsection (a)(1), the average VO concentration of a hazardous secondary material at the point of material origination must be determined using either direct measurement, as specified in subsection (a)(3), or by knowledge of the hazardous secondary material, as specified in subsection (a)(4).
- 3) Direct measurement to determine average VO concentration of a hazardous secondary material at the point of material origination, as follows:
 - A) Identification. The remanufacturer or other person that stores or treats the hazardous secondary material must identify and record in a log that is kept at the facility the point of material origination for the hazardous secondary material.
 - B) Sampling. Samples of the hazardous secondary material stream must be collected at the point of material origination in a manner such that volatilization of organics contained in the material and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.
 - i) The averaging period to be used for determining the average VO concentration for the hazardous secondary material stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the remanufacturer or other person that stores or treats the hazardous secondary material determines is appropriate for the hazardous secondary material stream but must not exceed one year.
 - ii) A sufficient number of samples, but no less than four samples, must be collected and analyzed for a hazardous secondary material determination. All of the samples for a given material determination must be collected within a

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one-hour period. The average of the four or more sample results constitutes a material determination for the material stream. One or more material determinations may be required to represent the complete range of material compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or process generating the hazardous secondary material stream. Examples of such normal variations are seasonal variations in material quantity or fluctuations in ambient temperature.

- iii) All samples must be collected and handled in accordance with written procedures prepared by the remanufacturer or other person that stores or treats the hazardous secondary material and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous secondary material stream are collected such that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained at the facility. An example of acceptable sample collection and handling procedures for a total volatile organic constituent concentration may be found in Reference Method 25D (Determination of the Volatile Organic Concentration of Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111.
 - iv) Sufficient information, as specified in the "site sampling plan" required under subsection (a)(3)(B)(iii), must be prepared and recorded to document the material quantity represented by the samples and, as applicable, the operating conditions for the source or process generating the hazardous secondary material represented by the samples.
- C) Analysis. Each collected sample must be prepared and analyzed in accordance with Reference Method 25D (Determination of the Volatile Organic Concentration of Waste Samples) in appendix A

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to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111, for the total concentration of volatile organic constituents, or using one or more methods when the individual organic compound concentrations are identified and summed and the summed material concentration accounts for and reflects all organic compounds in the material with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m³) at 25°C. At the discretion of the remanufacturer or other person that stores or treats the hazardous secondary material, the test data obtained may be adjusted by any appropriate method to discount any contribution to the total volatile organic concentration that is a result of including a compound with a Henry's law constant value of less than 0.1 Y/X at 25°C. To adjust these data, the measured concentration of each individual chemical constituent contained in the material is multiplied by the appropriate constituent-specific adjustment factor (fm_{25D}). If the remanufacturer or other person that stores or treats the hazardous secondary material elects to adjust the test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25°C contained in the material. To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied by the constituent-specific adjustment factors (fm_{25D}) approved in writing by the Agency. Other test methods may be used if they meet the requirements in subsection (a)(3)(C)(i) or (a)(3)(C)(ii) and provided the requirement to reflect all organic compounds in the material with Henry's law constant values greater than or equal to 0.1 Y/X (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m³) at 25°C, is met.

- i) Any USEPA standard method that has been validated in accordance with appendix D to 40 CFR 63 (Alternative Validation Procedure for EPA Waste and Wastewater Methods), incorporated by reference in 35 Ill. Adm. Code 720.111.

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- ii) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or Section 5.3, and the corresponding calculations in Section 6.1 or Section 6.3, of Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111. The data are acceptable if they meet the criteria specified in Section 6.1.5 or Section 6.3.3 of Method 301. If correction is required under section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other sections of Method 301 are not required.

D) Calculations.

- i) The average VO concentration (\bar{C}) on a mass-weighted basis must be calculated by using the results for all material determinations conducted in accordance with subsections (a)(3)(B) and (a)(3)(C) and the following equation:

$$\bar{C} = \frac{1}{Q_T} \times \sum_{i=1}^n Q_i \times C_i$$

Where:

- \bar{C} = Average VO concentration of the hazardous secondary material at the point of material origination on a mass-weighted basis, ppmw;
i = Individual material determination "i" of the hazardous secondary material;
n = Total number of material determinations of the hazardous secondary material conducted for the averaging period (not to exceed one year);
 Q_i = Mass quantity of hazardous secondary material stream represented by C_i , kg/hr;
 Q_T = Total mass quantity of hazardous secondary material during the averaging period, kg/hr;
and

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C_i = Measured VO concentration of material determination "i" as determined in accordance with the requirements of subsection (a)(3)(C) (i.e., the average of the four or more samples specified in subsection (a)(3)(B)(ii)), ppmw.

- ii) For the purpose of determining C_i , for individual material samples analyzed in accordance with subsection (a)(3)(C), the remanufacturer or other person that stores or treats the hazardous secondary material must account for VO concentrations determined to be below the limit of detection of the analytical method by using the VO concentration that is one-half the blank value determined in the method at section 4.4 of Reference Method 25D, if Reference Method 25D is used for the analysis; or that is one-half the sum of the limits of detection established for each organic constituent in the material that has a Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m³) at 25°C, if any other analytical method is used.
- 4) Use of knowledge by the remanufacturer or other person that stores or treats the hazardous secondary material to determine average VO concentration of a hazardous secondary material at the point of material origination.
- A) Documentation must be prepared that presents the information used as the basis for the knowledge by the remanufacturer or other person that stores or treats the hazardous secondary material of the hazardous secondary material stream's average VO concentration. Examples of information that may be used as the basis for knowledge include material balances for the source or process generating the hazardous secondary material stream; constituent-specific chemical test data for the hazardous secondary material stream from previous testing that are still applicable to the current material stream; previous test data for other locations managing the same type of material stream; or other knowledge based on

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information included in shipping papers or material certification notices.

- B) If test data are used as the basis for knowledge, then the remanufacturer or other person that stores or treats the hazardous secondary material must document the test method, sampling protocol, and the means by which sampling variability and analytical variability are accounted for in the determination of the average VO concentration. For example, a remanufacturer or other person that stores or treats the hazardous secondary material may use organic concentration test data for the hazardous secondary material stream that are validated in accordance with Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 (Test Methods) as the basis for knowledge of the material.
- C) A remanufacturer or other person that stores or treats the hazardous secondary material using chemical constituent-specific concentration test data as the basis for knowledge of the hazardous secondary material may adjust the test data to the corresponding average VO concentration value which would have been obtained had the material samples been analyzed using Reference Method 25D (Determination of the Volatile Organic Concentration of Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b). To adjust these data, the measured concentration for each individual chemical constituent contained in the material is multiplied by the appropriate constituent-specific adjustment factor (fm_{25D}).
- D) In the event that the Agency and the remanufacture or other person that stores or treats the hazardous secondary material disagree on a determination of the average VO concentration for a hazardous secondary material stream using knowledge, then the results from a determination of average VO concentration using direct measurement as specified in subsection (a)(3) must be used to establish compliance with the applicable requirements of this Subpart CC. The Agency may perform or request that the remanufacturer or other person that stores or treats the hazardous secondary material perform this determination using direct

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measurement. The remanufacturer or other person that stores or treats the hazardous secondary material may choose one or more appropriate methods to analyze each collected sample in accordance with the requirements of subsection (a)(3)(C). The Agency must state any disagreement on determination of the average VO concentration for a hazardous secondary material stream using knowledge in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.

- b) This subsection (b) corresponds with 40 CFR 261.1083(b), marked "reserved" by USEPA. This statement maintains structural consistency with the federal regulations.
- c) Procedure to determine the maximum organic vapor pressure of a hazardous secondary material in a tank.
 - 1) A remanufacturer or other person that stores or treats the hazardous secondary material must determine the maximum organic vapor pressure for each hazardous secondary material placed in a tank using Tank Level 1 controls in accordance with standards specified in Section 721.984(c).
 - 2) A remanufacturer or other person that stores or treats the hazardous secondary material must use either direct measurement as specified in subsection (c)(3) or knowledge of the waste as specified by subsection (c)(4) to determine the maximum organic vapor pressure which is representative of the hazardous secondary material composition stored or treated in the tank.
 - 3) Direct measurement to determine the maximum organic vapor pressure of a hazardous secondary material.
 - A) Sampling. A sufficient number of samples must be collected to be representative of the hazardous secondary material contained in the tank. All samples must be collected and handled in accordance with written procedures prepared by the remanufacturer or other person that stores or treats the hazardous secondary material and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous secondary material are collected such that a minimum loss of

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organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan must be maintained at the facility. An example of acceptable sample collection and handling procedures may be found in Reference Method 25D (Determination of the Volatile Organic Concentration of Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

- B) Analysis. Any appropriate one of the following methods may be used to analyze the samples and compute the maximum organic vapor pressure of the hazardous secondary material:
- i) Reference Method 25E (Determination of Vapor Phase Organic Concentration in Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b);
 - ii) Methods described in American Petroleum Institute Publication 2517, Third Edition, February 1989, "Evaporative Loss from External Floating-Roof Tanks," incorporated by reference in 35 Ill. Adm. Code 720.111;
 - iii) Methods obtained from standard reference texts;
 - iv) ASTM Method 2879-92, incorporated by reference in 35 Ill. Adm. Code 720.111; and
 - v) Any other method approved in writing by the Agency.
- 4) Use of knowledge to determine the maximum organic vapor pressure of the hazardous secondary material. Documentation must be prepared and recorded that presents the information used as the basis for the knowledge by the remanufacturer or other person that stores or treats the hazardous secondary material that the maximum organic vapor pressure of the hazardous secondary material is less than the maximum vapor pressure limit listed in Section 721.984(b)(1)(A) for the applicable tank design capacity category. An example of information that may be used is documentation that the hazardous secondary material is generated by a

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process for which at other locations it previously has been determined by direct measurement that the hazardous secondary material's maximum organic vapor pressure is less than the maximum vapor pressure limit for the appropriate tank design capacity category.

- d) Procedure for determining no detectable organic emissions for the purpose of complying with this Subpart CC:
- 1) The test must be conducted in accordance with the procedures specified in Reference Method 21 (Determination of Volatile Organic Compound Leaks) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111. Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the cover and associated closure devices must be checked. Potential leak interfaces that are associated with covers and closure devices include, but are not limited to, the interface of the cover and its foundation mounting, the periphery of any opening on the cover and its associated closure device, and the sealing seat interface on a spring-loaded pressure relief valve.
 - 2) The test must be performed when the unit contains a hazardous secondary material having an organic concentration representative of the range of concentrations for the hazardous secondary material expected to be managed in the unit. During the test, the cover and closure devices must be secured in the closed position.
 - 3) The detection instrument must meet the performance criteria of Reference Method 21, except the instrument response factor criteria in section 3.1.2(a) of Reference Method 21, must be for the average composition of the organic constituents in the hazardous secondary material placed in the hazardous secondary management unit, not for each individual organic constituent.
 - 4) The detection instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.
 - 5) Calibration gases must be as follows:
 - A) Zero air (less than 10 ppmv hydrocarbon in air), and

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- B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppmv methane or n-hexane.
- 6) The background level must be determined according to the procedures in Reference Method 21.
- 7) Each potential leak interface must be checked by traversing the instrument probe around the potential leak interface as close to the interface as possible, as described in Reference Method 21. If the configuration of the cover or closure device prevents a complete traverse of the interface, all accessible portions of the interface must be sampled. If the configuration of the closure device prevents any sampling at the interface and the device is equipped with an enclosed extension or horn (e.g., some pressure relief devices), the instrument probe inlet must be placed at approximately the center of the exhaust area to the atmosphere.
- 8) The arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 500 ppmv except when monitoring a seal around a rotating shaft that passes through a cover opening, in which case the comparison must be as specified in subsection (d)(9). If the difference is less than 500 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.
- 9) For the seals around a rotating shaft that passes through a cover opening, the arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 10,000 ppmw. If the difference is less than 10,000 ppmw, then the potential leak interface is determined to operate with no detectable organic emissions.

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

Section 721.984 Standards: Tanks

- a) The provisions of this Section apply to the control of air pollutant emissions from tanks for which Section 721.982(b) references the use of this Section for air emission control.

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- b) The remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from each tank subject to this Section in accordance with the following requirements, as applicable:
- 1) For a tank that manages hazardous secondary material that meets all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C), the remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from the tank in accordance with the Tank Level 1 controls specified in subsection (c) or the Tank Level 2 controls specified in subsection (d).
 - A) The hazardous secondary material in the tank has a maximum organic vapor pressure that is less than the maximum organic vapor pressure limit for the tank's design capacity category, as follows:
 - i) For a tank design capacity equal to or greater than 151 m³, the maximum organic vapor pressure limit for the tank is 5.2 kPa.
 - ii) For a tank design capacity equal to or greater than 75 m³ but less than 151 m³, the maximum organic vapor pressure limit for the tank is 27.6 kPa.
 - iii) For a tank design capacity less than 75 m³, the maximum organic vapor pressure limit for the tank is 76.6 kPa.
 - B) The hazardous secondary material in the tank is not heated by the remanufacturer or other person that stores or treats the hazardous secondary material to a temperature that is greater than the temperature at which the maximum organic vapor pressure of the hazardous secondary material is determined for the purpose of complying with subsection (b)(1)(A).
 - 2) For a tank that manages hazardous secondary material that does not meet all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C), the remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from the tank by using Tank Level 2 controls in accordance with the requirements of

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subsection (d). An example of tanks required to use Tank Level 2 controls is a tank for which the hazardous secondary material in the tank has a maximum organic vapor pressure that is equal to or greater than the maximum organic vapor pressure limit for the tank's design capacity category, as specified in subsection (b)(1)(A).

- c) A remanufacturer or other person that stores or treats the hazardous secondary material controlling air pollutant emissions from a tank using Tank Level 1 controls must meet the requirements specified in subsections (c)(1) through (c)(4) [of this Section](#):
- 1) The remanufacturer or other person that stores or treats that hazardous secondary material must determine the maximum organic vapor pressure for a hazardous secondary material to be managed in the tank using Tank Level 1 controls before the first time the hazardous secondary material is placed in the tank. The maximum organic vapor pressure must be determined using the procedures specified in Section 721.983(c). Thereafter, the remanufacturer or other person that stores or treats the hazardous secondary material must perform a new determination whenever changes to the hazardous secondary material managed in the tank could potentially cause the maximum organic vapor pressure to increase to a level that is equal to or greater than the maximum organic vapor pressure limit for the tank design capacity category specified in subsection (b)(1)(A), as applicable to the tank.
 - 2) The tank must be equipped with a fixed roof designed to meet the following specifications:
 - A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the hazardous secondary material in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank structural design (e.g., a horizontal cylindrical tank equipped with a hatch).
 - B) The fixed roof must be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between roof section joints or between the interface of the roof edge and the tank wall.

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- C) Each opening in the fixed roof, and any manifold system associated with the fixed roof, must fulfill either of the following requirements:
- i) It must be equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device; or
 - ii) It must be connected by a closed-vent system that is vented to a control device. The control device must remove or destroy organics in the vent stream, and must be operating whenever hazardous secondary material is managed in the tank, except as provided in this subsection (c)(2)(C)(ii). During any period of routine inspection, maintenance, or other activities needed for normal operations, and for removal of accumulated sludge or other residues from the bottom of the tank. During any period when it is necessary to provide access to the tank for performing the foregoing activities, venting of the vapor headspace underneath the fixed roof to the control device is not required, opening of closure devices is allowed, and removal of the fixed roof is allowed. Following completion of the activity, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure device in the closed position or reinstall the cover, as applicable, and resume operation of the control device.
- BOARD NOTE: This subsection (c)(2)(C)(ii) corresponds with 40 CFR 261.1083(c)(2)(iii)(B). The Board combined the texts of 40 CFR 261.1083(c)(2)(iii)(B)(1) and (c)(2)(iii)(B)(2) into this single subsection to comport with codification requirements.
- D) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous secondary material to the atmosphere, to the extent practical, and will

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maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the organic vapor permeability; the effects of any contact with the hazardous secondary material or its vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

- 3) Whenever a hazardous secondary material is in the tank, the fixed roof must be installed with each closure device secured in the closed position, except as follows:
 - A) Opening of closure devices or removal of the fixed roof is allowed at the following times:
 - i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.
 - ii) To remove accumulated sludge or other residues from the bottom of tank.
 - B) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the

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closed position whenever the tank internal pressure is within the internal pressure operating range determined by the remanufacturer or other person that stores or treats the hazardous secondary material based on the tank manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the tank internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal ambient temperature fluctuations.

- C) Opening of a safety device, as defined in Section 721.981, is allowed at any time conditions require doing so to avoid an unsafe condition.
- 4) The remanufacturer or other person that stores or treats the hazardous secondary material must inspect the air emission control equipment in accordance with the following requirements.
- A) The fixed roof and its closure devices must be visually inspected by the remanufacturer or other person that stores or treats the hazardous secondary material to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.
 - B) The remanufacturer or other person that stores or treats the hazardous secondary material must perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank becomes subject to this section. Thereafter, the remanufacturer or other person that stores or treats the hazardous secondary material must perform the inspections at least once every year except under the special conditions provided for in subsection (1).

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- C) In the event that a defect is detected, the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect in accordance with the requirements of subsection (k).
 - D) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the inspection in accordance with the requirements specified in Section 721.989(b).
- d) Remanufacturers or other persons that store or treat the hazardous secondary material controlling air pollutant emissions from a tank using Tank Level 2 controls must use one of the following tanks:
- 1) A fixed-roof tank equipped with an internal floating roof in accordance with the requirements specified in subsection (e);
 - 2) A tank equipped with an external floating roof in accordance with the requirements specified in subsection (f);
 - 3) A tank vented through a closed-vent system to a control device in accordance with the requirements specified in subsection (g);
 - 4) A pressure tank designed and operated in accordance with the requirements specified in subsection (h); or
 - 5) A tank located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in subsection (i).
- e) The remanufacturer or other person that stores or treats the hazardous secondary material who controls air pollutant emissions from a tank using a fixed roof with an internal floating roof must meet the requirements specified in subsections (e)(1) through (e)(3).
- 1) The tank must be equipped with a fixed roof and an internal floating roof in accordance with the following requirements:

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- A) The internal floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.
- B) The internal floating roof must be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:
 - i) A single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in Section 721.981; or
 - ii) Two continuous seals mounted one above the other. The lower seal may be a vapor-mounted seal.
- C) The internal floating roof must meet the following specifications:
 - i) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.
 - ii) Each opening in the internal floating roof must be equipped with a gasketed cover or a gasketed lid except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains.
 - iii) Each penetration of the internal floating roof for the purpose of sampling must have a slit fabric cover that covers at least 90 percent of the opening.
 - iv) Each automatic bleeder vent and rim space vent must be gasketed.
 - v) Each penetration of the internal floating roof that allows for passage of a ladder must have a gasketed sliding cover.
 - vi) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof must have a flexible fabric sleeve seal or a gasketed sliding cover.

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- 2) The remanufacturer or other person that stores or treats the hazardous secondary material must operate the tank in accordance with the following requirements:
 - A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
 - B) Automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
 - C) Prior to filling the tank, each cover, access hatch, gauge float well or lid on any opening in the internal floating roof must be bolted or fastened closed (i.e., no visible gaps). Rim space vents are to be set to open only when the internal floating roof is not floating or when the pressure beneath the rim exceeds the manufacturer's recommended setting.

- 3) The remanufacturer or other person that stores or treats the hazardous secondary material must inspect the internal floating roof in accordance with the procedures specified as follows:
 - A) The floating roof and its closure devices must be visually inspected by the remanufacturer or other person that stores or treats the hazardous secondary material to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, the internal floating roof is not floating on the surface of the liquid inside the tank; liquid has accumulated on top of the internal floating roof; any portion of the roof seals have detached from the roof rim; holes, tears, or other openings are visible in the seal fabric; the gaskets no longer close off the hazardous secondary material surface from the atmosphere; or the slotted membrane has more than 10 percent open area.
 - B) The remanufacturer or other person that stores or treats the hazardous secondary material must inspect the internal floating

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roof components as follows, except as provided in subsection (e)(3)(C):

- i) It must visually inspect the internal floating roof components through openings on the fixed-roof (e.g., manholes and roof hatches) at least once every 12 months after initial fill; and
 - ii) It must visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every 10 years.
- C) As an alternative to performing the inspections specified in subsection (e)(3)(B), for an internal floating roof equipped with two continuous seals mounted one above the other, the remanufacturer or other person that stores or treats the hazardous secondary material must visually inspect the internal floating roof, primary and secondary seals, gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every five years.
- D) Prior to each inspection required by subsection (e)(3)(B) or (e)(3)(C), the remanufacturer or other person that stores or treats the hazardous secondary material must notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The remanufacturer or other person that stores or treats the hazardous secondary material must notify the Agency of the date and location of the inspection as follows:
- i) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the remanufacturer or other person that stores or treats the hazardous secondary material so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned as provided for in subsection (e)(3)(D)(ii).

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- ii) When a visual inspection is not planned and the remanufacturer or other person that stores or treats the hazardous secondary material could not have known about the inspection 30 calendar days before refilling the tank, the remanufacturer or other person that stores or treats the hazardous secondary material must notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Agency at least seven calendar days before refilling the tank.
- E) In the event that a defect is detected, the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect in accordance with the requirements of subsection (k).
- F) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the inspection in accordance with the requirements specified in Section 721.989(b).
- 4) Safety devices, as defined in Section 721.981, may be installed and operated as necessary on any tank complying with the requirements of subsection (e).
- f) The remanufacturer or other person that stores or treats the hazardous secondary material who controls air pollutant emissions from a tank using an external floating roof must meet the requirements specified in subsections (f)(1) through (f)(3).
 - 1) The remanufacturer or other person that stores or treats the hazardous secondary material must design the external floating roof in accordance with the following requirements:

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- A) The external floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.
- B) The floating roof must be equipped with two continuous seals, one above the other, between the wall of the tank and the roof edge. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.
- i) The primary seal must be a liquid-mounted seal or a metallic shoe seal, as defined in 35 Ill. Adm. Code 721.981. The total area of the gaps between the tank wall and the primary seal must not exceed 212 square centimeters (cm²) per meter of tank diameter, and the width of any portion of these gaps must not exceed 3.8 centimeters (cm). If a metallic shoe seal is used for the primary seal, the metallic shoe seal must be designed so that one end extends into the liquid in the tank and the other end extends a vertical distance of at least 61 cm above the liquid surface.
- ii) The secondary seal must be mounted above the primary seal and cover the annular space between the floating roof and the wall of the tank. The total area of the gaps between the tank wall and the secondary seal must not exceed 21.2 cm² per meter of tank diameter, and the width of any portion of these gaps must not exceed 1.3 cm.
- C) The external floating roof must meet the following specifications:
- i) Except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in a noncontact external floating roof must provide a projection below the liquid surface.
- ii) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be equipped with a gasketed cover, seal, or lid.

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- iii) Each access hatch and each gauge float well must be equipped with a cover designed to be bolted or fastened when the cover is secured in the closed position.
 - iv) Each automatic bleeder vent and each rim space vent must be equipped with a gasket.
 - v) Each roof drain that empties into the liquid managed in the tank must be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.
 - vi) Each unslotted and slotted guide pole well must be equipped with a gasketed sliding cover or a flexible fabric sleeve seal.
 - vii) Each unslotted guide pole must be equipped with a gasketed cap on the end of the pole.
 - viii) Each slotted guide pole must be equipped with a gasketed float or other device which closes off the liquid surface from the atmosphere.
 - ix) Each gauge hatch and each sample well must be equipped with a gasketed cover.
- 2) The remanufacturer or other person that stores or treats the hazardous secondary material must operate the tank in accordance with the following requirements:
- A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
 - B) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be secured and maintained in a closed position at all times except when the closure device must be open for access.

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- C) Covers on each access hatch and each gauge float well must be bolted or fastened when secured in the closed position.
 - D) Automatic bleeder vents must be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
 - E) Rim space vents must be set to open only at those times that the roof is being floated off the roof leg supports or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting.
 - F) The cap on the end of each unslotted guide pole must be secured in the closed position at all times except when measuring the level or collecting samples of the liquid in the tank.
 - G) The cover on each gauge hatch or sample well must be secured in the closed position at all times except when the hatch or well must be opened for access.
 - H) Both the primary seal and the secondary seal must completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except during inspections.
- 3) The remanufacturer or other person that stores or treats the hazardous secondary material must inspect the external floating roof in accordance with the following procedures:
- A) The remanufacturer or other person that stores or treats the hazardous secondary material must measure the external floating roof seal gaps in accordance with the following requirements:
 - i) The remanufacturer or other person that stores or treats the hazardous secondary material must perform measurements of gaps between the tank wall and the primary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every five years.

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- ii) The remanufacturer or other person that stores or treats the hazardous secondary material must perform measurements of gaps between the tank wall and the secondary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every year.
- iii) If a tank ceases to hold hazardous secondary material for a period of one year or more, subsequent introduction of hazardous secondary material into the tank must be considered an initial operation for the purposes of subsections (f)(3)(A)(i) and (f)(3)(A)(ii).
- iv) The remanufacturer or other person that stores or treats the hazardous secondary material must determine the total surface area of gaps in the primary seal and in the secondary seal individually using the procedure described in subsection (f)(3)(D):

BOARD NOTE: The Board moved corresponding 40 CFR 261.1084(f)(3)(i)(D)(1) through (f)(3)(i)(D)(4) to appear as subsections (f)(3)(D)(i) through (f)(3)(D)(iv) to comport with codification requirements.

- v) In the event that the seal gap measurements do not conform to the specifications in subsection (f)(1)(B), the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect in accordance with the requirements of subsection (k).
 - vi) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the inspection in accordance with the requirements specified in Section 721.989(b).
- B) The remanufacturer or other person that stores or treats the hazardous secondary material must visually inspect the external floating roof in accordance with the following requirements:

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- i) The floating roof and its closure devices must be visually inspected by the remanufacturer or other person that stores or treats the hazardous secondary material to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, holes, tears, or other openings in the rim seal or seal fabric of the floating roof; a rim seal detached from the floating roof; all or a portion of the floating roof deck being submerged below the surface of the liquid in the tank; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.
 - ii) The remanufacturer or other person that stores or treats the hazardous secondary material must perform an initial inspection of the external floating roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the remanufacturer or other person that stores or treats the hazardous secondary material must perform the inspections at least once every year except for the special conditions provided for in subsection (l).
 - iii) In the event that a defect is detected, the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect in accordance with the requirements of subsection (k).
 - iv) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the inspection in accordance with the requirements specified in Section 721.989(b).
- C) Prior to each inspection required by subsection (f)(3)(A) or (f)(3)(B), the remanufacturer or other person that stores or treats the hazardous secondary material must notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The remanufacturer or other person that stores or treats the hazardous

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secondary material must notify the Agency of the date and location of the inspection as follows:

- i) Prior to each inspection to measure external floating roof seal gaps, as required under subsection (f)(3)(A), written notification must be prepared and sent by the remanufacturer or other person that stores or treats the hazardous secondary material so that it is received by the Agency at least 30 calendar days before the date the measurements are scheduled to be performed.
 - ii) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the remanufacturer or other person that stores or treats the hazardous secondary material so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned as provided for in subsection (f)(3)(C)(iii).
 - iii) When a visual inspection is not planned and the remanufacturer or other person that stores or treats the hazardous secondary material could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator must notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Agency at least seven calendar days before refilling the tank.
- D) Procedure for determining the total surface area of gaps in the primary seal and in the secondary seal individually.

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- i) The seal gap measurements must be performed at one or more floating roof levels when the roof is floating off the roof supports.
- ii) Seal gaps, if any, must be measured around the entire perimeter of the floating roof in each place where a 0.32 cm diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each such location.
- iii) For a seal gap measured under this subsection (f)(3), the gap surface area must be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.
- iv) The total gap area must be calculated by adding the gap surface areas determined for each identified gap location for the primary seal and the secondary seal individually, and then dividing the sum for each seal type by the nominal diameter of the tank. These total gap areas for the primary seal and secondary seal are then compared to the respective standards for the seal type as specified in subsection (f)(1)(B).

BOARD NOTE: The texts of corresponding 40 CFR 261.1084(f)(3)(i)(D)(1) through (f)(3)(i)(D)(4), which would normally appear in subsection (f)(3)(A)(iv), but codification requirements do not allow a fifth level of subsections. Thus, the Board has codified them to appear as subsections (f)(3)(D)(i) through (f)(3)(D)(iv) to comport with codification requirements.

- 4) Safety devices, as defined in Section 721.981, may be installed and operated as necessary on any tank complying with the requirements of this subsection (f).

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- g) The remanufacturer or other person that stores or treats the hazardous secondary material who controls air pollutant emissions from a tank by venting the tank to a control device must meet the requirements specified in subsections (g)(1) through (g)(3).
- 1) The tank must be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:
- A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the tank.
- B) Each opening in the fixed roof not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions.
- C) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous secondary material to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include, organic vapor permeability, the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

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- D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 721.987.
- 2) Whenever a hazardous secondary material is in the tank, the fixed roof must be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the control device, except as follows:
- A) Venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:
- i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of activities needed for normal operations include those times when a worker needs to open a port to sample liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.
- ii) To remove accumulated sludge or other residues from the bottom of a tank.
- B) Opening of a safety device, as defined in Section 721.981, is allowed at any time conditions require doing so to avoid an unsafe condition.
- 3) The remanufacturer or other person that stores or treats the hazardous secondary material must inspect and monitor the air emission control equipment in accordance with the following procedures:
- A) The fixed roof and its closure devices must be visually inspected by the remanufacturer or other person that stores or treats the hazardous secondary material to check for defects that could result in air pollutant emissions. Defects include, but are not limited to,

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visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

- B) The closed-vent system and control device must be inspected and monitored by the remanufacturer or other person that stores or treats the hazardous secondary material in accordance with the procedures specified in Section 721.987.
 - C) The remanufacturer or other person that stores or treats the hazardous secondary material must perform an initial inspection of the air emission control equipment on or before the date that the tank becomes subject to this section. Thereafter, the remanufacturer or other person that stores or treats the hazardous secondary material must perform the inspections at least once every year except for the special conditions provided for in subsection (l).
 - D) In the event that a defect is detected, the remanufacture or other person that stores or treats the hazardous secondary material must repair the defect in accordance with the requirements of subsection (k).
 - E) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the inspection in accordance with the requirements specified in Section 721.989(b).
- h) The remanufacturer or other person that stores or treats the hazardous secondary material who controls air pollutant emissions by using a pressure tank must meet the following requirements:
- 1) The tank must be designed not to vent to the atmosphere as a result of compression of the vapor headspace in the tank during filling of the tank to its design capacity.

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- 2) All tank openings must be equipped with closure devices designed to operate with no detectable organic emissions as determined using the procedure specified in Section 721.983(d).
- 3) Whenever a hazardous secondary material is in the tank, the tank must be operated as a closed system that does not vent to the atmosphere, except under either of the following conditions described in subsection (h)(3)(A) or (h)(3)(B).
 - A) At those times when opening of a safety device, as defined in Section 721.981, is required to avoid an unsafe condition.
 - B) At those times when purging of inerts from the tank is required and the purge stream is routed to a closed-vent system and control device designed and operated in accordance with the requirements of Section 721.987.
- i) The remanufacturer or other person that stores or treats the hazardous secondary material who controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device must meet the following requirements:
 - 1) The tank must be located inside an enclosure. The enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T – Criteria for and Verification of a Permanent or Temporary Total Enclosure" in appendix B to 40 CFR 52.741, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The remanufacturer or other person that stores or treats the hazardous secondary material must perform the verification procedure for the enclosure as specified in Section 5.0 of "Procedure T – Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and annually thereafter.
 - 2) The enclosure must be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance

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with the standards for either a vapor incinerator, boiler, or process heater specified in Section 721.987.

- 3) Safety devices, as defined in Section 721.981, may be installed and operated as necessary on any enclosure, closed-vent system, or control device used to comply with the requirements of subsections (i)(1) and (i)(2).
 - 4) The remanufacturer or other person that stores or treats the hazardous secondary material must inspect and monitor the closed-vent system and control device, as specified in Section 721.987.
- j) The remanufacturer or other person that stores or treats the hazardous secondary material must transfer hazardous secondary material to a tank subject to this section in accordance with the following requirements:
- 1) Transfer of hazardous secondary material, except as provided in subsection (j)(2), to the tank from another tank subject to this section must be conducted using continuous hard-piping or another closed system that does not allow exposure of the hazardous secondary material to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of subpart RR of 40 CFR 63 (National Emission Standards for Individual Drain Systems), incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 2) The requirements of subsection (j)(1) do not apply when transferring a hazardous secondary material to the tank under any of the following conditions:
 - A) The hazardous secondary material meets the average VO concentration conditions specified in Section 721.982(c)(1) at the point of material origination.
 - B) The hazardous secondary material has been treated by an organic destruction or removal process to meet the requirements in Section 721.982(c)(2).

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- C) The hazardous secondary material meets the requirements of Section 721.982(c)(4).
- k) The remanufacturer or other person that stores or treats the hazardous secondary material must repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(4), (e)(3), (f)(3), or (g)(3), as follows:
- 1) The remanufacturer or other person that stores or treats the hazardous secondary material must make first efforts at repair of the defect no later than five calendar days after detection, and repair must be completed as soon as possible, but no later than 45 calendar days after detection, except as provided in subsection (k)(2).
 - 2) Repair of a defect may be delayed beyond 45 calendar days if the remanufacturer or other person that stores or treats the hazardous secondary material determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the hazardous secondary material normally managed in the tank. In this case, the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect the next time the process or unit that is generating the hazardous secondary material managed in the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.
- l) Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subpart CC, subsequent inspection and monitoring may be performed at intervals longer than one year under the following special conditions:
- 1) If inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions, then the remanufacturer or other person that stores or treats the hazardous secondary material may designate a cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:
 - A) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.

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- B) Develop and implement a written plan and schedule to inspect and monitor the cover, using the procedures specified in the applicable section of this Subpart CC, as frequently as practicable during those times when a worker can safely access the cover.
- 2) If a tank is buried partially or entirely underground, a remanufacturer or other person that stores or treats the hazardous secondary material is required to inspect and monitor, as required by the applicable provisions of this ~~Section~~section, only those portions of the tank cover and those connections to the tank (e.g., fill ports, access hatches, gauge wells, etc.) that are located on or above the ground surface.

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

Section 721.986 Standards: Containers

- a) **Applicability.** The provisions of this Section apply to the control of air pollutant emissions from containers for which Section 721.982(b) references the use of this Section for air emission control.
- b) **General Requirements.**
- 1) The remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from each container subject to this Section in accordance with the following requirements, as applicable to the container.
- A) For a container having a design capacity greater than 0.1 m³ and less than or equal to 0.46 m³, the remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c).
- B) For a container having a design capacity greater than 0.46 m³ that is not in light material service, the remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c).

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- C) For a container having a design capacity greater than 0.46 m³ that is in light material service, the remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in subsection (d).
 - 2) This subsection (b)(2) corresponds with 40 CFR 261.1086(b)(2), marked "reserved" by USEPA. This statement maintains structural consistency with the federal regulations
- c) Container Level 1 Standards.
- 1) A container using Container Level 1 controls is one of the following:
 - A) A container that meets the applicable U.S. Department of Transportation (USDOT) regulations on packaging hazardous materials for transportation, as specified in subsection (f).
 - B) A container equipped with a cover and closure devices that form a continuous barrier over the container openings such that, when the cover and closure devices are secured in the closed position, there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., a "portable tank" or bulk cargo container equipped with a screw-type cap).
 - C) An open-top container in which an organic-vapor suppressing barrier is placed on or over the hazardous secondary material in the container such that no hazardous secondary material is exposed to the atmosphere. One example of such a barrier is application of a suitable organic-vapor suppressing foam.
 - 2) A container used to meet the requirements of subsection (c)(1)(B) or (c)(1)(C) must be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous secondary material to the atmosphere and to maintain the equipment integrity, for as long as the container is in service.

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Factors to be considered in selecting the materials of construction and designing the cover and closure devices must include, organic vapor permeability; the effects of contact with the hazardous secondary material or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.

- 3) Whenever a hazardous secondary material is in a container using Container Level 1 controls, the remanufacturer or other person that stores or treats the hazardous secondary material must install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position except as follows:
 - A) Opening of a closure device or cover is allowed for the purpose of adding hazardous secondary material or other material to the container as follows:
 - i) If the container is filled to the intended final level in one continuous operation, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.
 - ii) If discrete quantities or batches of material intermittently are added to the container over a period of time, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the hazardous secondary material being added to the container, whichever condition occurs first.

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- B) Opening of a closure device or cover is allowed for the purpose of removing hazardous secondary material from the container, as follows:
- i) For the purpose of meeting the requirements of this section, an empty hazardous secondary material container may be open to the atmosphere at any time (i.e., covers and closure devices on such a container are not required to be secured in the closed position).
 - ii) If discrete quantities or batches of material are removed from the container, but the container is not an empty hazardous secondary material container, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.
- C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous secondary material. Examples of routine activities other than transfer of hazardous secondary material include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.
- D) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device

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must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the remanufacturer or other persons that stores or treats the hazardous secondary material based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

- E) Opening of a safety device, as defined in Section 721.981, is allowed at any time conditions require doing so to avoid an unsafe condition.
- 4) The remanufacturer or other person that stores or treats the hazardous secondary material using containers with Container Level 1 controls must inspect the containers and their covers and closure devices, as follows:
- A) If a hazardous secondary material already is in the container at the time the remanufacturer or other person that stores or treats the hazardous secondary material first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., is not an empty hazardous secondary material container) the remanufacturer or other person that stores or treats the hazardous secondary material must visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date that the container is accepted at the facility (i.e., the date the container becomes subject to the container standards of this Subpart CC).

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- B) If a container used for managing hazardous secondary material remains at the facility for a period of one year or more, the remanufacturer or other person that stores or treats the hazardous secondary material must initially visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. After the initial inspection, a visual inspection must occur at least once every 12 months. If a defect is detected, the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect in accordance with the requirements of subsection (c)(4)(C).
 - C) When a defect is detected for the container, cover, or closure devices, the remanufacturer or other person that stores or treats the hazardous secondary material must make first efforts at repair of the defect no later than 24 hours after detection and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous secondary material must be removed from the container and the container must not be used to manage hazardous secondary material until the defect is repaired.
- 5) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain at the facility a copy of the procedure used to determine that containers with capacity of 0.46 m³ or greater which do not meet applicable USDOT regulations, as specified in subsection (f), are not managing hazardous secondary material in light material service.
- d) Container Level 2 Standards.
- 1) A container using Container Level 2 controls is one of the following:
 - A) A container that meets the applicable USDOT regulations on packaging hazardous materials for transportation, as specified in subsection (f).

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- B) A container that operates with no detectable organic emissions, as defined in Section 721.981, and determined in accordance with the procedure specified in subsection (g).
 - C) A container that has been demonstrated within the preceding 12 months to be vapor-tight by using Reference Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Unis Pressure-Vacuum Test) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111, in accordance with the procedure specified in subsection (h).
- 2) Transfer of hazardous secondary material in or out of a container using Container Level 2 controls must be conducted in such a manner as to minimize exposure of the hazardous secondary material to the atmosphere, to the extent practical, considering the physical properties of the hazardous secondary material and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that USEPA has stated that it considers to meet the requirements of this subsection (d) include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous secondary material is filled and subsequently purging the transfer line before removing it from the container opening.
- 3) Whenever a hazardous secondary material is in a container using Container Level 2 controls, the remanufacturer or other person that stores or treats the hazardous secondary material must install all covers and closure devices for the container, and secure and maintain each closure device in the closed position, except as follows:
- A) Opening of a closure device or cover is allowed for the purpose of adding hazardous secondary material or other material to the container, as follows:
 - i) If the container is filled to the intended final level in one continuous operation, the remanufacturer or other person

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that stores or treats the hazardous secondary material must promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

- ii) If discrete quantities or batches of material intermittently are added to the container over a period of time, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous secondary material from the container, as follows:

- i) For the purpose of meeting the requirements of this Section, an empty hazardous secondary material container may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).
- ii) If discrete quantities or batches of material are removed from the container, but the container is not an empty hazardous secondary materials container, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person

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performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

- C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous secondary material. Examples of routine activities other than transfer of hazardous secondary material include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.
- D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the remanufacturer or other person that stores or treats the hazardous secondary material based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

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- E) Opening of a safety device, as defined in Section 721.981, is allowed at any time conditions require doing so to avoid an unsafe condition.
- 4) The remanufacturer or other person that stores or treats the hazardous secondary material using containers with Container Level 2 controls must inspect the containers and their covers and closure devices as follows:
- A) If a hazardous secondary material already is in the container at the time the remanufacturer or other person that stores or treats the hazardous secondary material first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., is not an empty hazardous secondary material container), the remanufacturer or other person that stores or treats the hazardous secondary material must visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date that the container is accepted at the facility (i.e., the date the container becomes subject to the container standards of this Subpart CC).
- B) If a container used for managing hazardous secondary material remains at the facility for a period of one year or more, the remanufacturer or other person that stores or treats the hazardous secondary material must visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect in accordance with the requirements of subsection (d)(4)(C).
- C) When a defect is detected for the container, cover, or closure devices, the remanufacturer or other person that stores or treats the hazardous secondary material must make first efforts at repair of

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the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous secondary material must be removed from the container and the container must not be used to manage hazardous secondary material until the defect is repaired.

- e) Container Level 3 Standards.
- 1) A container using Container Level 3 controls is one of the following:
 - A) A container that is vented directly through a closed-vent system to a control device in accordance with the requirements of subsection (e)(2)(B).
 - B) A container that is vented inside an enclosure which is exhausted through a closed-vent system to a control device in accordance with the requirements of subsections (e)(2)(A) and (e)(2)(B).
 - 2) The remanufacturer or other person that stores or treats the hazardous secondary material must meet the following requirements, as applicable to the type of air emission control equipment selected by the remanufacturer or other person that stores or treats the hazardous secondary material:
 - A) The container enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure, as specified in "Procedure T – Criteria for and Verification of a Permanent or Temporary Total Enclosure" in appendix B (VOM Measurement Techniques for Capture Efficiency) to 40 CFR 52.741, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The remanufacturer or other person that stores or treats the hazardous secondary material must perform the verification procedure for the enclosure as specified in Section 5.0 of "Procedure T – Criteria for and Verification of a Permanent or

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Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.

- B) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 721.987.
- 3) Safety devices, as defined in Section 721.981, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of subsection (e)(1).
- 4) Remanufacturers or other persons that store or treat the hazardous secondary material using Container Level 3 controls in accordance with the provisions of this Subpart CC must inspect and monitor the closed-vent systems and control devices as specified in Section 721.987.
- 5) Remanufacturers or other persons that store or treat the hazardous secondary material that use Container Level 3 controls in accordance with the provisions of this Subpart CC must prepare and maintain the records specified in Section 721.989(d).
- 6) Transfer of hazardous secondary material in or out of a container using Container Level 3 controls must be conducted in such a manner as to minimize exposure of the hazardous secondary material to the atmosphere, to the extent practical, considering the physical properties of the hazardous secondary material and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that USEPA has stated that it considers to meet the requirements of this subsection (e) include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous secondary material is filled and subsequently purging the transfer line before removing it from the container opening.
- f) For the purpose of compliance with subsection (c)(1)(A) or (d)(1)(A), containers must be used that meet the applicable USDOT regulations on packaging hazardous materials for transportation, as follows:

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- 1) The container meets the applicable requirements specified in 49 CFR 178 (Specifications for Packagings) or 179 (Specifications for Tank Cars), each incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 2) Hazardous secondary material is managed in the container in accordance with the applicable requirements specified in subpart B of 49 CFR 107 (Hazardous Material Program Procedures) and 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans), 173 (Shippers – General Requirements for Shipments and Packagings), and 180 (Continuing Qualification and Maintenance of Packagings), incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 3) For the purpose of complying with this Subpart CC, no exceptions to the 49 CFR 178 (Specifications for Packagings) or 179 (Specifications for Tank Cars) regulations are allowed.
- g) To determine compliance with the no detectable organic emissions requirement of subsection (d)(1)(B), the procedure specified in Section 721.983(d) must be used.
- 1) Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the container, its cover, and associated closure devices, as applicable to the container, must be checked. Potential leak interfaces that are associated with containers include, but are not limited to: the interface of the cover rim and the container wall; the periphery of any opening on the container or container cover and its associated closure device; and the sealing seat interface on a spring-loaded pressure-relief valve.
 - 2) The test must be performed when the container is filled with a material having a volatile organic concentration representative of the range of volatile organic concentrations for the hazardous secondary materials expected to be managed in this type of container. During the test, the container cover and closure devices must be secured in the closed position.
- h) Procedure for determining a container to be vapor-tight using Reference Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Units Pressure-Vacuum Test) in appendix A (Test Methods) to 40 CFR 60, incorporated by

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reference in 35 Ill. Adm. Code 720.111, for the purpose of complying with subsection (d)(1)(C).

- 1) The test must be performed in accordance with Reference Method 27 of appendix A to 40 CFR 60.
- 2) A pressure measurement device must be used that has a precision of ± 2.5 mm water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.
- 3) If the test results determined by Reference Method 27 indicate that the container sustains a pressure change less than or equal to 0.75 kPa within five minutes after it is pressurized to a minimum of 4.5 kPa, then the container is determined to be vapor-tight.

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

Section 721.987 Standards: Closed-Vent Systems and Control Devices

- a) This Section applies to each closed-vent system and control device installed and operated by the remanufacturer or other person who stores or treats the hazardous secondary material to control air emissions in accordance with standards of this Subpart CC.
- b) The closed-vent system must meet the following requirements:
 - 1) The closed-vent system must route the gases, vapors, and fumes emitted from the hazardous secondary material in the hazardous secondary material management unit to a control device that meets the requirements specified in subsection (c).
 - 2) The closed-vent system must be designed and operated in accordance with the requirements specified in Section 721.933(k).
 - 3) If the closed-vent system includes bypass devices that could be used to divert the gas or vapor stream to the atmosphere before entering the control device, each bypass device must be equipped with either a flow indicator as specified in subsection (b)(3)(A) or a seal or locking device as specified in subsection (b)(3)(B). For the purpose of complying with this

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subsection (b), low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, spring loaded pressure relief valves, and other fittings used for safety purposes are not considered to be bypass devices.

- A) If a flow indicator is used to comply with subsection (b)(3), the indicator must be installed at the inlet to the bypass line used to divert gases and vapors from the closed-vent system to the atmosphere at a point upstream of the control device inlet. For this subsection (b), a flow indicator means a device which indicates the presence of either gas or vapor flow in the bypass line.
 - B) If a seal or locking device is used to comply with subsection (b)(3), the device must be placed on the mechanism by which the bypass device position is controlled (e.g., valve handle, damper lever, etc.) when the bypass device is in the closed position such that the bypass device cannot be opened without breaking the seal or removing the lock. Examples of such devices include, but are not limited to, a car-seal or a lock-and-key configuration valve. The remanufacturer or other person that stores or treats the hazardous secondary material must visually inspect the seal or closure mechanism at least once every month to verify that the bypass mechanism is maintained in the closed position.
- 4) The closed-vent system must be inspected and monitored by the remanufacturer or other person that stores or treats the hazardous secondary material in accordance with the procedure specified in Section 721.933(l).
- c) The control device must meet the following requirements:
- 1) The control device must be one of the following devices:
 - A) A control device designed and operated to reduce the total organic content of the inlet vapor stream vented to the control device by at least 95 percent by weight;
 - B) An enclosed combustion device designed and operated in accordance with the requirements of Section 721.933(c); or

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- C) A flare designed and operated in accordance with the requirements of Section 721.933(d).
- 2) The remanufacturer or other person that stores or treats the hazardous secondary material who elects to use a closed-vent system and control device to comply with the requirements of this ~~Section~~ section must comply with the requirements specified in subsections (c)(2)(A) through (c)(2)(F).
- A) Periods of planned routine maintenance of the control device, during which the control device does not meet the specifications of subsection (c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, must not exceed 240 hours per year.
- B) The specifications and requirements in subsections (c)(1)(A) through (c)(1)(C) for control devices do not apply during periods of planned routine maintenance.
- C) The specifications and requirements in subsections (c)(1)(A) through (c)(1)(C) for control devices do not apply during a control device system malfunction.
- D) The remanufacturer or other person that stores or treats the hazardous secondary material must demonstrate compliance with the requirements of subsection (c)(2)(A) (i.e., planned routine maintenance of a control device, during which the control device does not meet the specifications of subsection (c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, must not exceed 240 hours per year) by recording the information specified in Section 721.989(e)(1)(E).
- E) The remanufacturer or other person that stores or treats the hazardous secondary material must correct control device system malfunctions as soon as practicable after their occurrence in order to minimize excess emissions of air pollutants.
- F) The remanufacturer or other person that stores or treats the hazardous secondary material must operate the closed-vent system such that gases, vapors, or fumes are not actively vented to the control device during periods of planned maintenance or control

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device system malfunction (i.e., periods when the control device is not operating or not operating normally) except in cases when it is necessary to vent the gases, vapors, or fumes to avoid an unsafe condition or to implement malfunction corrective actions or planned maintenance actions.

- 3) The remanufacturer or other person that stores or treats the hazardous secondary material using a carbon adsorption system to comply with subsection (c)(1) must operate and maintain the control device in accordance with the following requirements:
 - A) Following the initial startup of the control device, all activated carbon in the control device must be replaced with fresh carbon on a regular basis in accordance with the requirements of Section 721.933(g) or (h).
 - B) All carbon that is hazardous waste and that is removed from the control device must be managed in accordance with the requirements of Section 721.933(n), regardless of the average volatile organic concentration of the carbon.
- 4) A remanufacturer or other person that stores or treats the hazardous secondary material using a control device other than a thermal vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with subsection (c)(1) must operate and maintain the control device in accordance with the requirements of Section 721.933(j).
- 5) The remanufacturer or other person that stores or treats the hazardous secondary material must demonstrate that a control device achieves the performance requirements of subsection (c)(1) as follows:
 - A) A remanufacturer or other person that stores or treats the hazardous secondary material must demonstrate the performance of each control device, using either a performance test, as specified in subsection (c)(5)(C), or a design analysis, as specified in subsection (c)(5)(D), except for the following:
 - i) A flare;

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- ii) A boiler or process heater with a design heat input capacity of 44 megawatts or greater; or
 - iii) A boiler or process heater into which the vent stream is introduced with the primary fuel.
 - B) A remanufacturer or other person that stores or treats the hazardous secondary material must demonstrate the performance of each flare in accordance with the requirements specified in Section 721.933(e).
 - C) For a performance test conducted to meet the requirements of subsection (c)(5)(A), the remanufacturer or other person that stores or treats the hazardous secondary material must use the test methods and procedures specified in Section 721.934(c)(1) through (c)(4).
 - D) For a design analysis conducted to meet the requirements of subsection (c)(5)(A), the design analysis must meet the requirements specified in Section 721.935(b)(4)(C).
 - E) The remanufacturer or other person that stores or treats the hazardous secondary material must demonstrate that a carbon adsorption system achieves the performance requirements of subsection (c)(1) based on the total quantity of organics vented to the atmosphere from all carbon adsorption system equipment that is used for organic adsorption, organic desorption or carbon regeneration, organic recovery, and carbon disposal.
- 6) If the remanufacturer or other person that stores or treats the hazardous secondary material and the Agency do not agree on a demonstration of control device performance using a design analysis, then the disagreement must be resolved using the results of a performance test performed by the remanufacturer or other person that stores or treats the hazardous secondary material in accordance with the requirements of subsection (c)(5)(C). The Agency may choose to have an authorized representative observe the performance test. The Agency must state any disagreement on a demonstration of control device performance using a design analysis in

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writing to the remanufacturer or other person that treats or stores hazardous secondary material.

- 7) The closed-vent system and control device must be inspected and monitored by the remanufacture or other person that stores or treats the hazardous secondary material in accordance with the procedures specified in Section 721.933(f)(2) and (l). The readings from each monitoring device required by Section 721.933(f)(2) must be inspected at least once each operating day to check control device operation. Any necessary corrective measures must be immediately implemented to ensure the control device is operated in compliance with the requirements of this Section.

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

Section 721.989 Recordkeeping Requirements

- a) Each remanufacturer or other person that stores or treats the hazardous secondary material subject to requirements of this Subpart CC must record and maintain the information specified in subsections (b) through (j), as applicable to the facility. Except for air emission control equipment design documentation and information required by subsections (i) and (j), records required by this section must be maintained at the facility for a minimum of three years. Air emission control equipment design documentation must be maintained at the facility until the air emission control equipment is replaced or otherwise no longer in service. Information required by subsections (i) and (j) must be maintained at the facility for as long as the hazardous secondary material management unit is not using air emission controls specified in Sections 721.984 through 721.987 in accordance with the conditions specified in Section 721.980(b)(7) or (d), respectively.
- b) The remanufacturer or other person that stores or treats the hazardous secondary material using a tank with air emission controls in accordance with the requirements of Section 721.984 must prepare and maintain records for the tank that include the following information:
 - 1) For each tank using air emission controls in accordance with the requirements of Section 721.984, the remanufacturer or other person that stores or treats the hazardous secondary material must record:

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- A) A tank identification number (or other unique identification description as selected by the remanufacturer or other person that stores or treats the hazardous secondary material).
 - B) A record for each inspection required by Section 721.984 that includes the following information:
 - i) The date inspection was conducted.
 - ii) For each defect detected during the inspection, the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the requirements of Section 721.984, the remanufacturer or other person that stores or treats the hazardous secondary material must also record the reason for the delay and the date that completion of repair of the defect is expected.
- 2) In addition to the information required by subsection (b)(1), the remanufacturer or other person that stores or treats the hazardous secondary material must record the following information, as applicable to the tank:
- A) The remanufacturer or other person that stores or treats the hazardous secondary material using a fixed roof to comply with the Tank Level 1 control requirements specified in Section 721.984(c) must prepare and maintain records for each determination for the maximum organic vapor pressure of the hazardous secondary material in the tank performed in accordance with the requirements of Section 721.984(c). The records must include the date and time the samples were collected, the analysis method used, and the analysis results.
 - B) The remanufacturer or other person that stores or treats the hazardous secondary material using an internal floating roof to comply with the Tank Level 2 control requirements specified in Section 721.1084(e) of this Subpart CC must prepare and maintain documentation describing the floating roof design.

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- C) Remanufacturer or other persons that store or treat the hazardous secondary material using an external floating roof to comply with the Tank Level 2 control requirements specified in Section 721.984(f) must prepare and maintain the following records:
- i) Documentation describing the floating roof design and the dimensions of the tank.
 - ii) Records for each seal gap inspection required by Section 721.984(f)(3) describing the results of the seal gap measurements. The records must include the date that the measurements were performed, the raw data obtained for the measurements, and the calculations of the total gap surface area. In the event that the seal gap measurements do not conform to the specifications in Section 721.984(f)(1), the records must include a description of the repairs that were made, the date the repairs were made, and the date the tank was emptied, if necessary.
- D) Each remanufacturer or other person that stores or treats the hazardous secondary material using an enclosure to comply with the Tank Level 2 control requirements specified in Section 721.984(i) must prepare and maintain the following records:
- i) Records for the most recent set of calculations and measurements performed by the remanufacturer or other person that stores or treats the hazardous secondary material to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T – Criteria for and Verification of a Permanent or Temporary Total Enclosure" in appendix B (VOM Measurement Techniques for Capture Efficiency) to 40 CFR 52.741, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - ii) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e).

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- c) This subsection (c) corresponds with 40 CFR 261.1089(c), marked "reserved" by USEPA. This statement maintains structural consistency with the federal regulations
- d) The remanufacturer or other person that stores or treats the hazardous secondary material using containers with Container Level 3 air emission controls in accordance with the requirements of Section 721.986 must prepare and maintain records that include the following information:
- 1) Records for the most recent set of calculations and measurements performed by the remanufacturer or other person that stores or treats the hazardous secondary material to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T – Criteria for and Verification of a Permanent or Temporary Total Enclosure" in appendix B (VOM Measurement Techniques for Capture Efficiency) to 40 CFR 52.741, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 2) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e).
- e) The remanufacturer or other person that stores or treats the hazardous secondary material using a closed-vent system and control device in accordance with the requirements of Section 721.987 must prepare and maintain records that include the following information:
- 1) Documentation for the closed-vent system and control device that includes:
 - A) Certification that is signed and dated by the remanufacturer or other person that stores or treats the hazardous secondary material stating that the control device is designed to operate at the performance level documented by a design analysis, as specified in subsection (e)(1)(B), or by performance tests as specified in subsection (e)(1)(C) when the tank or container is or would be operating at capacity or the highest level reasonably expected to occur.
 - B) If a design analysis is used, then design documentation as specified in Section 721.935(b)(4). The documentation must include

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information prepared by the remanufacturer or other person that stores or treats the hazardous secondary material or provided by the control device manufacturer or vendor that describes the control device design in accordance with Section 721.935(b)(4)(C) and certification by the remanufacturer or other person that stores or treats the hazardous secondary material that the control equipment meets the applicable specifications.

- C) If performance tests are used, then a performance test plan, as specified in Section 721.935(b)(3), and all test results.
- D) Information as required by Section 721.935(c)(1) and (c)(2), as applicable.
- E) A remanufacturer or other person that stores or treats the hazardous secondary material must record, on a semiannual basis, the information specified in subsections (e)(1)(E)(i) and (e)(1)(E)(ii) for those planned routine maintenance operations that would require the control device not to meet the requirements of Section 721.987(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable.
 - i) A description of the planned routine maintenance that is anticipated to be performed for the control device during the next six-month period. This description must include the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods.
 - ii) A description of the planned routine maintenance that was performed for the control device during the previous six-month period. This description must include the type of maintenance performed and the total number of hours during those six months that the control device did not meet the requirements of Section 721.987(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, due to planned routine maintenance.
- F) A remanufacturer or other person that stores or treats the hazardous secondary material must record the information specified in subsections (e)(1)(F)(i) through (e)(1)(F)(iii) for those unexpected

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control device system malfunctions that would require the control device not to meet the requirements of Section 721.987(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable.

- i) The occurrence and duration of each malfunction of the control device system.
 - ii) The duration of each period during a malfunction when gases, vapors, or fumes are vented from the hazardous secondary material management unit through the ~~closed-ventelosed-vent~~ system to the control device while the control device is not properly functioning.
 - iii) Actions taken during periods of malfunction to restore a malfunctioning control device to its normal or usual manner of operation.
- G) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section 721.987(c)(3)(B).
- f) The remanufacturer or other person that stores or treats the hazardous secondary material using a tank or container exempted under the hazardous secondary material organic concentration conditions specified in Section 721.982(c)(1) or (c)(2)(A) through (c)(2)(F), must prepare and maintain at the facility records documenting the information used for each material determination (e.g., test results, measurements, calculations, and other documentation). If analysis results for material samples are used for the material determination, then the remanufacturer or other person that stores or treats the hazardous secondary material must record the date, time, and location that each material sample is collected in accordance with applicable requirements of Section 721.983.
- BOARD NOTE: Corresponding 40 CFR 261.1089(f) includes a subsection (f)(2) that USEPA marked "reserved-". Because there is no 40 CFR 1089(f)(1), the Board included no text to correspond with subsection (f)(2).
- g) A remanufacturer or other person that stores or treats the hazardous secondary material designating a cover as "unsafe to inspect and monitor" pursuant to Section 721.984(l) or Section 721.985(g) must record and keep at facility the

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following information: the identification numbers for hazardous secondary material management units with covers that are designated as "unsafe to inspect and monitor;" the explanation for each cover stating why the cover is unsafe to inspect and monitor, and the plan and schedule for inspecting and monitoring each cover.

- h) The remanufacturer or other person that stores or treats the hazardous secondary material that is subject to this Subpart CC and to the control device standards in subpart VV (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, on or Before November 7, 2006) of 40 CFR 60 or subpart V of 40 CFR 61 (National Emission Standard for Equipment Leaks (Fugitive Emission Sources)), each incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to demonstrate compliance with the applicable sections of this Subpart CC by documentation either pursuant to this Subpart CC, or pursuant to the provisions of subpart VV of 40 CFR 60 or subpart V of 40 CFR 61, to the extent that the documentation required by 40 CFR 60 or 61 duplicates the documentation required by this Section.

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

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Section 721.APPENDIX A Representative Sampling Methods

The methods and equipment used for sampling waste materials will vary with the form and consistency of the waste materials to be sampled. Samples collected using the sampling protocols listed below, for sampling waste with properties similar to the indicated materials, are considered by USEPA to be representative of the waste.

Extremely viscous liquid: ASTM D 140-70 (Standard Practice for Sampling Bituminous Materials), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Crushed or powdered material: ASTM D 346-75 (Standard Practice for Collection and Preparation of Coke Samples for Laboratory Analysis), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Soil or rock-like material: ASTM D 420-69 (Guide to Site Characterization for Engineering, Design, and Construction Purposes), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Soil-like material: ASTM D 1452-65 (Standard Practice for Soil Investigation and Sampling by Auger Borings), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Fly ash-like material: ASTM D 2234-76 (Standard Practice for Collection of a Gross Sample of Coal), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Containerized liquid wastes: "Composite Liquid Waste Sampler (COLIWASA)-"

Liquid waste in pits, ponds, lagoons, and similar reservoirs: "Pond Sampler-"

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

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Section 721.APPENDIX H Hazardous Constituents

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
A2213	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester	30558-43-1	U394
Acetonitrile	Same	75-05-8	U003
Acetophenone	Ethanone, 1-phenyl-	98-86-2	U004
2-Acetylaminofluorene	Acetamide, N-9H-fluoren-2-yl-	53-96-3	U005
Acetyl chloride	Same	75-36-5	U006
1-Acetyl-2-thiourea	Acetamide, N-(aminothioxomethyl)-	591-08-2	P002
Acrolein	2-Propenal	107-02-8	P003
Acrylamide	2-Propenamamide	79-06-1	U007
Acrylonitrile	2-Propenenitrile	107-13-1	U009
Aflatoxins	Same	1402-68-2	
Aldicarb	Propanal, 2-methyl-2-(methylthio)-, O-((methylamino)carbonyl)oxime	116-06-3	P070
Aldicarb sulfone	Propanal, 2-methyl-2-(methylsulfonyl)-, O-((methylamino)carbonyl)oxime	1646-88-4	P203
Aldrin	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1- α ,4- α ,4a- β ,5- α ,8- α ,8a- β)-	309-00-2	P004
Allyl alcohol	2-Propen-1-ol	107-18-6	P005
Allyl chloride	1-Propene, 3-chloro-	107-05-1	
Aluminum phosphide	Same	20859-73-8	P006
4-Aminobiphenyl	(1,1'-Biphenyl)-4-amine	92-67-1	
5-(Aminomethyl)-3-isoxazolol	3(2H)-Isoxazolone, 5-(aminomethyl)-	2763-96-4	P007
4-Aminopyridine	4-Pyridinamine	504-24-5	P008
Amitrole	1H-1,2,4-Triazol-3-amine	61-82-5	U011
Ammonium vanadate	Vanadic acid, ammonium salt	7803-55-6	P119

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Aniline	Benzenamine	62-53-3	U012
o-Anisidine (2-methoxyaniline)	Benzenamine, 2-Methoxy-	90-04-0	
Antimony	Same	7440-36-0	
Antimony compounds, N.O.S. (not otherwise specified)			
Aramite	Sulfurous acid, 2-chloroethyl-, 2-(4-(1,1-dimethylethyl)phenoxy)-1-methylethyl ester	140-57-8	
Arsenic	Arsenic	7440-38-2	
Arsenic compounds, N.O.S.			
Arsenic acid	Arsenic acid H_3AsO_4	7778-39-4	P010
Arsenic pentoxide	Arsenic oxide As_2O_5	1303-28-2	P011
Arsenic trioxide	Arsenic oxide As_2O_3	1327-53-3	P012
Auramine	Benzenamine, 4,4'-carbon-imidoylbis (N, N-dimethyl-	492-80-8	U014
Azaserine	L-Serine, diazoacetate (ester)	115-02-6	U015
Barban	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester	101-27-9	U280
Barium	Same	7440-39-3	
Barium compounds, N.O.S.			
Barium cyanide	Same	542-62-1	P013
Bendiocarb	1,3-Benzodioxol-4-ol-2,2-dimethyl-, methyl carbamate	22781-23-3	U278
Bendiocarb phenol	1,3-Benzodioxol-4-ol-2,2-dimethyl-,	22961-82-6	U364
Benomyl	Carbamic acid, (1-((butylamino)carbonyl)-1H-benzimidazol-2-yl)-, methyl ester	17804-35-2	U271
Benz(c)acridine	Same	225-51-4	U016
Benz(a)anthracene	Same	56-55-3	U018
Benzal chloride	Benzene, (dichloromethyl)-	98-87-3	U017
Benzene	Same	71-43-2	U019
Benzenearsonic acid	Arsonic acid, phenyl-	98-05-5	
Benzidine	(1,1'-Biphenyl)-4,4'-diamine	92-87-5	U021
Benzo(b)fluoranthene	Benz(e)acephenanthrylene	205-99-2	
Benzo(j)fluoranthene	Same	205-82-3	
Benzo(k)fluoranthene	Same	207-08-9	
Benzo(a)pyrene	Same	50-32-8	U022
p-Benzoquinone	2,5-Cyclohexadiene-1,4-dione	106-51-4	U197

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Benzotrichloride	Benzene, (trichloromethyl)-	98-07-7	U023
Benzyl chloride	Benzene, (chloromethyl)-	100-44-7	P028
Beryllium powder	Same	7440-41-7	P015
Beryllium compounds, N.O.S.			
Bis(pentamethylene)thiuram tetrasulfide	Piperidine, 1,1'-(tetrathiodicarbonothioyl)-bis-	120-54-7	
Bromoacetone	2-Propanone, 1-bromo-	598-31-2	P017
Bromoform	Methane, tribromo-	75-25-2	U225
4-Bromophenyl phenyl ether	Benzene, 1-bromo-4-phenoxy-	101-55-3	U030
Brucine	Strychnidin-10-one, 2,3-dimethoxy-	357-57-3	P018
Butylate	Carbamothioic acid, bis(2-methylpropyl)-, S-ethyl ester	2008-41-5	
Butyl benzyl phthalate	1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester	85-68-7	
Cacodylic acid	Arsenic acid, dimethyl-	75-60-5	U136
Cadmium	Same	7440-43-9	
Cadmium compounds, N.O.S.			
Calcium chromate	Chromic acid H ₂ CrO ₄ , calcium salt	13765-19-0	U032
Calcium cyanide	Calcium cyanide Ca(CN) ₂	592-01-8	P021
Carbaryl	1-Naphthalenol, methylcarbamate	63-25-2	U279
Carbendazim	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester	10605-21-7	U372
Carbofuran	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate	1563-66-2	P127
Carbofuran phenol	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-	1563-38-8	U367
Carbosulfan	Carbamic acid, ((dibutylamino)thio)methyl-2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester	55285-14-8	P189
Carbon disulfide	Same	75-15-0	P022
Carbon oxyfluoride	Carbonic difluoride	353-50-4	U033
Carbon tetrachloride	Methane, tetrachloro-	56-23-5	U211
Chloral	Acetaldehyde, trichloro-	75-87-6	U034
Chlorambucil	Benzenebutanoic acid, 4(bis-(2-chloroethyl)amino)-	305-03-3	U035
Chlordane	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	57-74-9	U036
Chlordane, α and γ isomers			U036

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Chlorinated benzenes, N.O.S.			
Chlorinated ethane, N.O.S.			
Chlorinated fluorocarbons, N.O.S.			
Chlorinated naphthalene, N.O.S.			
Chlorinated phenol, N.O.S.			
Chlornaphazine	Naphthalenamine, N,N'-bis(2-chloroethyl)-	494-03-1	U026
Chloroacetaldehyde	Acetaldehyde, chloro-	107-20-0	P023
Chloroalkyl ethers, N.O.S.			
p-Chloroaniline	Benzenamine, 4-chloro-	106-47-8	P024
Chlorobenzene	Benzene, chloro-	108-90-7	U037
Chlorobenzilate	Benzeneacetic acid, 4-chloro- α -(4-chlorophenyl)- α -hydroxy-, ethyl ester	510-15-6	U038
p-Chloro-m-cresol	Phenol, 4-chloro-3-methyl-	59-50-7	U039
2-Chloroethyl vinyl ether	Ethene, (2-chloroethoxy)-	110-75-8	U042
Chloroform	Methane, trichloro-	67-66-3	U044
Chloromethyl methyl ether	Methane, chloromethoxy-	107-30-2	U046
β -Chloronaphthalene	Naphthalene, 2-chloro-	91-58-7	U047
o-Chlorophenol	Phenol, 2-chloro-	95-57-8	U048
1-(o-Chlorophenyl)thiourea	Thiourea, (2-chlorophenyl)-	5344-82-1	P026
Chloroprene	1,3-Butadiene, 2-chloro-	126-99-8	
3-Chloropropionitrile	Propanenitrile, 3-chloro-	542-76-7	P027
Chromium	Same	7440-47-3	
Chromium compounds, N.O.S.			
Chrysene	Same	218-01-9	U050
Citrus red No. 2	2-Naphthalenol, 1-((2,5-dimethoxyphenyl)azo)-	6358-53-8	
Coal tar creosote	Same	8007-45-2	
Copper cyanide	Copper cyanide CuCN	544-92-3	P029
Copper dimethyldithiocarbamate	Copper, bis(dimethylcarbamo-dithioato-S,S')-,	137-29-1	
Creosote	Same		U051
p-Cresidine	2-Methoxy-5-methylbenzenamine	120-71-8	
Cresols (Cresylic acid)	Phenol, methyl-	1319-77-3	U052
Crotonaldehyde	2-Butenal	4170-30-3	U053
m-Cumenyl methylcarbamate	Phenol, 3-(methylethyl)-, methyl carbamate	64-00-6	P202
Cyanides (soluble salts and complexes), N.O.S.			P030

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Cyanogen	Ethanedinitrile	460-19-5	P031
Cyanogen bromide	Cyanogen bromide (CN)Br	506-68-3	U246
Cyanogen chloride	Cyanogen chloride (CN)Cl	506-77-4	P033
Cycasin	β -D-glucopyranoside, (methyl-ONN-azoxy)methyl-	14901-08-7	
Cycloate	Carbamothioic acid, cyclohexylethyl-, S-ethyl ester	1134-23-2	
2-Cyclohexyl-4,6-dinitrophenol	Phenol, 2-cyclohexyl-4,6-dinitro-	131-89-5	P034
Cyclophosphamide	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-2-oxide	50-18-0	U058
2,4-D	Acetic acid, (2,4-dichlorophenoxy)-	94-75-7	U240
2,4-D, salts and esters	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters		U240
Daunomycin	5,12-Naphthacenedione, 8-acetyl-10-((3-amino-2,3,6-trideoxy- α -L-lyxohexopyranosyl)oxy)-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-	20830-81-3	U059
Dazomet	2H-1,3,5-thiadiazine-2-thione, tetrahydro-3,5-dimethyl	533-74-4	
DDD	Benzene, 1,1'-(2,2-dichloroethylidene)bis(4-chloro-	72-54-8	U060
DDE	Benzene, 1,1'-(dichloroethenylidene)bis(4-chloro-	72-55-9	
DDT	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-chloro-	50-29-3	U061
Diallate	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester	2303-16-4	U062
Dibenz(a,h)acridine	Same	226-36-8	
Dibenz(a,j)acridine	Same	224-42-0	
Dibenz(a,h)anthracene	Same	53-70-3	U063
7H-Dibenzo(c,g)carbazole	Same	194-59-2	
Dibenzo(a,e)pyrene	Naphtho(1,2,3,4-def)chrysene	192-65-4	
Dibenzo(a,h)pyrene	Dibenzo(b,def)chrysene	189-64-0	
Dibenzo(a,i)pyrene	Benzo(rst)pentaphene	189-55-9	U064
1,2-Dibromo-3-chloropropane	Propane, 1,2-dibromo-3-chloro-	96-12-8	U066

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Dibutyl phthalate	1,2-Benzenedicarboxylic acid, dibutyl ester	84-74-2	U069
o-Dichlorobenzene	Benzene, 1,2-dichloro-	95-50-1	U070
m-Dichlorobenzene	Benzene, 1,3-dichloro-	541-73-1	U071
p-Dichlorobenzene	Benzene, 1,4-dichloro-	106-46-7	U072
Dichlorobenzene, N.O.S.	Benzene, dichloro-	25321-22-6	
3,3'-Dichlorobenzidine	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-	91-94-1	U073
1,4-Dichloro-2-butene	2-Butene, 1,4-dichloro-	764-41-0	U074
Dichlorodifluoromethane	Methane, dichlorodifluoro-	75-71-8	U075
Dichloroethylene, N.O.S.	Dichloroethylene	25323-30-2	
1,1-Dichloroethylene	Ethene, 1,1-dichloro-	75-35-4	U078
1,2-Dichloroethylene	Ethene, 1,2-dichloro-, (E)-	156-60-5	U079
Dichloroethyl ether	Ethane, 1,1'-oxybis(2-chloro-	111-44-4	U025
Dichloroisopropyl ether	Propane, 2,2'-oxybis(2-chloro-	108-60-1	U027
Dichloromethoxyethane	Ethane, 1,1'-(methylenebis(oxy)-bis(2-chloro-	111-91-1	U024
Dichloromethyl ether	Methane, oxybis(chloro-	542-88-1	P016
2,4-Dichlorophenol	Phenol, 2,4-dichloro-	120-83-2	U081
2,6-Dichlorophenol	Phenol, 2,6-dichloro-	87-65-0	U082
Dichlorophenylarsine	Arsonous dichloride, phenyl-	696-28-6	P036
Dichloropropane, N.O.S.	Propane, dichloro-	26638-19-7	
Dichloropropanol, N.O.S.	Propanol, dichloro-	26545-73-3	
Dichloropropene, N.O.S.	1-Propene, dichloro-	26952-23-8	
1,3-Dichloropropene	1-Propene, 1,3-dichloro-	542-75-6	U084
Dieldrin	2,7:3,6-Dimethanonaphth(2, 3-b)oxirene,3,4,5,6,9,9-hexachloro-1a,2,2a,3,6, 6a,7,7a-octahydro-, (1 α ,2 β ,2 α ,3 β ,6 β ,6 α ,7 β ,7 α)-	60-57-1	P037
1,2:3,4-Diepoxybutane	2,2'-Bioxirane	1464-53-5	U085
Diethylarsine	Arsine, diethyl-	692-42-2	P038
Diethylene glycol, dicarbamate	Ethanol, 2,2'-oxybis-, dicarbamate	5952-26-1	U395
1,4-Diethyleneoxide	1,4-Dioxane	123-91-1	U108
Diethylhexyl phthalate	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	117-81-7	U028
N,N'-Diethylhydrazine	Hydrazine, 1,2-diethyl-	1615-80-1	U086
O,O-Diethyl-S-methyl dithiophosphate	Phosphorodithioic acid, O,O-diethyl S-methyl ester	3288-58-2	U087

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Diethyl-p-nitrophenyl phosphate	Phosphoric acid, diethyl 4-nitrophenyl ester	311-45-5	P041
Diethyl phthalate	1,2-Benzenedicarboxylic acid, diethyl ester	84-66-2	U088
O,O-Diethyl O-pyrazinyl phosphorothioate	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	297-97-2	P040
Diethylstilbestrol	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-	56-53-1	U089
Dihydrosafrole	1,3-Benzodioxole, 5-propyl-	94-58-6	U090
Diisopropylfluorophosphate (DFP)	Phosphorofluoridic acid, bis(1-methylethyl) ester	55-91-4	P043
Dimethoate	Phosphorodithioic acid, O,O-dimethyl S-(2-(methylamino)-2-oxoethyl) ester	60-51-5	P044
3,3'-Dimethoxybenzidine	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-	119-90-4	U091
p-Dimethylaminoazobenzene	Benzenamine, N,N-dimethyl-4-(phenylazo)-	60-11-7	U093
2,4-Dimethylaniline (2,4-xylidine)	Benzenamine, 2,4-dimethyl-	95-68-1	
7,12-Dimethylbenz(a)anthracene	Benz(a)anthracene, 7,12-dimethyl-	57-97-6	U094
3,3'-Dimethylbenzidine	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-	119-93-7	U095
Dimethylcarbamoyl chloride	Carbamic chloride, dimethyl-	79-44-7	U097
1,1-Dimethylhydrazine	Hydrazine, 1,1-dimethyl-	57-14-7	U098
1,2-Dimethylhydrazine	Hydrazine, 1,2-dimethyl-	540-73-8	U099
α,α -Dimethylphenethylamine	Benzeneethanamine, α,α -dimethyl-	122-09-8	P046
2,4-Dimethylphenol	Phenol, 2,4-dimethyl-	105-67-9	U101
Dimethylphthalate	1,2-Benzenedicarboxylic acid, dimethyl ester	131-11-3	U102
Dimethyl sulfate	Sulfuric acid, dimethyl ester	77-78-1	U103
Dimetilan	Carbamic acid, dimethyl-, 1-((dimethylamino) carbonyl)-5-methyl-1H-pyrazol-3-yl ester	644-64-4	P191
Dinitrobenzene, N.O.S.	Benzene, dinitro-	25154-54-5	
4,6-Dinitro-o-cresol	Phenol, 2-methyl-4,6-dinitro-	534-52-1	P047
4,6-Dinitro-o-cresol salts			P047
2,4-Dinitrophenol	Phenol, 2,4-dinitro-	51-28-5	P048
2,4-Dinitrotoluene	Benzene, 1-methyl-2,4-dinitro-	121-14-2	U105
2,6-Dinitrotoluene	Benzene, 2-methyl-1,3-dinitro-	606-20-2	U106

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Dinoseb	Phenol, 2-(1-methylpropyl)-4,6-dinitro-	88-85-7	P020
Di-n-octyl phthalate	1,2-Benzenedicarboxylic acid, dioctyl ester	117-84-0	U107
Diphenylamine	Benzenamine, N-phenyl-	122-39-4	
1,2-Diphenylhydrazine	Hydrazine, 1,2-diphenyl-	122-66-7	U109
Di-n-propylnitrosamine	1-Propanamine, N-nitroso-N-propyl-	621-64-7	U111
Disulfiram	Thioperoxydicarbonic diamide, tetraethyl	97-77-8	
Disulfoton	Phosphorodithioic acid, O,O-diethyl S-(2-(ethylthio)ethyl) ester	298-04-4	P039
Dithiobiuret	Thioimidodicarbonic diamide ((H ₂ N)C(S)) ₂ NH	541-53-7	P049
Endosulfan	6, 9-Methano-2,4,3-benzodioxathiepen,6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide,	115-29-7	P050
Endothal	7-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic acid	145-73-3	P088
Endrin	2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1a α ,2 β ,2a β ,3 α ,6 α ,6a β ,7 β ,7a α)-,	72-20-8	P051
Endrin metabolites			P051
Epichlorohydrin	Oxirane, (chloromethyl)-	106-89-8	U041
Epinephrine	1,2-Benzenediol, 4-(1-hydroxy-2-(methylamino)ethyl)-, (R)-	51-43-4	P042
EPTC	Carbamothioic acid, dipropyl-, S-ethyl ester	759-94-4	
Ethyl carbamate (urethane)	Carbamic acid, ethyl ester	51-79-6	U238
Ethyl cyanide	Propanenitrile	107-12-0	P101
Ethylenebisdithiocarbamic acid	Carbamodithioic acid, 1,2-ethanediylbis-	111-54-6	U114
Ethylenebisdithiocarbamic acid, salts and esters			U114
Ethylene dibromide	Ethane, 1,2-dibromo-	106-93-4	U067
Ethylene dichloride	Ethane, 1,2-dichloro-	107-06-2	U077
Ethylene glycol monoethyl ether	Ethanol, 2-ethoxy-	110-80-5	U359
Ethyleneimine	Aziridine	151-56-4	P054

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Ethylene oxide	Oxirane	75-21-8	U115
Ethylenethiourea	2-Imidazolidinethione	96-45-7	U116
Ethylidene dichloride	Ethane, 1,1-dichloro-	75-34-3	U076
Ethyl methacrylate	2-Propenoic acid, 2-methyl-, ethyl ester	97-63-2	U118
Ethyl methanesulfonate	Methanesulfonic acid, ethyl ester	62-50-0	U119
Ethyl Ziram	Zinc, bis(diethylcarbamodithioato-S,S')-	14324-55-1	U407
Famphur	Phosphorothioc acid, O-(4-((dimethylamino)sulfonyl)phenyl) O,O-dimethyl ester	52-85-7	P097
Ferbam	Iron, tris(dimethylcarbamodithioato-S,S')-,	14484-64-1	
Fluoranthene	Same	206-44-0	U120
Fluorine	Same	7782-41-4	P056
Fluoroacetamide	Acetamide, 2-fluoro-	640-19-7	P057
Fluoroacetic acid, sodium salt	Acetic acid, fluoro-, sodium salt	62-74-8	P058
Formaldehyde	Same	50-00-0	U122
Formetanate hydrochloride	Methanimidamide, N,N-dimethyl-N'-(3-(((methylamino)-carbonyl)oxy)phenyl)-, monohydrochloride	23422-53-9	P198
Formic acid	Same	64-18-16	U123
Formparanate	Methanimidamide, N,N-dimethyl-N'-(2-methyl-4-(((methylamino)carbonyl)oxy)phenyl)-	17702-57-7	P197
Glycidylaldehyde	Oxiranecarboxaldehyde	765-34-4	U126
Halomethanes, N.O.S.			
Heptachlor	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	76-44-8	P059
Heptachlor epoxide	2,5-Methano-2H-indeno(1, 2b)oxirene, 1024-57-3 2,3,4,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1 α ,1b β ,2 α ,5 α ,5a β ,6 β ,6a α)-		
Heptachlor epoxide (α , β , and γ isomers)			
Heptachlorodibenzofurans			
Heptachlorodibenzo-p-dioxins			
Hexachlorobenzene	Benzene, hexachloro-	118-74-1	U127

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Hexachlorobutadiene	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	87-68-3	U128
Hexachlorocyclo-pentadiene	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	77-47-4	U130
Hexachlorodibenzo-p-dioxins			
Hexachlorodibenzofurans			
Hexachloroethane	Ethane, hexachloro-	67-72-1	U131
Hexachlorophene	Phenol, 2,2'-methylenebis(3,4,6-trichloro-	70-30-4	U132
Hexachloropropene	1-Propene, 1,1,2,3,3,3-hexachloro-	1888-71-7	U243
Hexaethyltetraphosphate	Tetraphosphoric acid, hexaethyl ester	757-58-4	P062
Hydrazine	Same	302-01-2	U133
Hydrogen cyanide	Hydrocyanic acid	74-90-8	P063
Hydrogen fluoride	Hydrofluoric acid	7664-39-3	U134
Hydrogen sulfide	Hydrogen sulfide H ₂ S	7783-06-4	U135
Indeno(1,2,3-cd)pyrene	Same	193-39-5	U137
3-Iodo-2-propynyl-n-butylcarbamate	Carbamic acid, butyl-, 3-iodo-2-propynyl ester	55406-53-6	
Isobutyl alcohol	1-Propanol, 2-methyl-	78-83-1	U140
Isodrin	1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1 α ,4 α ,4a β ,5 β ,8 β ,8a β)-,	465-73-6	P060
Isolan	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester	119-38-0	P192
Isosafrole	1,3-Benzodioxole, 5-(1-propenyl)-	120-58-1	U141
Kepone	1,3,4-Metheno-2H-cyclobuta(cd)pentalen-2-one, 1,1a,3,3a,4,5,5a,5b,6-decachlorooctahydro-,	143-50-0	U142
Lasiocarpine	2-Butenoic acid, 2-methyl-, 7-((2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl)-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, (1S-(1- α (Z),7(2S*,3R*),7a α))-	303-34-4	U143
Lead	Same	7439-92-1	
Lead and compounds, N.O.S.			
Lead acetate	Acetic acid, lead (2+) salt	301-04-2	U144

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Lead phosphate	Phosphoric acid, lead (2+) salt (2:3)	7446-27-7	U145
Lead subacetate	Lead, bis(acetato-O)tetrahydroxytri-	1335-32-6	U146
Lindane	Cyclohexane, 1,2,3,4,5,6-hexachloro-, 1 α ,2 α ,3 β ,4 α ,5 α ,6 β)-	58-89-9	U129
Maleic anhydride	2,5-Furandione	108-31-6	U147
Maleic hydrazide	3,6-Pyridazinedione, 1,2-dihydro-	123-33-1	U148
Malononitrile	Propanedinitrile	109-77-3	U149
Manganese	Manganese,	15339-36-3	P196
dimethyldithiocarbamate	bis(dimethylcarbomodithioato-S,S')-,		
Melphalan	L-Phenylalanine, 4-(bis(2- chloroethyl)amino)-	148-82-3	U150
Mercury	Same	7439-97-6	U151
Mercury compounds, N.O.S.			
Mercury fulminate	Fulminic acid, mercury (2+) salt	628-86-4	P065
Metam Sodium	Carbamodithioic acid, methyl-, monosodium salt	137-42-8	
Methacrylonitrile	2-Propenenitrile, 2-methyl-	126-98-7	U152
Methapyrilene	1,2-Ethanediamine, N,N-dimethyl-N'- 2-pyridinyl-N'-(2-thienylmethyl)-	91-80-5	U155
Methiocarb	Phenol, (3,5-dimethyl-4-(methylthio)- , methylcarbamate	2032-65-7	P199
Metholmyl	Ethanimidothioic acid, N- (((methylamino)carbonyl)oxy)-, methyl ester	16752-77-5	P066
Methoxychlor	Benzene, 1,1'-(2,2,2- trichloroethylidene)bis(4-methoxy-	72-43-5	U247
Methyl bromide	Methane, bromo-	74-83-9	U029
Methyl chloride	Methane, chloro-	74-87-3	U045
Methylchlorocarbonate	Carbonochloridic acid, methyl ester	79-22-1	U156
Methyl chloroform	Ethane, 1,1,1-trichloro-	71-55-6	U226
3-Methylcholanthrene	Benz(j)aceanthrylene, 1,2-dihydro-3- methyl-	56-49-5	U157
4,4'-Methylenebis(2-chloroaniline)	Benzenamine, 4,4'-methylenebis(2- chloro-	101-14-4	U158
Methylene bromide	Methane, dibromo-	74-95-3	U068
Methylene chloride	Methane, dichloro-	75-09-2	U080
Methyl ethyl ketone (MEK)	2-Butanone	78-93-3	U159
Methyl ethyl ketone peroxide	2-Butanone, peroxide	1338-23-4	U160
Methyl hydrazine	Hydrazine, methyl-	60-34-4	P068

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Methyl iodide	Methane, iodo-	74-88-4	U138
Methyl isocyanate	Methane, isocyanato-	624-83-9	P064
2-Methylactonitrile	Propanenitrile, 2-hydroxy-2-methyl-	75-86-5	P069
Methyl methacrylate	2-Propenoic acid, 2-methyl-, methyl ester	80-62-6	U162
Methyl methanesulfonate	Methanesulfonic acid, methyl ester	66-27-3	
Methyl parathion	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	298-00-0	P071
Methylthiouracil	4-(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	56-04-2	U164
Metolcarb	Carbamic acid, methyl-, 3-methylphenyl ester	1129-41-5	P190
Mexacarbate	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)	315-18-4	P128
Mitomycin C	Azirino(2', 3':3, 4)pyrrolo(1, 2-a)indole-4, 7-dione, 6-amino-8-(((aminocarbonyl)oxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, (1a-S-(1 α ,8 β ,8 α ,8 β))-	50-07-7	U010
Molinate	1H-Azepine-1-carbothioic acid, hexahydro-, S-ethyl ester	2212-67-1	
MNNG	Guanidine, N-methyl-N'-nitro-N-nitroso-	70-25-7	U163
Mustard gas	Ethane, 1,1'-thiobis(2-chloro-	505-60-2	U165
Naphthalene	Same	91-20-3	U165
1,4-Naphthoquinone	1,4-Naphthalenedione	130-15-4	U166
α -Naphthylamine	1-Naphthalenamine	134-32-7	U167
β -Naphthylamine	2-Naphthalenamine	91-59-8	U168
α -Naphthylthiourea	Thiourea, 1-naphthalenyl-	86-88-4	P072
Nickel	Same	7440-02-0	
Nickel compounds, N.O.S.			
Nickel carbonyl	Nickel carbonyl Ni(CO) ₄ , (T-4)-	13463-39-3	P073
Nickel cyanide	Nickel cyanide Ni(CN) ₂	557-19-7	P074
Nicotine	Pyridine, 3-(1-methyl-2-pyrrolidiny)-, (S)-	54-11-5	P075
Nicotine salts			P075
Nitric oxide	Nitrogen oxide NO	10102-43-9	P076
p-Nitroaniline	Benzenamine, 4-nitro-	100-01-6	P077

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Nitrobenzene	Benzene, nitro-	98-95-3	U169
Nitrogen dioxide	Nitrogen oxide NO ₂	10102-44-0	P078
Nitrogen mustard	Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-	51-75-2	
Nitrogen mustard, hydrochloride salt			
Nitrogen mustard N-oxide	Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-, N-oxide	126-85-2	
Nitrogen mustard, N-oxide, hydrochloride salt			
Nitroglycerin	1,2,3-Propanetriol, trinitrate	55-63-0	P081
p-Nitrophenol	Phenol, 4-nitro-	100-02-7	U170
2-Nitropropane	Propane, 2-nitro-	79-46-9	U171
Nitrosamines, N.O.S.		35576-91-1	
N-Nitrosodi-n-butylamine	1-Butanamine, N-butyl-N-nitroso-	924-16-3	U172
N-Nitrosodiethanolamine	Ethanol, 2,2'-(nitrosoimino)bis-	1116-54-7	U173
N-Nitrosodiethylamine	Ethanamine, N-ethyl-N-nitroso-	55-18-5	U174
N-Nitrosodimethylamine	Methanamine, N-methyl-N-nitroso-	62-75-9	P082
N-Nitroso-N-ethylurea	Urea, N-ethyl-N-nitroso-	759-73-9	U176
N-Nitrosomethylethylamine	Ethanamine, N-methyl-N-nitroso-	10595-95-6	
N-Nitroso-N-methylurea	Urea, N-methyl-N-nitroso-	684-93-5	U177
N-Nitroso-N-methylurethane	Carbamic acid, methylnitroso-, ethyl ester	615-53-2	U178
N-Nitrosomethylvinylamine	Vinylamine, N-methyl-N-nitroso-	4549-40-0	P084
N-Nitrosomorpholine	Morpholine, 4-nitroso-	59-89-2	
N-Nitrosornicotine	Pyridine, 3-(1-nitroso-2-pyrrolidiny)-, (S)-	16543-55-8	
N-Nitrosopiperidine	Piperidine, 1-nitroso-	100-75-4	U179
N-Nitrosopyrrolidine	Pyrrolidine, 1-nitroso-	930-55-2	U180
N-Nitrososarcosine	Glycine, N-methyl-N-nitroso-	13256-22-9	
5-Nitro-o-toluidine	Benzenamine, 2-methyl-5-nitro-	99-55-8	U181
Octachlorodibenzo-p-dioxin (OCDD)	1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin.	3268-87-9	
Octachlorodibenzofuran (OCDF)	1,2,3,4,6,7,8,9-Octachlorodibenzofuran.	39001-02-0	
Octamethylpyrophosphoramidate	Diphosphoramidate, octamethyl-	152-16-9	P085
Osmium tetroxide	Osmium oxide OsO ₄ , (T-4)	20816-12-0	P087

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Oxamyl	Ethanimidothioc acid, 2-(dimethylamino)-N-(((methylamino)carbonyl)oxy)-2-oxo-, methyl ester	23135-22-0	P194
Paraldehyde	1,3,5-Trioxane, 2,4,6-trimethyl-	123-63-7	U182
Parathion	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester	56-38-2	P089
Pebulate	Carbamothioic acid, butylethyl-, S-propyl ester	1114-71-2	
Pentachlorobenzene	Benzene, pentachloro-	608-93-5	U183
Pentachlorodibenzo-p-dioxins			
Pentachlorodibenzofurans			
Pentachloroethane	Ethane, pentachloro-	76-01-7	U184
Pentachloronitrobenzene (PCNB)	Benzene, pentachloronitro-	82-68-8	U185
Pentachlorophenol	Phenol, pentachloro-	87-86-5	See F027
Phenacetin	Acetamide, N-(4-ethoxyphenyl)-	62-44-2	U187
Phenol	Same	108-95-2	U188
Phenylenediamine	Benzenediamine	25265-76-3	
1,2-Phenylenediamine	1,2-Benzenediamine	95-54-5	
1,3-Phenylenediamine	1,3-Benzenediamine	108-45-2	
Phenylmercury acetate	Mercury, (acetato-O)phenyl-	62-38-4	P092
Phenylthiourea	Thiourea, phenyl-	103-85-5	P093
Phosgene	Carbonic dichloride	75-44-5	P095
Phosphine	Same	7803-51-2	P096
Phorate	Phosphorodithioic acid, O,O-diethyl S-((ethylthio)methyl) ester	298-02-2	P094
Phthalic acid esters, N.O.S.			
Phthalic anhydride	1,3-Isobenzofurandione	85-44-9	U190
Physostigmine	Pyrrolo(2,3-b)indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-	57-47-6	P204
Physostigmine salicylate	Benzoic acid, 2-hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo(2,3-b)indol-5-yl methylcarbamate ester (1:1)	57-64-7	P188
2-Picoline	Pyridine, 2-methyl-	109-06-8	U191
Polychlorinated biphenyls, N.O.S.			

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Potassium cyanide	Same	151-50-8	P098
Potassium dimethyldithiocarbamate	Carbamodithioc acid, dimethyl, potassium salt	128-03-0	
Potassium n-hydroxymethyl-n-methyl-dithiocarbamate	Carbamodithioc acid, (hydroxymethyl)methyl-, monopotassium salt	51026-28-9	
Potassium n-methyldithiocarbamate	Carbamodithioc acid, methyl-monopotassium salt	137-41-7	
Potassium silver cyanide	Argentate(1-), bis(cyano-C)-, potassium)	506-61-6	P099
Potassium pentachlorophenate	Pentachlorophenol, potassium salt	7778736	None
Promecarb	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate	2631-37-0	P201
Pronamide	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-	23950-58-5	U192
1,3-Propane sultone	1,2-Oxathiolane, 2,2-dioxide	1120-71-4	U193
Propham	Carbamic acid, phenyl-, 1-methylethyl ester	122-42-9	U373
Propoxur	Phenol, 2-(1-methylethoxy)-, methylcarbamate	114-26-1	U411
n-Propylamine	1-Propanamine	107-10-8	U194
Propargyl alcohol	2-Propyn-1-ol	107-19-7	P102
Propylene dichloride	Propane, 1,2-dichloro-	78-87-5	U083
1,2-Propylenimine	Aziridine, 2-methyl-	75-55-8	P067
Propylthiouracil	4(1H)-Pyrimidinone, 2,3-dihydro-6-propyl-2-thio-	51-52-5	
Prosulfocarb	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester	52888-80-9	U387
Pyridine	Same	110-86-1	U196
Reserpine	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-((3,4,5-trimethoxybenzoyl)oxy)-, methyl ester, (3 β ,16 β ,17 α ,18 β ,20 α)-,	50-55-5	U200
Resorcinol	1,3-Benzenediol	108-46-3	U201
Safrole	1,3-Benzodioxole, 5-(2-propenyl)-	94-59-7	U203
Selenium	Same	7782-49-2	
Selenium compounds, N.O.S.			
Selenium dioxide	Selenious acid	7783-00-8	U204
Selenium sulfide	Selenium sulfide SeS ₂	7488-56-4	U205

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Selenium, tetrakis(dimethyl- dithiocarbamate	Carbamodithioic acid, dimethyl-, tetraanhydrosulfide with orthothioselenious acid	144-34-3	
Selenourea	Same	630-10-4	P103
Silver	Same	7440-22-4	
Silver compounds, N.O.S.			
Silver cyanide	Silver cyanide AgCN	506-64-9	P104
Silvex (2,4,5-TP)	Propanoic acid, 2-(2,4,5- trichlorophenoxy)-	93-72-1	See F027
Sodium cyanide	Sodium cyanide NaCN	143-33-9	P106
Sodium dibutyldithiocarbamate	Carbamodithioic acid, dibutyl-, sodium salt	136-30-1	
Sodium diethyldithiocarbamate	Carbamodithioic acid, diethyl-, sodium salt	148-18-5	
Sodium dimethyldithiocarbamate	Carbamodithioic acid, dimethyl-, sodium salt	128-04-1	
Sodium pentachlorophenate	Pentachlorophenol, sodium salt	131522	None
Streptozotocin	D-Glucose, 2-deoxy-2- (((methylnitrosoamino)carbonyl) amino)-	18883-66-4	U206
Strychnine	Strychnidin-10-one	57-24-9	P108
Strychnine salts			P108
Sulfallate	Carbamodithioic acid, diethyl-, 2- chloro-2-propenyl ester	95-06-7	
TCDD	Dibenzo(b,e)(1,4)dioxin, 2,3,7,8- tetrachloro-	1746-01-6	
Tetrabutylthiuram disulfide	Thioperoxydicarbonic diamide, tetrabutyl	1634-02-2	
Tetramethylthiuram monosulfide	Bis(dimethylthiocarbamoyl) sulfide	97-74-5	
1,2,4,5-Tetrachlorobenzene	Benzene, 1,2,4,5-tetrachloro-	95-94-3	U207
Tetrachlorodibenzo-p-dioxins			
Tetrachlorodibenzofurans			
Tetrachloroethane, N.O.S.	Ethane, tetrachloro-, N.O.S.	25322-20-7	
1,1,1,2-Tetrachloroethane	Ethane, 1,1,1,2-tetrachloro-	630-20-6	U208
1,1,2,2-Tetrachloroethane	Ethane, 1,1,2,2-tetrachloro-	79-34-5	U209
Tetrachloroethylene	Ethene, tetrachloro-	127-18-4	U210
2,3,4,6-Tetrachlorophenol	Phenol, 2,3,4,6-tetrachloro-	58-90-2	See F027
2,3,4,6-Tetrachlorophenol, potassium salt	Same	53535276	None

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2,3,4,6-Tetrachlorophenol, sodium salt	Same	25567559	None
Tetraethyldithiopyrophosphate	Thiodiphosphoric acid, tetraethyl ester	3689-24-5	P109
Tetraethyl lead	Plumbane, tetraethyl-	78-00-2	P110
Tetraethylpyrophosphate	Diphosphoric acid, tetraethyl ester	107-49-3	P111
Tetranitromethane	Methane, tetranitro-	509-14-8	P112
Thallium	Same	7440-28-0	
Thallium compounds			
Thallic oxide	Thallium oxide Tl_2O_3	1314-32-5	P113
Thallium (I) acetate	Acetic acid, thallium (1+) salt	563-68-8	U214
Thallium (I) carbonate	Carbonic acid, dithallium (1+) salt	6533-73-9	U215
Thallium (I) chloride	Thallium chloride $TlCl$	7791-12-0	U216
Thallium (I) nitrate	Nitric acid, thallium (1+) salt	10102-45-1	U217
Thallium selenite	Selenious acid, dithallium (1+) salt	12039-52-0	P114
Thallium (I) sulfate	Sulfuric acid, dithallium (1+) salt	7446-18-6	P115
Thioacetamide	Ethanethioamide	62-55-5	U218
Thiodicarb	Ethanimidothioic acid, N,N'-(thiobis((methylimino)carbonyloxy))-bis-, dimethyl ester	59669-26-0	U410
Thiofanox	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-((methylamino)carbonyl)oxime	39196-18-4	P045
Thiophanate-methyl	Carbamic acid, (1,2-phenylenebis(iminocarbonothioyl))-bis-, dimethyl ester	23564-05-8	U409
Thiomethanol	Methanethiol	74-93-1	U153
Thiophenol	Benzenethiol	108-98-5	P014
Thiosemicarbazide	Hydrazinecarbothioamide	79-19-6	P116
Thiourea	Same	62-56-6	P219
Thiram	Thioperoxydicarbonic diamide $((H_2N)C(S))_2S_2$, tetramethyl-	137-26-8	U244
Tirpate	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-((methylamino)carbonyl) oxime	26419-73-8	P185
Toluene	Benzene, methyl-	108-88-3	U220
Toluenediamine	Benzenediamine, ar-methyl-	25376-45-8	U221
Toluene-2,4-diamine	1,3-Benzenediamine, 4-methyl-	95-80-7	
Toluene-2,6-diamine	1,3-Benzenediamine, 2-methyl-	823-40-5	

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Toluene-3,4-diamine	1,2-Benzenediamine, 4-methyl-	496-72-0	
Toluene diisocyanate	Benzene, 1,3-diisocyanatomethyl-	26471-62-5	U223
o-Toluidine	Benzenamine, 2-methyl-	95-53-4	U328
o-Toluidine hydrochloride	Benzenamine, 2-methyl-, hydrochloride	636-21-5	U222
p-Toluidine	Benzenamine, 4-methyl-	106-49-0	U353
Toxaphene	Same	8001-35-2	P123
Triallate	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester	2303-17-5	U389
1,2,4-Trichlorobenzene	Benzene, 1,2,4-trichloro-	120-82-1	
1,1,2-Trichloroethane	Ethane, 1,1,2-trichloro-	79-00-5	U227
Trichloroethylene	Ethene, trichloro-	79-01-6	U228
Trichloromethanethiol	Methanethiol, trichloro-	75-70-7	P118
Trichloromonofluoromethane	Methane, trichlorofluoro-	75-69-4	U121
2,4,5-Trichlorophenol	Phenol, 2,4,5-trichloro-	95-95-4	See F027
2,4,6-Trichlorophenol	Phenol, 2,4,6-trichloro-	88-06-2	See F027
2,4,5-T	Acetic acid, (2,4,5-trichlorophenoxy)-	93-76-5	See F027
Trichloropropane, N.O.S.		25735-29-9	
1,2,3-Trichloropropane	Propane, 1,2,3-trichloro-	96-18-4	
Triethylamine	Ethanamine, N,N-diethyl-	121-44-8	U404
O,O,O-Triethylphosphorothioate	Phosphorothioic acid, O,O,O-triethyl ester	126-68-1	
1,3,5-Trinitrobenzene	Benzene, 1,3,5-trinitro-	99-35-4	U234
Tris(1-aziridinyl)phosphine sulfide	Aziridine, 1,1',1''-phosphinothioylidynetris-	52-24-4	
Tris(2,3-dibromopropyl) phosphate	1-Propanol, 2,3-dibromo-, phosphate (3:1)	126-72-7	U235
Trypan blue	2,7-Naphthalenedisulfonic acid, 3,3'-((3,3'-dimethyl(1,1'-biphenyl)-4,4'-diyl)bis(azo))bis(5-amino-4-hydroxy)-, tetrasodium salt	72-57-1	U236
Uracil mustard	2,4-(1H,3H)-Pyrimidinedione, 5-(bis(2-chloroethyl)amino)-	66-75-1	U237
Vanadium pentoxide	Vanadium oxide V ₂ O ₅	1314-62-1	P120
Vernolate	Carbamothioic acid, dipropyl-, S-propyl ester	1929-77-7	
Vinyl chloride	Ethene, chloro-	75-01-4	U043

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Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations less than 0.3 percent	81-81-2	U248
Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations greater than 0.3 percent	81-81-2	P001
Warfarin salts, when present at concentrations less than 0.3 percent			U248
Warfarin salts, when present at concentrations greater than 0.3 percent			P001
Zinc cyanide	Zinc cyanide $Zn(CN)_2$	557-21-1	P121
Zinc phosphide	Zinc phosphide P_2Zn_3 , when present at concentrations greater than 10 percent	1314-84-7	P122
Zinc phosphide	Zinc phosphide P_2Zn_3 , when present at concentrations of 10 percent or less	1314-84-7	U249
Ziram	Zinc, bis(dimethylcarbamodithioato-S,S')- (T-4)-	137-30-4	P205

Note: The abbreviation N.O.S. (not otherwise specified) signifies those members of the general class that are not specifically listed by name in this Section.

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

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NOTICE OF PROPOSED AMENDMENTS

Section 721.APPENDIX I Wastes Excluded by Administrative Action**Section 721.TABLE B Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Specific Sources**

Facility Address	Waste Description
Amoco Oil Company Wood River, Illinois	150 million gallons of DAF float from petroleum refining contained in four surge ponds after treatment with the Chemfix stabilization process. This waste contains USEPA hazardous waste number K048. This exclusion applies to the 150 million gallons of waste after chemical stabilization as long as the mixing ratios of the reagent with the waste are monitored continuously and do not vary outside of the limits presented in the demonstration samples and one grab sample is taken each hour from each treatment unit, composited, and TCLP tests performed on each sample. If the levels of lead or total chromium exceed 0.5 ppm in the EP extract, then the waste that was processed during the compositing period is considered hazardous; the treatment residue must be pumped into bermed cells to ensure that the waste is identifiable in the event that removal is necessary.
Conversion Systems, Inc. Horsham, Pennsylvania (Sterling, Illinois operations)	Chemically stabilized electric arc furnace dust (CSEAFD) that is generated by Conversion Systems, Inc. (CSI) (using the Super Detox [®] treatment process, as modified by CSI to treat electric arc furnace dust (EAFD) (USEPA hazardous waste no. K061)), at the following site and which is disposed of in a RCRA Subtitle D municipal solid waste landfill (MSWLF): Northwestern Steel, Sterling, Illinois. CSI must implement a testing program for each site that meets the following conditions: 1. Verification testing requirements: Sample collection and analyses, including quality control procedures, must be performed using appropriate methods. As applicable to the method-defined parameters of concern, analyses requiring the use of methods in "Test Methods for Evaluating Solid

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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 without substitution. As applicable, the EPA-530/SW-846 methods might include Methods 0010, 0011, 0020, 0023A, 0030, 0031, 0040, 0050, 0051, 0060, 0061, 1010A, 1020B, 1110A, 1310B, 1311, 1312, 1320, 1330A, 9010C, 9012B, 9040C, 9045D, 9060A, 9070A (uses USEPA Method 1664, Rev. A), 9071B, and 9095B.

A. Initial verification testing: During the first 20 days of full-scale operation of a newly-constructed Super Detox[®] treatment facility, CSI must analyze a minimum of four composite samples of CSEAFD representative of the full 20-day period. Composite samples must be composed of representative samples collected from every batch generated. The CSEAFD samples must be analyzed for the constituents listed in condition 3 below. CSI must report the operational and analytical test data, including quality control information, obtained during this initial period no later than 60 days after the generation of the first batch of CSEAFD.

B. Addition of new Super Detox[®] treatment facilities to the exclusion:

Option 1: If USEPA approves additional facilities, CSI may petition the Board for identical-in substance amendment of this exclusion pursuant to Section 22.4 for the Act and 35 Ill. Adm. Code 102 and 720.120(a), or

Option 2: If USEPA has not approved such amendment, CSI may petition the Board for amendment pursuant to the general rulemaking procedures of Section 27 of the Act and 35 Ill. Adm. Code 102 and 720.120(b); or

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Option 3: Alternatively to options 1 or 2 above, CSI may petition the Board for a hazardous waste delisting pursuant to Section 28.1 of the Act and Subpart D of 35 Ill. Adm. Code 104 and 35 Ill. Adm. Code 720.122.

If CSI pursues general rulemaking (option 2 above) or hazardous waste delisting (option 3 above), it must demonstrate that the CSEAFD generated by a specific Super Detox[®] treatment facility consistently meets the delisting levels specified in condition 3 below.

- C. Subsequent verification testing: For the approved facility, CSI must collect and analyze at least one composite sample of CSEAFD each month. The composite samples must be composed of representative samples collected from all batches treated in each month. These monthly representative samples must be analyzed, prior to the disposal of the CSEAFD, for the constituents listed in condition 3 below. CSI may, at its discretion, analyze composite samples gathered more frequently to demonstrate that smaller batches of waste are non-hazardous.
2. Waste holding and handling: CSI must store as hazardous all CSEAFD generated until verification testing, as specified in condition 1A or 1C above, as appropriate, is completed and valid analyses demonstrate that condition 3 below is satisfied. If the levels of constituents measured in the samples of CSEAFD do not exceed the levels set forth in condition 3, then the CSEAFD is non-hazardous and may be disposed of in a RCRA Subtitle D municipal solid waste landfill. If constituent levels in a sample exceed any of the delisting levels set forth in condition 3 below, the CSEAFD generated during the time period corresponding to this sample must be retreated until it meets these levels or managed and disposed of as hazardous waste, in accordance with 35 Ill. Adm. Code 702 through 705, 720 through 728, 733, 738, and 739. CSEAFD generated by a new CSI treatment facility must be managed as a hazardous waste

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prior to the addition of the name and location of the facility to this exclusion pursuant to condition 1C above. After addition of the new facility to the exclusion pursuant to condition 1B above, CSEAFD generated during the verification testing in condition 1A is also non-hazardous if the delisting levels in condition 3 are satisfied.

3. Delisting levels: All leachable concentrations for metals must not exceed the following levels (in parts per million (ppm)): antimony – 0.06; arsenic – 0.50; barium – 7.6; beryllium – 0.010; cadmium – 0.050; chromium – 0.33; lead – 0.15; mercury – 0.009; nickel – 1; selenium – 0.16; silver – 0.30; thallium – 0.020; vanadium – 2; and zinc – 70. Metal concentrations must be measured in the waste leachate by the method specified in Section 721.124.
4. Changes in operating conditions: After initiating subsequent testing, as described in condition 1C, if CSI significantly changes the stabilization process established pursuant to condition 1 (e.g., use of new stabilization reagents), CSI must seek amendment of this exclusion using one of the options set forth in condition 1B above. After written amendment of this exclusion, CSI may manage CSEAFD wastes generated from the new process as non-hazardous if the wastes meet the delisting levels set forth in condition 3 above.
5. Data submittals: At least one month prior to operation of a new Super Detox[®] treatment facility, CSI must notify the Agency in writing when the Super Detox[®] treatment facility is scheduled to be on-line. The data obtained through condition 1A must be submitted to the Agency within the time period specified. Records of operating conditions and analytical data from condition 1 must be compiled, summarized, and maintained on site for a minimum of five years. These records and data must be furnished to the Agency upon request and made available for inspection. Failure to submit the required data within the specified time period or to maintain the required records on site for the

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specified time will be considered a violation of the Act and Board regulations. All data submitted must be accompanied by a signed copy of the following certification statement to attest to the truth and accuracy of the data submitted:

"Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations, I certify that the information contained in or accompanying this document is true, accurate, and complete.

"As to (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate, and complete.

"In the event that any of this information is determined by the Board or a court of law to be false, inaccurate, or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by the Board or court and that the company will be liable for any actions taken in contravention of the company's obligations under the federal RCRA and Comprehensive Environmental Response, Compensation and Liability Act (42 USC 9601 et seq.) and corresponding provisions of the Act premised upon the company's reliance on the void exclusion."

BOARD NOTE: The obligations of this exclusion are derived from but also distinct from the obligations under the corresponding federally-granted exclusion of table 2 of appendix IX to 40 CFR 261.

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

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Section 721.APPENDIX I Wastes Excluded by Administrative Action**Section 721.TABLE D Wastes Excluded by the Board by Adjusted Standard**

The Board has entered the following orders on petitions for adjusted standards for delisting, pursuant to 35 Ill. Adm. Code 720.122.

- AS 91-1 Petition of Keystone Steel & Wire Co. for Hazardous Waste Delisting; ~~AS 91-1~~ (Feb. 6, 1992 and Apr. 23, 1992). (Chemically stabilized electric arc furnace dust (K061 waste).)
- AS 91-3 Petition of Peoria Disposal Company for an Adjusted Standard from 35 Ill. Adm. Code 721.Subpart D, ~~AS 91-3~~ (Feb. 4, 1993 and Mar. 11, 1993). (Chemically stabilized wastewater treatment sludges from electroplating, anodizing, chemical milling and etching, and circuit board manufacturing (F006 waste).)
- AS 93-7 Petition of Keystone Steel & Wire Company for an Adjusted Standard from 35 Ill. Adm. Code 721.132, ~~AS 93-7~~ (Feb. 17, 1994, Mar. 17, 1994, and Dec. 14, 1994). (Chemically stabilized waste pickling liquor (K062 waste).)
- AS 94-10 Petition of Envirite Corporation for an Adjusted Standard from 35 Ill. Adm. Code 721.Subpart D, AS 94-10 (Dec. 14, 1994 and Feb. 16, 1995). (Sludge from the treatment of multiple hazardous wastes (F006, F007, F008, F009, F011, F012, F019, K002, K003, K004, K005, K006, K007, K008, and K062 wastes).)
- AS 08-5 Petition of BFI Waste Systems of North America, Inc. for Waste Delisting (Dec. 4, 2008). (F039 waste)
- AS 08-10 RCRA Delisting Adjusted Standard Petition of Peoria Disposal Co. (Jan. 8, 2009). (Treated K061 waste)

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

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Section 721.APPENDIX Y Table to Section 721.138: Maximum Contaminant Concentration and Minimum Detection Limit Values for Comparable Fuel Specification (Repealed)

The following table lists the maximum concentration limit and minimum analytical detection limit required for each contaminant for which USEPA has established a comparable fuel specification. This table supports the requirements of the excluded fuels rule of Section 721.138.

Chemical name	CAS No			Concentration limit (mg/kg at 10,000 Btu/lb)	Minimum required detection limit (mg/kg)
Total Nitrogen as N	NA			4,900	
Total Halogens as Cl	NA			540	
Total Organic Halogens as Cl	NA			(Note 1)	
Polychlorinated biphenyls, total (Aroclors, total)	1336-36-3			ND	1.4
Cyanide, total	57-12-5			ND	1.0

Metals:

Antimony, total	7440-36-0			12	
Arsenic, total	7440-38-2			0.23	
Barium, total	7440-39-3			23	
Beryllium, total	7440-41-7			1.2	
Cadmium, total	7440-43-9			1.2	
Chromium, total	7440-47-3			2.3	
Cobalt	7440-48-4			4.6	
Lead, total	7439-92-1			31	
Manganese	7439-96-5			1.2	
Mercury, total	7439-97-6			0.25	
Nickel, total	7440-02-0			58	
Selenium, total	7782-49-2			0.23	
Silver, total	7440-22-4			2.3	
Thallium, total	7440-28-0			23	

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Hydrocarbons:

Benzo(a)anthracene	56-55-3			2,400	
Benzene	71-43-2			4,100	
Benzo(b)fluoranthene	205-99-2			2,400	
Benzo(k)fluoranthene	207-08-9			2,400	
Benzo(a)pyrene	50-32-8			2,400	
Chrysene	218-01-9			2,400	
Dibenz(a,h)anthracene	53-70-3			2,400	
7,12-Dimethylbenz(a)-anthracene	57-97-6			2,400	
Fluoranthene	206-44-0			2,400	
Indeno(1,2,3-cd)pyrene	193-39-5			2,400	
3-Methylcholanthrene	56-49-5			2,400	
Naphthalene	91-20-3			3,200	
Toluene	108-88-3			36,000	

Oxygenates:

Acetophenone	98-86-2			2,400	
Acrolein	107-02-8			39	
Allyl alcohol	107-18-6			30	
Bis(2-ethylhexyl)-phthalate (Di-2-ethylhexyl-phthalate)	117-81-7			2,400	
Butyl benzyl phthalate	85-68-7			2,400	
o-Cresol (2-Methyl phenol)	95-48-7			2,400	
m-Cresol (3-Methyl phenol)	108-39-4			2,400	
p-Cresol (4-Methyl phenol)	106-44-5			2,400	
Di-n-butyl phthalate	84-74-2			2,400	
Diethyl phthalate	84-66-2			2,400	
2,4-Dimethylphenol	105-67-9			2,400	
Dimethyl phthalate	131-11-3			2,400	
Di-n-octyl phthalate	117-84-0			2,400	
Endothall	145-73-3			100	

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Ethyl methacrylate	97-63-2			39	
2-Ethoxyethanol —(Ethylene glycol monoethyl ether)	110-80-5			100	
Isobutyl alcohol	78-83-1			39	
Isosafrole	120-58-1			2,400	
Methyl ethyl ketone —(2-Butanone)	78-93-3			39	
Methyl methacrylate	80-62-6			39	
1,4-Naphthoquinone	130-15-4			2,400	
Phenol	108-95-2			2,400	
Propargyl alcohol —(2- Propyn-1-ol)	107-19-7			30	
Safrole	94-59-7			2,400	

Sulfonated Organics:

Carbon disulfide	75-15-0			ND	39
Disulfoton	298-04-4			ND	2,400
Ethyl methanesulfonate	62-50-0			ND	2,400
Methyl methanesulfonate	66-27-3			ND	2,400
Phorate	298-02-2			ND	2,400
1,3-Propane sultone	1120-71-4			ND	100
Tetraethyldithiopyro- phosphate —(Sulfotepp)	3689-24-5			ND	2,400
Thiophenol —(Benzenethiol)	108-98-5			ND	30
O,O,O-Triethyl phosphorothioate	126-68-1			ND	2,400

Nitrogenated Organics:

Acetonitrile (Methyl cyanide)	75-05-8			ND	39
2-Acetylaminofluorene (2- AAF)	53-96-3			ND	2,400
Acrylonitrile	107-13-1			ND	39
4-Aminobiphenyl	92-67-1			ND	2,400
4-Aminopyridine	504-24-5			ND	100
Aniline	62-53-3			ND	2,400

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Benzidine	92-87-5			ND	2,400
Dibenz(a,j)acridine	224-42-0			ND	2,400
O,O-Diethyl O-pyrazinyl phosphorothioate —(Thionazin)	297-97-2			ND	2,400
Dimethoate	60-51-5			ND	2,400
p-(Dimethylamino)azobenzene —(4-Dimethylaminoazobenzene)	60-11-7			ND	2,400
3,3'-Dimethylbenzidine	119-93-7			ND	2,400
αα-Dimethylphenethylamine	122-09-8			ND	2,400
3,3'-Dimethoxybenzidine	119-90-4			ND	100
1,3-Dinitrobenzene —(m-Dinitrobenzene)	99-65-0			ND	2,400
4,6-Dinitro-o-cresol	534-52-1			ND	2,400
2,4-Dinitrophenol	51-28-5			ND	2,400
2,4-Dinitrotoluene	121-14-2			ND	2,400
2,6-Dinitrotoluene	606-20-2			ND	2,400
Dinoseb —(2-sec-Butyl-4,6-dinitrophenol)	88-85-7			ND	2,400
Diphenylamine	122-39-4			ND	2,400
Ethyl carbamate —(Urethane)	51-79-6			ND	100
Ethylenethiourea —(2-Imidazolidinethione)	96-45-7			ND	110
Famphur	52-85-7			ND	2,400
Methacrylonitrile	126-98-7			ND	39
Methapyrilene	91-80-5			ND	2,400
Methomyl	16752-77-5			ND	57
2-Methylactonitrile —(Acetone-cyanohydrin)	75-86-5			ND	100
Methyl parathion	298-00-0			ND	2,400

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MNNG (N-Methyl-N-nitroso-N'-nitro-guanidine)	70-25-7			ND	110
1-Naphthylamine, (α-Naphthylamine)	134-32-7			ND	2,400
2-Naphthylamine, (β-Naphthylamine)	91-59-8			ND	2,400
Nicotine	54-11-5			ND	100
4-Nitroaniline, (p-Nitroaniline)	100-01-6			ND	2,400
Nitrobenzene	98-95-3			ND	2,400
p-Nitrophenol, 4-Nitrophenol	100-02-7			ND	2,400
5-Nitro-o-toluidine	99-55-8			ND	2,400
N-Nitrosodi-n-butylamine	924-16-3			ND	2,400
N-Nitrosodiethylamine	55-18-5			ND	2,400
N-Nitrosodiphenylamine, (Diphenylnitrosamine)	86-30-6			ND	2,400
N-Nitroso-N-methyl-ethylamine	10595-95-6			ND	2,400
N-Nitrosomorpholine	59-89-2			ND	2,400
N-Nitrosopiperidine	100-75-4			ND	2,400
N-Nitrosopyrrolidine	930-55-2			ND	2,400
2-Nitropropane	79-46-9			ND	30
Parathion	56-38-2			ND	2,400
Phenacetin	62-44-2			ND	2,400
1,4-Phenylene diamine (p-Phenylenediamine)	106-50-3			ND	2,400
N-Phenylthiourea	103-85-5			ND	57
2-Picoline (α-Picoline)	109-06-8			ND	2,400
Propythioracil (6-Propyl-2-thiouracil)	51-52-5			ND	100
Pyridine	110-86-1			ND	2,400
Strychnine	57-24-9			ND	100
Thioacetamide	62-55-5			ND	57
Thiofanox	39196-18-4			ND	100

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Thiourea	62-56-6			ND	57
Toluene 2,4-diamine —(2,4-Diaminotoluene)	95-80-7			ND	57
Toluene 2,6-diamine —(2,6-Diaminotoluene)	823-40-5			ND	57
o-Toluidine	95-53-4			ND	2,400
p-Toluidine	106-49-0			ND	100
1,3,5-Trinitrobenzene, —(sym-Trinitrobenzene)	99-35-4			ND	2,400

Halogenated Organics:

Allyl chloride	107-5-1			ND	39
Aramite	140-57-8			ND	2,400
Benzal chloride —(Dichloromethyl benzene)	98-87-3			ND	100
Benzyl chloride	100-44-77			ND	100
bis(2-Chloroethyl)ether —(Dichloroethyl ether)	111-44-4			ND	2,400
Bromoform —(Tribromomethane)	75-25-2			ND	39
Bromomethane —(Methyl bromide)	74-83-9			ND	39
4-Bromophenyl phenyl ether —(p- Bromodiphenyl ether)	101-55-3			ND	2,400
Carbon tetrachloride	56-23-5			ND	39
Chlordane	57-74-9			ND	14
p-Chloroaniline	106-47-8			ND	2,400
Chlorobenzene	108-90-7			ND	39
Chlorobenzilate	510-15-6			ND	2,400
p-Chloro-m-cresol	59-50-7			ND	2,400
2-Chloroethyl vinyl ether	110-75-8			ND	39
Chloroform	67-66-3			ND	39
Chloromethane —(Methyl chloride)	74-87-3			ND	39
2-Chloronaphthalene —(β-Chlorophthalene)	91-58-7			ND	2,400

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2-Chlorophenol —(o-Chlorophenol)	95-57-8			ND	2,400
Chloroprene —(2-Chloro-1,3-butadiene)	1126-99-8			ND	39
2,4-D—[2,4-Dichlorophenoxyacetic acid]	94-75-7			ND	7.0
Diallate	2303-16-4			ND	2,400
1,2-Dibromo-3-chloropropane	96-12-8			ND	39
1,2-Dichlorobenzene —(o-Dichlorobenzene)	95-50-1			ND	2,400
1,3-Dichlorobenzene —(m-Dichlorobenzene)	541-73-1			ND	2,400
1,4-Dichlorobenzene —(p-Dichlorobenzene)	106-46-7			ND	2,400
3,3'-Dichlorobenzidine	91-94-1			ND	2,400
Dichlorodifluoromethane —(CFC-12)	75-71-8			ND	39
1,2-Dichloroethane —(Ethylene dichloride)	107-06-2			ND	39
1,1-Dichloroethylene —(Vinylidene chloride)	75-35-4			ND	39
Dichloromethoxy ethane —(bis(2-Chloroethoxy) methane)	111-91-1			ND	2,400
2,4-Dichlorophenol	120-83-2			ND	2,400
2,6-Dichlorophenol	87-65-0			ND	2,400
1,2-Dichloropropane —(Propylene dichloride)	78-87-5			ND	39
cis-1,3-Dichloropropylene	10061-01-5			ND	39
trans-1,3-Dichloropropylene	10061-02-6			ND	39
1,3-Dichloro-2-propanol	96-23-1			ND	30
Endosulfan I	959-98-8			ND	1.4
Endosulfan II	33213-65-9			ND	1.4
Endrin	72-20-8			ND	1.4

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Endrin aldehyde	7421-93-4			ND	1.4
Endrin Ketone	53494-70-5			ND	1.4
Epichlorohydrin (1- —Chloro-2,3-epoxy propane)	106-89-8			ND	30
Ethylidene dichloride —(1,1-Dichloroethane)	75-34-3			ND	39
2-Fluoroacetamide	640-19-7			ND	100
Heptachlor	76-44-8			ND	1.4
Heptachlor epoxide	1024-57-3			ND	2.8
Hexachlorobenzene	118-74-1			ND	2,400
Hexachloro-1,3-butadiene —(Hexachlorobutadiene)	87-68-3			ND	2,400
Hexachlorocyclo- pentadiene	77-47-4			ND	2,400
Hexachloroethane	67-72-1			ND	2,400
Hexachlorophene	70-30-4			ND	59,000
Hexachloropropene —(Hexachloropropylene)	1888-71-7			ND	2,400
Isodrin	465-73-6			ND	2,400
Kepone —(Chlordecone)	143-50-0			ND	4,700
Lindane —(γ -Hexa- chlorocyclohexane) —(γ - BHC)	58-89-9			ND	1.4
Methylene chloride —(Dichloromethane)	75-09-2			ND	39
4,4'-methylene bis(2- chloroaniline)	101-14-4			ND	100
Methyl iodide —(Iodomethane)	74-88-4			ND	39
Pentachlorobenzene	608-93-5			ND	2,400
Pentachloroethane	76-01-7			ND	39
Pentachloronitrobenzene —(PCNB) —(Quintobenzene) —(Quintozene)	82-68-8			ND	2,400
Pentachlorophenol	87-86-5			ND	2,400

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Pronamide	23950-58-5			ND	2,400
Silvex =(2,4,5-Trichloro- phenoxypropionic acid)	93-72-1			ND	7.0
2,3,7,8-Tetrachloro- dibenzo-p-dioxin =(2,3,7,8-TCDD)	1746-01-6			ND	30
1,2,4,5- Tetrachlorobenzene	95-94-3			ND	2,400
1,1,2,2-Tetrachloroethane	79-34-5			ND	39
Tetrachloroethylene =(Perchloroethylene)	127-18-4			ND	39
2,3,4,6-Tetrachlorophenol	58-90-2			ND	2,400
1,2,4-Trichlorobenzene	120-82-1			ND	2,400
1,1,1-Trichloroethane =(Methyl chloroform)	71-55-6			ND	39
1,1,2-Trichloroethane (Vinyl trichloride)	79-00-5			ND	39
Trichloroethylene	79-01-6			ND	39
Trichlorofluoromethane =(Trichloromonofluoro- methane)	75-69-4			ND	39
2,4,5-Trichlorophenol	95-95-4			ND	2,400
2,4,6-Trichlorophenol	88-06-2			ND	2,400
1,2,3-Trichloropropane	96-18-4			ND	39
Vinyl Chloride	75-01-4			ND	39

Notes to Table:

"NA" means not applicable.

"ND" means nondetect.

Note 1 (to ~~Total Organic Halogens as Cl~~): ~~25 (mg/kg at 10,000 Btu/lb) as organic halogen or as the individual halogenated organics listed in the table at the levels indicated.~~

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

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Section 721.APPENDIX Z Table to Section 721.102: Recycled Materials That Are Solid Waste

The following table lists the instances when a recycled secondary material is solid waste, based on the type of secondary material and the mode of material management during recycling. This table supports the requirements of the recycling provision of the definition of solid waste rule, at Section 721.102(c).

Table

	1	2	3	4
	Use constituting disposal	Burning for energy recovery or use to produce a fuel	Reclamation (except as provided in Section 721.104(a)(17), (a)(23), (a)(24), or (a)(27))	Speculative accumulation
Applicable Subsection of Section 721.102:	(c)(1)	(c)(2)	(c)(3)	(c)(4)
Spent materials	Yes	Yes	Yes	Yes
Sludges (listed in Section 721.131 or 721.132)	Yes	Yes	Yes	Yes
Sludges exhibiting a characteristic of hazardous waste	Yes	Yes	No	Yes
By-products (listed in Section 721.131 or 721.132)	Yes	Yes	Yes	Yes
By-products exhibiting a characteristic of hazardous waste	Yes	Yes	No	Yes

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Commercial chemical products listed in Section 721.133	Yes	Yes	No	No
Scrap metal that is not excluded pursuant to Section 721.104(a)(13)	Yes	Yes	Yes	Yes

Yes – Defined as a solid waste

No – Not defined as a solid waste

BOARD NOTE: Derived from Table 1 to 40 CFR 261.2 ~~(2010)~~(2017). The terms "spent materials," "sludges," "by-products," "scrap metal," and "processed scrap metal" are defined in Section 721.101.

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

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- 1) Heading of the Part: Secure Choice Savings Program
- 2) Code Citation: 74 Ill. Adm. Code 721
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
721.100	New Section
721.110	New Section
721.200	New Section
721.300	New Section
721.310	New Section
721.320	New Section
721.330	New Section
721.340	New Section
721.350	New Section
721.360	New Section
721.370	New Section
721.380	New Section
721.390	New Section
721.395	New Section
721.400	New Section
721.410	New Section
721.420	New Section
721.430	New Section
721.440	New Section
721.500	New Section
721.510	New Section
721.520	New Section
721.530	New Section
721.540	New Section
721.600	New Section
721.610	New Section
721.620	New Section
721.700	New Section
721.710	New Section
721.720	New Section
- 4) Statutory Authority: 820 ILCS 80/90

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- 5) A Complete Description of the Subjects and Issues Involved: The Secure Choice Savings Program Act (820 ILCS 80) establishes a retirement savings program to be administered by the Secure Choice Savings Board for the purpose of providing retirement savings options to 1.2 million private-sector employees in Illinois. The Act provides for implementation of the Program to begin in 2018. The rules adopted in this Part will provide clarification for the implementation and administration of the program by the Treasurer's Office and the Secure Choice Savings Board.
- 6) Published studies or reports, and sources of underlying data, used to compose 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? Yes, see Sections 721.200, 721.350, 721.395, and 721.520.
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand 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: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Chris Flynn
Assistant General Counsel
Illinois State Treasurer
400 W. Monroe St., Suite 401
Springfield IL 62704

217/558-0115
fax: 217/785-2777
e-mail: CFlynn@illinoistreasurer.gov

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The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Secure Choice applies to businesses that have 25 or more employees, have been in operation for two years or more, and do not offer a qualified savings plan to their employees. Not-for-profits that meet those three criteria are also included. Municipalities will not be impacted.
 - B) Reporting, bookkeeping or other procedures required for compliance: Businesses and not-for-profits that participate in Secure Choice will be required to facilitate the payroll deduction in the program for each of their employees, but will not have any managerial responsibilities and cannot contribute to the retirement program or individual employee accounts.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2018

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

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TITLE 74: PUBLIC FINANCE
CHAPTER V: TREASURER

PART 721
SECURE CHOICE SAVINGS PROGRAM

SUBPART A: INTRODUCTION AND PURPOSE OF PROGRAM

- Section
- 721.100 Establishment of Program
- 721.110 Purpose of Program

SUBPART B: DEFINITIONS

- Section
- 721.200 Definitions

SUBPART C: ADMINISTRATION

- Section
- 721.300 Responsibilities of the Board
- 721.310 Responsibilities of the Treasurer
- 721.320 Responsibilities of the Department
- 721.330 Investment Policy and Guidelines
- 721.340 Responsibilities of the Account Administrator
- 721.350 Applicable Law
- 721.360 Program Fees
- 721.370 Administrative Fund
- 721.380 Reporting Requirements
- 721.390 Forms
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SUBPART D: PARTICIPATION IN THE PROGRAM

- Section
- 721.400 Eligibility
- 721.410 Registration and Enrollment
- 721.420 Voluntary Participation
- 721.430 Opt Out Procedures

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721.440 Termination of Participation

SUBPART E: ACCOUNTS, INVESTMENTS AND STATEMENTS

Section

721.500 Accounts
721.510 Contributions
721.520 Participant Statements
721.530 Limits on Investments and Direction
721.540 Rollovers, Transfers and Conversions

SUBPART F: WITHDRAWALS

Section

721.600 Withdrawals
721.610 Withdrawal Method
721.620 Closure

SUBPART G: MISCELLANEOUS

Section

721.700 Abandoned Accounts
721.710 Disclosure
721.720 Website

AUTHORITY: Implementing and authorized by Section 90 of the Illinois Secure Choice Savings Program Act [820 ILCS 80].

SOURCE: Adopted at 42 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION AND PURPOSE OF PROGRAM

Section 721.100 Establishment of Program

- a) This Part governs the Illinois Secure Choice Savings Program created by the Illinois Secure Choice Savings Program Act [820 ILCS 80].
- b) The Illinois Secure Choice Savings Program is *a retirement savings program in the form of an automatic enrollment payroll deduction IRA for the purpose of*

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promoting greater retirement savings for private-sector employees in a convenient, low-cost, and portable manner. [820 ILCS 80/10]

Section 721.110 Purpose of Program

The purpose of the Program is to provide a workplace retirement savings option for private sector workers who do not have access to an employer-sponsored plan so they can save their own money for retirement in a safe and convenient manner.

SUBPART B: DEFINITIONS

Section 721.200 Definitions

The following definitions shall apply to this Part:

"Act" means the Illinois Secure Choice Savings Program Act [820 ILCS 80].

"Account" means the IRA of a participant established and maintained under the Program.

"Account Administrator" means the person or firm selected by the Board to administer the daily operations of the Program and provide marketing, recordkeeping, investment management, custodial, and other services for the Program.

"Account Revocation Period" means the period of time starting from the date an employee's Roth IRA is established and the employee receives the disclosure statement and ending on the earlier of (i) 90 days after the date of the employee's first Secure Choice Account contribution or (ii) the Close of Business on the Business Day that the employee makes an Alternate Contribution Election; provided, however, the Account Revocation shall last a minimum of seven days from the date the Roth IRA is established and the employee receives the disclosure statement.

"Administrative Expenses" means all expenses associated with the implementation and administration of the Program, including fees payable to third parties providing services related to the Program.

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"Administrative Fund" means the Illinois Secure Choice Administrative Fund created in Section 5.867 of the State Finance Act [30 ILCS 105].

"Beneficiary" means any person or entity designated by the participant to receive the benefits of the account in the event that the participant dies.

"Board" means the Illinois Secure Choice Savings Board or its designee or designees, which includes the Treasurer or one or more third party service providers.

"Business Day" means any day on which the New York Stock Exchange is open for trading.

"Close of Business" means the time of day that trading closes on the New York Stock Exchange, generally 4 p.m. Eastern Standard Time.

"Day" means any calendar day.

"Department" means the Department of Revenue.

"Employee" means any individual who is 18 years of age or older, who is employed by an employer, and who has wages that are allocable to Illinois during a calendar year under the provisions of Section 304(a)(2)(B) of the Illinois Income Tax Act [35 ILCS 5]. "Employee" includes both part-time and full-time employees.

"Employer" means a person or entity engaged in a business, industry, profession, trade, or other enterprise in Illinois, whether for profit or not for profit, that:

has at no time during the previous calendar year employed fewer than 25 employees in the State;

has been in business at least 2 years; and

has not offered a qualified retirement plan in the preceding 2 years.

"Fund" means the Illinois Secure Choice Savings Program Fund.

"Internal Revenue Code" means Internal Revenue Code of 1986 (26 USC), or any successor law, in effect for the calendar year.

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"Investment Policy" means the Investment Policy Statement adopted by the Board, pursuant to the Act, which includes a risk management and oversight program and sets forth the policies, objectives and guidelines that govern the investment of contributions to the Program.

"IRA" means a Roth IRA (individual retirement account) under section 408A of the Internal Revenue Code.

"IRS" means the Internal Revenue Service.

"Large Employer" means a person or entity engaged in a business, industry, profession, trade, or other enterprise in Illinois, whether for profit or not for profit, that:

has at no time during the previous calendar year employed fewer than 25 employees in the State;

has been in business at least 2 years; and

offers a qualified retirement plan, but notifies the Board that it is interested in offering the Program in addition to its qualified retirement plan.

"Online Portal" means the electronic platform utilized by the account administrator to manage the daily operations of the Program.

"Participant" or "Enrollee" means any individual who has an account.

"Participating Employer" means an employer, large employer or small employer that provides a payroll deposit retirement savings arrangement as provided for by the Act for its employees who are enrollees in the Program.

"Payroll Deposit Retirement Savings Arrangement" means an arrangement by which a participating employer allows enrollees to remit payroll deduction contributions to the Program.

"Program" means the Illinois Secure Choice Savings Program.

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"Qualified Retirement Plan" includes a plan qualified under sections 401(a), 401(k), 403(a), 403(b), 408(k) or 408(p) of the Internal Revenue Code. The term also includes an eligible governmental plan under section 457(b) of the Internal Revenue Code, as well as Simplified Employee Pension (SEP) plans, and Savings Incentive Match Plan for Employees (SIMPLE) plans. Payroll deduction IRA programs are not qualified retirement plans.

"Small Employer" means a person or entity engaged in a business, industry, profession, trade, or other enterprise in Illinois, whether for profit or not for profit, that:

employed less than 25 employees at any one time in the State throughout the previous calendar year;

has been in business less than 2 years; or

meets both of these criteria,

but notifies the Board that it is interested in being a participating employer.

"Treasurer" means the duly elected Treasurer of the State of Illinois or his or her designee or designees, which may include one or more third party service providers.

"Wages" means W-2 wages, as defined in 26 CFR 1.415(c) through 2(d)(4) that are *received by an enrollee from a participating employer during the calendar year.* [820 ILCS 80/5]

"Withdrawal" means a distribution of assets from an account.

SUBPART C: ADMINISTRATION

Section 721.300 Responsibilities of the Board

The Board is responsible for the administration, management and oversight of the Program. Its responsibilities include but are not limited to:

- a) designing and establishing a Program that is simple, safe, efficient, and in accordance with best practices for retirement savings vehicles;

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- b) contracting with third party providers such as investment managers, recordkeepers, consultants, auditors, counsel, or other providers as necessary for the administration of the Program;
- c) establishing an investment framework and selecting investment funds;
- d) establishing the enrollment and contribution processes for participants, including voluntary participation;
- e) identifying and contacting employers required to participate in the Program;
- f) establishing the default investment option, default contribution rate, and additional investment options, if any;
- g) monitoring, replacing and removing investment options;
- h) conducting outreach and education to employers and employees;
- i) designing and disseminating program materials and information, including employee and employer information packets;
- j) providing for the payment of any administrative or investment costs necessary to manage or operate the Program;
- k) overseeing and managing the Fund;
- l) preparing and adopting a written investment policy statement and risk management and oversight program; and
- m) preparing and submitting an annual audit of the Program to the Governor, Comptroller, Treasurer, and Illinois General Assembly.

Section 721.310 Responsibilities of the Treasurer

The Treasurer, or his or her designee, shall serve as chair of the Board. [820 ILCS 80/20] The Treasurer's duties include, but are not limited to, certifying to the Secretary of State, upon approval by the Treasurer, the Governor's Board appointments and preparing an annual report as specified in Section 80 of the Act. The Treasurer's Office serves as the administering agency for

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the administrative fund on behalf of the Board and shall provide administrative support to the Program as requested by the Board.

Section 721.320 Responsibilities of the Department

The Department is responsible for assessing and collecting penalties against employers who fail to enroll employees in the Program within the timelines prescribed by the Act and this Part. The Department may exchange information with the Board, Treasurer's Office and the Department of Employment Security for the purpose of implementing, administering and enforcing the Act.

Section 721.330 Investment Policy and Guidelines

- a) The investment policy is a written statement that describes the risk management and oversight program and should be designed to perform the following:
 - 1) ensure that an effective risk management system is in place to monitor the risk levels of the Program;
 - 2) outline the overarching investment framework of the Program, including, but not limited to, the investment options offered to participants and the composition of investment products;
 - 3) expand upon the corresponding asset allocation and glide paths associated with the necessary investment options offered to participants;
 - 4) provide an integrated process for overall risk management to ensure that the risks taken are prudent and properly managed and determine whether the risks taken are adequately compensated compared to applicable performance benchmarks and standards; and
 - 5) assess investment returns and set applicable benchmarks to assess the investment returns for underlying investment funds.
- b) The investment policy shall be adopted at a public meeting of the Board and posted *on the Board's or Treasurer's website* (see Section 721.720) *at least 30 days prior to implementation of the policy.* [820 ILCS 80/35]
- c) The investment policy shall be reviewed annually by the Board.

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- d) To serve the best interest of participants, the Board shall abide by the following investment principles when selecting investment options for the Program:
- 1) Low Cost – The investment options shall be constructed and administered in a manner that minimizes fees to participants. It is understood that these costs diminish the total return accorded to participants. The lowest cost index-based portfolios shall be viewed as the default standard in evaluating investment management fees.
 - 2) Open Architecture – The investment framework shall utilize an open architecture plan design, meaning it will not be required to use proprietary funds. The open architecture design shall allow the Treasurer to select the underlying investment funds. The open architecture design shall also provide the Treasurer with: access to best in class portfolio managers; the ability to use nonproprietary products; increased flexibility when choosing underlying strategies; and the ability to obtain the lowest participant fees for underlying investment funds and accounts.
 - 3) Market Performance – The investment options shall be constructed and administered in a manner that consistently tracks market performance, as measured in comparison to applicable market benchmarks, thus eliminating the potential for significant underperformance.
 - 4) Simplicity – The investment options shall be constructed and administered in a manner that provides a range of clear, easily understood options (defined in terms of expected risk/return) in order to maximize participation and savings. Furthermore, the Program shall be designed and administered in a manner that strives to achieve full transparency by delineating accordant investment expenses, program management fees, and administrative expenses. In addition, the Program shall provide a clear and simple investment approach for participants who fail to elect an investment option.
 - 5) Passive Versus Active Funds – The investment options shall consist of passively managed strategies that replicate the risk and return characteristics of their respective benchmarks. In asset classes in which passively managed strategies are not prevalent or in asset classes that are deemed to be inefficient, actively managed strategies may be considered.

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- e) The Board shall establish investment options for any or all of the following categories:
- 1) The Life-Cycle Fund Option shall be the default investment option. This fund option shall utilize dynamic asset allocations that adjust throughout glide paths that are tailored to meet investment objectives based on various investor time horizons while maintaining an optimal balance of investment risk and return. The funds move towards a more risk averse asset allocation as the target date approaches. These options shall be invested in pooled investment vehicles, such as mutual funds, that may include some or all of the following asset classes:
 - A) domestic and international equity;
 - B) domestic and international fixed income;
 - C) real estate investment trusts (REITs); and
 - D) cash and cash equivalent (i.e., money market funds).
 - 2) Static Portfolio Investment Option, which shall be composed of fixed asset allocations to fit a participant's risk profile (i.e., aggressive, moderate or conservative risk profiles). These options shall be invested in pooled investment vehicles, such as mutual funds, that may include some or all of the following asset classes:
 - A) domestic and international equity;
 - B) domestic and international fixed income;
 - C) real estate investment trusts (REITs); and
 - D) cash and cash equivalent (i.e., money market funds).
 - 3) Capital Preservation Investment Option, which shall be composed of high quality, short-term debt securities that reflect short-term interest rates with the objective of producing a rate of return that is higher than inflation while avoiding exposure to credit (i.e., default) risk and market price fluctuations.

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- f) The Board shall regularly monitor and review the investment options and its underlying investment funds that are offered to participants.

Section 721.340 Responsibilities of the Account Administrator

- a) The account administrator is responsible for the day-to-day oversight, recordkeeping and management of the Program, including coordinating with any third party investment managers or other service providers to ensure the safekeeping of accounts. The account administrator shall abide by the Act, this Part, and the investment policy adopted by the Board.
- b) The Board shall contract with the account administrator to provide services needed for the effective operation of the Program in accordance with all applicable federal and State laws and regulations. These services shall include, but are not limited to:
 - 1) developing forms and any operating documents;
 - 2) facilitating employer registration and participant enrollment;
 - 3) maintaining participant and beneficiary accounts and information;
 - 4) receiving contributions;
 - 5) blocking receipt of annual contributions to a participant's account in excess of the maximum annual IRA contribution limit;
 - 6) disbursing funds;
 - 7) identifying abandoned accounts and addressing missing participants;
 - 8) providing account owners with account information, transaction confirmations and account statements;
 - 9) developing and filing required reports and forms with State and federal agencies; and
 - 10) providing fraud prevention in accordance with industry standards.

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Section 721.350 Applicable Law

For guidance in the interpretation of the Act and this Part, the Treasurer may refer to the Internal Revenue Code, the Final Rule of the Employee Benefits Security Administration, the U.S. Department of Labor on Employee Pension Benefit Plan (29 CFR 2510.3-2(d)) and the Interpretive Bulletin Relating to Payroll Deduction IRAs (29 CFR 2509.99-1).

Section 721.360 Program Fees

- a) Fees for the Program, including administrative and investment fees, shall not exceed 0.75 percent (i.e., 75 basis points) of the total assets under management.
- b) The Board may charge an administrative fee, not to exceed 0.05 percent (i.e., 5 basis points) of total assets under management. This fee may be charged to defray certain expenses (e.g., marketing, auditing, program oversight) incurred by the Board or Treasurer in administering the Program.
- c) An investment manager may charge fees and expenses that are included in the cost of an underlying investment fund. The account administrator may also charge fees and expenses for maintaining and administering the Program.
- d) The administrative fees charged by the Board, account administrator and investment manager are reflected in the price of each investment option.

Section 721.370 Administrative Fund

The Illinois Secure Choice Administrative Fund is created as a nonappropriated separate and apart trust fund in the State Treasury. The Board shall use moneys in the Administrative Fund to pay for administrative expenses it incurs in the performance of its duties under the Act. The Board shall use moneys in the Administrative Fund to cover start-up administrative expenses it incurs in the performance of its duties under the Act. The Administrative Fund may receive any grants or other moneys designated for administrative purposes from the State, or any unit of federal or local government, or any other person, firm, partnership, or corporation. Any interest earnings that are attributable to moneys in the Administrative Fund must be deposited into the Administrative Fund. The State Treasurer shall be the administering agency for the Administrative Fund on behalf of the Board. [820 ILCS 80/16]

Section 721.380 Reporting Requirements

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- a) *The Board shall annually submit an audited financial report to the Governor, Comptroller, Treasurer, and General Assembly. Additionally, the Board shall provide periodic reports at least annually to participating employers, reporting the names of each enrollee employed by the participating employer and the amounts of contributions made by the participating employer on behalf of each employee during the reporting period, as well as to enrollees, reporting contributions and investment income allocated to, withdrawals from, and balances in, their Program accounts for the reporting period.*
- b) *The Treasurer shall prepare a report in consultation with the Board that includes a summary of the benefits provided by the Program, including the number of enrollees in the Program, the percentage and amounts of investment options and rates of return, and such other information that is relevant to make a full, fair, and effective disclosure of the operations of the Program and the Fund. [820 ILCS 80/80]*

Section 721.390 Forms

The Board may use forms provided or promulgated by the IRS or other federal agencies pursuant to the Program. The Board may also promulgate its own forms reasonably necessary to implement the Program.

Section 721.395 Information Packets

Prior to the opening of the Program for enrollment, the Board shall design and disseminate to all employers an employer information packet and an employee information packet, which shall include background information on the Program. [820 ILCS 80/55(a)] The employee information packet shall include a disclosure form, as well as a document with information on how to opt out of the Program or select a contribution rate other than the default contribution rate. Participating employers shall provide the employee information packets to employees upon launch of the Program and to new employees at the time of hiring. Alternatively, participating employers shall provide the account administrator with the employee contact information necessary for the account administrator to send employees the employee information packet. Informational packets may be updated as necessary. Delivery of information packets may also be accomplished electronically in accordance with 26 CFR 1.401(a)-21 or in any other form permitted by the IRS.

SUBPART D: PARTICIPATION IN THE PROGRAM

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Section 721.400 Eligibility

Provided they meet the requirements of section 408(A) of the Internal Revenue Code, the following employees are eligible to participate in the Program:

- a) All employees who work for employers that have 25 or more employees, that have been in business for at least 2 years, and that do not offer qualified retirement plans will be automatically enrolled in the Program;
- b) All employees who work for a small employer that chooses to offer the Program;
- c) All employees who work for a large employer that chooses to offer the Program in addition to a qualified retirement plan; and
- d) Any employee who works for an employer that does not offer the Program may set up his or her own account but may be required to make contributions through methods other than a payroll deduction.

Section 721.410 Registration and Enrollment

- a) The Board shall establish an initial implementation timeline under which participating employers shall register for the Program and facilitate enrollment of their employees into the Program. The Board shall approve the implementation timeline at a public meeting of the Board and make the timeline publicly available by posting it on the Board's or Treasurer's website (see Section 721.720).
- b) The account administrator shall notify employers of the dates on which registration and enrollment of employees may begin and the dates by which registration of employers and enrollment of employees must be complete. The account administrator shall also provide employers with access to an online portal to register for the Program and facilitate enrollment of their employees.
- c) Registration Information
 - 1) In order to register for the Program, employers shall verify the following information on the online portal:
 - A) Employer name and assumed business name, if any;

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- B) Federal Employer Identification Number;
 - C) Employer mailing address;
 - D) Name, title, telephone number and email address of an individual designated by the employer to serve as the point of contact;
 - E) Number of employees; and
 - F) Any additional information necessary for registration.
- 2) In the event that any of the information listed in this subsection (c) is not available on the online portal or inaccurate, employers shall provide the missing or correct information, as applicable.
- d) An employer who lacks access to the internet may register for the Program and facilitate enrollment of its employees through alternate means established by the Program, including by phone and paper forms.
- e) By a date specified by the Board, employers shall facilitate enrollment of their employees into the Program and provide the account administrator with the following information for each employee:
- 1) Full legal name;
 - 2) Social security number or taxpayer ID number;
 - 3) Date of birth;
 - 4) Mailing address;
 - 5) Employee's designated email address, if available;
 - 6) Employee's phone number, if available; and
 - 7) Any additional information needed to complete the enrollment when the information submitted for enrollment is unclear or insufficient, or when further information is required for purposes of administering the Program.

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- f) The Board shall establish an automatic enrollment process for employees, which shall include the establishment of an IRA by or on behalf of the State for an employee before the first payroll deduction is made for each employee who has not opted out of the Program.

Section 721.420 Voluntary Participation

- a) Small employers and large employers may choose to offer the Program to their employees.
- b) Small employers or large employers who voluntarily elect to participate in the Program shall notify the account administrator and shall register for the Program using the online portal.
- c) The account administrator will develop a process that allows for the enrollment of employees from small employers or large employers who elect to participate in the Program.
- d) The Board may, but need not, choose to allow for the automatic enrollment of employees from small employers and large employers as described in Section 721.410.
- e) The Board may allow individuals who do not work for a participating employer to enroll in the Program. The account administrator will develop a process that allows those individuals to open accounts and make contributions separate from an employer payroll system.

Section 721.430 Opt Out Procedures

- a) Employees who do not wish to participate in the Program will be given an opportunity to opt out before any payroll deduction contribution is made. The Board shall ensure that an employee has a minimum of 30 days from the time he or she is notified that the employer has facilitated the employee's enrollment before an IRA is established and the first payroll deduction is made to opt out of the Program.
- b) The account administrator shall provide employees with a number of opt out methods, including electronically and by phone.

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- c) Any employee who does not opt out of the Program within the 30 day period described in subsection (a) will be automatically enrolled in the Program, and an IRA will be established for that employee pursuant to Section 721.410(f) before the first payroll deduction is made.
- d) Employees can opt out by giving notice to the account administrator at least 30 days before the effective date of the Program, and participants may cease making contributions to their accounts at any time by giving notice to the account administrator. After receiving notice, the account administrator shall instruct the employer to cease payroll deductions for the participants.
- e) Employees who opt out of the Program may enroll at any time by following the Program's enrollment procedures.

Section 721.440 Termination of Participation

- a) An employer who begins offering a qualified retirement plan and becomes exempt from the Program may notify the account administrator of its exemption and terminate its participation in the Program.
- b) Employers who choose to terminate participation in the Program must notify the account administrator and participants at least 60 days before payroll contributions cease and provide them with information describing how to contact the account administrator.
- c) Accounts will remain in the Program and participants may continue to make contributions pursuant to Section 721.420(d), unless they elect to transfer or close their accounts, in accordance with Section 721.540 and Subpart F.

SUBPART E: ACCOUNTS, INVESTMENTS AND STATEMENTS

Section 721.500 Accounts

- a) Accounts are IRAs into which participants contribute funds that, in turn, are invested in investment options established by the Board pursuant to Section 721.330, such as a Life-Cycle Fund Option. A separate account will be established for each participant and accounts are owned by the participant.

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- b) Accounts shall be portable, and each participant will have one account, regardless of whether the participant makes contributions from a single employer or multiple employers (simultaneously or separately throughout the participant's lifetime).

Section 721.510 Contributions

- a) During the account revocation period, participant contributions will be directed into a capital preservation investment selected by the Board. As of the close of business on the business day coincident with or next following the expiration of the account revocation period, the existing balance in the account will be invested in the default investment option selected by the Board unless a participant has provided an alternate investment election.
- b) Participant contributions made subsequent to the end of the account revocation period will be directed into the default investment option at the default contribution rate selected by the Board, unless a participant has provided an alternate investment election.
- c) Participant contributions will be directed into the default investment option selected by the Board at the default contribution rate approved by the Board, unless a participant has provided alternate elections.
- d) Participants may select any contribution rate by notifying the account administrator.
- e) The account administrator shall notify employers of any changes to their participant employees' contribution rate, and the employer shall enter those changes into its payroll system as soon as administratively possible, not to exceed 30 days following receipt of the notification.
- f) Participants may direct their contributions to any of the available fund options offered by the Program by notifying the account administrator.
- g) The account administrator shall develop a process for participants to select their investment options and shall notify participants on how to make those selections.
- h) On each payroll date following enrollment into the Program, and in accordance with their participant employees' contribution rate, employers shall make the necessary payroll deductions and remit the contributions to the account

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administrator as soon as administratively possible, not to exceed seven business days from the date of deduction. Notwithstanding the foregoing, amounts deducted by employers shall not exceed the amount of the employees' wages after any payroll deductions required by law or court order to have a higher precedence than the participant's Program deduction.

- i) Failure by the employer to timely remit a participant employee's deducted wages to the account administrator constitutes an unlawful deduction under the Illinois Wage Payment and Collection Act [820 ILCS 115/9].

Section 721.520 Participant Statements

Account statements shall be provided to participants on a quarterly basis. The account statements may be sent by U.S. mail and/or provided electronically in accordance with 26 CFR 1.401(a)-21 or in any other form permitted by the IRS.

Section 721.530 Limits on Investment and Direction

- a) The Board may set limits on the number of times participants can change the investment options of their contributions or adjust their contribution rate in any calendar year.
- b) The Board shall select a default contribution rate for participants within the range of 3% to 6% of a participant's wages.
- c) The Board shall select a default investment option for the accounts, in accordance with Section 721.330.

Section 721.540 Rollovers, Transfers and Conversions

- a) At the direction of the Board, the account administrator shall develop processes through which a participant or beneficiary may roll over or transfer an account to a different retirement savings vehicle in accordance with the Internal Revenue Code. The Program may receive rollovers and transfers from other retirement savings vehicles in accordance with the Internal Revenue Code.
- b) During a conversion from one account administrator to another, the account administrator shall take all commercially reasonable steps necessary to effect an orderly transition of the relevant portions of its duties and responsibilities in a

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manner that provides for reasonable consideration for the best interests of the participants and beneficiaries, avoids the likelihood of an increase in economic loss, and avoids the likelihood of resulting liability to the Board, its members, or the State. The account administrator shall not impede or delay the orderly transfer of its duties and responsibilities.

SUBPART F: WITHDRAWALS

Section 721.600 Withdrawals

A participant may make a withdrawal of funds from his or her account at any time. Withdrawals shall be subject to any applicable State and federal income tax obligations and may be subject to penalties under the Internal Revenue Code.

Section 721.610 Withdrawal Method

A participant may request a withdrawal of funds from his or her account by submitting a completed withdrawal request to the account administrator. This request may also be accomplished electronically or in any other form permitted by the IRS.

Section 721.620 Closure

A participant may close his or her account at his or her direction, or an account may be closed by a process established by the Board if:

- 1) all funds from the participant's account have been withdrawn pursuant to Section 721.600; or
- 2) all funds from the participant's account have been rolled over or transferred pursuant to Section 721.540.

SUBPART G: MISCELLANEOUS

Section 721.700 Abandoned Accounts

An account will be presumed abandoned according to the unclaimed property law of the state of the last known address of the participant. If the last known address of the participant is in Illinois, the provisions of the Revised Uniform Unclaimed Property Act [765 ILCS 1026] shall apply. If there is no last known address of the participant in the Program records, federal

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common law shall determine the state with the first priority claim.

Section 721.710 Disclosure

The Board may disclose aggregate data that does not include information that is identifiable by participant or employer for purposes of research or reporting associated with the Program. The Board may disclose information that it is required to disclose under the Freedom of Information Act [5 ILCS 140]. The Board may disclose account information to the account administrator, the providers of investments for the Program, the Treasurer's Office, Illinois Department of Revenue, Illinois Department of Employment Security, regulatory agencies to the extent disclosure is required by law, and to other persons or entities to the extent the disclosure is necessary to administer the Program.

Section 721.720 Website

Information regarding the Program is available on the Treasurer's website at www.illinoistreasurer.gov or the Board's website at www.ilsecurechoice.com.

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- 1) Heading of the Part: Intergovernmental Drug Enforcement Act
- 2) Code Citation: 20 Ill. Adm. Code 1220
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1220.110	Amendment
1220.120	Amendment
1220.130	Amendment
1220.220	Amendment
1220.310	Amendment
1220.320	Amendment
1220.330	Amendment
1220.340	Amendment
1220.350	Amendment
1220.360	Amendment
1220.370	Amendment
1220.380	Amendment
1220.390	Amendment
- 4) Statutory Authority: Implementing and authorized by the Intergovernmental Drug Laws Enforcement Act [30 ILCS 715]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments will update statutory citations, the name of the Department, and confidential source information. The records retention schedule is being changed from 3 years to 5 years. With respect to audits, the date auditing is set to begin is September 1, with the final report due no later than December 31. The time frame for completion of the audit is being changed from 115 days to 120 days. Travel costs for the auditing firm are being removed as a reimbursable expense. Information relating to foreign travel costs for employees is being added. Updates to costs requiring prior Department approval, fund disbursements, procurements requirements, special considerations, and use of property are also being made.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rules currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The amendments will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed amendment. The submissions must be in writing and directed to:
- Matthew R. Rentschler
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703
- 217/782-7658
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Law enforcement agencies participating in a MEG Unit will be affected.
- B) Reporting, bookkeeping or other procedures required for compliance: MEG Units must maintain statutorily mandated records.
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: January 2018

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

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1220
INTERGOVERNMENTAL DRUG ENFORCEMENT ACT

SUBPART A: PROMULGATION

Section	
1220.110	Authority
1220.120	Definitions
1220.130	Public Policy

SUBPART B: OPERATIONS

Section	
1220.210	Planning and Execution of an Operation
1220.220	Confidential Sources

SUBPART C: FINANCIAL REGULATIONS

Section	
1220.310	Records
1220.320	Matching Contributions
1220.330	Administrative Policies
1220.340	Audits
1220.350	Budget
1220.360	Fund Disbursements
1220.370	Accounting Standards
1220.380	Use of Property
1220.390	Confidential Expenditures

AUTHORITY: Implementing and authorized by the Intergovernmental Drug Laws Enforcement Act [30 ILCS 715].

SOURCE: Adopted at 3 Ill. Reg. 1, p. 66, effective December 20, 1978; amended at 5 Ill. Reg. 6450, effective June 3, 1981; codified at 7 Ill. Reg. 14506; amended at 8 Ill. Reg. 13767, effective July 20, 1984; recodified from the Department of Law Enforcement to the Department of State Police pursuant to Executive Order 85-3, effective July 1, 1985, at 10 Ill. Reg. 3280;

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amended at 10 Ill. Reg. 4930, effective March 11, 1986; amended at 42 Ill. Reg. _____, effective _____.

SUBPART A: PROMULGATION

Section 1220.110 Authority

This Part is promulgated pursuant to the Intergovernmental Drug Laws Enforcement Act ~~[30 ILCS 715], Public Act 80-617~~, which charges the Illinois Department of ~~State Police~~~~Law Enforcement~~ to establish reasonable rules. Additionally, the Department is charged with coordinating the operations of all MEG Units, conducting those investigations the Director deems necessary to carry out the Department's designated duties under ~~that~~~~this~~ Act, including the establishment of forms for reporting by each MEG Unit to the Department.

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

Section 1220.120 Definitions

"Act" – The Intergovernmental Drug Laws Enforcement Act; ~~[30 ILCS 715]Chapter 56½, Sections 1701-1706.~~

"Board" – A policy board composed of an elected official, or his/~~her~~ designee, and the chief law enforcement officer, or his/~~her~~ designee, from each participating unit of local government to oversee the operations of the MEG and make such reports to the Department as the Department may require.

"Confidential Source" – Any individual, other than law enforcement personnel, who is or whose purpose is to supply intelligence information or services to the MEG Unit, whether paid or not.

"Coordinator" – That person designated to coordinate MEG activities for the Department of ~~State Police~~~~Law Enforcement~~.

~~"DCI" – The Division of Criminal Investigation within the Illinois Department of Law Enforcement.~~

"Department" ~~or "DSP"~~ – The Illinois Department of ~~State Police~~~~Law Enforcement~~.

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"Director" – The Director of the Illinois Department of ~~State Police~~Law Enforcement.

"Fiscal Officer" – A designated appropriate elected official of a participating unit of local government to act as the financial officer of the particular MEG and person responsible for receiving and expending funds for the operation of the MEG.

"MEG Director" – That person appointed by a governing board responsible for supervising the day-to-day operations of a particular unit.

"Metropolitan Enforcement Group ~~(MEG)~~" or "MEG" – A combination of units of government established through an intergovernmental agreement to enforce the drug laws of this State.

"Monitor" – That person in the Department ~~of Law Enforcement~~ designated to monitor the MEG Units.

"Shall" – A term used to indicate a mandatory statement.

"Should" – A term used in the interpretation of a standard reflecting the commonly acceptable method, yet allowing for the use of effective alternatives when the standard can be shown to be inappropriate.

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

Section 1220.130 Public Policy

- a) Purpose
To the end that the health, safety and welfare of the People of the State of Illinois should be protected from those who would violate the laws regulating the production, sale, prescribing, manufacturing, administering, transporting, having in possession, dispensing, delivering, distribution or use of a controlled substance, as defined in the Illinois Controlled Substances Act ~~[720 ILCS 570]-(Ill. Rev. Stat. 1981, ch. 56½, pars. 1100 et seq.)~~, and cannabis, as defined in the Cannabis Control Act ~~[720 ILCS 550]-(Ill. Rev. Stat. 1981, ch. 56½, pars. 701 et seq.)~~, the Department of ~~State Police~~Law Enforcement establishes rules for the purpose of coordinating the operation of all MEG Units and ~~for reporting to report~~ those activities annually to the Governor and the General Assembly.

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- b) **Adherence to Professional Standards**
All MEG personnel and operations shall be conducted in such a way as to bring credit, and not discredit, upon the Unit, the department the individual represents, and the Department of ~~State Police~~Law Enforcement.
- c) **Discrimination Prohibited**
No person operating under this Part shall discriminate against any individual on the basis of race, color, religion, sex or national origin in any manner prohibited by the laws of the United States or the State of Illinois.
- d) **Interference with Department Staff Prohibited**
No person shall hinder, interfere, obstruct or intervene with any inspection or investigation conducted by the Department pursuant to the ~~provisions of the~~ Act.
- e) **Notification to the Department**
The MEG Director will notify the DSP Director, or his/her designee (Coordinator), and the authority of local jurisdiction by telephone immediately, ~~with and~~ follow up in writing within ~~twenty four (24)~~ hours ~~after of~~ any instance of:
- 1) The discharge of weapons in any situation (except in cases of required training);
 - 2) Complaints of misconduct against the Unit or any individual in the Unit;
 - 3) Serious injuries sustained by agents or defendants due to an arrest situation.
- f) **Rights**
Each MEG Director and ~~agent~~Agent shall, in all cases of action by agents of his/her Unit, insure that each person confronted or arrested by a member of his/her Unit receives those privileges afforded by the laws and Constitutions of the United States and the State of Illinois.
- g) **Information**
The Director may request and will receive all information written or oral that he/she deems necessary to evaluate the MEG Units.

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- h) Standards of Conduct
The MEG Director and his/her agents~~Agents~~ shall adhere to the Department's established standards of conduct as provided.

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

SUBPART B: OPERATIONS

Section 1220.220 Confidential Sources

- a) General
Confidential sources are to be utilized to achieve their full potential value to the Unit. They shall not be considered for the exclusive use of the agents~~Agent(s)~~ who developed the individual as a source of information.
- b) Identification of Confidential Sources
For internal record keeping purposes, all~~All~~ confidential sources will be identified, using Department guidelines. As used in this Section, however, "identification" of confidential sources does not necessarily imply disclosure to entities outside the Department and the relevant MEG Unit. Disclosure to those entities shall also be governed by the applicable Department guidelines, as well as the applicable rules of law.~~the following as minimum standards:~~
- 1) ~~Full name;~~
 - 2) ~~General identifying data—date/place of birth, address, telephone, height, weight, sex, race, etc.;~~
 - 3) ~~Fingerprinted and photographed;~~
 - 4) ~~Record checks—FBI Number, DLE Number;~~
 - 5) ~~Narcotic or drug use information;~~
 - 6) ~~Coded.~~
- c) Juveniles
No juvenile will be used or receive any money as a confidential source without written approval of his/her parent or guardian and the MEG Director.

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- d) **Illegal or Improper Activity**
In all cases ~~in which~~~~where~~ the confidential source's activity is suspected of being illegal or improper, the MEG ~~agents shall~~~~Agents will~~ conduct an investigation and report the results to the appropriate authority.
- e) **Reports**
MEG Directors ~~shall~~~~will~~ make available to the Department information summarizing the activity of the confidential source. Included shall be records of all monies paid and a recommendation for continued or discontinued utilization.
- f) **All information in the confidential source file ~~shall~~~~will~~ remain confidential and may not be disclosed unless prescribed by law.**

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

SUBPART C: FINANCIAL REGULATIONS

Section 1220.310 Records

- a) **Procedure**
Every MEG Unit must maintain the following:
- 1) Records ~~that~~~~which~~ fully disclose the total receipts and expenditures of the MEG Unit.
 - 2) Records ~~that~~~~which~~ fully disclose the disposition of all ~~Department~~~~DLE~~ funds for the MEG Unit.
 - 3) Records ~~that~~~~which~~ fully disclose the amount of money and/or in-kind match provided for the MEG Unit by sources other than ~~the~~~~Department~~~~DLE~~.
 - 4) Any other records requested by ~~the~~~~Department~~~~DLE~~ to facilitate an effective audit.
- b) **Accounts**
- 1) MEG Units accounts ~~shall~~~~will~~ be maintained in conformity with the

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category and subcategory detail shown in the detailed budget submitted. The MEG Unit may make allotments and account expenditures in further subcategory detail if so desired, and an account will be maintained for each such allotment.

- 2) Expenditures ~~shall~~will be recorded in a formal account. The record of expenditures may be maintained in the agency's regular accounts if the expenditures are clearly identified ~~in those accounts therein~~ and ~~the~~ memorandum records are maintained ~~that which~~ separately identify the expenditures.
- c) **Recording of Receipts and Expenditures**
Accounting procedures must provide for an accurate and timely recording of receipt of funds by source, of expenditures made from ~~thesuch~~ funds, and of unexpended balances. Controls must be set up to ensure that expenditures charged to MEG activities are for allowable purposes and that documentation is readily available to verify that ~~thosesuch~~ charges are accurate.
- d) **Intermediate Records**
Intermediate or secondary records, such as ledger cards, weekly or monthly cost summaries, cost analysis reports, letters of justification, or technical cost appraisals, are not supporting records and cannot be used in place of the supporting records. For purposes of audit, expenditures ~~shall~~will be supported by both the supporting records and intermediate records.
- e) **Supporting Records (Documentation)**
Supporting records are the original or source records and documents ~~that which~~ evidence expenditures made and ~~that which~~ underlie the accounting transactions. Daily time records and payroll records evidencing labor costs, invoices for purchases of capital equipment and supplies or services, computations ~~that which~~ show the method used in allocating indirect costs, authorizations to perform or discontinue work, change orders to the scope of the work, and similar documents and records serve as supporting records.
- f) **Responsibility**
Each MEG Unit is required to maintain, or cause to be maintained, all records (including source documentation) relating to programs undertaken as evidence of costs incurred. It is the responsibility of the MEG Unit to assure that an accounting system is in effect ~~that which~~ conforms to generally accepted

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accounting principles and ~~that which~~ fully discloses the amount and disposition of the State funds, the amount and disposition of the matching contributions, and such other records as will facilitate an effective audit. It is also the responsibility of the MEG Unit to assure that procedures are established and supporting documentation is developed to substantiate allowable costs.

- g) Maintenance of Records
MEG Units are expected to insure that records of each fiscal year are separately maintained and that the information required can be readily located. The MEG Units are also obliged to protect records adequately against fire or other damage. When records are stored away from the principal office, a written index of the location of records stored should be on hand and readily accessible. ~~The Such~~ records should be maintained in an orderly manner and must be available for audit purposes.
- h) Retention of Records
- 1) Financial records of the MEG Unit, including books of original entry, source documents, the general ledger, subsidiary ledgers, personnel and payroll records, cancelled checks, and related documents and records must be retained for a period of ~~53~~ years or the period of time required by the Secretary of State's Local Records Commission, whichever is greater. The retention period starts from the date of the submission of the final expenditure report or ending date of the fiscal year, whichever is later. The ~~53~~-year retention period is qualified as follows:
 - A) Records for non-expendable property acquired with project funds shall be retained for ~~53~~ years after final disposition of that property.
 - B) Records must be retained beyond the ~~53~~-year period if an audit is in progress and/or the findings of a completed audit have not been resolved satisfactorily. If an audit is completed and the findings are resolved prior to the ~~53~~-year period, records will still be retained until the end of the ~~53~~-year period.
 - C) ~~The Department DLE~~ may request transfer of certain records to its custody from local governments when it determines that the records possess long term retention value.

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- 2) Program records of the MEG Unit must be retained for a period of 53 years. Program records are all records other than financial. The retention period starts from the date of the submission of the final expenditure report or ending date of the fiscal year, whichever is later. The 53-year retention period is qualified as follows:

Records must be retained beyond the 53-year period if an audit is in progress and/or the findings of a completed audit have been resolved satisfactorily. If an audit is completed and the findings are resolved prior to the 53-year period, records will still be retained until the end of that 53-year period.

- 3) No record of the MEG Unit may be destroyed or otherwise disposed of unless the State Archivist or the Secretary of State's Local Records Commission has been notified and has given the MEG Unit written approval, as required by the Local Records Act [50 ILCS 205](~~Ill. Rev. Stat. 1981, ch. 116, pars. 43.101 et seq.~~).

- i) Department's Fiscal Report
A Fiscal Report~~DLE fiscal report~~ will be submitted to the Department~~DLE~~ by the 30th day following the end of each fiscal quarter, reporting State and local expenditures. Obligations will be reported that~~which~~ are unliquidated at the end of the quarter. All obligations not liquidated by the end of the lapse period (September 30) will become the responsibility of the local participants. The MEG Unit fiscal year shall commence July 1 and close June 30.

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

Section 1220.320 Matching Contributions

Requirements –

~~The~~ the following subsections~~subparagraphs~~ set forth local matching contribution requirements.:

- a) All MEGs requesting Department~~DLE~~ funds must be prepared to provide at least 50 percent of the total fiscal year project cost.

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- b) Matching cost contributions can be from local or private sources and shall consist~~consisting~~ of the following:
- 1) Cash match from funds appropriated by units of local ~~units of~~ government, or cash from private and not-for-profit organizations, donations and contributions.
 - 2) In-kind resources (services, equipment, goods or facilities).
- c) Assets and equipment acquired under Illinois Criminal Justice Information Authority~~ILEC~~ grants may not be provided as match.

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

Section 1220.330 Administrative Policies

- a) General
To be allowable, costs must meet the following general criteria:
- 1) Be necessary and reasonable for proper and efficient administration of the program, be allocable to the program~~thereto~~ under these principles, and, except as specifically provided in this Section~~herein~~, not be a general expense required to carry out the overall responsibilities of local governments.
 - 2) Be authorized by, or in conformity with, local laws or regulations.
 - 3) Conform to any limitations or exclusions set forth in this Part or other governing limitations as to types or amounts of cost items.
 - 4) Be consistent with policies, regulations and procedures that apply to the unit of government of which the MEG is a part.
 - 5) Be accorded consistent treatment through application of generally accepted accounting principles appropriate to the circumstances.
- b) Conflict of Interest
- 1) No official or employee of any MEG Unit shall knowingly participate

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personally in any matter in which ~~DepartmentDLE~~ funds are used or in which an, where immediate family member, partner, or any person or organization with whom he/she is negotiating or has any arrangement concerning prospective employment, has a financial interest.

- 2) No MEG Unit shall employ a former ~~DepartmentDLE~~ employee for any purpose directly or indirectly connected with the administration, operation or evaluation of a ~~DepartmentDLE~~ funded MEG Unit without prior written approval of the Director.
- 3) In the use of ~~DepartmentDLE~~ funds, any official or employee of the unit of local unit of government or a non-government grantee shall avoid any action that which might result in, or create the appearance of:
 - A) Using his/her official position for private gain.
 - B) Giving preferential treatment to any person.
 - C) Losing complete independence or impartiality.
 - D) Making an official decision outside official channels.
 - E) Affecting adversely the confidence of the public in the integrity of the government or the program.
- c) Reporting Irregularities
The MEG Director is responsible for reporting promptly to the ~~DepartmentDLE~~ the nature and circumstances surrounding any financial irregularities discovered. Failure to report known irregularities can result in suspension or other remedial action.
- d) Program Income
 - 1) Definition. Program income represents earnings by the MEG Unit realized from the State-supported activities. Program income includes, but is not limited to, interest earned, income from service fees, sale of commodities, usage or rental fees, restitution, and seized funds or assets.
 - 2) Disposition of ~~Program Income~~program income.

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- A) Interest income earned, restitution, and seized funds and assets ~~shall~~will be retained by the MEG Unit to be utilized in the MEG Program as matching funds.
 - B) All other program income requires the approval of the DepartmentDLE prior to ~~its use or disposal~~using or disposing of it.
- e) Minutes of Meetings
The proceedings of all Supervisory, Advisory, Ad Hoc and Executive committees or commissions should be recorded as official minutes and maintained by the MEG Unit. Copies of the official minutes ~~shall~~will be forwarded to the DepartmentDLE MEG Coordinator. The minutes should be made available to the general public when mandated by law or DepartmentDLE staff.

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

Section 1220.340 Audits

- a) Annual Audit
The Department shall have an audit of the MEG units conducted by a certified public accounting firm selected pursuant to this Section. The audits shall be submitted to the Department by December 31 for the fiscal period having ended June 30 of the previous~~that~~ year.
- b) Selection of Auditor
 - 1) The Department shall select the auditing firm from those who have submitted bids. Prior to selecting the auditing firm, the Director shall refer the bids to a committee comprised of members of the Department representing the Office of Internal Auditing; the Division of Administration, Bureau of Fiscal Management; the Division of Criminal Investigation; and such other members as the Director determines are appropriate based upon their experience and qualification.
 - 2) The Committee shall consider the following criteria in order of rank of importance in recommending an auditing firm to the Director.
 - A) Time Frame for Completion

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- i) All field work will begin September 1, and must be completed within 60 days ~~of execution of the contract.~~
 - ii) A draft report must be prepared and filed with the Director within 35 days of the completion of subsection (b)(2)(A)(i) supra.
 - iii) A final report shall be filed with the Director no later than December 31 ~~within 25 days of subsection (ii).~~
 - iv) In no event may the time for completion of the requirements of this subsection (b)(2)(A) ~~subsections (i)–(iii)~~ exceed 120+15 days.
- B) Reputation and Experience of the Firm
- i) The firm shall provide the Department with evidence of its license and good standing with the Department of Financial and Professional Regulation ~~Registration and Education of the State of Illinois.~~
 - ii) The firm shall provide the Department with evidence that its personnel assigned to the audit are familiar with, and experienced in, conducting governmental audits involving grant programs.
 - iii) The firm shall identify preliminary areas of problems and difficulties and a description of potential methods to solve those ~~such~~ problems.
- C) Cost
- The cost of the audit shall be limited to professional services and, administrative costs ~~and travel costs~~ which shall be reimbursed as follows: ~~according to (a)~~
- i) 75 percent upon completion of the draft report; ~~and (b)~~
 - ii) 25 percent upon acceptance of the final report by the

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Department.

c) Audit Scope

Each audit shall consist of a financial and compliance component of the MEG operations. Each audit shall consist of two components with coverage of at least those items listed in ~~this subsection~~ ~~subsections (c)(1) and (c)(2)~~. The scope of review shall be broad enough to include expenditures and activities of MEG units with unique operations. The time frame of the examination shall be the Department's Fiscal Year including an additional 90 days ~~in which~~ ~~wherein~~ expenses for obligations incurred during the fiscal year shall be paid.

1) Financial Examination

The examination shall include, on a test basis, a review of the receipts and expenditures of State and local funds, including any necessary supporting documentation. ~~The requirements of Subpart C Sections 1220.310, 1220.320, 1220.330, 1220.350, 1220.360, 1220.370, 1220.380 and 1220.390 should be considered in conducting to conduct~~ this financial review, and ~~the review shall~~ render an opinion on the financial statements, which are to be presented on the accrual basis.

2) Compliance Review

The compliance review shall consist of an examination of documentation to determine if there has been adherence to State and local regulations concerning the allowability of receipts and expenditures, such as the prohibition of payment for unauthorized travel. A paragraph attesting to ~~that such~~ compliance, or non-compliance, shall be included in the report. ~~The audit shall consider: The listed subsections shall be consulted.~~

A) ~~Development of~~ ~~Planning to develop~~ necessary plans and concepts for the MEG operations- (see Sections 1220.210, 1220.220, 1220.320 and 1220.350-);

B) Management policies, procedures and controls to promote efficient and effective operations, and assure that accurate records have been generated from the MEG operations- (see Sections 1220.310, 1220.320, 1220.330, 1220.350, 1220.360, 1220.370 and 1220.390-);

C) The expenditure of State and matching funds to ensure that they

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are properly recorded and controlled, ~~are~~ expended for the purposes agreed upon, and have been properly reported- (~~see~~ Sections 1220.310, 1220.320, 1220.350, 1220.360 and 1220.390-);

- D) Non-financial resources, such as custody, utilization and control over property, equipment and supplies- (Section 1220.380-).

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

Section 1220.350 Budget

a) Personnel

- 1) Written personnel policies are required and will include work hours to be maintained by employees, vacation and sick leave allowances, payment of accrued vacation at the end of employment, and overtime. The policies should also set forth employee benefits ~~which will be provided to employees~~ and information related to pay increases, promotions, and all other pertinent personnel policies and regulations.
- 2) Amounts charged for personnel services must be based on payrolls documented and approved in accordance with the generally accepted practice of the local agency. Payrolls must be supported by time and attendance records for individual employees. These records must demonstrate the days and hours worked on the MEG Unit.
- 3) Dual compensation is prohibited (i.e., the individual may not receive increased compensation from a second source for the same unit of work done at the same time).
- 4) The salaries and job titles of individuals must be outlined in an approved budget.
- 5) Appropriated State money cannot be used to pay the salaries of local and county sworn agents, with the exception of the Unit Director, unless prior approval from the Department is obtained. Determination will be made in accordance with existing resources or other relevant data.

b) Equipment

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Equipment must be outlined in the approved budget and be necessary.

- c) **Consultants (Professional Services)**
The requirement of professional services with respect to arrangements with individuals, other government units and non-government organizations or consultants needs prior approval by the Department~~DLE~~.
- d) **Other Contractual**
Other contractual costs may include the costs of utilities, equipment, rentals, evaluation and ~~facilities~~facility costs. These are considered as "other contractual" in that they generally are incurred as a result of an agreement, letter of intent, contract or lease.
- e) **Travel**
 - 1) Travel costs are allowable for expenses for transportation, lodging, subsistence and related items incurred by employees who are on official business incident to a MEG program. ~~These~~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 is applied to an entire trip, and results in charges consistent with those normally allowed in like circumstances in non-State sponsored activities. The difference in cost between first-class air accommodations and less-than-first-class air accommodations is not allowable except when less-than-first-class air accommodations are not reasonably available. Meals may not be claimed if travel is within the employee's headquarters' city.
 - 2) **Foreign Travel.** Foreign travel is defined as any travel outside of Canada and the United States and its territories and possessions. Foreign travel costs are allowed only when the travel has received specific prior approval from the Department or MEG Policy Board~~by DLE and each separate foreign trip has been specifically approved by DLE~~.
 - A) Foreign travel costs for Department employees are allowed only when each specific foreign trip has received specific prior approval by the Department.
 - B) Foreign travel costs for non-Department MEG employees are allowed only when each separate foreign trip has received specific

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prior approval by the relevant MEG Policy Board.

- 3) Expenses between the employee's residence and headquarters are not allowable charges.
 - 4) Travel costs must be supported by travel vouchers ~~that~~which contain dates, places, and purposes of travel. Motel or hotel bills and train or airplane ticket receipts must support these charges. State and Department ~~DLE~~ travel regulations must be complied with.
- f) **Commodities**
Commodities include supplies and materials. The cost of materials and supplies necessary to carry out MEG operations is allowable. Purchases made specifically for the MEG program should be charged to that program~~thereto~~ at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the MEG Unit. Withdrawals from general stores or stockrooms should be charged at cost under any recognized method of pricing consistently applied. Incoming transportation charges are a proper part of material costs. All purchases of commodities must be supported by purchase orders, invoices or cancelled checks with vouchers supporting the amounts.
- g) **Other Allowable Costs**
- 1) Conferences, lunches or dinners, reimbursement for which are limited by the Department of Central Management Services' Travel Regulations, to the extent that the funds are State appropriated.
 - 2) Confidential expenditures. Confidential expenditures are payments to informants, purchases of materials as evidence (narcotics), or other uses as may be required by law enforcement personnel working in an undercover capacity as provided in Section 1220.390.
- h) **Unallowable Costs**
- 1) Bad Debts. Any losses arising from uncollectible accounts and other claims and related costs.
 - 2) Contingencies. Contributions to a contingency reserve or any similar provision for unforeseen events.

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- 3) Contributions and Donations.
- 4) Entertainment. Costs of amusements, social activities, and incidental costs relating ~~to those activities thereto~~, such as meals, beverages, lodging, rentals, transportation, and gratuities.
- 5) Fines and Penalties. Costs resulting from violations of, or failure to comply with, ~~federal~~Federal, State, and local laws and regulations.
- 6) Interest and Other Financial Costs. Interest on borrowings (however represented), bond discounts, cost of financing and refinancing operations, and ~~related~~ legal and professional fees ~~paid in connection therewith~~.
- 7) Inappropriate Expenditures. Expenditures not related to the program purpose or unreasonable as to cost benefits derived.
- 8) Purchase of Unit Owned Equipment. Program funds may not be used to provide reimbursement for the purchase price of equipment already owned by the Unit unless specifically approved by ~~the Department~~DLE based upon economic need of the Unit and availability of resources of the Unit.
- 9) Pre-Award Costs. Award costs incurred after the funding period termination or prior to award.
- 10) Indirect Costs. The Department ~~of Law Enforcement~~ shall not allow reimbursement of ~~Department~~DLE funds for the indirect costs of preparing an application in the awarding of any funding. The intent of this policy is to concentrate the use of State funds on crime control activities.
 - i) Costs Requiring Prior ~~Department~~DLE Approval, When Department Funds Will Be Expended. If the MEG Unit has a Fiduciary Agreement, those rules will be followed for procurement. Otherwise, subsection (i) shall be followed. In the event of conflict between a MEG Unit's Fiduciary Agreement and subsection (i), subsection (i) shall control.
 - ~~1)~~ Purchase or lease of Automatic Data Processing Equipment.
 - 12) Office space or other space rental ~~when~~where rent is in excess of \$7.00 per

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square foot.

- ~~23~~) Remodeling or alterations to real property in excess of \$1,500.
- ~~34~~) Purchases with a cost greater than the small purchase threshold as determined by the Chief Procurement Officer for General Services (CPO-GS). ~~Purchase of equipment with a unit cost in excess of \$5,000 or where the aggregate exceeds \$10,000.~~
- ~~45~~) Management studies to improve Unit effectiveness and efficiency.
- ~~56~~) Pre-agreement costs or costs incurred prior to the beginning of a new fiscal period.
- ~~67~~) Indirect Cost Plans.
- ~~78~~) Foreign Travel. Defined as travel outside of the United States or its possessions and Canada.
- ~~89~~) Sole Source Purchases greater than the small purchase threshold as determined by the CPO-GS. ~~The aggregate of which is expected to exceed \$1,500.~~
- ~~94~~) Fixed fee contracts in excess of \$1,500.
- ~~1044~~) Consultant fees.
- ~~1142~~) Salaries paid by State appropriated money for sworn agents, with the exception of the Unit Director ~~unit director~~.

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

Section 1220.360 Fund Disbursements

- a) Cash Advances
The MEG Unit shall be reimbursed for expenses incurred upon submission of the ~~DLE~~ Fiscal Report. The Department ~~DLE~~ recognizes that, in some instances, the Unit may not possess sufficient local financial resources to support the Unit on a reimbursable basis and that individual units may require cash advances for

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anticipated operational costs. Consequently, the MEG Unit may request a cash advance to cover projected costs for a subsequent fiscal quarter. ~~These~~^{Such} requests must be in writing and should include the purpose of the proposed expenditure and the reasons necessitating the advance.

b) Sanctions

- 1) Those MEG Units not submitting Fiscal Reports will be ~~sent a late notice via e-mail to the MEG contact~~^{mailed a late notice} and will have 30 days to respond. If no response is received to the first late notice, a second late notice will be ~~sent via e-mail~~^{mailed} and will state that, unless a Fiscal Report is received within 15 days, disbursement of funds will be suspended ~~and a request to return any unspent funds may be sent.~~
- 2) Should no response be received to the second late notice, a registered letter will be sent to the MEG Director and the responsible authorized official notifying them of the suspension. In order to activate the suspended funds ~~and to keep any unspent funds~~, a written response will be required of the policy board to include explanation of deficient reporting, corrective action to be taken, and a current Fiscal Report.
- 3) If the action required to activate a suspension is not taken within 45 days, then appropriate measures will be taken to terminate funding ~~and recover any unspent funds.~~

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

Section 1220.370 Accounting Standards

a) Financial Responsibility

- 1) Accounting records should provide the information needed to separately identify the receipts and expenditures of State and other matching funds.
- 2) Entries in accounting records should refer to subsidiary records and/or documentation ~~that supports~~^{which support} the entry and ~~that~~^{which} can be readily located.
- 3) The accounting system should provide accurate and current financial

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information.

- 4) The accounting system should have an adequate system of internal controls to safeguard the funds and assets covered, check the accuracy and reliability of accounting information, and promote operational efficiency.
- b) Internal Control
- 1) While it is recognized that many MEG Units have limited staffs, sound internal control requires a certain minimum separation of financial duties. Therefore, no one individual may control all of the following activities:
 - A) Authorization to initiate expenses, purchase orders, etc.
 - B) Approving vouchers for payment.
 - C) Signing checks.
 - D) Recording transactions in books of account.
 - E) Responsibility for physical custody of vouchers, payroll records, cancelled checks, and books of account.
 - 2) All MEG Units are required to establish a pre-voucher review in order to assure proper payment of funds. The person who signs the checks must assure himself/herself by review of the accompanying voucher, time sheet, or any other reasonable means that payment is correct. The person who initials and/or approves a voucher for payment may not be the sole signer of the check paying for those goods nor may he/she be delegated the entire pre-voucher review responsibility. Financial officers have the responsibility and authority to disallow payment of expenditures made contrary to the requirements of [subsection \(b\)\(2\)these guidelines](#).
 - 3) Financial activities should be separated into the following functions and each should be performed by a different individual:
 - A) Initiating expense and approving payment.
 - B) Disbursing funds or signing checks.

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- C) Recording transactions into books of account.
- 4) All MEG Units are required to have an annual audit performed by a Certified Public Accountant.
- c) Contractual Responsibility
The MEG Unit is the responsible authority, without recourse to ~~the Department DLE~~, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in support of the MEG Unit. Matters concerning violation of law are to be referred to such local, State or ~~federal Federal~~ authority as may have proper jurisdiction.
- d) Procurement Requirements
The requirements outlined ~~in this subsection (d) below~~ represent minimum State standards for the procurement of goods and services with ~~Department DLE~~ funds; MEG Units may use their own applicable local rules and regulations if ~~thosesueh~~ standards meet or exceed the following:
- 1) The MEG Unit shall develop or maintain a code of conduct, in addition to the ~~Department DLE~~ rules of conduct, which shall govern the performance of its officers, employees, or agents in contracting with or expending ~~Department DLE~~ funds. To the extent permissible by State or local law, rules or regulations, ~~thesesueh~~ standards shall provide for penalties, sanctions, or disciplinary actions to be applied for violations of these standards. Officers, employees or agents of the MEG Unit shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors.
 - 2) All procurement transactions, regardless of whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner so as to provide maximum and free competition. The MEG Director should be alert to organizational conflicts of interest or non-competitive practices among contractors ~~thatwhich~~ may restrict or eliminate competition or otherwise restrain trade.
 - 3) Proposed procurements shall be reviewed by MEG officials to avoid purchasing unnecessary or duplicative items. ~~WhenWhere~~ appropriate, a lease vs. purchase analysis shall be conducted by the Unit to determine the

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most economical and practical procurement. A lease vs. purchase analysis is required for any acquisition of automatic data processing equipment. ~~The Such~~ analysis must be provided to ~~the Department DLE~~ prior to procurement.

- 4) All procurements in excess of ~~\$20,000\$1,500~~ shall contain suitable provisions for termination by the MEG Unit, including the manner by which termination will be effected and the basis for settlement. ~~The Such~~ provisions shall include conditions under which the contract can be terminated for default, as well as conditions ~~under which where~~ the contract can be terminated because of circumstances beyond the MEG Unit's or the contractor's control.
- 5) All procurements in excess of ~~\$20,000\$10,000~~ shall include provisions for compliance with federal Executive Order No. 11246 entitled "Equal Employment Opportunity" as amended by Executive Order No. 11375, as supplemented ~~by U.S. in~~ Department of Labor ~~regulations Regulations~~ (41 CFR 60). Each contractor shall be required to have an affirmative action plan ~~that which~~ declares that it does not discriminate on the basis of race, color, religion, creed, national origin, sex or age and ~~that which~~ specifies target goals and target dates to assure implementation of that plan. The MEG Unit shall establish procedures to assure compliance with this requirement by contractors and to assure that suspected or reported violations are promptly investigated. The MEG Unit shall require the contractor to insert this provision in all subcontracts and subgrants in excess of ~~\$20,000\$10,000~~.
- 6) Procurement records for purchases in amounts in excess of the small purchase threshold determined by the CPO-GSS\$1,500 shall include, as a minimum, the following information:
 - A) Justification for use of negotiation in lieu of public advertising (if applicable) and the basis for the cost of price negotiation.
 - B) A copy of the advertisement and related document upon which the contract was awarded.
 - C) A copy of the purchase agreement and any modifications to that agreement~~thereto~~.

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- 7) Contracts shall be made only with responsible contractors who possess the ability to perform successfully under the terms and conditions of the proposed agreement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources and accessibility to other necessary resources.
 - 8) Contracts shall contain provisions or conditions ~~that which~~ will allow for administrative, contractual or other remedies in instances ~~in which where~~ contractors violate or breach contract terms. ~~The Such~~ provisions shall provide for such sanctions and penalties as may be appropriate.
 - 9) A cost plus percentage of the cost purchase agreement shall not be used.
 - 10) The MEG Unit shall recognize minority and small business concerns when contracting with ~~Department DLE~~ funds.
- e) **Invitations for Bids**
Formal advertising with adequate purchase descriptions, sealed bids and public bid openings shall be the required method of procurement unless otherwise authorized. ~~When Where such~~ advertised bids are received, the contract award must be made to the lowest responsive, responsible bidder, considering price and factors affecting price ~~considered~~. (~~The Such~~ factors may be discounts, transportation costs, or taxes.) Invitations for bids shall clearly set forth all requirements ~~which~~ the bidder shall fulfill in order for his/her bid to be evaluated by the MEG Director. A fixed price purchase must result from the award after bid selection.
- f) **Negotiated Procurements**
Procurements may be negotiated if it is impractical or unfeasible to use formal advertising. The MEG Unit shall attempt, however, to secure the maximum competition possible in all negotiated procurements. Generally, procurements may be negotiated if:
- 1) Public exigency/emergency will not permit the delay incident to formal advertising.
 - 2) The material or service to be procured is available from one person or one firm.

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- 3) The aggregate amount of the procurement does not exceed the small purchases threshold as determined by the CPO-GS\$1,500.
- 4) The contract is for personal, professional or, artistic services, or for any service to be rendered by a university, college or other non-profit educational institution.
- 5) No acceptable bids have been received after formal advertising.
- 6) The procurement involves use of State or local existing contracts that were originally entered into on a competitive basis.
- 7) The purchases are for:
 - A) highly perishable materials or medical supplies; ~~for~~
 - B) material or service for which ~~where~~ the prices are established by law; ~~for~~
 - C) technical items or equipment requiring standardization and interchangeability of parts with existing equipment; ~~for~~
 - D) experimental, developmental or research work; ~~for~~
 - E) supplies purchased for authorized resale; and ~~for~~
 - F) technical or specialized supplies requiring substantial initial investment for manufacture.
- 8) Formal advertising may expose the MEG Unit and hinder the MEG agents and the MEG Unit in carrying out drug law enforcement.
- g) Special Considerations
 - 1) All procurements in excess of the small procurement threshold determined by the CPO-GS that\$1,500 which are entered into without competition must receive prior DepartmentDLE approval. The MEG Unit shall provide a complete justification indicating the reasons that preclude

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formal competition and a copy of the proposed purchase agreement.

- 2) ~~A)~~ Equipment required for MEG operations should be purchased only after determination by responsible officials that no other equipment owned by the Unit is available for the effort.
- ~~3B)~~ Funds should not be used to provide reimbursement for the purchase price of equipment already owned by the Unit. This does not apply to equipment owned by a State or local government central purchasing department and held in stock available for issuance and sale to the MEG Unit or other government offices.
- ~~4C)~~ The MEG Unit shall include provisions, as appropriate, to preclude late delivery of equipment by contractors. These provisions may include penalty clauses and contract bonds. If it becomes evident that the contractor will be delinquent in fulfilling projected delivery schedules, the MEG Unit shall notify ~~the Department~~ ~~DLE~~ immediately.

- h) Construction Programs
Any MEG project ~~that~~ ~~which~~ involves the erection, acquisition, expansion or repair of new or existing buildings or other physical facilities is a construction program and requires prior approval by ~~the Department~~ ~~DLE~~.

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

Section 1220.380 Use of Property

- a) Definitions
 - 1) Excess Property. Excess property means property, under the control of any agency, ~~that~~ ~~which~~ ~~property, as determined by the need thereof,~~ is no longer required for the Unit's needs.
 - 2) Expendable Personal Property. Expendable personal property refers to all tangible personal property other than non-expendable property.
 - 3) Non-expendable Personal Property. Non-expendable personal property means tangible personal property having a useful life of more than one year and an acquisition cost of ~~\$100~~ ~~\$50.00~~ or more per unit. The MEG

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Unit may use its own definition of non-expendable personal property provided that ~~such~~ definition would at least include all tangible personal property as defined ~~in subsection (a)(4) below~~.

- 4) Personal Property. Personal property means property of any kind except real property. It may be tangible (i.e., =having physical existence), or intangible (i.e., =having no physical existence), such as patents, inventions and copyrights.
 - 5) Real Property. Real property means land, land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.
- b) Real Property
Real property acquisition requires prior approval by ~~the Department~~DLE.
 - c) State-Owned Non-~~expendable~~Expendable Personal Property
Unless statutory authority to transfer State property has been granted to the MEG Unit, title to ~~Department~~DLE/MEG owned property shall be reported to ~~the Department~~DLE for further agency use or, if appropriate, for reporting to Central Management Services for other ~~State~~state agency use. Appropriate disposition instructions will be issued to the MEG Unit after completion of agency review.
 - d) Property Control
 - 1) Property records shall be maintained accurately and provide for:
 - A) a description of the property;
 - B) manufacturer's serial number or other identification numbers;
 - C) acquisition date and cost;
 - D) source of the property;
 - E) location, use and condition of the property; and
 - F) ultimate disposition data, including sales price or the method used to determine current fair market value if the MEG Unit reimburses the donator for its share.

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- 2) A physical inventory of property shall be taken and the results reconciled with the property records at least once every 2 years to verify the existence, current use, and continued need for the property.
- 3) A control system shall be in effect to insure adequate safeguards to prevent loss, damage or theft of the property. Any loss, damage or theft of non-expendable property shall be investigated and fully documented.
- 4) Adequate maintenance procedures shall be implemented to keep the property in good condition.

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

Section 1220.390 Confidential Expenditures

- a) ~~Definition~~The confidential expenditures budget is subject to prior approval by the Department, if Department funds are expended~~DLE~~. The confidential expenditures budget would be used for payment to informants, purchase of materials as evidence (such as narcotics), or other uses as may be required by law enforcement personnel working in an undercover capacity. Such an approval will be based on a finding that it is necessary and reasonable for proper and efficient administration of the MEG Unit.
- b) ~~Bonded Cashier~~The funds authorized will be controlled by a bonded cashier.
- c) Authorization for Information
 - 1) The MEG Director to which the fund is assigned must authorize all advances of funds up to \$1,000 to agents or officers for the purchase of information. Advances and payments in excess of \$1,000 must be approved by the chairman of the Board~~policy board~~. The Such authorization must specify the information to be received, the amount of expenditures, and assumed name of informer.
 - 2) There must be maintained by the MEG Unit confidential files of the true names, assumed names, and signatures of all sources to whom payments of confidential expenditures have been made. To the extent practicable, pictures and/or fingerprints of the informer should also be maintained.

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- 3) The cashier shall receive from the agent or officer authorized to make a confidential payment a receipt for cash advanced ~~to him~~ for ~~those~~ such purposes.
- 4) The agent or officer shall receive from the confidential source payee a receipt.
- 5) The signed receipt from the confidential source payee, with a memorandum detailing the information received, will be forwarded to the agent or officer in charge. The agent or officer in charge shall compare the signature on the receipt with the confidential file of assumed name signatures. A certification of payment to the cashier will serve as support for the expenditure from the fund. The certification will be witnessed by the agent or officer in charge on the basis of the report and confidential source payee's receipt.
- 6) Each agent or officer in charge shall maintain records showing status and reconciliation of the fund and itemizing each payment, name used by informer payee, information received, and use to which information was put. This report ~~shall~~ must be part of the files.
- 7) In each instance ~~in which~~ when Department ~~DLE~~ funds are used for confidential expenditures, it ~~shall~~ will be understood that all of the ~~above~~ records ~~listed in subsection (c)(6)~~, except the true names of the informers, are subject to the record and audit provisions of ~~34 USC 10101 P.L. 90-351, Omnibus Crime Control and Safe Streets Act of 1968, as amended by P.L. 91-644 (Omnibus Crime Control Act of 1970) and as amended by P.L. 93-83 (Crime Control Act of 1973) (Section 521(a) and (b)).~~

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Domestic Insurance Companies Service of Process Requirement
- 2) Code Citation: 50 Ill. Adm. Code 206
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
206.10	New Section
206.20	New Section
206.30	New Section
206.40	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 14.1, 29, 44, 57, 68, 80 and 401 of the Illinois Insurance Code [215 ILCS 5/14.1, 29, 44, 57, 68, 80 and 401].
- 5) Effective Date of Rules: June 4, 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 rules, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 12761; October 13, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

Section 206.30, in the definition of "Registered Agent", deleted "be" after "means".

Section 206.40(a), 2nd through 4th lines, changed all text to "designate a registered agent to accept all lawful service of process in Illinois by:"

Section 206.40(a)(1), first line, changed "The domestic insurance" to "Specific designations within the"; second line, after "Incorporation" added "with the Department".

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Section 206.40(a)(2), after the period in the second line deleted the remaining text in this paragraph.

Deleted Section 206.40(b).

Section 206.40 language from the proposed "b), c), d)" was changed to reflect the following:

- b) Registered Office
 - 1) The registered agent designated by a domestic insurance company must have a registered office within the State of Illinois. The registered office must be located at a street address (a P.O. Box alone is not acceptable) within the State of Illinois.
 - 2) The address of the registered office must be provided in the insurance company's Articles of Incorporation or amended Articles of Incorporation.
 - c) If a domestic insurance company chooses not to designate a registered agent, service of process may be made on any officer or director of the company pursuant to Section 2-204 of the Illinois Code of Civil Procedure [735 ILCS 5].
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
 - 13) Will this rulemaking replace an emergency rule currently in effect? No
 - 14) Are there any rulemakings pending on this Part? No
 - 15) Summary and Purpose of Rulemaking: The rule provides the method and procedure to designate either a registered agent with an Illinois address and/or any Officer or Director of the insurance company at the home office address to accept service of process on behalf of domestic insurance companies. Specifically, the rule allows domestic insurance companies to amend their Articles of Incorporation to designate a registered agent's name and/or any Officer or Director of the insurance company at the home office address who will accept service on behalf of the domestic insurance company. The rule will also provide for the public dissemination of this information via the Department's website.
 - 16) Information and questions regarding these adopted rules shall be directed to:

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

Marcy Savage
Assistant Deputy Director, Corporate Regulation Section
Illinois Department of Insurance
320 W. Washington St.
Springfield IL 62767

217/524-0016

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER b: DOMESTIC STOCK COMPANIESPART 206
DOMESTIC INSURANCE COMPANIES SERVICE OF PROCESS REQUIREMENTS

Section	
206.10	Authority
206.20	Purpose
206.30	Definitions
206.40	Service of Process Requirements

AUTHORITY: Implementing and authorized by Sections 14.1, 29, 44, 57, 68, 80 and 401 of the Illinois Insurance Code [215 ILCS 5].

SOURCE: Adopted at 42 Ill. Reg. 10406, effective June 4, 2018.

Section 206.10 Authority

Part 206 is promulgated by the Director of Insurance pursuant to Sections 14.1, 29, 44, 57, 68, 80 and 401 of the Illinois Insurance Code, which empower the Director *to make reasonable rules and regulations as may be necessary for making effective* the insurance laws of the State.

Section 206.20 Purpose

This Part sets forth the method and procedure by which domestic insurance companies designate either a registered agent with a registered Illinois address and/or any officer or director of the insurance company to accept service of process in Illinois.

Section 206.30 Definitions

For the purposes of this Part, the following definitions apply:

"Articles of Incorporation" means the basic instrument of an incorporated company and all amendments to that instrument and includes "Charter", "Articles of Organization", "Articles of Reorganization", "Articles of Association", "Deed of Settlement", and "Declaration of Organization".

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"Code" means the Illinois Insurance Code [215 ILCS 5].

"Department" means the Illinois Department of Insurance.

"Director" means the Director of the Department of Insurance of the State of Illinois or anyone to whom the Director's responsibilities and authority are lawfully delegated.

"Director of the Insurance Company" means an individual who leads or supervises a particular area of the insurance company.

"Domestic Insurance Company" means a company incorporated or organized under the laws of this State.

"Officer of the Insurance Company", when used to refer to an officer of a company, includes an attorney-in-fact for a reciprocal or Lloyds.

"Service of Process" means any lawful process in any action or legal proceeding against the domestic insurance company.

"Registered Agent" means either a natural person or a domestic (licensed to transact business in this State) artificial legal entity (corporation, LLC, LP or LLP).

Section 206.40 Service of Process Requirements

- a) Every domestic insurance company desiring to transact business in Illinois may designate a registered agent to accept all lawful service of process in Illinois by:
 - 1) Specific designations within the company's initial filing of its Articles of Incorporation with the Department; or
 - 2) Amending the domestic insurance company's Articles of Incorporation pursuant to Section 29, 57 or 80 of the Code.
- b) Registered Office
 - 1) The registered agent designated by a domestic insurance company must have a registered office within the State of Illinois. The registered office

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

must be located at a street address (a P.O. Box alone is not acceptable) within the State of Illinois.

- 2) The address of the registered office must be provided in the insurance company's Articles of Incorporation or amended Articles of Incorporation.
- c) If a domestic insurance company chooses not to designate a registered agent, service of process may be made on any officer or director of the company pursuant to Section 2-204 of the Illinois Code of Civil Procedure [735 ILCS 5].

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Licensing Requirements for Source Material Milling Facilities
- 2) Code Citation: 32 Ill. Adm. Code 332
- 3) Section Number: 332.250 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40] and the Uranium and Thorium Mill Tailings Control Act [420 ILCS 42].
- 5) Effective Date of Rule: May 31, 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 at the Agency's headquarters located at 1035 Outer Park Drive, Springfield IL and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 2970; February 16, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Agency is adopting an amendment Section 332.250 to be consistent with 10 CFR 40 and maintain compatibility with the U.S. Nuclear Regulatory Commission (NRC) pursuant to RATS ID 2012-3. NRC has notified

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IEMA that this amendment must be made because the current version is less restrictive than the NRC requirement and does not meet the compatibility requirement.

- 16) Information and questions regarding this adopted rule shall be directed to:

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/785-9860

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 332

LICENSING REQUIREMENTS FOR SOURCE MATERIAL MILLING FACILITIES

Section	
332.10	Purpose and Scope
332.20	Definitions
332.30	License Required
332.40	Application Content and Procedure
332.50	General Information
332.60	Technical Information
332.70	Technical Analyses
332.80	Institutional Information
332.90	Financial Information
332.100	Evaluation of License Application and Issuance of a License
332.110	General Conditions of Licenses
332.120	Application for Renewal or Closure
332.130	Contents of Application for Site Closure and Stabilization
332.140	Postclosure Observation and Maintenance
332.150	Termination of Source Material Milling Facility License
332.160	General Requirements
332.170	Protection of the General Population from Radiation
332.180	Protection of Individuals from Inadvertent Access
332.190	Protection of Individuals During Operations
332.200	Stability of the Byproduct Material Disposal Site After Closure
332.210	Technical Criteria for Byproduct Material Disposal Sites – Siting Criteria
332.220	Technical Criteria for Byproduct Material Disposal Sites – Design Criteria
332.230	Technical Criteria for Byproduct Material Licensed Sites – Groundwater Protection
332.240	Technical Criteria for Byproduct Material Disposal Sites – Control of Radiation Hazards
332.250	Technical Criteria – Source Material Milling Operations
332.260	Financial Surety Requirements
332.270	Long-Term Care FundPayment
332.280	Land Ownership
332.290	Maintenance of Records, Reports, and Transfers

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AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40] and the Uranium and Thorium Mill Tailings Control Act [420 ILCS 42].

SOURCE: Adopted at 14 Ill. Reg. 1333, effective January 5, 1990; amended at 18 Ill. Reg. 3128, effective February 22, 1994; emergency amendment adopted at 18 Ill. Reg. 17933, effective December 1, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 6601, effective April 28, 1995; amended at 21 Ill. Reg. 3897, effective March 13, 1997; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 32 Ill. Reg. 16765, effective October 6, 2008; amended at 38 Ill. Reg. 21459, effective October 31, 2014; amended at 39 Ill. Reg. 15719, effective November 24, 2015; amended at 42 Ill. Reg. 10412, effective May 31, 2018.

Section 332.250 Technical Criteria – Source Material Milling Operations

- a) Liquids resulting from any of the mill processes shall not be released into surface streams. In addition, contaminated solutions, other than liquids resulting from any of the mill processes, shall not be released into the environment if the solutions have radionuclide concentrations in excess of those specified in 32 Ill. Adm. Code 340.320(b) and (c).
- b) Byproduct material shall be chemically and physically treated to immobilize or remove the contaminants.
- c) An independent quality assurance program shall be established to assure that specifications of the monitoring program detailed in the license are met. If adverse groundwater impacts or conditions conducive to adverse groundwater impacts occur, action shall be taken to alleviate the impacts or conditions and restore groundwater quality to levels as specified in accordance with Section 332.230 of this Part.
- d) Source material milling operations shall be conducted so that all airborne effluent releases are reduced to levels as low as is reasonably achievable. Emissions controls shall be used. Institutional controls, such as extending the licensed site boundary and exclusion area, may be employed to ensure that offsite dose limits are met, but only after all practicable process and engineering measures have been taken to control emissions at the source. Notwithstanding the existence of individual dose standards, strict control of emissions is necessary to assure that population exposures are reduced to the maximum extent reasonably achievable

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and to avoid site contamination. During operations and prior to closure, radiation doses from radon emissions from surface impoundments and disposal areas containing byproduct material shall be kept as low as is reasonably achievable. Checks shall be made and logged hourly of all parameters that determine the efficiency of product stack emission control equipment operation. It shall be determined whether conditions are within a range prescribed to ensure that the equipment is operating consistently near peak efficiency. Corrective action must be taken when performance is outside of prescribed ranges. Effluent control devices must be operative at all times during drying and packaging operations and whenever air is exhausting from the product stack. Drying and packaging operations shall terminate when controls are inoperative. When checks indicate the equipment is not operating within the range prescribed for peak efficiency, actions shall be taken to restore parameters to the prescribed range. When this cannot be done without shutdown and repairs, drying and packaging operations shall cease as soon as practicable. Operations shall not be restarted after cessation due to abnormal performance until needed corrective actions have been identified and implemented. All such cessations, corrective actions and restarts shall be reported to the Agency, in writing, within 10 days after the subsequent restart.

- e) To control fugitive dust from tailings, all surfaces not covered by standing liquids shall be wetted or chemically stabilized. For licenses initially granted after January 1, 1990, management of tailings shall incorporate phased-in surface stabilization and reclamation. To control dusting from diffuse sources, operators shall develop written operating procedures specifying the methods of control that will be used.
- f) Byproduct material shall be managed so as to conform to the applicable provisions of 40 CFR 440, Ore Mining and Dressing Point Source Category: Effluent Limitations Guidelines and New Source Performance Standards, subpart C, Uranium, Radium, and Vanadium Ores Subcategory, in effect on July 1, 1995, exclusive of subsequent amendments or editions.
- g) Licensees and applicants shall satisfy the requirements of 40 CFR 61, in effect on July 1, 1995, exclusive of subsequent amendments or editions.
- h) Inspection of the byproduct material impoundments and disposal areas:
 - 1) The licensee shall conduct daily inspections of any surface impoundment and disposal site and document the results of the inspections. Records of

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the inspections shall be maintained for 5 years in a format allowing for easy access and review by the Agency.

- 2) The licensee shall notify the Agency within 2 hours by telephone, and then within 48 hours by written report, of any failure of a byproduct material surface impoundment or disposal area that results in a release of byproduct material into unrestricted areas. The licensee shall notify the Agency in writing, ~~immediately within 5 working days~~, of any condition that was not anticipated in the design of the byproduct material surface impoundment or disposal area and, if not corrected, could cause failure of embankments or other structures containing the byproduct material and the release of byproduct material into unrestricted areas.
- 3) In cases of failure of the byproduct material impoundment, the report shall be maintained for transfer to the governmental agency to which the title of the facility will be transferred.

(Source: Amended at 42 Ill. Reg. 10412, effective May 31, 2018)

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- 1) Heading of the Part: Status Signals for Nuclear Power Reactors
- 2) Code Citation: 32 Ill. Adm. Code 504
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
504.20	Amendment
504.40	Amendment
504.50	Amendment
504.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 8(c) of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/8(c)].
- 5) Effective Date of Rules: May 31, 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 rules, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield IL and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 3034; February 16, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:
 - Section 504.50 delete "b)"
 - Section 504.50 change "c)" to "b)"
 - Section 504.50 delete from "The end" to "the Agency"
 - Section 504.50 change "d)" to "c)"
 - Section 504.50 change "e)" to "d)"
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were made.

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- 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 Rulemakings: IEMA amended Part 504 to update definitions to current language and change timeframes to more accurately reflect current process.
- 16) Information and questions regarding these adopted rules shall be directed to:

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/785-9870

The full text of the Adopted Amendments begin on the next page:

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TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER c: NUCLEAR FACILITY SAFETY

PART 504

STATUS SIGNALS FOR NUCLEAR POWER REACTORS

Section

504.10	Policy and Scope
504.20	Definitions
504.30	Protocol for Data Transmissions
504.40	Equipment
504.50	Updating Station Catalogues and System Status Signals Catalogue
504.60	Implementation of System Status Signals Catalogue
504.70	Availability

AUTHORITY: Implementing and authorized by Section 8(c) of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5].

SOURCE: Adopted at 16 Ill. Reg. 11544, effective July 7, 1992; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 33 Ill. Reg. 2254, effective January 23, 2009; amended at 42 Ill. Reg. 10418, effective May 31, 2018.

Section 504.20 Definitions

As used in this Part, the following definitions will apply:

"Agency" means the Illinois Emergency Management Agency.

"Communication Link" means the ~~network connection~~~~telephone line or other connection~~ between the Agency supplied ~~communication hardware~~~~modem~~ on the owner's premises to the Agency's headquarters in Springfield, Illinois.

"Owner" means the owner and operator of the nuclear power reactor.

"Point" means the system parameter being monitored.

"RDL" means the Reactor Data Link for a reactor. The RDL includes the entire

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system by which the owner provides and the Agency receives a System Status Signals Catalogue at the Agency's headquarters in Springfield, Illinois.

"RDL outage" means any breakdown in the RDL that prevents the normal continuous data transmission of the System Status Signals Catalogue to the Agency's headquarters in Springfield, Illinois.

"Reactor" means a nuclear power reactor.

"Station Catalogue" means the complete and inclusive list of all computer monitored points available for transmission from a nuclear power station from which the System Status Signals Catalogue for each reactor is chosen.

"Station Computer" means the computer or computers ~~that~~^{which} collect and transfer data to the Agency's communication hardware~~modems~~.

"System Status Signals Catalogue" means the points selected by the Agency from the Station Catalogue to be transmitted over the Communications Link. A System Status Signals Catalogue is selected for each reactor.

(Source: Amended at 42 Ill. Reg. 10418, effective May 31, 2018)

Section 504.40 Equipment

- a) The Agency shall provide communication hardware~~a modem~~ to the owner and shall establish a Communication Link. All Agency owned equipment shall be maintained by the Agency.
- b) Agency personnel and agents shall have access to all Agency equipment located at the nuclear station site, subject to any security requirements imposed by law, regulation, or normal security practices of the owner, including Fitness-For-Duty requirements.
- c) The owner shall provide and maintain necessary hardware and software at its reactor site to communicate via the Agency supplied communication hardware~~modem~~.

(Source: Amended at 42 Ill. Reg. 10418, effective May 31, 2018)

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Section 504.50 Updating Station Catalogues and System Status Signals Catalogue

- a) For each point included in the Station Catalogue, the Station Catalogue shall contain, as a minimum, the name of the point; a description of each parameter (point) measured, sensed or calculated; the units of measure for analog points; the state indication for digital points, e.g., open or closed, on or off; and the type of point, e.g., analog or digital.
- ~~b) On the effective date of this Part, the Agency will consider the current Station Catalogue for each nuclear power station to be the most recent Station Catalogue that was provided the Agency pursuant to the prerulemaking arrangement between the owner and the Agency.~~
- ~~b)e)~~ The owner shall provide the Agency an updated Station Catalogue for each nuclear power station at ~~six month~~180 day intervals. In the event that the Station Catalogue remained unchanged, the owner shall notify the Agency that no changes were made, in lieu of providing an updated Station Catalogue. ~~The end of each 180 day interval shall be consistent with the end of the prerulemaking 180 day interval already in effect for the owner under the prerulemaking arrangement between the owner and the Agency.~~ The Agency may lengthen the Station Catalogue submission interval at any time.
- ~~c)d)~~ Within 14 calendar days after receipt of an updated Station Catalogue, the Agency shall provide the owner with notice of any changes to the System Status Signals Catalogue.
- ~~d)e)~~ The Agency shall select points for the System Status Signals Catalogue from the updated Station Catalogue using the following criteria:
- 1) those points by which the off-site radiological consequences can be determined;
 - 2) those points by which challenges to, and failures of, the clad, the primary boundary, and the containment structures can be determined;
 - 3) those points by which short and long-term decay heat removal capabilities can be determined; or
 - 4) those points by which on and off-site station electrical power status can be

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determined.

(Source: Amended at 42 Ill. Reg. 10418, effective May 31, 2018)

Section 504.70 Availability

- a) Each owner shall transmit a System Status Signals Catalogue for each reactor over a Communications Link continuously 24 hours a day during all modes of reactor operation (including defueled conditions) as well as throughout accident and subsequent recovery operations, except during planned station computer and RDL system outages or unplanned station computer and RDL system outages beyond the control of the owner. The owner shall establish measures to assure that unplanned RDL system outages are promptly identified and corrected and that the root cause of the RDL outage is determined and corrective action taken to preclude repetition ~~when~~where appropriate.
- b) In the event of an RDL outage, or station computer outage, the owner, when required by the Agency, shall establish a point of technical contact with the Agency to communicate reactor status information until the RDL is restored.
- c) In the event of a planned or unplanned station computer outage, data transmission to the Agency shall be restored as soon as possible after the station computer's return to service.
- d) The Agency's access to the System Status Signals Catalogue shall not be intentionally degraded by the owner's computer usage unless ~~that such~~ usage is necessary to protect public health and safety as required under the Nuclear Regulatory Commission license, and the ~~degradation~~degradation of access cannot be avoided.

(Source: Amended at 42 Ill. Reg. 10418, effective May 31, 2018)

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- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
603.60	Amendment
603.75	Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: June 1, 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 rules, including any material incorporated by reference, is on file in the Agency's central office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 3102; February 16, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the letter issued by JCAR? No changes were requested by JCAR.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking updates the Association of Racing Commissioners International (ARCI) Uniform Classification Guidelines for Foreign Substances, referenced in Section 603.60(a)(3), to version 13.4, dated January 9, 2018. This rulemaking also updates the thresholds in Section 603.75 for caffeine and theobromine, pursuant to the thresholds contained in the ARCI Endogenous, Dietary, or Environmental Substances Schedule (version 3.0). The ARCI Guidelines gives

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regulators, veterinarians, and horsemen guidelines to assist them in understanding the relative performance effects of various drugs and medications. The ARCI Guidelines are useful for regulators and horsemen nationwide, most of whom have little training or experience with drugs and their effects on racehorses. Updating Sections 603.60 and 603.75 assists racing jurisdictions in the making of racing regulatory policy.

- 16) Information and questions regarding these adopted rules shall be directed to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 5-700
Chicago IL 60601

312/814-5017
Mickey.ezzo@illinois.gov

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

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TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603
MEDICATION

Section

603.10	Pre-Race Saliva Tests
603.20	Racing Soundness Exam
603.30	Foreign Substances and Pharmaceutical Aids Banned
603.40	Twenty-four Hour Ban
603.50	Trainer Responsibility
603.55	Prima Facie Evidence
603.60	Permitted Use of Foreign Substances and Threshold Levels
603.70	Furosemide
603.75	Environmental Contaminants
603.80	Needles, Syringes and Injectables
603.90	Drugs, Chemicals and Prescription Items
603.100	Detention Barn
603.110	Test Samples
603.120	Referee Samples
603.130	Laboratory Findings and Reports
603.140	Distribution of Purses
603.150	Post Mortems
603.160	Penalties
603.170	Veterinarian's Records
603.180	Carbon Dioxide Tests
603.190	Erythropoietin and Darbepoietin Antibody Testing Program
603.200	Out of Competition Testing
603.210	Androgenic-Anabolic Steroids (AAS)

AUTHORITY: Implementing, and authorized by Section 9(b) of, the Illinois Horse Racing Act of 1975 [230 ILCS 5].

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August

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1, 2002; amended at 27 Ill. Reg. 5027, effective March 7, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at 28 Ill. Reg. 4751, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 7565, effective May 11, 2004, for a maximum of 150 days; emergency expired October 7, 2004; amended at 28 Ill. Reg. 11250, effective August 1, 2004; amended at 28 Ill. Reg. 15790, effective December 1, 2004; emergency amendment at 29 Ill. Reg. 2779, effective February 22, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4116, effective February 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5726, effective April 8, 2005; amended at 29 Ill. Reg. 12265, effective July 24, 2005; amended at 29 Ill. Reg. 14038, effective September 1, 2005; emergency amendment at 30 Ill. Reg. 14371, effective August 21, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18729, effective November 20, 2006; amended at 31 Ill. Reg. 1478, effective January 1, 2007; emergency amendment at 31 Ill. Reg. 6680, effective April 23, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 12982, effective September 1, 2007; amended at 32 Ill. Reg. 7397, effective May 1, 2008; amended at 33 Ill. Reg. 12571, effective August 25, 2009; expedited correction at 34 Ill. Reg. 9551, effective August 25, 2009; emergency amendment at 35 Ill. Reg. 265, effective December 17, 2010, for a maximum of 150 days; emergency amendment at 35 Ill. Reg. 2810, effective February 1, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 7400, effective April 25, 2011; amended at 35 Ill. Reg. 8485, effective May 23, 2011; emergency amendment at 35 Ill. Reg. 15296, effective September 6, 2011, for a maximum of 150 days; emergency rule repealed by emergency amendment at 35 Ill. Reg. 18434, effective October 24, 2011, for the remainder of the 150 days; emergency amendment at 35 Ill. Reg. 18959, effective October 25, 2011, for a maximum of 150 days; amended at 36 Ill. Reg. 330, effective January 1, 2012; emergency amendment at 36 Ill. Reg. 3290, effective February 15, 2012, for a maximum of 150 days; emergency amendment at 36 Ill. Reg. 6057, effective April 6, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 8967, effective June 1, 2012; amended at 36 Ill. Reg. 12815, effective August 1, 2012; amended at 36 Ill. Reg. 17078, effective November 28, 2012; emergency amendment at 36 Ill. Reg. 17131, effective November 28, 2012, for a maximum of 150 days; amended at 37 Ill. Reg. 4993, effective April 1, 2013; emergency amendment at 38 Ill. Reg. 9121, effective April 10, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 18555, effective August 25, 2014; amended at 39 Ill. Reg. 11492, effective August 1, 2015; amended at 40 Ill. Reg. 9208, effective July 1, 2016; amended at 41 Ill. Reg. 12866, effective October 1, 2017; amended at 42 Ill. Reg. 10424, effective June 1, 2018.

Section 603.60 Permitted Use of Foreign Substances and Threshold Levels

- a) Non-Steroidal Anti-Inflammatories (NSAID): Threshold Levels
 - 1) Only one non-steroidal anti-inflammatory drug (NSAID) may be present

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in a horse's body while it is participating in a race. The presence of more than one NSAID, greater than the threshold level, is forbidden and will result in the purse being redistributed.

- 2) Subject to the prohibition contained in Section 603.40 (24 hour ban), the only foreign substances that now meet the criteria established in Section 603.80 are phenylbutazone, flunixin, ketoprofen, pyrillamine, isoxsuprine and the therapeutic medications listed in subsection (f).
- 3) Laboratory reports of phenylbutazone in a concentration greater than or equal to 2 mcg/ml in serum or plasma, flunixin in a concentration greater than or equal to 20 ng/ml in serum or plasma, and ketoprofen in a concentration greater than or equal to 2 ng/ml in serum or plasma shall be treated as Class 4 drugs, category "C" penalty, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; [January 2018](#)~~July 29, 2017~~ version [13.413.3](#); this incorporation includes no later amendments or editions).
- 4) A finding by the Board's laboratory of any amount of oxyphenbutazone in the absence of phenylbutazone shall be treated as a Class 4 drug, as defined in the ARCI Guidelines for Foreign Substances (incorporated by reference in subsection (a)(3)).
- 5) The use of multiple permitted NSAIDs shall be discontinued at least 48 hours prior to post time for the race in which the horse is entered. The presence of more than one NSAID is prohibited with the exceptions of:
 - A) Phenylbutazone – in a concentration less than 0.3 mcg/ml in serum or plasma.
 - B) Flunixin – in a concentration less than 3 ng/ml in serum or plasma.
 - C) Ketoprofen – in a concentration less than 1 ng/ml in serum or plasma.
- 6) If the phenylbutazone, flunixin or ketoprofen overage is due to the negligence of the veterinarian attending the horse, the veterinarian shall be

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subject to the same penalties as are set forth in the ARCI Guidelines for Foreign Substances (incorporated by reference in subsection (a)(3)).

- 7) Penalties for violations of this Section shall be based on the following criteria:
 - A) previous warnings and rulings for violations of this Section;
 - B) the age and experience of the violator;
 - C) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
 - D) what action, if any, was taken to avoid the violation;
 - E) the purse of the race.
- b) The following foreign substances may be administered externally to a horse entered to a race: Leg paints and liniment that do not contain any "caine" derivatives, pharmacodynamic and/or chemotherapeutic agents, and that can be applied topically without penetrating the skin.
- c) Subject to the prohibition contained in Section 603.40 (24-hour ban), the following foreign substances, commonly referred to as anti-bacterial, anti-fungal, or anti-protozoal drugs, may be present in the body of a horse participating in a race.
 - 1) Anti-Bacterials
 - Amikacin
 - Ampicillin
 - Ampicillin sodium
 - Azolsulfamide
 - Chloramphenicol
 - Doxycycline
 - Enrofloxacin (Baytril)
 - Erythromycin sulfate
 - Gentamicin sulfate
 - Kanamycin sulfate

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Methenamine
Metronidazole
Neomycin sulfate
Nitrofurantoin
Oxytetracycline
Penicillin G. Benzathine
Penicillin G. Potassium
Sulfadimethozine
Sulfadimethoxine
Sulfamethoxazole
Sulfametranidazole
Sulfapyridine
Sulfathiazole
Tetracycline
Trimethoprim

2) Anti-Fungals

Amphotericin B
Griseofulvin
Neomycin Undecylenate
Nystatin

3) Anti-Protozoals

Nitazoxanide (Navigator)
Ponazuril (Marquis)
Pyrimethamine (Daraprim)

- d) This listing of anti-bacterial, anti-fungal, and anti-protozoal drugs is all inclusive and shall not include any other anti-bacterial, anti-fungal or anti-protozoal drug, except as provided in subsection (f).
- e) A foreign substance of accepted therapeutic value may be administered as prescribed by a veterinarian when threshold levels and guidelines for its use have been approved by the Board and this Part has been duly amended. The Board shall give due consideration to threshold levels and guidelines, when making additions to the permitted list, that have been established by the ARCI Guidelines for Foreign Substances (incorporated by reference in subsection (a)(3)).

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- f) Subject to the prohibition contained in Section 603.40 (24 hour ban), the use of the following therapeutic medications shall be permitted. The official test samples may contain the following therapeutic medications in concentrations less than the following threshold levels:
- 1) Acepromazine – 10 ng/ml as 2-(1-hydroxyethyl) promazine sulfoxide (HEPS) in urine.
 - 2) Albuterol – 1 ng/ml in urine.
 - 3) Betamethasone – 10 pg/ml in serum or plasma.
 - 4) Butorphanol – 300 ng/ml of total butorphanol in urine.
 - 5) Cetirizine – 6 ng/ml in serum or plasma.
 - 6) Cimetidine – 400 ng/ml in serum or plasma.
 - 7) Clenbuterol – 140 pg/ml in urine in thoroughbred and quarter horse breeds; and Limit of Detection (which is not less than 10 pg/ml) in serum or plasma in the standardbred breed.
 - 8) Dantrolene – 100 pg/ml of 5-hydroxydantrolene in serum or plasma.
 - 9) Detomidine – Level of Detection for detomidine in serum or plasma.
 - 10) Dexamethasone – 5 pg/ml in serum or plasma.
 - 11) Diclofenac – 5 ng/ml in serum or plasma.
 - 12) Dimethyl sulfoxide (DMSO) – 10 mcg/ml in serum or plasma.
 - 13) Firocoxib – 20 ng/ml in serum or plasma.
 - 14) Furosemide – 100 ng/ml in serum or plasma.
 - 15) Glycopyrrlate – 3 pg/ml in serum or plasma.

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- 16) Guaifenesin – 12 ng/ml in serum or plasma.
 - 17) Isoflupredone – 100 pg/ml in serum or plasma.
 - 18) Lidocaine – 20 pg/ml of total 3-hydroxylidocaine in serum or plasma.
 - 19) Mepivacaine – 10 ng total hydroxymepivacaine/ml in urine.
 - 20) Methocarbamol – 1 ng/ml in serum or plasma.
 - 21) Methylprednisolone – 100 pg/ml in serum or plasma.
 - 22) Omeprazole sulfide – 10 ng/ml in serum or plasma.
 - 23) Prednisolone – 1 ng/ml in serum or plasma.
 - 24) Procaine penicillin – 25 ng/ml of procaine in serum or plasma. Procaine penicillin must be reported to the Board at time of administration and shall not be administered after the horse is entered to race.
 - 25) Ranitidine – 40 ng/ml in serum or plasma.
 - 26) Triamcinolone acetonide – 100 pg/ml in serum or plasma.
 - 27) Xylazine – 200 pg/ml in serum or plasma.
- g) Laboratory reports of the therapeutic medications listed in subsection (f) greater than or equal to their respective threshold level shall be treated as they are defined and classified in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (incorporated by reference in subsection (a)(3)).
- h) Official test samples may contain any of the following drug substances, or their metabolites, in a concentration less than the threshold level:
- 1) Isoxsuprine – shall be less than 1,000 ng/ml in urine.
 - 2) Pyrilamine – shall be less than 50 ng/ml of O-desmethyl pyrilamine in urine.

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- i) The provisions of this Section shall be applied retroactively when substantively applicable, including all actions pending before the Board without regard to when the cause of action accrued; provided, however, that this subsection shall not operate to affect rights of individuals that have fully vested.
- j) To help licensees determine the test levels of substances contained in this Section, the Board laboratory will test, at the sole expense of the licensee for the actual cost of processing the sample, all equine urine, serum or plasma samples submitted to it that are accompanied by a certification indicating time, method and route of administration.

(Source: Amended at 42 Ill. Reg. 10424, effective June 1, 2018)

Section 603.75 Environmental Contaminants

The following drugs are recognized as substances that unavoidably become part of the food supply or environment of the horse, or are recognized as substances of human use and addiction and that could be found in the horse due to its close association with humans:

- a) Benzoyllecgonine (a metabolite of cocaine):
 - 1) Each time the laboratory reports benzoyllecgonine in a concentration less than 150 ng/ml in urine, the Stewards shall conduct an inquiry. The presence of benzoyllecgonine in the horse shall be considered reasonable cause to order a drug screen on the trainer, groom or any other licensed person who cares for the horse pursuant to 11 Ill. Adm. Code 508.50.
 - 2) Laboratory reports of benzoyllecgonine in a concentration greater than or equal to 150 ng/ml in urine shall be treated as a Class 1 drug, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (incorporated by reference in Section 603.60(a)(3)).
- b) Caffeine:

Laboratory reports of caffeine in a concentration greater than or equal to 100 ng/ml in ~~serum or plasma~~ urine shall be treated as a Class 2 drug, as defined in the Association of Racing Commissioners International Uniform Classification

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Guidelines for Foreign Substances (incorporated by reference in Section 603.60(a)(3)).

- c) Theobromine:
Laboratory reports of theobromine in a concentration greater than or equal to 2 mcg/ml in urine or 0.3 mcg/ml in serum or plasma shall be treated as a Class 4 drug, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (incorporated by reference in Section 603.60(a)(3)).

(Source: Amended at 42 Ill. Reg. 10424, effective June 1, 2018)

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- 1) Heading of the Part: General Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances
- 2) Code Citation: 41 Ill. Adm. Code 174
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
174.100	Amendment
174.210	Amendment
174.300	Amendment
174.310	Amendment
174.320	Amendment
174.400	Amendment
174.420	Amendment
174.440	Amendment
174.450	Amendment
174.APPENDIX A	Repealed
- 4) Statutory Authority: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].
- 5) Effective Date of Rules: October 13, 2018
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any matter incorporated by reference, are on file in the principal office of the State Fire Marshal, 1035 Stevenson Drive, Springfield IL and are available for public inspection at that location.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 3270; February 23, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Changes were made in response to the Notice of Publication Error for Part 174 as filed by JCAR and published in the *Illinois Register* on April 27, 2018 at 42 Ill. Reg. 7709. In addition, revisions were made at

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Section 210(a) to update the incorporated materials of the National Work Group on Leak Detector Evaluations (NWGLDE) to the most recent editions.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending to this part? No
- 15) Summary and Purpose of Rulemaking: Updates existing underground storage tank system (UST) rules concerning the storage, handling and use of flammable and combustible liquids, bulk handling, mobile fueling, incorporations by reference, and definitions for purpose of UST rules. Implements PA 100-299 by providing that landfills permitted by IEPA may utilize mobile fueling for the fueling of off-road vehicles and equipment used at and for the operation of these landfill sites. Makes non-substantive changes.
- 16) Information and questions regarding these adopted rules shall be directed to:

Tom Andryk
Division of Legal Counsel
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield IL 62703-4259

217/785-5758
fax: 217/524-5487

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 174
GENERAL REQUIREMENTS FOR UNDERGROUND STORAGE TANKS
AND THE STORAGE, TRANSPORTATION, SALE AND USE OF
PETROLEUM AND OTHER REGULATED SUBSTANCES

SUBPART A: DEFINITIONS

Section
174.100 Definitions

SUBPART B: INCORPORATION BY REFERENCE

Section
174.200 Incorporation of National Standards
174.210 Incorporations by Reference

SUBPART C: BULK LOADING AND UNLOADING AND
GENERAL UNDERGROUND STORAGE TANK FACILITY REQUIREMENTS

Section
174.300 Storage, Handling and Use of Flammable and Combustible Liquids
174.310 Bulk Loading and Unloading for Railroad Tank Cars and Tank Vehicles
174.320 Locating Bulk Facilities Adjacent to a Motor Fuel Dispensing Facility; Dual
Purpose USTs
174.330 Heating Systems
174.340 Greasing Pits
174.350 Fire Extinguishers
174.360 Fireworks
174.370 General Requirement to Maintain All Equipment

SUBPART D: PORTABLE AND VEHICULAR DISPENSING

Section
174.400 Dispensing Requirements at Motor Fuel Dispensing Facilities
174.410 Portable Containers and Portable Fuel Tanks
174.420 Deliveries from Portable Fuel Tanks and Tank Vehicles Restricted
174.430 Auxiliary Fuel Tanks for Vehicles over a Certain Size
174.440 Dispensing or Delivery of Flammable or Combustible Motor Fuels from Tank
Vehicles

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174.450 Requirements for Permit to Fuel Motor Vehicles from Tank Vehicles

174.APPENDIX A Derivation Table [\(Repealed\)](#)

AUTHORITY: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].

SOURCE: Adopted at 34 Ill. Reg. 13318, effective September 2, 2010; amended at 42 Ill. Reg. 10435, effective October 13, 2018.

SUBPART A: DEFINITIONS

Section 174.100 Definitions

The following definitions shall apply to 41 Ill. Adm. Code 174, 175, 176 and 177 concerning underground storage tanks and tank systems and the storage, transportation, sale and use of petroleum and other regulated substances.

"Abandonment-in-place" is the permanent placement of a UST in an inoperative condition by filling it with inert material in accordance with 41 Ill. Adm. Code 175.840.

"Airport Hydrant Fuel Distribution System" or "Airport Hydrant System" means a UST system that fuels aircraft and operates under high pressure with large diameter piping that typically terminates into one or more hydrants (fill stands). An airport hydrant system may have one or more of the following connected together: aboveground tanks, underground tanks, underground piping, field constructed tanks, or factory constructed tanks. The airport hydrant system begins where fuel enters one or more tanks from an external source such as a pipeline, barge, rail car, or other motor fuel carrier.

"Air Test" or "Air Tested" means a type of integrity test used to demonstrate tightness in a UST or associated piping at installations and upgrades. An air test can only be used when all sides of the tank and/or piping being tested are visible. Test procedures will be performed in accordance with manufacturer's specifications or PEI/RP 100 Recommended Practices for Installation of Underground Liquid Storage Systems.

"American Suction" is any suction system other than European.

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"Ancillary Equipment" means any devices including, but not limited to, piping, fittings, flanges, valves, pumps, dispensers, line leak detection equipment, ATG probes, interstitial tank sensors, sump sensors, flex connectors, and automatic overfill prevention devices used to distribute, meter or control the flow of regulated substances to and from a UST.

"ANSI" means American National Standards Institute.

"API" means American Petroleum Institute.

"ASTM" means American Society for Testing and Materials.

"Attendant" means the owner or any person who is employed by an owner of a motor fuel dispensing facility to dispense motor fuel at that facility.

"Blended Fuel" means gasoline containing greater than 10% ethanol and petroleum diesel containing greater than 20% biodiesel.

"Building" means any three dimensional space that is enclosed by a roof and walls where more than 50% of the possible area of the perimeter walls (sides) of the space is covered and not open to the outside.

"Bulk Storage" means the containment in a UST of a regulated substance for purposes of the bulk transfer or bulk transport of regulated substances and not for retail sale to the public.

"Bunker Tank" means a commercial heating oil or emergency power generator tank situated below grade, in a basement, on a floor, and enclosed in a masonry wall structure, with the tank completely or partially covered by sand, or otherwise not fully accessible to inspection.

"Cathodic Protection" is a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, a tank system can be cathodically protected through the application of either galvanic anodes or impressed current.

"Class I Liquids" – See Flammable Liquids.

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"Class II and III Liquids" – See Combustible Liquids.

"Combustible Liquids" are defined in NFPA 30 as Class II, IIIa and IIIb liquids.

"Compatible" means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another for the design life of the tank system under conditions likely to be encountered in the UST.

"Containment Sump" means a factory manufactured liquid-tight container that protects the environment by containing leaks and spills of regulated substances from piping, dispensers, pumps and related components in the containment area. Containment sumps may be single-walled or secondarily contained and located at the top of the tank (tank top or submersible turbine pump), underneath the dispenser (under-dispenser containment sump), or at other points in the piping run (transition or intermediate sump)~~factory manufactured containments resistant to petroleum and chemical products that may contain system piping, electrical conduits, pumps and leak sensors.~~

"Contractor" is a person licensed under the Petroleum Equipment Contractor's Licensing Act [225 ILCS 729], excluding employees of the contractor, who performs any UST activity for an owner or operator.

"Corrosion Expert" is a person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. This person shall be accredited as being qualified by the National Association of Corrosion Engineers (NACE) or be an Illinois Licensed Professional Engineer who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks.

"Days" means calendar days unless otherwise stated.

"Decommission" or "Decommissioning" means to permanently close the UST by removal or abandonment-in-place pursuant to 41 Ill. Adm. Code 175.830 and 175.840, and using a contractor that is OSFM-licensed in the decommissioning module pursuant to 41 Ill. Adm. Code 172.

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"Dielectric Material" is a material that does not conduct direct electric current. Dielectric coatings are used to electrically isolate USTs from the surrounding soil. Dielectric bushings are used to electrically isolate portions of the UST (i.e., tank from piping).

"Dispenser" means equipment located above ground that dispenses regulated substances from the UST system.

"Dispenser System" means the dispenser and the equipment necessary to connect the dispenser to the underground storage tank system.

"Dispensing" means the transfer of a regulated substance from a UST directly into the fuel tank of a motor vehicle operated by an internal combustion engine, for use by that motor vehicle. Also, "dispensing" is the transfer of a regulated substance from a UST directly into a portable container, safety can or portable fuel tank.

"Double-walled", in reference to tanks and piping, is a factory certified container consisting of an inner wall and an outer wall with an interstitial space between the inner wall and outer wall suitable for interstitial monitoring, and is designed, constructed and installed to:

contain regulated substances released from the tank system until they are detected and removed;

prevent the release of regulated substances to the environment at any time during the operational life of the UST; and

be checked at least every 30 days for evidence of a release.

A field-installed liner or insert does not qualify as a double-walled tank.

"Dual Purpose UST" or "Multi-purpose UST" is an underground storage tank system in compliance with the requirements of Sections 174.310 and 174.320 and 41 Ill. Adm. Code 160, 172, 174, 175, 176, 177 and 180 and is connected to one or more dispensers and a bulk load-out at the same time.

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"Emergency Stop" or "Emergency Shutoff Switch" or "E-stop" means a device or switch that, when activated, will disconnect power to all dispensing devices, to all remote pumps serving the dispensing devices, to all associated power, control and signal circuits, and to other electrical equipment in the hazardous (classified) locations surrounding the fuel dispensing devices, but not including intrinsically safe electrical equipment. ~~An emergency shutoff switch may also be known as an emergency shutoff (or stop) button or a master electrical shutoff.~~

"European Suction" is a piping system that draws a liquid through the system by suction pump or vacuum pump located at the dispenser. To qualify as European suction, the system shall meet the requirements set forth in 40 CFR ~~280.41(b)(1)(ii)(A) through (E)~~ ~~280.41(b)(2)(i) through (v)~~ and 41 Ill. Adm. Code 175.640(b)(2)(A) through (E).

"Excavation Zone" is the cubic area containing the tank system and backfill material, bounded by the ground surface, walls and floor of the pit and trenches into which the UST is placed at the time of installation.

"Farm" or "Agricultural Site" is a tract of land devoted to the production of crops or raising of animals, including fish. "Farm" includes all contiguous land and structures and other appurtenances and improvements; also, fish hatcheries, rangeland and nurseries with growing operations. "Farm" does not include agribusiness (as defined in 20 ILCS 3501/801-10(z)), laboratories where animals are raised, land used to grow timber, and pesticide aviation operations. Moreover, this definition does not include retail stores or garden centers where nursery farm products are marketed, but not grown.

"Farm Tank" means a motor fuel UST located on a farm and used exclusively for farm purposes.

"Field-Constructed Tank" means a tank constructed in the field. For example, a tank constructed of concrete that is poured in the field, or a steel or fiberglass tank primarily fabricated in the field, is considered field-constructed.

"Flammable Liquids" are defined in NFPA 30, and are divided into Class Ia, Ib and Ic liquids.

"Flow-through Process Tank" is a tank that forms an integral part of a production process through which there is a steady, variable, recurring or intermittent flow of

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materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction to the process or for the storage of finished products or by-products from the production process. When the process is shut down, flow-through process tanks do not store product to be used once the process is resumed and may contain no more than a de minimis amount of product.

"Gathering Lines" are any pipeline, equipment, facility or building used in the transportation of oil or gas during oil or gas production or gathering operations.

"Hazardous Substance" means any substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 USC 9601(14)), but does not include any substance regulated as a hazardous waste under subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA) (42 USC 6901 et seq.) or any mixture of those substances and petroleum.

"Hazardous Substance UST" means an underground storage tank system that contains a hazardous substance or any mixture of those substances and petroleum and that is not a petroleum UST.

"Heating Oil" means petroleum that is No. 1, No. 2, No. 4-light, No. 4-heavy, No. 5-light, No. 5-heavy or No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C) and other fuels when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers or furnaces.

"Heating Oil Tank for Consumptive Use on the Premises Where Stored" means heating oil consumed exclusively on the same or contiguous property where the heating oil UST is located, for heating purposes. Thus, centralized heating units using heating oil that serve more than one building on the same property are included. It does not include using heating oil to heat from a boiler or furnace, through direct conductivity, any product or substance used in a manufacturing or production process or using heating oil as an ingredient in a manufacturing or production process. Heating oil used to heat grain dryers or kilns is used for consumptive use on the premises.

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"Hearing Officer" means the presiding official designated by the State Fire Marshal to conduct a hearing and preside over pre-hearing and post-hearing matters in a contested case.

"Hot Work" means operations or work on a UST capable of providing a source of ignition, such as drilling, welding, cutting, burning or heating.

"Hydraulic Lift Tank" means a tank holding hydraulic fluid for a closed loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators or other similar devices.

"ICC" means International Code Council.

"IEMA" means the Illinois Emergency Management Agency.

"Interior Lining" or "Internal Lining" means corrosion and chemical resistant materials that are sprayed, brushed or applied to the inside of a tank to protect the tank and its product from contamination by corrosion or to ensure that the inside of the tank is compatible with the product stored. Interior lining is applied by a contractor licensed by OSFM to conduct interior lining.

"Interstitial Monitoring" is a release detection method used to determine the presence of a regulated substance between the inner and outer barriers of a secondary containment system of an underground tank and/or piping system and is designed, constructed and installed to detect a leak from any portion of the tank or piping that routinely contains product and meets any other applicable requirements of 41 Ill. Adm. Code 175.630(~~f~~g) and 40 CFR 280.43(g).

"Intrinsically Safe Electrical Equipment" means equipment and wiring that is incapable of releasing sufficient electrical or thermal energy under normal or abnormal conditions to cause ignition of a specific hazardous atmospheric mixture in its most easily ignited concentration.

"Kerosene" is a refined petroleum distillate consisting of a homogeneous mixture of hydrocarbons essentially free of water, inorganic, acidic or basic compounds, and excessive amounts of particulate contaminants. Two classifications exist as follows:

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No. 1-K (also known as "K-1") – A special low-sulfur grade kerosene suitable for use in non-flue connected kerosene burner appliances and for use in wick-fed illuminating lamps; and

No. 2-K (also known as "K-2") – A regular grade kerosene suitable for use only in flue connected burner appliances and for use in wick-fed illuminating lamps.

"Liquid Traps or Associated Gathering Lines Directly Related to Oil or Gas Production or Gathering Operations" refers to sumps, well cellars or other traps, used in association with oil or gas production, gathering or extraction operations (including gas production plants), for the purpose of collecting oil, water or other liquids. Liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream or may collect and separate liquids from a gas stream.

"Liquefied Petroleum Gas" or "LP Gas" *means any material which is composed predominately of any of the following hydrocarbons or mixtures of the same: propane, propylene, butanes (normal butane and iso-butane) and butylenes.* [430 ILCS 10/2].

"Listed" or "Third Party Listed" means equipment, materials or services included in a list specifying the intended use and that has been published by a third party organization that:

is acceptable to OSFM and concerned with evaluation of products or services;

maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services; and

for each listing states that either the equipment, material or service meets appropriate designated standards or has been tested and found suitable for its intended use.

"Maintenance" means normal operational upkeep to prevent a UST from releasing product.

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"Motor Fuel" means ~~a complex blend of hydrocarbons typically used in the operation of a motor engine, such as petroleum or a petroleum-based substance that is~~ motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, ~~whether alone or in combination with agricultural products,~~ or any blend ~~containing one or more of these substances (for example, motor gasoline blended with alcohol) of petroleum and ethanol and is typically used in the operation of a motor engine.~~

"Motor Fuel Dispensing Facility" means that portion of a property where motor fuels are stored and dispensed from a UST, using fixed equipment, into the fuel tanks of motor vehicles, marine craft or aircraft, or into approved containers, including all equipment used in connection with that storage and dispensing. The term "motor fuel dispensing facility" includes the locations of emergency ~~stopshutoff switches~~ and fueling observation points, and all buildings involved with dispensing activities. Motor fuel dispensing facilities may take the following forms:

"Attended Self-Service Motor Fuel Dispensing Facility" means a motor fuel dispensing facility that has an attendant or employee on duty whenever the facility is open for business. The attendant or employee on duty does not typically dispense motor fuels into fuel tanks or containers. The customer or vehicle operator usually conducts the dispensing.

"Fleet Vehicle Motor Fuel Dispensing Facility" means a motor fuel dispensing facility at a commercial, industrial, governmental or manufacturing property where motor fuels are dispensed into the fuel tanks of motor vehicles that are used in connection with the business or operation of that property by persons within the employ of the business or operation.

"Full-Service Motor Fuel Dispensing Facility" means a motor fuel dispensing facility that has one or more attendants or supervisors on duty to dispense motor fuels into fuel tanks or containers whenever the facility is open for business. All dispensing at a full-service motor fuel dispensing facility is conducted by an attendant and no dispensing is conducted by customers.

"Marine Motor Fuel Dispensing Facility" means a motor fuel dispensing facility at or adjacent to shore, a pier, a wharf, or a floating dock where motor fuels are dispensed into the fuel tanks of marine craft.

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"Motor Fuel Dispensing Facility Located Inside a Building" means that portion of a motor fuel dispensing facility having obtained written permission by OSFM to be located within the perimeter of a building or building structure that also contains other occupancies. The term also includes detached buildings separated by at least 20 feet from other buildings and used exclusively for dispensing of motor fuels in compliance with NFPA 30A, incorporated by reference in Section 174.210.

"Unattended Self-Service Motor Fuel Dispensing Facility" means a motor fuel dispensing facility that has no attendant or employee on duty. The customer or vehicle operator conducts the dispensing operation. This includes coin, currency, membership card and credit card dispensing operations.

"NACE" means National Association of Corrosion Engineers.

"NFPA" means National Fire Protection Association.

"NLPA" means National Leak Prevention Association.

"Noncommercial Purposes", with respect to motor fuel, means not for resale.

"NOV" means a notice of violation issued by OSFM.

"NWGLDE" means National Work Group on Leak Detector Evaluations.

"Operational Maintenance Inspection" or "OMI" or "Certification Audit" means an inspection performed by an STSS to establish a facility's regulatory compliance.

"Operation" or "Use" in reference to underground storage tanks *means that the tank must have had input or output of petroleum, petroleum products, or hazardous substances, with the exception of hazardous wastes, during the regular course of its usage. "Operation" does not include compliance with leak detection requirements as prescribed by rules and regulations of the Office of the State Fire Marshal or the mere containment or storage of petroleum, petroleum products, or*

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hazardous substances, with the exception of hazardous wastes. [430 ILCS 15/4(b)(1)(D)]

"Operator" means any person in control of, or having responsibility for, the daily operation of the UST.

"OSFM" means the Office of the State Fire Marshal.

"OSFM Rules", unless otherwise specified, means the rules of OSFM located at 41 Ill. Adm. Code 160, 172, 174, 175, 176, 177 and 180.

"OSI" or "Operational Safety Inspection" means an inspection of any activity requiring an STSS on site.

"Owner" means:

In the case of a UST in use on November 8, 1984, or brought into use after that date, any person who owns a UST used for storage, use or dispensing of regulated substances; and

In the case of any UST in use before November 8, 1984, but no longer in use on that date, any person who owned the UST immediately before the discontinuation of its use.

"Owner of Motor Fuel Dispensing Facility" means any individuals or legal entity holding title, lease, license or any interest in a motor fuel dispensing facility. The legal name, residence, address and county of any individuals who are owners shall be filed with OSFM.

"PAI" or "Performance Assurance Inspection" means an inspection for work that must be scheduled with OSFM and for which an STSS may be present.

"Party" means any individual, trust, firm, partnership, joint stock company, corporation, consortium, joint venture, commercial entity, federal government, State government, municipality, commission, unit of local government or political subdivision of the State, or any interstate body.

"PEI" means the Petroleum Equipment Institute.

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"Person" means any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, municipality, commission, political subdivision of a state, interstate body, or other legal entity, or their legal representative, agent or assigns. "Person" also includes any consortium, joint venture, commercial entity or the United States Government and any federal agency.

"Petroleum" (including crude oil or any fraction of crude oil that is liquid at standard conditions of temperature and pressure (60°F and 14.7 pounds per square inch absolute)), includes, but is not limited to, petroleum-based substances comprised of a complex blend of hydrocarbons ~~derived from crude oil through processes of separation, conversion, upgrading or finishing~~, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents or used oils.

"Petroleum UST" means an underground storage tank system that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. Petroleum USTs include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents or used oils.

"Pipe" or "Piping" is any hollow cylinder or tubular conduit that is constructed of non-earthen materials. Such piping includes any elbows, couplings, unions, valves or other in-line fixtures that contain and convey regulated substances from the underground tanks to the dispensers.

"Pipeline Facilities" (including gathering lines) includes new or existing pipe rights-of-way and any equipment, facilities or buildings used in the transportation of gas (or hazardous liquids, which include petroleum or any other liquid designated by the U.S. Secretary of Transportation) or the treatment of gas or designated hazardous liquids during the course of transportation.

"Precision Test" or "Precision Tested" means a type of integrity test used to demonstrate tightness in a UST or associated piping. A precision test must be performed by an OSFM-licensed contractor, certified in the appropriate module, utilizing methods and equipment listed by an independent third party testing laboratory and listed in the NWGLDE publication List of Leak Detection Evaluations for Storage Tank Systems. Test procedures will be performed in accordance with manufacturer's specifications for the testing equipment being used, and must be able to detect a leak at a rate of at least 0.1 gallon per hour from

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any portion of the tank or piping that routinely contains product, with a probability of detection of at least 95 percent and a probability of false alarm of no more than five percent.

"Re-certified Tank" A re-certified tank is any used tank that has been inspected and certified pursuant to the requirements of 41 Ill. Adm. Code 175.400(c).

"Regulated Substance" means: ~~petroleum or hazardous substance as defined in this Section.~~

Any substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 (but not including any substance regulated as a hazardous waste under subtitle C); and

Petroleum, including crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute). The term regulated substance includes, but is not limited to, petroleum and petroleum-based substances comprised of a complex blend of hydrocarbons, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.

"Release" means any spilling, overfilling, leaking, emitting, discharging, escaping, leaching or disposing from a UST into groundwater, surface water or subsurface soils.

"Release Detection" means determining whether a release of a regulated substance has occurred from the UST system into the environment or a leak has occurred into the interstitial space between the UST system and its secondary barrier or secondary containment around it.

"Removal" means removal of the underground storage tank system in accordance with 41 Ill. Adm. Code 175.830.

"Repair" means to restore to proper operating condition any a-tank, pipe, spill prevention equipment, overfill prevention equipment, corrosion protection equipment, release detection equipment, or other UST component that has caused

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or may cause a release of product from the UST system or has failed to function properly.

"Reportable Quantity" means the extent of a hazardous substance release that requires notification under Section 176.320 or 176.340. The reportable quantity varies depending upon the substance involved and is determined under 40 CFR 302.1 through 302.6 and 355.40, incorporated by reference in 41 Ill. Adm. Code 174.210. A list of the reportable quantities for various hazardous substances can be found at <http://www.epa.gov/emergencies/tools.htm#lol>.

"Residence" means single-family dwelling unit or duplex, and the parcel of property each is located on, with only one unit or duplex per parcel.

"Residential Tank" is a motor fuel underground storage tank located on residential property used for noncommercial purposes by a single family and located on property on which that family's residence is located.

"Revocation of the License of a Contractor" means termination of a contractor's license to perform any activity the contractor was licensed to perform.

"Revocation of the Registration of an Underground Storage Tank System" means termination by OSFM of the registration of a UST.

"Safety Can" means a container of not more than 5.3 gallons capacity having a spring-closing lid and spout cover, and designed so that it will safely relieve internal pressure when subjected to fire exposure, per NFPA 30 and 30A, incorporated by reference in 41 Ill. Adm. Code 174.210.

"Secondary Containment" or "Secondarily Contained" means a release prevention and release detection system for underground storage tanks and/or piping, consisting of an inner and outer barrier with an interstitial space that is monitored for leaks~~suitable for interstitial monitoring~~, and designed, constructed and installed to:

contain regulated substances released from the tank system until they are detected and removed;

prevent the release of regulated substances to the environment at any time during the operational life of the UST; and

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be checked at least every 30 days for evidence of a release.

Secondary containment may include double-walled tanks and piping. [This term includes containment sumps when used for interstitial monitoring of piping.](#)

"Site Assessment" is sampling and analyzing the results of the sampling to determine if a release has occurred and if contamination is present on a site, pursuant to 41 Ill. Adm. Code 176.330.

"STI" means Steel Tank Institute.

"Stormwater Collection System" or "Wastewater Collection System" means all piping, pumps, conduit and any other equipment necessary to collect and transport the flow of surface water runoff resulting from precipitation or domestic, commercial or industrial wastewater to and from retention areas or areas where treatment is designated to occur. The collection of stormwater or wastewater does not include treatment, except when incidental to conveyance.

"STSS" means a Storage Tank Safety Specialist employed by OSFM.

"Surface Impoundment" is a natural topographic depression, man-made excavation or diked area formed primarily of earthen materials (although it may be lined with man-made materials) that is not an injection well.

"Suspension of the License of a Contractor" means the prohibition of a contractor's performance of any activity the contractor was licensed to perform for a period of time not to exceed one year.

"Tank" is a stationary device designed to contain an accumulation of regulated substances and constructed of non-earthen materials (e.g., steel, fiberglass, concrete or plastic) that provides structural support.

"Tank Vehicle" means any tank truck, tank full-trailer, or tractor and tank semi-trailer combination.

"Tank Containment Sump" means a factory manufactured containment located at the tank at the submersible pump or the entry point of American suction piping at

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the tank that will prevent leaks from the product piping from reaching soil or groundwater.

"Ten Percent or More Beneath the Surface of the Ground", with reference to a tank, means that its volume (including the volume of its connected underground piping) is 10 percent or more beneath the ground surface or otherwise covered with earthen materials. If a tank is in a vault, it is considered "beneath the surface of the ground" if it cannot be viewed from all sides and top and base.

"Third Party", unless otherwise specified in the rule, when applied to a device or system, means an independent nationally recognized organization or independent professionally licensed individual that evaluates the device or system according to a nationally recognized practice. Examples include, but are not limited to, UL, UL CAN, ANSI, ASTM, NLPA, API or NWGLDE.

"UL" means Underwriters Laboratories, Inc.

"UL Canada" or "UL CAN" means Underwriters Laboratories of Canada.

"Under-dispenser Containment" or "UDC" means factory manufactured containment underneath a dispenser that will prevent leaks from the dispenser and piping within or above the UDC from reaching soil or groundwater. The containment:

must be liquid-tight on its sides, bottom and at any penetrations or sidewall seam;

must be compatible with the substance conveyed by the piping; and

must allow for visual inspection and access to the components in the containment system and/or be monitored.

"Underground Storage Tank System" or "UST" means any one or combination of tanks (including connected underground pipes, connected ancillary equipment, ~~and~~ and connected cathodic protection, and containment system, if any) used to contain an accumulation of regulated substances, the volume of which (including the volume of underground connected pipes) is 10 percent or more beneath the surface of the ground. A UST does include an emergency power generator tank system that stores any classification of fuel for use exclusively, alternately or

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concurrently by an emergency power generator, except as otherwise excluded in this definition. The term "underground storage tank system" or "UST" does not include any pipes connected to any tank excluded from this definition.

Underground storage tank system or UST does not include any tank system as follows:

Farm or residential tank with a capacity of 1,100 gallons or less used for storing motor fuel for noncommercial purposes;

Heating oil tank of any capacity used exclusively for storing heating oil for consumptive use on a farm or residence;

Septic tank;

Pipeline facility (including gathering lines):

~~Regulated under [49 USC Ch. 601](#); or the [Natural Gas Pipeline Safety Act of 1968](#) ([49 USC 1671 et seq.](#), recodified at [49 USC 60101 et seq.](#));~~

~~Regulated under the [Hazardous Liquid Pipeline Safety Act of 1979](#) ([49 USC 2001 et seq.](#), recodified at [49 USC 60101 et seq.](#)); or~~

Regulated under the Illinois Gas Pipeline Safety Act [220 ILCS 20] and determined by the Secretary of Transportation to be connected to a pipeline, or to be operated or intended to be capable of operating at pipeline pressure or as an integral part of a pipeline;

Any wastewater treatment tank system (including oil-water separators) that is part of a wastewater treatment facility regulated under section 402 or 307(b) of the Clean Water Act (33 USC 1342 or 1317(b));

Surface impoundment, pit, pond or lagoon;

Stormwater or wastewater collection system;

Flow-through process tank;

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Emergency spill protection tank or overflow tank that is emptied expeditiously following use;

Liquid trap or associated gathering line directly related to oil or gas production and gathering operations;

Storage tank situated in an underground area (such as a basement, cellar, mine working, drift, shaft or tunnel) if the storage tank is situated upon or above the surface of the floor and can be viewed from all sides and top and base;

Storage tank situated in a vault (whether underground or aboveground), if the storage tank is situated upon or above the surface of the floor or ground and can be viewed from all sides and top and base;

Tank abandoned-in-place by filling with inert material in compliance with 41 Ill. Adm. Code 175.840, [while the condition allowing abandonment in place still exists](#);

Tank with a capacity of 110 gallons or less;

Any UST holding hazardous wastes listed or identified under subtitle C of the Solid Waste Disposal Act (42 USC 3251 et seq.);

Tank that contains a de minimis concentration of regulated substances, except that the tank shall have been in that status as of April 21, 1989 and may not have been converted to a UST tank on or after that date, unless the tank has been re-certified and is in compliance with applicable upgrade requirements; or

Equipment or machinery that contains regulated substances for operational purposes, such as hydraulic lift tanks or electrical equipment tanks.

With the exception of release reporting, response, ~~and~~ corrective action [and financial responsibility](#) requirements, the following USTs (whether single- or double-wall construction) are [partially excluded](#)~~deferred~~ under 40 CFR 280.10(c) from UST regulatory requirements found in 41 Ill. Adm. Code 172, 174, 175, 176 and 177:

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Wastewater treatment tank ~~system~~system not regulated under Section 402 or 307B of the Clean Water Act (33 USC 1342 or 1317(b)), (including oil-water separators, except that oil-water separators that are components of an oil processing, refining or treatment system are not wastewater treatment tanks);

Aboveground storage tanks associated with both airport hydrant fuel distribution systems and UST systems with field-constructed tanks regulated under subpart I;

Any UST containing radioactive material that is regulated under the Atomic Energy Act of 1954 (42 USC 2011 et seq.); and

Any UST that is part of an emergency generation system at a nuclear power generation facility ~~licensed~~regulated by the U.S. Nuclear Regulatory Commission and subject to Nuclear Regulatory Commission requirements regarding design and quality criteria, including, but not limited to, 10 CFR 50.;

~~Airport hydrant fuel distribution system; and~~

~~Any field-constructed tank.~~

Although these systems are ~~partially excluded~~deferred (and therefore partially exempt from the requirements in 41 Ill. Adm. Code 172, 174, 175, 176 and 177) under 40 CFR 280.10(c) and 280.11, they are required to comply with release reporting, response, ~~and~~ corrective action and financial responsibility requirements in 41 Ill. Adm. Code 176.~~200300~~ through 176.360 and, by December 22, 1998, are required to comply with the following:

Be constructed to prevent releases due to corrosion or structural failure for the operational life of the UST;

Be cathodically protected against corrosion, constructed of non-corrodible material, steel clad with a non-corrodible material, or designed in a manner to prevent the release or threatened release of any stored substance;

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Be constructed or lined with material that is compatible with the stored substance; and

Have installed a method for leak detection in accordance with written directives issued by OSFM.

"UST Activity" means a UST:

Installation – including retrofitting and cathodic protection installation;

Repair – including upgrade, which includes retrofitting and cathodic protection installation;

Removal – decommissioning, which includes abandonment-in-place;

Lining;

Lining ~~inspection~~inspections;

Tank entry;

Precision testing of one or more tanks or lines; ~~or~~

Cathodic protection testing;

Containment sump testing;

Overfill prevention equipment inspection;

Spill prevention equipment testing; or

Release detection equipment and system testing.

"UST System" means a UST.

"Upgrade" is the addition or retrofit of some portion of a UST, such as cathodic protection, leak detection, new dispenser islands, new piping, interior lining or spill and overfill controls, installation of a manway, flex connectors, or other new openings.

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"Wastewater Treatment Tank" means a tank that is designed to receive and treat any influent wastewater through physical, chemical or biological methods.

(Source: Amended at 42 Ill. Reg. 10435, effective October 13, 2018)

SUBPART B: INCORPORATION BY REFERENCE

Section 174.210 Incorporations by Reference

If a UST was installed prior to adoption of these standards, the standard that shall apply to any maintenance or repair shall be the standard cited in this Section unless otherwise specified in 41 Ill. Adm. Code 174, 175, 176 or 177. If a UST or a component of the system is installed, replaced or upgraded, the installation, replacement or upgrade shall comply with the standards listed in this Section.

- a) The following publications are incorporated by reference and apply to 41 Ill. Adm. Code 174, 175, 176, and 177:

[Airlines for America \(formerly, Air Transport Association \(ATA\)\), 1275 Pennsylvania Avenue, NW, Suite 1300, Washington DC 20004. Website for listing of publications: https://publications.airlines.org.:](https://publications.airlines.org/)

["Airport Fuel Facility Operations and Maintenance Guidance Manual" \(2004 Edition\).](#)

American Petroleum Institute (API). Available from the American Petroleum Institute, 1220 L Street, N.W., Washington ~~DC~~^{DC} 20005, (202)682-8000:

API Recommended Practice 1604, "Removal and Disposal of Used Underground Petroleum Storage Tanks", Third Edition, 1996.

API Recommended Practice 1631, "Interior Lining of Underground Storage Tanks", Fifth Edition, 2001.

API Standard 2015, "Requirements for Safe Entry and Cleaning of Petroleum Storage Tanks", ~~Sixth~~^{Seventh} Edition, ~~2014~~²⁰⁰¹.

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[API Recommended Practice 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Filling Stations", Second Edition, 2010.](#)

American Society for Testing and Materials (ASTM). Available from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken PA 19428-2959, (610)832-9500:

ASTM F 852-08, "Standard Specification for Portable ~~Gasoline~~~~Kerosene~~ and Diesel Containers for Consumer Use" (2008 Edition).

ASTM F 976-08, "Standard Specification for Portable Kerosene and Diesel~~Gasoline~~ Containers for Consumer Use" (2008 Edition).

The ICC International Building Code. Available from ICC, 4051 W. Flossmoor Rd., Country Club Hills IL ~~60478~~~~60477-5795~~, (708)799-2300:

ICC International Building Code (~~2015~~~~2009~~).

[Institute of International Banking Law & Practice, Inc. \(Institute\). Website: http://iiblp.org/resources/isp-forms/:](#)

["International Standby Practices \(ISP\) 98 Form 11.1, Model Government Standby Form" \(2014\).](#)

NACE International. Available from NACE International, 1440 S. Creek Dr., Houston TX 77084, (281)228-6223:

NACE Standard Practice SP0169, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems" (~~2013~~~~2007~~ Edition).

NACE Standard ~~Recommended~~ Practice ~~SP0285~~~~RP0285~~, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection" (~~2011~~~~2002~~ Edition).

National Fire Protection Association (NFPA). Available from the National Fire Protection Association, 1 Batterymarch Park, Quincy MA ~~02169~~~~02269~~, (617)770-3000 or (800)344-3555:

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NFPA 10, "Standard for Portable Fire Extinguishers" (~~2013~~2007).

NFPA 13, "Standard for the Installation of Sprinkler Systems" (~~2016~~1983).

NFPA 17, "Standard for Dry Chemical Extinguishing Systems" (~~2017~~2009).

~~NFPA 72, "National Fire Alarm Code" (2010).~~

NFPA 30, "Flammable and Combustible Liquids Code" (~~2015~~2008). Also available from ANSI.

NFPA 30A, "~~Code for Motor Fuel Dispensing Facilities and Repair Garages~~Automotive and Marine Service Station Code" (~~2015~~2008). Also available from ANSI.

NFPA 58, "Liquefied Petroleum Gas Code" (~~2017~~2008).

NFPA 70, "National Electrical Code" (~~2017~~2008). Also available from ANSI.

~~NFPA 72, "National Fire Alarm and Signaling Code" (2016).~~

NFPA 101, "Life Safety Code" (2000). Also available from ANSI.

NFPA 385, "~~Standard for~~ Tank Vehicles for Flammable and Combustible Liquids" (~~2017~~2007). Also available from ANSI.

~~NFPA 407, "Standard for Aircraft Fuel Servicing" (2017).~~

National Leak Prevention Association (NLPA). Available from the National Leak Prevention Association, 75-4 Main Street, Suite 300, Plymouth NH 03264, info@NLPA-online.org, (815)301-2785 (phone), (240)757-0211 (fax):

NLPA Standard 631 (Chapters A & B Only), "Entry, Cleaning, Interior Inspection, Repair and Lining of Underground Storage Tanks" (Chapter

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A) and "Future Internal Inspection Requirements ~~for~~ Lined Tanks" (Chapter B), ~~Fifth~~^{Third} Edition, ~~2001~~¹⁹⁹¹.

National Work Group on Leak Detector Evaluations (NWGLDE), List of Leak Detection Evaluations for Storage Tank Systems, ~~Twenty-Fourth~~^{Sixteenth} Edition (January ~~31~~², ~~2017~~²⁰⁰⁹), as subsequently modified by the Twenty-Fifth Edition (January 18, 2018), available at www.nwglde.org~~www.nglde.org~~.

Petroleum Equipment Institute (PEI). Available from the Petroleum Equipment Institute, P.O. Box 2380, Tulsa OK 74101-2380, RP@pei.org, (918)494-9696 (phone), (918)491-9895 (fax):

[PEI/RP 100-17, "Recommended Practices for Installation of Underground Liquid Storage Systems" \(2017\).](#)

[PEI/RP 500-11, "Recommended Practices for Inspection and Maintenance of Motor Fuel Dispensing Equipment" \(2011\).](#)

[PEI/RP 900-17, "Recommended Practices for the Inspection and Maintenance of UST Systems" \(2017\).](#)

[PEI/RP 1000-14, "Recommended Practices for the Installation of Marina Fueling Systems" \(2014\).](#)

[PEI/RP 1200-17, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities" \(2017\).](#)

[PEI/RP 1300-13, "Recommended Practices for the Design, Installation, Service, Repair and Maintenance of Aviation Fueling Systems" \(2013\).](#)

[PEI/RP 1400-14, "Recommended Practices for the Design and Installation of Fueling Systems for Emergency Generators, Stationary Diesel Engines and Oil Burner Systems" \(2014\).](#)

Steel Tank Institute (STI). Available from the Steel Tank Institute, 944 Donata Court, Lake Zurich IL 60047, (847)438-8265:

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STI (F894-04) (ACT 100), "Specification for External Corrosion Protection of FRP Composite Steel Underground Storage Tanks", revised ~~February 2017~~ January 2009.

~~Underwriters~~ Underwriter Laboratories, c/o COMM 2000, 151 Eastern Avenue, Bensenville IL 60106, 1-888-853-3503:

"Standard for Pre-Engineered Dry Chemical Extinguishing System Units", UL 1254, Fourth Edition (2013~~2005~~).

US Department of Defense (available at <http://www.wbdg.org/ffc/dod> and at <http://www.dtic.mil/whs/directives>):

"Unified Facilities Criteria (UFC) 3-460-01, Petroleum Fuel Facilities", 2010 Edition as revised by Change 2, eff. June 17, 2015.

Department of Defense Manual 4140.25, Volume 9, "DoD Management of Energy Commodities: Defense Fuel Support Point (DFSP) Bulk Petroleum Inventory Accounting" (eff. March 2, 2018) (consolidated from Department of Defense Instruction Number 4140.25, "DoD Management of Bulk Petroleum Products, Natural Gas, and Coal", Volume II: "Petroleum Management", Chapter 10: "Accountability", eff. June 22, 1994).

- b) The following federal regulations (Code of Federal Regulations (CFR)) are incorporated by reference and apply to 41 Ill. Adm. Code 174, 175, 176 and 177. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington ~~DCD-C~~ 20401, (202)512-1800:

29 CFR 1910.146 (December 27, 2011).

29 CFR 1926 (July ~~26~~ 2015, ~~2016~~ 2002).

40 CFR 280 (~~October 13, 2015~~ September 7, 1995).

40 CFR 302.1 through 302.6 and 355.40 (July 1, 2015 ~~December 18, 2008~~).

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- c) If the above-referenced publications conflict with specific provisions of 41 Ill. Adm. Code 174, 175, 176 or 177, the Illinois rules shall take precedence over the publications identified in subsection (a) and the federal rules (identified in subsection (b)) shall take precedence over the Illinois rules. However, the provisions of 41 Ill. Adm. Code 174, 175, 176, and 177 shall not be deemed to be in conflict with federal rules on the basis that the Illinois rules are more specific than, more stringent than, or impose requirements for which no similar requirements are contained in, laws and rules enforced by agencies of the federal government.
- d) The following Illinois regulations are referenced in this Part:

Pollution Control Board: 35 Ill. Adm. Code 734, 742 and 750.410

Department of Transportation: 92 Ill. Adm. Code 172

(Source: Amended at 42 Ill. Reg. 10435, effective October 13, 2018)

**SUBPART C: BULK LOADING AND UNLOADING AND
GENERAL UNDERGROUND STORAGE TANK FACILITY REQUIREMENTS**

Section 174.300 Storage, Handling and Use of Flammable and Combustible Liquids

With regard to USTs, except as otherwise provided in 41 Ill. Adm. Code 172, 174, 175, 176, 177, 160 and 180, the storage, handling and use of flammable and combustible liquids shall comply with NFPA 30 and 30A, incorporated by reference in 41 Ill. Adm. Code 174.210, as of [October 13, 2018](#)~~September 1, 2010~~.

(Source: Amended at 42 Ill. Reg. 10435, effective October 13, 2018)

Section 174.310 Bulk Loading and Unloading for Railroad Tank Cars and Tank Vehicles

- a) Any kind of loading or unloading activity, either to or from railroad tank cars and tank vehicles, or any other kind of loading or unloading into or out of USTs, shall require compliance with Section 174.300 and the following minimum requirements.
- 1) All electrical installations shall comply with the Edition of NFPA 70 in force at the time of installation of the electrical equipment at all hazardous

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(classified) locations, such as loading and unloading docks, to include vapor-proof lighting, wiring in sealed conduit, and explosion-proof switches. Equipment and installations shall further comply with the requirements of 41 Ill. Adm. Code 175.425.

- 2) A person shall be present to actively supervise the product transfer during loading and unloading operations.
- 3) When transferring Class I liquids, motors of tank vehicles and portable or auxiliary pumps shall be shut down during the making and breaking of hose connections. If loading or unloading is done without requiring the use of the motor of the tank vehicle, the motor shall be shut down throughout the transfer operations.
- 4) Before loading or unloading operations begin, the depositor shall determine the quantity of product that can be unloaded into each tank or tank vehicle (i.e., the tank ullage) without overflow of product. The volume shall be logged with the facility owner/operator. The log may consist of any bill of lading.
- 5) The driver, operator or attendant of any tank vehicle shall not remain in the vehicle, but shall not leave the vehicle unattended during the loading or unloading process. Delivery hose, when attached to a tank vehicle, shall be considered to be a part of the tank vehicle. The driver, operator or attendant shall monitor fuel flow at the deposit point at all times during fuel transfer operations.
- 6) When loading or unloading product into or from underground tanks located at bulk facilities and motor fuel dispensing facilities equipped with tank vapor recovery equipment, the driver, operator or attendant of the tank truck shall ensure that all vapor return paths are effectively made liquid and vapor tight to prevent the discharge of vapors at grade level.
- 7) No fuel deliveries shall be made while tank entry work is going on at the same UST facility unless the facility can demonstrate that:
 - A) the fill port to be fueled is not connected to the UST being worked on;

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- B) no other connection directly or indirectly exists between the UST being worked on and the UST receiving the fuel; and
 - C) the conditions for delivery are safe, including the distance between the UST being worked on and the UST receiving fuel.
- 8) Smoking on or about any tank truck while loading or unloading any flammable or combustible liquid is forbidden. Extreme care shall be taken during unloading operations to avoid deliveries where spark generating equipment is being operated nearby, to avoid other practices involving a risk of fire, to keep fire away, and to prevent persons in the vicinity from smoking, lighting matches or carrying any flame or lighted cigar, pipe or cigarette.
- 9) Tank trucks and tank wagons used for the transport and delivery of Class I, II or III liquids shall not be parked for other than delivery purposes in residential districts, as defined in the Illinois Vehicle Code [625 ILCS 5/1-172].
- 10) Owners, operators and delivery personnel shall ensure that releases due to spilling or overfilling do not occur and that all transfer operations are monitored constantly to prevent overfilling and spilling.
- 11) The depositor shall report any release of a regulated substance into the environment according to the reporting requirements for owners/operators set forth in 41 Ill. Adm. Code 176.340. The depositor shall then also notify the UST owner/operator immediately. If the depositor fails to report, the facility shall report under 41 Ill. Adm. Code 176.340.
- 12) Owners or operators shall report, investigate and clean up any spills or overfills in accordance with 41 Ill. Adm. Code 176.300 through 176.350, including the required reporting of a release when not already reported by the depositor.
- b) The unloading hose from a railroad tank car or tank vehicle into an underground tank shall have a static wire or its equivalent and shall be equipped with a non-ferrous nozzle or tight connection metal nipple.
 - c) Before unloading operations begin, the depositor shall determine the following:

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- 1) The facility has a green decal (facility operating permit), issued by OSFM, that is current and valid and in plain view.
- 2) Any fill or remote fill that has a red tag, issued by OSFM, attached. Depositing into the associated tank is prohibited.
- 3) The depositor shall inspect the fill device to assure that no tampering has occurred. Before unloading may begin into a remote fill, the depositor shall ensure that all fill caps are secure and tight. Any overriding or tampering with an overfill device that may result in the overfilling of any tank is prohibited ~~(unless authorized by OSFM for the purpose of precision testing only).~~

(Source: Amended at 42 Ill. Reg. 10435, effective October 13, 2018)

Section 174.320 Locating Bulk Facilities Adjacent to a Motor Fuel Dispensing Facility; Dual Purpose USTs

- a) Dispensing from a bulk tank into the tank of a motor vehicle is prohibited.
- b) Bulk facilities (including any bulk storage, bulk plant or bulk load-out) located adjacent to or at a motor fuel dispensing facility shall be separated from public fuel dispensing areas by a fence or similar barrier from the area in which bulk operations are conducted.
- c) Installations of piping to connect bulk storage to a UST at a motor fuel dispensing facility permitted prior to July 1, 1985 shall comply with 41 Ill. Adm. Code 160.15 and the following requirements:
 - 1) Any alteration of a UST component at the bulk and motor fuel dispensing facilities shall require that UST component be upgraded to current design, operating and other technical requirements found in 41 Ill. Adm. Code 174, 175 and 176.
 - 2) Replacement of any UST piping shall require that all UST piping associated and interconnected with the bulk and motor fuel dispensing facilities and USTs be upgraded to current standards for new piping, including requirements for double-wall piping equipped with interstitial

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monitoring and all appropriate sumps (see 41 Ill. Adm. Code 174, 175 and 176).

- 3) Replacement of underground storage tanks at bulk and motor fuel dispensing facilities shall require that the entire UST related to the tank replacement be upgraded to standards for newly installed USTs (see 41 Ill. Adm. Code 174, 175 and 176).
- d) Existing Dual Purpose USTs permitted after May 1, 2003. Beginning May 1, 2003, connections between a single bulk load-out and a single UST at a motor fuel dispensing facility shall be allowed to remain if the UST and piping meets all technical standards at the time of installation. Existing dual purpose USTs shall have evidence of OSFM's written consent to operate.
- e) New Installations of and New Conversions to Dual Purpose USTs. On and after September 1, 2010, requests to connect new and existing bulk load-outs to new or existing USTs located at motor fuel dispensing facilities must be reviewed and approved by OSFM, and shall be limited to a single underground storage tank connected to one or more dispensers and a bulk load-out at the same time. Approval from OSFM shall require an OSFM permit issued under 41 Ill. Adm. Code 175.300 prior to construction or installation and shall be contingent upon, and require compliance with, subsections (a), (b) and (c) and 41 Ill. Adm. Code 160, 172, 174, 175, 176, 177 and 180 and the following requirements:
 - 1) All product piping extensions at the motor fuel dispensing facility shall be underground and be equipped with automatic line leak detectors (ALLDs) and meet all other release detection requirements for UST piping;
 - 2) The UST connected to any bulk load-out shall be designed for the working pressures and volume of products to be transferred and for the specific use and location;
 - 3) Individual tanks shall not be interconnected, siphoned or manifolded when serving as a dual purpose UST; e.g., a dual purpose UST may not at the same time be connected to any other tanks or USTs;
 - 4) Product piping shall not be routed under buildings;

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- 5) Dispensers from which retail sales to the public are made shall not be connected, directly or indirectly, to any tank for which the total of all compartments~~that~~ is over 30,000 gallons capacity;
- 6) General Requirement that Dual Purpose USTs Meet Requirements for Newly Installed USTs
 - A) Dual purpose USTs shall meet all design and other UST technical requirements for newly installed USTs, including:
 - i) design requirements for tanks and piping (see 41 Ill. Adm. Code 175.Subpart D and 176.430(f));
 - ii) corrosion protection (see 41 Ill. Adm. Code 175.Subpart E); and
 - iii) release detection that also includes all underground product piping extensions (see 41 Ill. Adm. Code 175.Subpart F);
 - B) Dual purpose USTs shall also be compatible with the product stored (see 41 Ill. Adm. Code 175.415), and meet all required setbacks and separation distances (see 41 Ill. Adm. Code 175.Subpart D). When an existing UST to be connected to a bulk load-out does not meet current requirements for newly installed USTs, the UST must be upgraded to standards for new installations at the time the connection to a bulk loadout is made;
- 7) Deliveries from the tank vehicle into vehicles at the motor fuel dispensing facility are prohibited;
- 8) The service station portion must comply with all requirements of 41 Ill. Adm. Code 174, 175, 176, 177 and 180 applicable to service stations;
- 9) The bulk facility portion shall comply with all applicable requirements of this Subpart and 41 Ill. Adm. Code 160, 174, 175, 176, 177 and 180;
- 10) An OSFM permit shall be obtained prior to connecting a new or existing bulk load-out to a new or existing UST at a motor fuel dispensing facility.

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(Source: Amended at 42 Ill. Reg. 10435, effective October 13, 2018)

SUBPART D: PORTABLE AND VEHICULAR DISPENSING

Section 174.400 Dispensing Requirements at Motor Fuel Dispensing Facilities

- a) All dispensing of motor fuels at motor fuel dispensing facilities shall only be directly into the fuel tanks of motor vehicles when the tanks are connected with the fuel systems of the vehicles, or into safety cans, or portable containers, or portable tanks in compliance with Section 174.410.
- b) With the exception of industrial or fleet facilities with no connection to any UST from which regulated products are sold at retail [to the public](#), the capacity of [the total of all compartments of](#) any UST installed at a motor fuel dispensing facility shall not exceed 30,000 gallons.

(Source: Amended at 42 Ill. Reg. 10435, effective October 13, 2018)

Section 174.420 Deliveries from Portable Fuel Tanks and Tank Vehicles Restricted

- a) Dispensing or delivery of flammable or combustible motor vehicle fuels from tank vehicles, tank trucks, tank wagons or other portable tanks is prohibited except as follows:
 - 1) Agricultural sites for agricultural purposes (farm use);
 - 2) Construction sites for refueling construction equipment used only at the construction site (this exception does not apply to trucks or passenger cars that have license plates attached and may be driven to motor fuel dispensing facilities);
 - 3) Sites used for the refueling of police, fire or emergency medical services vehicles or other vehicles that are owned, leased or operated by (or operated under contract with) the State, a unit of local government, a school district, or any agency of the State and that are not normally accessible to the public;
 - 4) [Sites permitted under the Environmental Protection Act \[415 ILCS 5\] as waste disposal sites, sanitary landfills, and municipal solid waste landfill](#)

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units, but only for the fueling of off-road vehicles and equipment used at and for the operation of these sites;

- 54) ~~Sites~~ used for the parking, operation or maintenance of a commercial vehicle fleet, but only if the site is located in a county with 3,000,000 or more inhabitants or a county contiguous to a county with 3,000,000 or more inhabitants and the site is not normally accessible to the public; and
- 65) Airports for fueling of aircraft as defined in, and in compliance with, 41 Ill. Adm. Code 180.
- b) Under no circumstances shall the exceptions listed in ~~subsections~~ subsections (a)(~~1~~) ~~through (a)(5)~~ be construed to allow retail sales to the public from tank vehicles, tank trucks, tank wagons or other portable tanks. Dispensing or delivery of flammable or combustible motor vehicle fuels to or from tank vehicles for the purposes set forth in subsections (a)(1) through (a)(54) shall comply with Sections 174.440 and 174.450, except that a permit shall not be required for fueling pursuant to subsections (a)(1) through (a)(43).
- c) Additional Exception to Ban on Mobile Fueling. In addition to the fueling described in subsections (a) and (b), when Class I or II liquids are to be transported for agriculture or construction as described in subsections (a)(1) and (a)(2), the party performing the fueling may also transport 119 gallons or less per vehicle subject to the following conditions:
- 1) Containers shall be tanks constructed of 18 gauge or heavier steel or equivalent gauge aluminum.
 - 2) Tanks shall be securely fastened to prevent separation from the vehicle in the event of a collision.
 - 3) Tanks shall be electrically bonded to the frame of the vehicle.
 - 4) Tanks shall be protected against leakage or damage in the event of a turnover.
 - 5) Tanks may not be drained by gravity. Only top mounted pumps designed and labeled for use with flammable and combustible liquids may be used to transfer Class I and II liquids from the tanks to other storage tanks or

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vehicle fuel tanks. No top mounted pump shall be higher than the highest point of the vehicle or permanently attached appurtenances (i.e., roll bars).

- 6) Flammable liquid petroleum products being transported on a single vehicle may not exceed 119 gallons.
- 7) Each tank is clearly labeled with the name of the product it contains in letters at least 2" in height with the letters to be white in color on a contrasting background, or placarded in accordance with Illinois Department of Transportation hazardous materials rules (92 Ill. Adm. Code 172).
- 8) Vehicles transporting regulated products under this subsection (c) shall also comply with the regulations of the Illinois Department of Transportation regarding that transport.

(Source: Amended at 42 Ill. Reg. 10435, effective October 13, 2018)

Section 174.440 Dispensing or Delivery of Flammable or Combustible Motor Fuels from Tank Vehicles

Dispensing or delivery of flammable or combustible motor vehicle fuels from tank vehicles is allowed at sites used for the parking, operation or maintenance of a commercial vehicle fleet under the following conditions:

- a) The site is located in a county with 3,000,000 or more inhabitants or a county contiguous to a county with 3,000,000 or more inhabitants and:
 - 1) The site is not normally accessible to the public and has been approved by OSFM.
 - 2) The vehicles being fueled are part of a fleet of commercial vehicles that are normally parked, operated or maintained at the fueling site.
 - 3) An inspection of the fueling site has been made and approval granted in the form of a permit issued by OSFM. An inspection of the facility may be made at any time. The permit application may be found at <https://www2.illinois.gov/sites/sfm/About/Divisions/Fire-Prevention-and-Building-Safety/Pages/Mobile-Fueling.aspx> www.state.il/osfm/fire

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[Prevention/PDFS/AppMobileFuelingSite.pdf](#).

- 4) Electrical devices and wiring in areas where fuel is dispensed are in accordance with the edition of NFPA 70 in effect at the time the mobile fueling site was constructed.
 - 5) Dispensing locations are at least 50 feet from structures or combustible storage, including structures or storage on adjacent properties.
 - 6) Signs are posted prohibiting smoking or open flames within 25 feet of the fuel tanker and the point of fueling.
- b) The tank vehicle is owned and operated by a company licensed by OSFM to perform mobile fueling.
 - c) The tank vehicle complies with the requirements of NFPA 385, incorporated by reference in Section 174.210 and has been approved by OSFM.
 - d) The tank vehicle displays a mobile-fueling sticker issued by OSFM.
 - e) The dispensing hose does not exceed 50 feet in length.
 - f) The dispensing nozzle is a listed automatic-closing type with a latch-open device.
 - g) Nighttime deliveries are only be made in adequately lighted areas.
 - h) The tank vehicle's flasher lights are in operation while dispensing.
 - i) Fuel expansion space is left in each fuel tank to prevent overflow in the event of temperature increase.

(Source: Amended at 42 Ill. Reg. 10435, effective October 13, 2018)

Section 174.450 Requirements for Permit to Fuel Motor Vehicles from Tank Vehicles

- a) The person, company or other entity proposing to deposit fuel into tanks of motor vehicles from tank vehicles must first have a permit from OSFM. The application may be found at <https://www2.illinois.gov/sites/sfm/About/Divisions/Fire-Prevention-and-Building-Safety/Pages/Mobile-Fueling.aspx>

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www.state.il.us/osfm/FirePrevention/PDFS/AppMobileFuelingContractor_1.pdf.

A permit will be granted under the following circumstances.

- 1) The person must apply for a permit by providing the following information:
 - A) The name of business, proof of good standing if a corporation, proof of compliance with the Assumed Name Act if applicable, and the principal address of the business.
 - B) Proof that the vehicles used for fueling are in compliance with Section 174.440.
 - C) Evidence that employees have knowledge of the requirements contained in Section 174.440.
- 2) An annual fee of \$500 shall be charged each person engaging in fueling from tank vehicles for the period from January 1 through December 31 of each calendar year.
- 3) Each vehicle used for fueling must comply with Section 174.440 and:
 - A) OSFM approval shall consist of a decal or other evidence issued by OSFM attached to the vehicle. The application can be found at [the website cited in subsection \(a\). www.state.il.us/osfm/FirePrevention/PDFS/AppMobileFuelingVehicle.pdf](http://www.state.il.us/osfm/FirePrevention/PDFS/AppMobileFuelingVehicle.pdf). Tank vehicles shall be subject to periodic inspections.
 - B) Vehicles without a permit shall not be allowed to engage in tank vehicle fueling.
 - C) A replacement or added vehicle shall not engage in fueling until an inspection is made to determine compliance and evidence of compliance is issued.
 - D) An annual fee of \$100 shall be charged for each vehicle engaged in the fueling. Replacement vehicles shall be charged at the same rate. The evidence of compliance shall be for January 1 through December 31.

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- b) Each location (site) where fueling from tank vehicles is conducted shall be inspected by OSFM. No fueling from tank vehicles shall take place until the location for the fueling is approved by OSFM.
- 1) The owner/lessee or other person who has vehicles to be fueled by tank vehicle shall pay OSFM an annual fee for each location where the fueling will take place. Fees shall be as follows:
- | Number of Vehicles Fueled | Fee |
|---------------------------|-------|
| 1-25 | \$100 |
| 26-50 | \$200 |
| 51-100 | \$300 |
| 101 or more | \$400 |
- 2) The locations shall be approved if they meet the requirements of Section 174.440.
- 3) The location must be approved annually.

(Source: Amended at 42 Ill. Reg. 10435, effective October 13, 2018)

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Section 174.APPENDIX A Derivation Table (Repealed)

The following table indicates the Sections of 41 Ill. Adm. Code 170 that formerly stated requirements identical or related to those now located within this Part 174.

New Section	Old Section
174.100	170.10, 170.150(b), 170.400, 170.800, 170.1000
174.200	170.11
174.210	170.410, 170.705
174.300	None
174.310	170.80, 170.429
174.320	170.426(h)
174.330	170.110, 170.115
174.340	170.130
174.350	170.145
174.360	170.180
174.370	170.200
174.400	170.15(a), 170.546(a)
174.410	170.15(a), 170.91, 170.150(d)(7)(G), (I), 170.310(a)(5)(C), (D)
174.420	170.15(e), 170.210(b)
174.430	170.15(b)
174.440	170.211
174.450	170.212
APPENDIX A	None

(Source: Repealed at 42 Ill. Reg. 10435, effective October 13, 2018)

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- 1) Heading of the Part: Technical Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances
- 2) Code Citation: 41 Ill. Adm. Code 175
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
175.200	Amendment
175.210	Amendment
175.220	Amendment
175.230	Amendment
175.240	Amendment
175.250	Amendment
175.300	Amendment
175.310	Amendment
175.320	Amendment
175.330	Repealed
175.400	Amendment
175.405	Amendment
175.410	Amendment
175.415	Amendment
175.420	Amendment
175.425	Amendment
175.430	Amendment
175.435	Amendment
175.450	Amendment
175.460	Amendment
175.465	Amendment
175.500	Amendment
175.510	Amendment
175.610	Amendment
175.620	Amendment
175.630	Amendment
175.640	Amendment
175.650	Amendment
175.700	Amendment
175.710	Amendment
175.720	Amendment
175.800	Amendment
175.810	Amendment

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175.820	Amendment
175.830	Amendment
175.840	Amendment
175.900	New Section
175.910	New Section
175.920	New Section
175.APPENDIX A	Amendment
175.APPENDIX B	Amendment
175.APPENDIX C	Repealed

- 4) Statutory Authority: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].
- 5) Effective Date of Rules: October 13, 2018
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any matter incorporated by reference, are on file in the principal office of the State Fire Marshal, 1035 Stevenson Drive, Springfield IL, and are available for public inspection at that location.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 3313; February 23, 2018.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

In Section 175.300(g)(1)(I), inserted the following to list of activities not requiring a permit:

- "J) replacement of the bolted-on top section of a shear valve only (replacement of an entire shear valve requires a permit and under-dispenser containment)."

In Section 175.300(m)(1), after "on-site evaluation", added "establishing the existence of at least one of the eligibility criteria of Section 175.840(a)".

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In Section 175.405(e): clarified that all records of installation shall be maintained for the life of the equipment.

in subsection (e)(3) clarified that periodic monitoring means not less than once every 30 days.

In Section 175.405(i)(2) replaced the subsection with the following text:

- "2) Using an employee of an OSFM-licensed contractor for testing or inspection who is certified in the installation-retrofitting or tank and piping tightness testing module and also certified by the manufacturer of the equipment being tested or inspected and the testing equipment being utilized. "

In Section 174.410(f): changed "previously were installed" to "currently exist".

In Section 175.410(k)(2) replaced with the following text:

- "2) Using an employee of an OSFM-licensed contractor for testing who is certified in the installation-retrofitting or tank and piping tightness testing module and also certified by the manufacturer of the equipment being tested and the testing equipment being utilized. "

In Section 175.410(l)(3): replaced all of subsection with new language describing alternative testing procedures for containment sumps.

In Section 175.410(n): clarified that all records of installation shall be maintained for the life of the equipment.

In Section 175.415(c): deleted the text regarding third party listing an certification by a licensed professional engineer.

In Section 175.900(a)(1): changed "October 13, 2018" to "October 13, 2015"

In Section 175.910(d)(1)(E), after "in accordance with" insert "Department of Defense Manual 4140.25".

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- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending to this part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking will revise the Illinois technical requirements for underground storage tank systems ("USTs") to conform to new federal regulatory requirements that became effective on October 13, 2015. These changes would include requiring federally acceptable proofs of compatibility for underground storage tanks, piping and all related system components whenever such systems store or dispense ethanol blends above 10% ethanol (E10) for gasoline or above 20% biodiesel (B20) for diesel. Federally required changes will also include monthly walkthrough inspections by Certified Operators, tightness testing of spill buckets and piping containments every three years, inspection of overfill prevention equipment every three years, prohibition of ball float vent valves at time of installation or replacement, full regulation of airport hydrant fueling systems, and full regulation of field constructed tanks. This rulemaking will also update these rules to incorporate and streamline current practices, including the electronic submission of reporting forms and permit applications. This rulemaking will also address an unsafe product piping set-up caused when formerly separate regular, midgrade and premium gasoline product piping lines are installed so that two products are mixed at the dispenser to create the midgrade product. When done incorrectly, this piping set-up may and has led to an open pipe end and the release of product when the dispenser is struck by a vehicle and the piping is broken. Makes non-substantive changes.
- 16) Information and questions regarding these adopted rules shall be directed to:

Tom Andryk
Division of Legal Counsel
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield IL 62703-4259

217/785-5758
fax: 217/524-5487

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

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TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 175
TECHNICAL REQUIREMENTS FOR UNDERGROUND STORAGE TANKS AND THE
STORAGE, TRANSPORTATION, SALE AND USE OF PETROLEUM
AND OTHER REGULATED SUBSTANCES

SUBPART A: DEFINITIONS

Section
175.100 Definitions

SUBPART B: MOTOR FUEL DISPENSING FACILITY REQUIREMENTS

Section
175.200 General Requirements for Motor Fuel Dispensing Facilities
175.210 Attended Self-Service Motor Fuel Dispensing Facilities and Islands
175.220 Unattended Self-Service Motor Fuel Dispensing Facilities and Islands
175.230 Fleet Vehicle Motor Fuel Dispensing Facilities
175.240 Full Service Motor Fuel Dispensing Facilities and Islands
175.250 Marine Motor Fuel Dispensing Facilities
175.260 Miscellaneous General Operating Requirements

SUBPART C: PERMITS, FEES AND SCHEDULING

Section
175.300 Permitted UST Activity
175.310 Site Plans
175.320 Scheduling of UST Activity
175.330 Payment of 1988 Annual UST Fee ([Repealed](#))

SUBPART D: DESIGN, INSTALLATION AND CONSTRUCTION REQUIREMENTS

Section
175.400 Design and Construction of USTs
175.405 Spill Containment and Overfill Prevention Equipment
175.410 Containment Sumps
175.415 UST Compatibility with Product Stored

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175.420	Piping
175.425	UST Wiring Procedures
175.430	Clearance Required for USTs
175.435	Pressure Testing of Tanks or Lines
175.440	Venting of Tanks
175.445	Fill Pipes
175.450	Pumps, Dispensers and Other Product Transfer Equipment
175.455	USTs Inside or Under Buildings
175.460	Marinas
175.465	Additional Requirements for Installation and Upgrade of USTs

SUBPART E: CORROSION PROTECTION

Section

175.500	Interior Lining and Lining Inspection of USTs
175.510	Corrosion Protection

SUBPART F: RELEASE DETECTION

Section

175.600	Owner/Operator Spill and Overfill Release Control Responsibilities
175.610	General Release Detection Requirements for All USTs
175.620	Release Detection Requirements for Hazardous Substance USTs
175.630	Methods of and Requirements for Release Detection for Tanks
175.640	Methods of and Requirements for Release Detection for Piping
175.650	Release Detection and Cathodic Protection Recordkeeping

SUBPART G: REPAIRS TO UNDERGROUND STORAGE TANKS
AND DEFECTIVE EQUIPMENT

Section

175.700	Repairs Allowed
175.710	Emergency Repairs
175.720	Defective or Non-Compliant Equipment and Emergency Action by OSFM

SUBPART H: REMOVAL, ABANDONMENT AND CHANGE-IN-SERVICE

Section

175.800	Removal, <u>Abandonment-in-Place</u> or Change-in-Service Records
175.810	Temporary Closure

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- 175.820 Change-in-Service of USTs
175.830 Removal of USTs
175.840 Abandonment-in-Place

SUBPART I: UST SYSTEMS WITH FIELD-CONSTRUCTED TANKS AND
AIRPORT HYDRANT FUEL DISTRIBUTION SYSTEMS

Section

175.900 General Requirements

175.910 Additions, Exceptions, and Alternatives for UST Systems with Field-Constructed
Tanks and Airport Hydrant Systems

175.920 Partial Exclusions for Aboveground Storage Tanks Associated with Airport
Hydrant Systems and Field-Constructed Tanks

- 175.APPENDIX A UST Activity that Cannot Proceed Without an OSFM Inspector on Site
175.APPENDIX B The Type of OSFM Permit Required for Specific Permitted UST
Activities
175.APPENDIX C Derivation Table (Repealed)

AUTHORITY: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by
Section 2 of the Gasoline Storage Act [430 ILCS 15/2].

SOURCE: Adopted at 34 Ill. Reg. 13358, effective September 2, 2010; emergency amendment
at 37 Ill. Reg. 5195, effective April 4, 2013, for a maximum of 150 days; amended at 37 Ill. Reg.
13443, effective August 1, 2013; amended at 42 Ill. Reg. 10476, effective October 13, 2018.

SUBPART B: MOTOR FUEL DISPENSING FACILITY REQUIREMENTS

Section 175.200 General Requirements for Motor Fuel Dispensing Facilities

- a) Other than kerosene and except as otherwise provided in this Subpart B and 41 Ill. Adm. Code 180, all dispensing of flammable and combustible liquids at motor fuel dispensing facilities shall be from underground storage tanks.
- b) All motor fuel dispensing facilities must abide by the operating and other requirements of this Subpart B.
- c) Motor fuel dispensing facilities must hold a current and valid motor fuel dispensing permit for the particular type of facility involved in order to operate.

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No motor fuel dispensing facility shall open for business until inspected and approved by OSFM. Facilities operating under different classifications at any time shall obtain dispensing permits for and meet the requirements for all respective classifications that apply to the facility. Approval for dispensing operations will be granted upon compliance with 41 Ill. Adm. Code 172, 174, 175, 176 and 177. No owner or other person or responsible entity shall permit any person to violate the provisions of this Subpart B. Violation of the requirements for motor fuel dispensing facilities of this Subpart B may subject the owner or operator to penalties that may include revocation of the facility motor fuel dispensing permit issued under this Subpart and the compliance certification (green decal) issued under 41 Ill. Adm. Code 177 as required for operation of the facility. Failure to remain in compliance with UST rules may also result in OSFM's issuance of a red tag for the tanks ~~or facility~~ at issue, prohibiting any further operation of the facility or further deposit of regulated substances into any tank subject to a red tag. Maintenance of ~~dispensers, hoses, emergency breakaways, electrical~~ equipment physically connected directly tied to the UST, including and emergency ~~stopshutoffs~~ and shear valves, are ~~examples of~~ required items subject to red tag for noncompliance.

- d) Applications for a Motor Fuel Dispensing Facility Permit
- 1) No construction of a motor fuel dispensing facility or modification of an existing motor fuel dispensing facility shall be commenced until applications and plans are given written approval in the form of a review letter by OSFM.
 - 2) Only contractors currently licensed and certified in accordance with 41 Ill. Adm. Code 172 may submit motor fuel dispensing facility permit applications. A UST contractor portal for the on-line submission of the motor fuel dispensing permit application can be found at <https://webapps.sfm.illinois.gov/USTPortal>. The applications shall be those prescribed by OSFM and plans must be submitted ~~in triplicate~~ for each motor fuel dispensing facility showing compliance with applicable OSFM rules. The plans shall be drawn to scale and shall, at a minimum, include the following:
 - A) Lot lines and dimensions.
 - B) Building lines and dimensions.

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- C) Location and size of tanks and pump island.
 - D) Location of control station (if applicable).
 - E) Type, make, model and location of dispensing devices or equipment.
 - F) Fire extinguisher locations.
 - G) Clearances from dispensing devices to property lines and buildings both on and off the property.
 - H) Locations of all emergency stops.
 - I) Locations of all collision protection for dispensers.
 - J) Locations of any propane storage, with a description of collision protection conforming to Section 175.210(q).
- 3) After examining the submitted application and plans, OSFM shall issue a review letter valid for a period of 6 months. Submission of incomplete or illegible applications and/or plans shall be cause for denial of applications.
- 4) Motor fuel dispensing facility work of the following kinds requires application and plan submittal to OSFM prior to commencing the work:
- A) A station being newly constructed.
 - B) A station being established in a building that previously contained a different occupancy.
 - C) Making substantial modifications to an existing facility. Substantial modification would include, but not be limited to:
 - i) Installation of new dispensing islands or dispensers in new locations.
 - ii) Relocation of an emergency stopshutoff switch.

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- D) Changing from one facility category to another, as those categories are listed in Sections 175.210 through 175.250. The requirement to obtain a permit for the change will still apply even if only part of the facility is being changed (for example only one dispenser island) or if the facility plans to operate under a different category for only a portion of a 24-hour period.
 - E) Construction or relocation of buildings on the property, even if they are not the "primary" motor fuel dispensing facility station control buildings.
- 5) Motor fuel dispensing facility work of the following kinds does not require application and plan submittal to OSFM prior to commencing the work. This type of work or modifications will be inspected by OSFM when the facility is due for permit renewal:
- A) Like-for-like replacement of existing equipment (e.g., replacement of existing dispensing cabinets or components not involving the shear valve or items below the shear valve; changing existing dispensing nozzles, hoses or fittings; replacing an existing emergency ~~stop shutoff switch~~ in its current location).
 - B) Replacing (or installing additional) collision protection posts or guardrails.
 - C) Changing or replacing warning or instructional signs.
 - D) Replacing or adding to the complement of portable fire extinguishers.
- 6) In addition to the requirement for a motor fuel dispensing permit pursuant to this Subpart before any dispensing can occur, work affecting UST components or equipment shall also require a separate Section 175.300 permit to be obtained via the submittal of separate applications to OSFM pursuant to that Section.
- e) Issuance and Renewal of Motor Fuel Dispensing Facility Permits

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- 1) A motor fuel dispensing facility permit or permit renewal will be issued by OSFM after an on-site inspection has been conducted by OSFM to verify compliance with all applicable OSFM rules.
 - 2) No motor fuel dispensing facility shall open for business until inspected and approved by OSFM, and until OSFM issues a motor fuel dispensing facility permit, which must be prominently displayed at all times at the motor fuel dispensing facility. When a facility is required to obtain more than one kind of permit, all the permits shall be displayed.
 - 3) Motor fuel dispensing facility permits shall be issued on a biennial basis. These permits shall expire on December 31 of the year shown on the permit.
 - 4) Any name or ownership change shall require submission to OSFM of a Notification of Ownership Change for Underground Storage Tanks under 41 Ill. Adm. Code 176.440(g)~~separate notification to OSFM~~ within 30 days. Copies of proof of legal ownership, including, but not limited to, the current deed, contract or lease, shall be supplied to OSFM with this Notification upon OSFM's written request.
- f) Storage and handling of LP gases at motor fuel dispensing facilities shall be in accordance with 41 Ill. Adm. Code 200.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.210 Attended Self-Service Motor Fuel Dispensing Facilities and Islands

All dispensing of Class I, II or III liquids at attended self-service motor fuel dispensing facilities and islands must be under the supervision and control of an attendant. The following requirements shall apply to attended self-service motor fuel dispensing facilities and islands:

- a) All electrical installations shall comply with the edition of NFPA 70 in effect at the time of installation of the electrical equipment and shall further comply with the applicable requirements of Section 175.425.
- b) Every self-service motor fuel dispensing facility shall maintain a control station in a location readily accessible to the attendant. Separate fueling areas more than 100 feet apart and designated by signage so indicating may have separate control

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stations if each separate fueling area complies with this Subpart B and 41 Ill. Adm. Code 174, 175 and 176.

- c) A method that does not require coins or currency to activate shall be provided for the attendant to contact the fire department.
- d) Conspicuously marked and easily accessible emergency stopshutoff switches must be provided at each facility and shall be:
 - 1) Located so that at least one emergency stopshutoff is at least 20 feet but not more than 100 feet from each dispenser.
 - 2) Interconnected so that activation of one emergency stopshutoff activates all the emergency stopshutoffs whenever more than one emergency stopshutoff switch is provided.
 - 3) Equipped with an additional emergency stopshutoff at allthe control stationsstation, which shall be conspicuously marked and readily accessible to the attendant, whether or notwhenever the control station is less than 20 feet from any dispenser or a security booth is provided for the attendant. The emergency stopshutoff shall be located in a position to allow all dispensing devices to be readily visible to the attendant, or as approved by OSFM, and where a security booth is provided, the control station and emergency shutoff shall be inside the security booth.
 - 4) Compliance retrofits shall be completed by September 1, 2013.
- e) Power for illumination of dispensing areas required by this Subpart B shall not be affected by activation of any of the electrical shutoffs when the illumination is located outside of hazardous (classified) locations or is intrinsically safe.
- f) Resetting from an emergency stop activationelectrical shutoff condition shall require manual intervention by the owner or attendant and shall be accomplished only after the condition that caused the activationit to be activated has been corrected.
- g) All dispensing units shall be readily visible from the control station without assistive devices. However, as an alternative, in the event that the attendant's view of a dispenser is permanently obstructed, or if a dispenser is located so that

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activity at the dispenser is not readily visible, closed-circuit cameras that provide a view of each side of the dispensing unit and project an image on a screen at least 6 inches in diagonal located at the control station may be used. The cameras shall be allowed to sweep to provide a view of multiple dispensing locations, but must provide a view on the screen of each dispensing unit at least every 30 seconds. In lieu of the closed-circuit camera, the facility may elect to have an emergency ~~stop electrical shutoff switch~~ that shall be located at least 20 and not more than 50 feet from the dispenser that has a permanently obstructed view. Using an emergency ~~stop shutoff switch~~ in lieu of the closed-circuit camera pursuant to this subsection (g) must be approved in advance by OSFM. If a closed-circuit camera or viewing screen is inoperable and cannot provide surveillance of dispensing units to the attendant at the control station, and an emergency ~~stop electrical shutoff switch~~ has not been approved by OSFM and provided in lieu of the camera as provided in this subsection (g), self-service dispensing of fuel at these dispensers is prohibited.

- h) The attendant shall at all times be able to communicate with persons in the dispensing area. For distances greater than 40 feet between the control station and the dispenser, a communication system audible to each dispensing area shall be required that allows the attendant to give instruction or warning to the customer.
- i) All emergency ~~stop shutoff switches~~ shall be tested, and all shear valves visually inspected, at least annually to ensure that they are functioning properly and that the dispenser is mounted properly. Inspection should ensure that the shear valves are located ½ inch above or below grade; are securely mounted using a listed rigid anchor device; and the link arm functions when tripped, allowing the poppet valve to close freely. Upon completion of this testing and inspection, the owner/operator shall complete forms titled "Certification of Operational Testing of Emergency Stops" and "Certification of Annual Inspection of All Dispenser Shear Valves", available at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>. Documentation of annual emergency stop testing and shear valve inspection, using the OSFM forms, shall be kept at the motor fuel dispensing facility for 2 years and available for examination by a representative of OSFM. If documentation of annual testing of emergency ~~stop shutoff switches~~ is not available, the facility shall be subject to demonstration of this equipment during inspection by OSFM.
- j) Attendants

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- 1) At all times when an attended motor fuel dispensing station is open for public use, at least one attendant shall be on duty, and no motor fuel shall be dispensed at any time when the attendant is not at or near the control station or pump island. The attendant's primary duty shall be to supervise the dispensing of motor fuels, motor oils and services normally related to the dispensing.
- 2) The attendant shall refuse service to any person who is smoking or who appears to be unable to dispense fuel safely, and shall shut off the dispensing unit if a patron fails to follow instructions in compliance with OSFM rules. It shall be the responsibility of the attendant to:
 - A) carefully observe the dispensing of liquids into vehicles and portable containers;
 - B) control or eliminate sources of ignition;
 - C) immediately notify local fire authorities of any product spilled;
 - D) take other appropriate actions to prevent ignition of accidental spills;
 - E) refuse service to any customer who appears to lack the ability to properly and safely utilize the equipment (e.g., intoxication, inability to place the nozzle in the gas tank receptacle, inability to follow written or oral instructions of the attendant, or the person is too young to be aware of the hazards and requirements for safe dispensing of motor vehicle fuels);
 - F) to inspect all portable containers for conformance with 41 Ill. Adm. Code 174.
- k) All attendants and other employees of the motor fuel dispensing facility shall be thoroughly instructed in the location, operation and proper use of the communication system, control station, emergency ~~stops, shutoff switches,~~ fire extinguishing equipment, operation of the dispensing units, and safety regulations for the dispensing of motor fuels. Upon request, all attendants shall demonstrate to OSFM their ability to use this equipment. Facilities that fail to instruct

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employees in these requirements shall be in violation and subject to enforcement action.

- l) No dwelling unit or sleeping facilities of any kind for the owner, attendant or any person shall be permitted at a self-service motor fuel dispensing facility. This does not include dormitory facilities for use of drivers at truck stops, provided that the dormitories are in compliance with the applicable provisions of 41 Ill. Adm. Code 100.
- m) Fire extinguishers shall be provided in accordance with 41 Ill. Adm. Code 174.350.
- n) Signs giving instructions for the operation of dispensing equipment must be conspicuously posted on each dispensing island where self-service is offered.
- o) Minimum Signage. Signs shall be provided that are clearly visible to all self-service customers. The signs shall be made of all-weather material and the lettering shall be not less than $\frac{7}{8}$ inch high. The signs shall be mounted no higher than 10 feet above grade with not less than 4 nor more than 6½ feet from the bottom of the sign to the ground, or at a height approved by OSFM, and shall include the following wording, at a minimum:
 - 1) "Warning";
 - 2) "Stop Engine";
 - 3) "No Smoking";
 - 4) "Persons fueling vehicles shall remain with their vehicle, at the nozzle, while fueling is in progress. It is unlawful and dangerous for anyone to dispense gasoline into unapproved containers";
 - 5) "It is unlawful and dangerous for anyone to dispense gasoline into unapproved containers. It is unlawful and dangerous to dispense gasoline without an attendant on duty".
- p) Dispensing activity shall be limited to or supervised by persons old enough to hold a valid driver's license.

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- q) Collision Protection for LP Gas Storage Cabinets at Motor Fuel Dispensing Facilities. LP gas storage cabinets (including cabinets for LP gas tank exchange for gas grills) shall comply with Section 8.4 of NFPA 58, incorporated by reference in 41 Ill. Adm. Code 174.210, and shall also provide collision protection that consists of one of the following options:
- 1) guardrails;
 - 2) steel or concrete bollards;
 - 3) raised sidewalks that are at least 5 inches tall at the face with the cabinet set up so the distance from the face of the raised sidewalk to the front of the cabinet is at least 40 inches. This measurement may also include an additional bumper guard to reach the required 40 inches. Raised sidewalks may also consist of curbs or parking bumper guards; or
 - 4) any other arrangement certified by a Licensed Professional Engineer in accordance with national codes of practice and accepted engineering practices and approved in advance by OSFM.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.220 Unattended Self-Service Motor Fuel Dispensing Facilities and Islands

Unattended self-service motor fuel dispensing facilities and islands shall comply with all of the requirements for attended motor fuel dispensing facilities and islands (see Section 175.210) with the additions and modifications provided in this Section. Requirements specific to control stations and attendants in Section 175.210 are not applicable to unattended facilities. If a motor fuel dispensing facility is to be operated as an unattended station during any portion of a day, it shall meet the standards for unattended operation.

- a) Minimum Signage. Signs shall be posted in all weather materials by each actuator (or at the dispenser if the actuator is an integral part of the dispenser) and the lettering shall be not less than 7/8 inch high. The signs shall be mounted no higher than 10 feet above grade~~These instructions shall be mounted with not less than 4 feet nor more than 6½ feet from the bottom of the sign to the ground,~~ or at a height approved by OSFM, and shall include, at a minimum, the following wording, at a minimum information in letters not less than 7/8 inch in height:

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- 1) "No smoking";
 - 2) "Turn off engine";
 - 3) "Containers for gasoline must be red";
 - 4) "Containers for kerosene must be blue";
 - 5) "It is dangerous and unlawful to fill unapproved containers with gasoline, diesel or kerosene";
 - 6) "In case of fire or spill use EMERGENCY STOP~~emergency shutoff (or stop) button~~ located at..." (owner must insert the locations of the emergency ~~stopshutoffs~~);
 - 7) "EMERGENCY STOP ~~activation~~~~Master electrical shutoff~~ transmits a fire alarm to the fire department".
- b) Easily~~Conspicuously marked and easily~~ accessible emergency ~~stopshutoff switches~~ must be provided at each dispensing island. Each emergency stop shall be identified by an approved sign on all-weather materials stating "EMERGENCY STOP" in 2 inch red capital letters. Combinations of dispenser islands where a master and corresponding satellite dispenser are used to fuel saddle tanks on trucks and similar vehicles shall be considered as being on one island so long as the piping and electronics are one integral unit and the satellite unit is controlled by the master dispensing unit. In addition, there shall be at least one emergency stop located at least 20 feet but not more than 100 feet from each dispenser, in addition to the emergency shutoff switch that is required to be located at least 20 feet but not more than 100 feet from each dispenser. When more than one emergency ~~stopshutoff switch~~ is provided, all devices shall be interconnected so that activation of one emergency stop activates all the emergency stops. Stations with only one island may elect to utilize a single emergency ~~stopshutoff switch~~ located at least 20 feet but not more than 100 feet from each dispenser, or at a location approved by OSFM. A sign shall be placed at ~~or near~~ each emergency ~~stopshutoff switch~~ stating that activation of the emergency ~~stopshutoff switch~~ "transmits a fire alarm to the fire department". Resetting from an emergency ~~stop activation~~~~electrical shutoff condition~~ shall require manual intervention by the owner or attendant and shall be accomplished only after the condition that caused the activation~~it to be activated~~ has been corrected.

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- c) Fire Alarm Systems
- 1) Activation of any emergency ~~stopshutoff switch~~ at the facility shall automatically transmit an alarm to local emergency fire services providers by sending a signal via one of the following mechanisms, which shall meet the requirements of NFPA 72:
 - A) Auxiliary alarm system;
 - B) Central station alarm connection;
 - C) Proprietary alarm receiving facility or system;
 - D) Remote station alarm connection; or
 - E) When the mechanisms in subsections (c)(1)(A) through (c)(1)(D) are not available, an alternate plan for notification of local emergency services meeting NFPA 70 and NFPA 72 and approved by OSFM in advance of the use.
 - 2) The fire alarm system shall be installed, tested and maintained according to NFPA 70 and NFPA 72. The alarm system must also meet the alarm system requirements of subsections (h)(1)(C) and (h)(2)(D), including the requirement for an audible alarm when triggered.
- d) All emergency ~~stopshutoff switches~~ shall be tested, and all shear valves visually inspected, at least annually to ensure that they are functioning properly and that the dispenser is mounted properly. Documentation of annual emergency stop testing and shear valve inspection shall be kept at the motor fuel dispensing facility and available for examination by a representative of OSFM. If documentation of annual testing of emergency ~~stopshutoff switches~~ is not available, the facility shall be subject to demonstration of this equipment during inspection by OSFM.
- e) Actuators may use currency, coins, keys, ~~or~~ cards or electronic means to activate ~~dispensersdispenser~~ and pumps.

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- f) Dispensing devices or actuators must limit the delivery of product in a manner that requires reactivation of the latch open (hold-open) device for any dispensing beyond the following amounts:
- 1) Motor vehicle fuels (Class I, II and III)
 - A) Class I liquids (gasoline, gasohol, ethanol, motor fuel blends) – maximum ~~100~~50 gallons.
 - B) Class II and III liquids (diesel fuel) – maximum 250 gallons.
 - 2) Kerosene (grade K-1 only) – 18 gallons.
 - 3) Other Class I, II and III liquids – 6 gallons.
- g) Except for farms, when kerosene is to be dispensed at unattended motor fuel dispensing facilities, only grade K-1 kerosene shall be dispensed.
- h) All unattended motor fuel dispensing facilities shall have installed and maintained equipment and systems that meet the requirements of subsection (h)(1) or (h)(2), although local governments may require option (h)(1) or (h)(2):
- 1) Unattended dispensing areas for Class I, II and III liquid motor fuels utilizing this option shall be protected by an automatic fire suppression systems meeting the standards of UL 1254 and NFPA 17. If a fire suppression system meeting these requirements is installed, no fire extinguishers are required. In the event of a fire suppression system discharge, the fuel dispensing facility shall not be returned to service until the suppression system is recharged and fully operational in the area protected by the system. The fire suppression system shall, when activated:
 - A) Automatically activate an emergency ~~stop~~shutoff switch that is equipped so that all fuel dispensing units and submersible pumps would be stopped by the activation.
 - B) Sound a local alarm notification device that is audible throughout the dispensing area and meets the requirements of NFPA 72.

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- C) Automatically transmit an alarm, through a system installed, tested and maintained according to NFPA 70 and 72, to local emergency fire services providers by sending a signal via one of the following mechanisms, which shall meet the requirements of NFPA 72:
- i) Auxiliary alarm system;
 - ii) Central station alarm connection;
 - iii) Proprietary alarm receiving facility or system;
 - iv) Remote station alarm connection; or
 - v) Where the mechanisms in subsections (h)(1)(C)(i) through (iv) are not available, an alternate plan for notification of local emergency services meeting NFPA 70 and NFPA 72 and approved by OSFM in advance of the use.
- D) Include extinguishing agent discharge nozzles mounted above dispensers and at or near ground level to discharge agent underneath vehicles being fueled.
- 2) Unattended dispensing areas for Class I, II and III motor vehicle fuels electing this option shall be equipped with portable fire extinguishers and a fire detection system located under a weather enclosure canopy (unless written documentation is submitted verifying that the detection system will operate properly without a canopy).
- A) The system shall detect a fire in the dispensing area through the use of rate compensation, rate of rise or flame sensing detectors. The installation must meet the requirements of NFPA 72.
 - B) Activation of the system shall automatically activate an emergency [stopshutoff switch](#) that is equipped so that all fuel dispensing units [and submersible pumps](#) would be stopped by the activation.
 - C) Activation of the system shall cause the sounding of a local alarm notification device audible throughout the dispensing area and meeting the requirements of NFPA 72.

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- D) Activation of the system, which shall be installed, tested and maintained according to NFPA 70 and 72, shall automatically transmit an alarm to local emergency fire services providers by sending a signal via one of the following mechanisms, which shall meet the requirements of NFPA 72:
- i) Auxiliary alarm system;
 - ii) Central station alarm connection;
 - iii) Proprietary alarm receiving facility or system;
 - iv) Remote station alarm connection; or
 - v) Where the mechanisms in subsections (h)(2)(D)(i) through (iv) are not available, an alternate plan for notification of local emergency services meeting NFPA 70 and NFPA 72 and approved by OSFM in advance of the use.
- E) Fire extinguishers meeting the requirements of 41 Ill. Adm. Code 174.350 shall be installed and maintained at each island and at the emergency ~~stop~~shutoff switch. Cabinets, or other enclosures for extinguishers, shall not require breaking of glass or other acts that could injure users attempting to access the extinguishers, though doors, panels and local alarm systems may be provided for these enclosures at the owner's option.
- 3) The annual system testing required under NFPA 17 and NFPA 72 must be documented and the documents regarding this testing kept at the facility or available within 30 minutes or before OSFM completes its inspection, whichever is later.
- 4) In meeting the requirements of subsections (c) and (h), facilities in existence as of September 1, 2010 shall have the option of complying with the editions of NFPA 17, NFPA 70 and NFPA 72 and UL 1254 incorporated by reference in 41 Ill. Adm. Code 174.210 or the OSFM alarm system and fire suppression and fire detection system requirements in effect at the time of their installation.

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- 5) Any changes to either fire suppression or fire detection systems and related alarms require that the facility notify OSFM in writing at least 60 days in advance of the change.
 - i) At least once each year the facility shall verify that the alarm notification devices required under subsections (c) and (h) ~~of this Section~~ are working. The facility shall record the verification date and results on a record kept along with the other facility records.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.230 Fleet Vehicle Motor Fuel Dispensing Facilities

Fleet vehicle motor fuel dispensing facilities shall comply with all of the requirements for unattended self-service motor fuel dispensing facilities in Section 175.220, except that the signs required under Section 175.220(a) and the fire detection and fire suppression systems required under Section 175.220(h) shall not be required. Automatic notification to local emergency fire services providers when the emergency stop is activated shall not be required so long as the facility is not open to the public for unattended dispensing at any time. Fleet facilities shall comply with requirements for portable fire extinguishers found in Section 175.220(h)(2)(E) and 41 Ill. Adm. Code 174.350. Other signage requirements under Section 175.220 (~~for example, that emergency shutoffs be conspicuously marked~~) shall still apply, along with the remainder of the requirements of Section 175.220.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.240 Full Service Motor Fuel Dispensing Facilities and Islands

Full service motor fuel dispensing facilities and islands shall comply with all of the requirements for attended self-service motor fuel dispensing facilities in Section 175.210, with the following modifications or additions.

- a) A control station and audible communication system shall not be required at a full service motor fuel dispensing facility or island. The attendant shall, however, at all times be able to communicate with persons in the dispensing area. Facilities with dispensers that are not on a full-service island remain subject to the requirements for attended facilities under Section 175.210 for the dispensers that are not full-service.

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- b) Minimum Signage. Signs shall be provided that are clearly visible to all full-service~~self-service~~ customers. The signs shall be made of all-weather material and the lettering shall be not less than 7/8 inch high. The signs shall be mounted no higher than 10 feet above grade, or at a height approved by OSFM, and shall include the following wording, at a minimum: The signs shall be mounted not less than 4 feet nor more than 6½ feet from the bottom of the sign to the ground and made of all-weather rigid material and the lettering shall be not less than 7/8 inch high. The signs shall, at a minimum, include the wording "No dispensing by anyone other than the attendant".

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.250 Marine Motor Fuel Dispensing Facilities

- a) Marine motor fuel dispensing facilities shall be of the attended type only. Self-service is prohibited.
- b) No vessel or marine craft shall be made fast to any other vessel or marine craft occupying a berth at a fuel dispensing location during fueling operations.
- c) Smoking materials, including matches and lighters, shall not be used within 20 feet of areas used for fueling, servicing fuel systems for internal combustion engines, or receiving or dispensing Class I liquids.
- d) The fuel delivery nozzle shall be put into contact with the vessel fill pipe before the flow of fuel commences and this bonding contact shall be continuously maintained until fuel flow has stopped to avoid possibility of electrostatic discharge.
- e) At all marinas, clearly identified emergency stopshutoff switches that are readily accessible in case of fire or physical damage at any dispensing unit shall be provided on each marine wharf and located at least 20 feet but not more than 100 feet from each dispenser, or at a location as approved by OSFM. The emergency stopshutoffs shall be interconnectedinterlocked to shut off power to all dispenser and submersible pump motors from any individual location and shall be manually reset only from a master switch. Each emergency stopshutoff switch shall be identified by an approved sign on all-weather materials stating "EMERGENCY STOP"MASTER ELECTRICAL SHUTOFF" or "EMERGENCY SHUTOFF

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~~SWITCH"~~ in 2 inch red capital letters. Resetting from an emergency stop activation~~electrical shutoff condition~~ shall require manual intervention by the owner or attendant and shall be accomplished only after the condition that caused ~~the activation~~~~it to be activated~~ has been corrected. A master electrical shutoff means an emergency stopshutoff switch.

- f) All emergency stopshutoff switches shall be tested and all shear valves visually inspected at least annually to ensure that they are functioning properly and that the dispenser is mounted properly. Documentation of annual emergency stop testing and shear valve inspection shall be kept at the motor fuel dispensing facility and available for examination by a representative of OSFM. If documentation of annual testing of emergency stopshutoff switches is not available, the facility shall be subject to demonstration of this equipment during inspection by OSFM.
- g) Minimum Signage. A conspicuous sign shall be made of all-weather material with prominent letters not less than 7/8 inch high. The sign shall be mounted no higher than 10 feet above the dispenser base, or at a height approved by OSFM, and shall be mounted not less than 4 feet nor more than 6½ feet above the base of the dispenser, or at a height approved by OSFM, on all-weather materials, visible in all directions, stating ~~in prominent letters not less than 7/8 inch in height~~ "No dispensing by anyone other than the attendant".
- h) Fire Extinguishers. Fire extinguishers shall be provided in accordance with 41 Ill. Adm. Code 174.350.
- i) Spill containment shall be provided on docks adjacent to dispensers to contain spills that may occur during the filling of approved portable containers. Portable containers of ~~642~~ gallons or less shall be filled on the dock where spill containment is provided.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

SUBPART C: PERMITS, FEES AND SCHEDULING

Section 175.300 Permitted UST Activity

Any UST activity or other permitted activity under this Section must comply with the following:

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- a) Permit Requirements
- 1) Prior to the onset of UST activity, a completed permit application, including fee payment of \$200 per permitted activity, shall be submitted to OSFM.
 - 2) A separate fee is required for each type of activity.
 - 3) This fee is to be paid by check, ~~or~~ money order made payable to "Office of the State Fire Marshal", or electronic payment via the UST contractor portal (at <https://webapps.sfm.illinois.gov/USTPortal>) and is to be from the licensed contractor obtaining the permit.
 - 4) Only contractors currently licensed and certified in accordance with 41 Ill. Adm. Code 172 may obtain permits. Contractors are required to be OSFM licensed and have at least one employee doing the work who shall be certified under 41 Ill. Adm. Code 172 for the UST activity that is being performed. A UST contractor portal for the on-line submission of permit applications and the scheduling of permitted work can be found at the website cited in subsection (a)(3). ~~Contractor licensing applications and information can be found at www.state.il.us/osfm/forms/AppUSTContractorLicense.pdf and at www.state.il.us/osfm/PetroChemSaf/172%20Contractor%20Licensing%20Rules.pdf.~~
 - 5) Only contractors, their employees or subcontractors may perform the permitted UST activity in accordance with 41 Ill. Adm. Code 172.
 - 6) ~~The current OSFM permit application forms for the given activity shall be submitted. Electronically reproduced forms shall be identical to the current OSFM approved permit application forms at www.state.il.us/osfm/Techservices/application_forms.htm.~~
 - 67) Permit applications denied or rejected the second time will require a new permit application and submission of a new fee.
 - 78) Permit applications and issued permits are not transferable.
 - 89) The owner of the UST must be identified on the permit application.

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- 910) No permit may be issued when the current owner listed on the application owes fees pursuant to ~~Section 175.330~~ or 41 Ill. Adm. Code 176.450 or 176.455 until the fees are paid in full.
- 1011) No permit may be issued for UST activity unrelated to correcting existing violations while the violations continue to exist on that same site.
- b) No UST activity requiring a permit may proceed without a granted permit ~~in the possession of the contractor or representative of the contractor at the UST site, except pursuant to Section 175.710, and the permit shall be available to an OSFM representative, on request. For emergency repair procedures, see Section 175.710. Performance by a contractor of a UST activity in violation of this Section may result in the suspension or revocation of the license of that contractor to perform any UST activity pursuant to 41 Ill. Adm. Code 172.~~
- c) No UST owners or operators may perform any UST activity, unless the owner complies with the licensing and certification requirements of 41 Ill. Adm. Code 172.
- d) UST activity performed that is not in compliance with the conditions of a permit issued to a licensed contractor, or false information supplied to obtain a permit, is cause for permit revocation, or suspension or revocation of the license of the contractor to perform any UST activity.
- e) For purposes of this Section, the following terms shall be considered interchangeable or equivalent: "installer" and "replacer"; "install" and "replace"; "repairer" and "a person who upgrades"; "repair" and "upgrade"; "remover" and "a person who abandons-in-place"; and "remove" and "abandon-in-place".
- f) Actions Requiring a Permit. A permit is required to do any of the following to USTs:
- 1) install new underground tanks or piping;
 - 2) remove tanks, piping or interstitial sensors;
 - 3) abandon-in-place a UST or piping;
 - 4) upgrade;

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- 5) repair, including replacing flex connectors, risers or vents. If the work performed on risers or vents is done as a result of water ingress or a failed tank precision test, a subsequent tank precision test shall be performed after the work is completed~~connector replacement~~;
- 6) line;
- 7) inspect linings;
- 8) emergency repairs;
- 9) repair, ~~or~~ install or remove cathodic or corrosion protection, including on flex connectors;
- 10) perform any hot work on a UST;
- 11) installation, upgrade or removal of the following (except for any like-for-like replacements listed in subsection (g)):
 - A) leak detection systems (see Section 175.630(f)~~175.630(g)~~, providing that existing interstitial monitoring sensors and systems cannot be removed);
 - B) spill containment at the tank or remote fills; and
 - C) overfill prevention equipment;
- 12) dispenser activity that triggers the requirement to install under-dispenser containment under Section 175.410(cd) and any new dispenser location;
- 13) submersible activity that triggers the requirement to install a tank containment sump under Section 175.410(cb);
- 14) electronic enhancement of an automatic tank gauge (ATG) that requires work within the ATG control module;
- 15) connection of a new or existing bulk load-out to a new or existing UST at a motor fuel dispensing facility.

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- g) Actions Not Requiring a Permit:
- 1) No permit is required to do like-for-like replacements for the following:
 - A) submersible pumps, if already equipped with a tank containment sump;
 - B) spill containment devices (insert replacements shall be at least 3.55 gallons capacity; newly installed spill containment devices shall be a minimum of 5 gallons capacity);
 - C) drop tube valves;
 - ~~D) ball floats;~~
 - ~~DE) ATG probes;~~
 - ~~EF) mechanical line leak detectors;~~
 - ~~FG) electronic line leak detectors;~~
 - ~~GH) wireless electronic line leak detectors;~~
 - ~~HF) rectifiers; ~~or~~~~
 - ~~I) interstitial monitoring sensors; or~~
 - J) replacement of the bolted-on top section of a shear valve only (replacement of an entire shear valve requires a permit and under-dispenser containment).
 - 2) The exceptions listed in subsection (g)(1) are the only exceptions from the permit requirement. If the equipment is not present or another type of equipment is to be used, a permit shall be required. Any pipe or flex connector work requires a permit. However, merely disconnecting a fitting, coupling or union without replacing that fitting, coupling or union to accomplish the replacement of the like-for-like equipment on the list in subsection (g)(1) will not by itself trigger the requirement for a permit.

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Although a permit is not required for like-for-like replacements, the work must still be performed by a licensed contractor. When product piping is broken or disconnected to perform a like-for-like replacement, the piping line must be precision tested as tight prior to putting the piping line back into service. Replacing any of the equipment listed in subsection (g)(1) must be reported electronically or in writing, within 24 hours after the activity, to OSFM, on a Like-for-Like Replacement Report form ~~forms~~ provided by OSFM (available at the website cited in subsection (a)(3) www.state.il.us/osfm/PetroChemSaf/LikeForLike.pdf, listing the make, model and manufacturer of the equipment, and indicating where the equipment is being installed. ~~Copies of these notifications shall also be maintained at the site or available within 30 minutes or before OSFM completes its inspection, whichever is later, for a period of at least 2 years.~~ For a list of the types of OSFM permits required for specific permitted UST activities, see Appendix B.

- h) Expiration and Extension of Permits. Permits expire 6 months from the date they are issued. The applicant may apply for additional 6-month extensions. Permit extensions that circumvent newly adopted technical requirements will not be allowed. If a party submits evidence of non-cancelable contracts executed in reliance on the permit sought to be extended, or if work has commenced, a party will not be viewed as circumventing the technical requirement. Each extension request must be submitted electronically or in writing before the permit lapses and must be accompanied by a \$200 fee.
- i) Amended Permits. Granted permits may be amended ~~twice only once~~ without a new application fee. For all permit amendments, each change that requires a new contractor, more than minor changes to the site plan, or another engineering review to determine acceptability will require submission of a new permit application and \$200 fee. Drawings related to any amendment must be submitted to OSFM with the amendment ~~"As-built" drawings reflecting any amendment to the site plan shall be submitted to OSFM within 10 days after the amendment.~~ Permit amendments that circumvent newly adopted technical requirements will not be allowed.
- j) Site plans showing setback distances shall be submitted ~~in triplicate~~, by the contractor listed on the permit application, to OSFM, along with any motor fuel dispensing permit application required by Section 175.200. Site plans are subject to approval by OSFM before any new construction, addition or remodeling that

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alters building size, when encroachment on required setbacks would occur; dispenser locations; or locations or sizes of vehicle service area or storage tanks. Removals, lining and upgrades that involve replacing equipment with that of identical manufacture and model do not require submission of site plans.

k) Miscellaneous

- 1) In the event that equipment requiring a permit is installed without a permit or in violation of the terms of the permit, the owner/operator will be required to do the following:
 - A) Hire an OSFM licensed contractor other than the person and company who did the unauthorized/non-permitted work.
 - B) Submit the proper permit application to OSFM and obtain approval from OSFM.
 - C) The work shall be uncovered as necessary to allow proper inspection of the UST installation or modification at issue and OSFM may require any changes necessary to bring the installation into compliance with 41 Ill. Adm. Code 160, 174, 175, 176, 177 and 180.
- 2) When temporarily replacing a defective electronic line leak detector with a mechanical line leak detector, the contractor must notify OSFM electronically or in writing within 8 working hours after replacement, on a Like-for-Like Replacement Report form provided by OSFM (available at the website cited in subsection (a)(3))www.state.il.us/osfm/PetroChemSaf/LikeForLike.pdf. Replacement of the temporary mechanical line leak detector with the final electronic line leak detector must be completed within 10 working days, and notification of this replacement shall be submitted to OSFM electronically or in writing on a Like-for-Like Replacement Report form provided by OSFM at www.state.il.us/osfm/PetroChemSaf/LifeForLike.pdf within the same 10 day period.
- 3) When removed piping exceeds 20 feet or 50% of the total piping run ~~When piping is removed from an existing trench and replaced with new piping installed in another location~~ at a site, both a removal and an upgrade permit are required. When there are indications of a leak that are

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not contained to the UST system, owners and operators shall follow the procedures and requirements of 41 Ill. Adm. Code 176.Subpart C~~However, where piping is removed from an existing trench and replaced with new piping installed in the same trench, only an upgrade permit is required, although at least one employee certified in the decommissioning module shall be required for the work.~~

- 4) A valid permit does not remedy the technical compliance aspects of a violation until the work is completed and does not allow for any extensions of time for compliance. Completion of the work and a satisfactory OSFM final inspection does not preclude OSFM enforcement action against the person who illegally installed the equipment without a permit.
- 5) ~~A permit must be obtained prior to construction of a building or structure where loading and unloading or dispensing operations will occur. However, the permit will not require the customary permit fee, nor licensing or certification of a contractor, under this Section.~~
- 1) Permits for Marinas. Due to the unique characteristics of the site at marina locations, additional information will be required as specified in this subsection (1) and as determined to be necessary by OSFM.
 - 1) Additional statements will be required as requested by OSFM to substantiate ownership or consent from authorities having jurisdiction over the waterway.
 - 2) Site Plans and Drawings. Detailed site plans and drawings shall be supplied as requested by OSFM to show length, width, location and configuration of the dock, type of construction, dispenser location and dispensing area, along with profiles of the UST indicating differences in elevation between tanks, piping and dispensers showing all valves, manholes, sumps, location of leak detection equipment, anti-siphon devices, pressure relief valves, pipe chases, sewage lines, etc. High water, low water and normal pool elevations shall also be given in relation to tank, piping and dispensers, along with any pertinent site characteristics.
- m) Permits for Abandonment-in-Place

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- 1) An on-site evaluation establishing the existence of at least one of the eligibility criteria of Section 175.840(a) shall be submitted by the OSFM-licensed contractor and must include accurate site plans. A complete plan or diagram of the area shall be provided and show the location of tanks, fill pipes, vent lines, sewers, streets, product lines, utilities and buildings. The facility name and location and the number and size of USTs involved shall also be included in the site plans.
 - 2) A description of the specific inert material to be used shall be indicated on the permit application. Allowed inert material shall be limited to sand, gravel, clay, bentonite or inert material mixed with portland cement to increase flowability. The portland cement concentration may not exceed 50 lbs. per cubic yard of mixed material. Any other materials must be approved by OSFM during the permit process. If tripolymer foam is to be used, the permit application must include buoyancy calculations based upon the particular tripolymer foam to be used. Information must also be included that verifies the methods and materials that will be used to protect against UST floatation once abandoned-in-place. PEI/RP-100 addresses the issue of floatation and anchorage calculations that may be of assistance to the submitting contractor relative to determining ballast needs.
 - 3) If the ability to abandon-in-place is questioned, a third-party professional structural engineer may be used to determine the feasibility of removal in order to verify that the tank is or is not eligible to be abandoned in place under Section 175.840(a).
- nm) For permits applicable to Fleet mobile fueling sites and related contractors, see require a different permit under 41 Ill. Adm. Code 174.440 and 174.450.
- on) In the event there is a delegation of authority to the City of Chicago to enforce UST rules and regulations, pursuant to the Gasoline Storage Act [430 ILCS 15/2], subject to the terms of that agreement, the City has the authority to modify subsections (a)(1) through (a)(10) ~~of this Section~~ to issue the permits and collect the fees for its own use, regarding UST activities within the jurisdiction of the City.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

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Section 175.310 Site Plans

When OSFM permit application forms indicate that permit submittals must be accompanied by site plans, the following shall apply:

- a) Site plans shall be submitted simultaneously with associated permit applications and shall accurately reflect the scope and all components of the work involved.
- b) Site plans shall be submitted ~~in triplicate~~, by the contractor listed on the permit application.
- c) Site plans shall be legible and sizes shall be 8½" x 11", 8½" x 14", ~~or~~ 11" x 17" or electronic scans only; blueprints are not acceptable as site plans.
- d) Site plans shall be drawn to an identified scale, or all dimensions shall be labeled to allow OSFM to determine compliance with applicable rules.
- e) Site plans shall indicate or contain the following information:
 - 1) The name of the OSFM-licensed contractor proposing the work;
 - 2) The name and address of the facility where the proposed work is to occur, including the location of the proposed work with reference to city, village or town;
 - 3) The plot to be utilized and its immediate surroundings on all sides. All property lines are to be designated and adjacent streets and highways shall be named, and legends or markings shall include a compass marking the directions of north, east, south and west;
 - 4) The components of the installation as proposed, including tanks and their capacities, name and class of liquids to be stored, piping, pumps, dispensers, buildings and all UST equipment. When partial piping is being installed or replaced, show total length of the entire piping run and identify the specific length and location of the portion of the piping that is being installed or replaced;
 - 5) Clearance from tanks and piping to property lines;

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- 6) Clearances from tanks and piping to adjacent buildings;
- 7) Separation distance between USTs when more than one UST is present;
- 8) Location of driveways or paths for vehicle access;
- 9) Location of existing piping trenches not being reused, existing trenches being reused, and new trenches where new piping is being installed;
- 10) Location of electrical wiring and conduit, including an indication of the depth or elevation at which these components will be installed;
- 11) Location of basements, cellars or pits of buildings on the property or on adjacent properties, and location of tanks and piping to allow OSFM to ensure compliance with Section 175.430. If buildings on the property or adjacent property have no basements, cellars or pits, a notation to that effect shall be made on the site plan;
- 12) Location of sewers, manholes, catch basins, cesspools, septic tanks, wells or cisterns (whether on the property, on adjacent property or in adjoining streets, highways or alleys); whether the sewer is made of petroleum-resistant piping or material; and location of tanks and piping to allow OSFM to ensure compliance with Section 175.430. If there is no sewer, manhole or catch basin in a street or alley or no sewer, cesspool, septic tank, well or cistern on a property, a notation to that effect shall be made on the site plan;
- 13) Location of UST vent piping, vent termination points, and any other vent outlets required by Section 175.440, including a clear indication of the elevation of vent termination points;
- 14) Location of fill pipes, including remote fills, required by Section 175.445;
- 15) Ventilation methods for grease pits or other below-grade areas required by Section 175.450(f);
- 16) Location and form of all collision protection for dispensers and vent terminals; and

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- 17) Any other information pertinent to the installation to ensure that OSFM plan reviewers can determine compliance with applicable rules.
- f) In the event there is a delegation of authority to the City of Chicago to enforce UST rules and regulations, pursuant to the Gasoline Storage Act [430 ILCS 15/2], subject to the terms of the agreement, the City has the authority to modify this Section to change any reference to "Office of the State Fire Marshal" or OSFM to the appropriate City authority.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.320 Scheduling of UST Activity

- a) All permitted activity shall be scheduled with OSFM. There are 2 sets of procedures for scheduling permitted activity, Operational Safety Inspection (OSI) or Performance Assurance Inspection (PAI). The procedures for scheduling OSI Activity (Date Certain) are set forth in subsection (c) and for PAI Activity (Date and Time Certain) are set forth in subsection (d). A contractor shall have at least one employee certified for the UST activity for which the permit was issued actively supervising in person the UST activity being performed on the site; ~~unless the contractor is personally certified in the UST activity for which the permit was issued and is actively supervising the work.~~ At all times during permitted activity, including at all STSS inspections, including any final inspection, there shall be an employee or individual contractor certified in the work to be done on the job site. Subcontractors are not "employees" for this purpose.
- b) No permitted and scheduled OSI or PAI activity can be performed outside the schedule unless changes have been approved in advance by OSFM. ~~No more than 2 schedule changes will be allowed, except for new tank installations, for which 2 additional schedule changes may be used for final inspection only.~~ Notice of cancellation must be received by OSFM ~~no later than 6:00 a.m. at least one complete work day in advance~~ of the scheduled date ~~and time~~ and the revised date of the work must be at least ~~one~~2 complete working ~~day~~days after OSFM receipt of the revised job schedule request. The day of receipt is not included in the advance notice/receipt calculation. ~~At the discretion of OSFM, adverse natural occurrences or other emergencies will allow a shorter time frame for cancellation and rescheduling.~~ A new permit and fee will be required when there is a failure to meet any of the schedules. This includes not being present for inspection, not

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being completely ready for inspection, allowing permit to expire before completing the final inspection, or not canceling the job within the allowed time frame. Failure to meet the schedules also includes a failure to complete all UST work and site preparation necessary for the STSS inspection, including any necessary testing and related corrections, prior to the time the STSS is scheduled to first arrive. Upon these events, the permit is considered ~~void~~~~revoked~~ and no work may commence until a new permit is issued and the work scheduled pursuant to this Section.

- c) OSI (Date Certain) Activity. OSI activity includes UST installations, installation or removal of an entire pipe run, tank removal, abandonment-in-place, lining and lining inspection, tank entry and any hot work. Regarding UST installation, scheduled OSFM inspections are required for an air test on the tank prior to installation, tank installation, air test on primary lines, air test on secondary containment, hydrostatic test on containments prior to backfill, and final inspection. Regarding installation of an entire pipe run, OSFM inspections are required for both the primary and secondary air test on the piping and a hydrostatic test on containments prior to backfill, and final inspection. Any additional inspection in follow-up to tank penetration via hot work, including a final lining inspection and tank precision testing, shall be scheduled as a PAI inspection. For a listing of OSI activities, see Appendix A to this Part.
- 1) For OSI activity, the contractor shall have a granted permit ~~in his or her possession~~ before scheduling with OSFM ~~between 8:30 a.m. and 3:00 p.m. on State business days~~ to establish a ~~mutually agreed~~ specific date and time that is not less than one complete working day before the anticipated date of the ~~for the~~ permitted activity. A UST contractor portal for the on-line submission of permit applications and the scheduling of permitted work can be found at <https://webapps.sfm.illinois.gov/USTPortal>.
 - 2) Only the contractor or an employee of the contractor (this does not include subcontractors) may schedule the work with OSFM.
 - 3) For OSI activity, the work will not be allowed to be done unless an STSS is on site.
- d) PAI (Time and Date Certain) Activity. PAI permitted activity includes ~~installation, upgrades~~ not involving piping installation, flex connector activity, repairs not involving hot work, or cathodic protection activity. PAI activities will

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be scheduled for a period of at least 2 working hours (between ~~8:30~~^{10:00} a.m. and 3:30 p.m. on State business days) and subsequent activities that interfere with the ability to inspect will not proceed until the time period is over. ~~Regarding tank installation, scheduled OSFM inspections are required for an air test on the tank prior to installation, air test on primary lines, hydrostatic test on containments prior to backfill, tank installation, air test on secondary containment, and final inspection. For tank installation only, the completed Notification of Underground Storage Tanks form~~ (www.state.il.us/OSFM/PetroChemSaf/Notify.pdf) must be ready to present to the STSS during the final inspection. For all other activity, both OSI and PAI, the appropriate OSFM notification forms at www.state.il.us/osfm/PetroChemSaf/home.htm, under "downloadable applications shall be completed and submitted to OSFM within 30 days after completion of the permitted work. ~~Tank~~ Although tank and line ~~precision~~^{tightness} testing and cathodic protection testing following permitted activity, or at any time in the course of investigating a suspected release, or pursuant to an NOV and the cleaning of tank and line interstitial spaces following a release are not permitted activities, they must still be scheduled with OSFM pursuant to subsection (d)(2). For a listing of OSI activities, see Appendix A.

- 1) Permitted PAI Activity. The contractor shall have a granted permit ~~before scheduling the permitted activity with OSFM in his or her possession and shall transmit to OSFM, not less than 5 working days after the approval date on the permit and~~ not less than ~~one complete~~² working ~~day~~^{days} before the anticipated date of work, ~~by U.S. Mail, express mail, package service, fax, or email, a completed OSFM prescribed job schedule form~~ www.state.il.us/osfm/PetroChemSaf/home.htm, under "downloadable applications"). ~~A UST contractor portal for the on-line submission of permit applications and the scheduling of permitted work can be found at the website cited in subsection (c)(1). The Division of Petroleum and Chemical Safety (DPCS) will transmit an e-mail confirmation of scheduling approval a stamped acknowledgement receipt back to the contractor within one working day. A copy of this receipt, along with a copy of the permit, will be kept on the job site at all times. Work shall not commence until the contractor receives obtains this confirmation receipt.~~ Only the contractor or an employee of the contractor (this does not include subcontractors) may schedule the work with OSFM.

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- 2) Non-permitted PAI Activity. Non-permitted PAI activity includes tank and line precision testing and cathodic protection testing following permitted activity, or at any time in the course of investigating a suspected release, or pursuant to an NOV. The contactor or contractor's employee shall schedule the activity with OSFM submit the OSFM-prescribed job schedule form (www.state.il.us/osfm/PetroChemSaf/home.htm, under "downloadable applications") at least 24 hours in advance of the anticipated work date. Only the contractor or an employee of the contractor (this does not include subcontractors) may schedule the work with OSFM. A UST contractor portal for the on-line scheduling of non-permitted work can be found at the website cited in subsection (c)(1).
 - 3) For spill or overfill prevention device final PAI (Time and Date Certain) inspections, a contractor representative is not required to be on site, but scheduling of the final inspection is required.
 - 4) Any time an emergency repair permit is issued, the contractor shall schedule and complete the final inspection within 10 days after issuance of the permit.
- e) A Notification for Underground Storage Tanks form provided by OSFM (available at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>) shall be completed and submitted to OSFM within 30 days after completion of the permitted work for UST removal and abandonment-in-place. For all UST installations, the final inspection shall not be scheduled without prior submission of the completed Notification form and, if applicable, the completed motor fuel dispensing permit application. Other kinds of permitted work do not require submission of this Notification form.
- f) There shall be no transfer or sale of product from a UST until the UST is in compliance with OSFM rules and any required final inspection has been completed. Any request to fill a required minimal amount of fuel necessary to perform compliance testing must be submitted by an OSFM-licensed contractor in writing and approved by OSFM in advance. A Drop Fuel Request form is available at the UST contractor portal at the website cited in subsection (c)(1). A depositor may make one deposit of a regulated substance to a newly installed or newly lined tank to provide ballast; that fuel shall not be sold or dispensed until the required decal is obtained.

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- g~~f~~) In the event there is a delegation of authority to the City of Chicago to enforce UST rules and regulations, pursuant to the Gasoline Storage Act [430 ILCS 15/2], subject to the terms of that agreement and to the extent the City is authorized to supervise the above-referenced activities, the City is authorized to substitute, for references in this Section to OSFM or its agents or employees, comparable references to the City or its agents or employees.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.330 Payment of 1988 Annual UST Fee (Repealed)

~~The owner of any registered underground petroleum storage tank (excluding heating oil USTs for consumptive use on the premises where stored) in the ground at any time in 1988 and in operation at any time after January 1, 1974 shall pay a 1988 annual fee of \$100 per tank on or before 90 days from the date on the invoice requesting payment of the fee. The payment is to be by check or money order made payable to "Office of the State Fire Marshal".~~

(Source: Repealed at 42 Ill. Reg. 10476, effective October 13, 2018)

SUBPART D: DESIGN, INSTALLATION AND CONSTRUCTION REQUIREMENTS

Section 175.400 Design and Construction of USTs

- a) Tanks. Any newly installed or replaced underground tank shall be of double-wall construction and equipped with interstitial monitoring that meets the applicable requirements of Section 175.630(~~f~~~~g~~) and 40 CFR 280.43(g) for all permits issued on February 1, 2008 and after. ~~Any release into the interstice of any double wall tank shall require that the interstice be cleaned under accepted engineering practices before the tank can be put back into service, the out of service period not to exceed one year. Although such work does not require a permit, the work must be scheduled with OSFM under Section 175.320 and the work must be done by a contractor that meets the licensing and certification requirements for a tank precision tester under 41 Ill. Adm. Code 176.470 and 41 Ill. Adm. Code 172. (See also Section 175.630(g).) If the interstice cannot be cleaned so as to allow proper functioning of the interstitial monitoring and the tank has been out of service for one year, then the tank shall be removed within 60 days. Third-party listed, factory manufactured, jacketed tanks having an interstitial space with~~

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~~interstitial monitoring capable of being cleaned following any contamination~~ shall be considered as meeting the double-wall requirement.

- b) Each newly installed, replaced and existing tank shall be properly designed, constructed and installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and third-party listed for its intended use. Any portion underground that routinely contains product shall be protected from corrosion. In addition, each tank shall meet one of the following requirements:
- 1) The tank is constructed of fiberglass-reinforced plastic.
 - 2) The tank is constructed of steel and protected in the following manner:
 - A) Metallic tanks installed on or after April 21, 1989 shall be thoroughly coated on the outside with suitable rust-resisting dielectric material; and
 - B) All steel tanks shall utilize a cathodic protection system designed by a corrosion expert certified by NACE in cathodic protection design or by an Illinois Licensed Professional Engineer who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks. If an impressed current system is selected, it must also be designed to allow determination of the system's operating status by means of permanently installed lights and gauges as required in Section 175.510.
 - 3) The tank is constructed of steel and clad or jacketed with a noncorrodible material~~a steel fiberglass reinforced plastic composite~~.
 - 4) The tank construction and corrosion protection are determined by OSFM to be designed to prevent release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than this subsection (b). Before the installation of any tank, its construction and corrosion protection shall be submitted to OSFM, in writing, and is subject to written approval by OSFM.

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- c) Re-certified tanks shall satisfy the requirements of subsection (b), and, on or after February 1, 2008, shall be double-walled with interstitial monitoring; however, written proof of re-certification shall be submitted to OSFM. Re-certified tanks must be reinstalled within 6 months after removal or re-certification, whichever is sooner. Re-certified tanks must have a warranty remaining for at least 5 years. Re-certifications must be conducted by a Licensed Professional Engineer having expertise in UST design or the original tank manufacturer.
- d) Any UST that fails to meet the criteria and requirements of Subparts D, E and F shall be removed within 60 days after receipt of a Notice of Violation requiring its removal. Field-constructed tanks and airport hydrant systems shall comply with Subpart I.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.405 Spill Containment and Overfill Prevention Equipment

- a) To prevent spilling and overfilling associated with product transfer to the UST, owners or operators shall use the following spill containment and overfill prevention equipment:
- 1) Both:
 - A) Spill containment equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (e.g., a spill catch basin). As of May 1, 2003, new or replaced spill containment equipment must have a minimum 5 gallon capacity, except that a third party listed replacement containment designed by the manufacturer to be inserted into an existing spill containment will be allowed as long as it has a minimum capacity of 3.5 gallons. Spill containment equipment shall ~~and~~ be maintained in a dry, clean state; and
 - B) Overfill prevention equipment that:
 - i) Automatically shuts off flow into the tank when the tank is no more than 95% ~~percent~~ full; or

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- ii) Alerts the transfer operator when the tank is no more than 90%~~percent~~ full by restricting the flow into the tank or triggering an audible and visual~~a~~ high-product level alarm;
or
 - 2) Provides alternative methods that are no less restrictive than subsections (a)(1) and (a)(2) and no less protective of human health or the environment, as approved in writing by OSFM.
- b) Owners and operators of UST systems with spill and overflow prevention equipment must meet the requirements of subsections (b) and (c) and shall ensure the equipment is operating properly and will prevent releases to the environment. Spill prevention equipment (such as a catchment basin, spill bucket, or other spill containment device) must prevent releases to the environment by meeting one of the following:
- 1) The equipment is double-walled and the integrity of both walls is periodically monitored at a frequency not less than once every 30 days. Owners and operators must begin meeting the testing requirements of subsection (b)(2) and conduct a test within 30 days after discontinuing periodic monitoring of this equipment; or
 - 2) The spill prevention equipment is tested at installation, immediately after any repairs, and at least once every three years to ensure the equipment is liquid tight by using vacuum, pressure or liquid testing in accordance with one of the following criteria:
 - A) Requirements developed by the manufacturer of the spill prevention equipment. Owners and operators may use this option only if the manufacturer has developed requirements;
 - B) Requirements developed by the manufacturer of the testing equipment; or
 - C) A hydrostatic test that meets the requirements of Section 175.410(j).

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- c) Overfill prevention equipment must be inspected at installation, immediately after any repairs, and at least once every three years, and the inspection shall meet the following criteria:
- 1) At a minimum, the inspection must ensure that overfill prevention equipment is set to activate at the correct level specified in subsection (a);
 - 2) The overfill prevention equipment will activate when the regulated substance reaches that level; and
 - 3) Inspections must be conducted in accordance with inspection requirements developed by the manufacturer.
- d) Owners and operators must begin meeting the requirements for testing and inspection in subsections (b) and (c) as follows:
- 1) For UST systems in use on or before October 13, 2015, the initial spill prevention equipment test and overfill prevention equipment inspection must be conducted not later than October 13, 2018.
 - 2) For UST systems brought into use after October 13, 2015, these requirements apply at installation.
- e) Owners and operators must maintain the following records for spill prevention equipment and overfill prevention equipment:
- 1) All records of installation shall be maintained for the life of the equipment;
 - 2) All records of testing or inspection must be maintained for three years; and
 - 3) For spill prevention equipment not tested every three years, documentation showing that the prevention equipment is double-walled and the integrity of both walls is periodically monitored at a frequency not less than once every 30 days must be maintained for as long as the equipment is periodically monitored.
- f) Ball float~~Float~~ vent valves for overfill prevention shall not be installed on new and existing UST systems after October 13, 2015~~allowed on any type of suction~~

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system. If an approved method of overfill prevention is not present on a UST when a ball float valve fails inspection, overfill prevention equipment meeting the requirements of this Section shall be installed.

- ge) A UST that is filled by transfers of no more than 25 gallons at one time shall require spill containment but does not require overfill prevention.
- hd) In addition to the requirements of this Section~~subsections (a), (b) and (c)~~, waste oil tanks shall be equipped with spill containment devices at all fill and retrieval points.
- i) All testing and inspections required by this Section shall be performed:
 - 1) By an OSFM-licensed contractor that has licensure in the installation/retrofitting or tank and piping tightness testing module; and
 - 2) Using an employee of an OSFM-licensed contractor for testing or inspection who is certified in the installation-retrofitting or tank and piping tightness testing module and also certified by the manufacturer of the equipment being tested or inspected and the testing equipment being utilized.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.410 Containment Sumps

- a) All containment sumps must consist of a factory manufactured containment that is liquid-tight on its sides, bottom and at any penetrations and is compatible with the substance conveyed by the piping.
- ba) On or after May 1, 2003, a ~~submersible tank~~ containment sump must be installed at the tank on all new tanks with submersible pumps or American suction piping systems. European suction piping systems are not required to have this containment.~~All tank containment sumps must consist of a factory manufactured containment that is liquid-tight on its sides, bottom and at any penetrations and is compatible with the substance conveyed by the piping. European suction systems are not required to have this containment.~~

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- cb) When an existing submersible pump is removed and replaced with another submersible pump, or when piping, flex connectors or other transitional components at the submersible pump are replaced, a submersible tank containment sump must be installed.
- de) On or after May 1, 2003, under-dispenser containment must be installed on all new dispenser installations where there previously was no dispenser. European suction systems are not exempt from the requirement for under-dispenser containment. Under-dispenser containment must allow for visual inspection and access to the components in the containment system or be monitored every 30 days for leaks from the dispenser system.
- ed) Under-dispenser containment shall be required when:
- 1) Both the dispenser and the equipment needed to connect the dispenser to the underground storage tank system are installed at a UST facility. The equipment necessary to connect the dispenser to the underground storage tank system includes check valves, shear valves, unburied risers or flexible connectors, or other transitional components that are underneath the dispenser and connect the dispenser to the underground piping; or
 - 2) Work is being done to replace or modify any components at or below the shear valve, regardless of whether the dispenser is replaced. ~~When an existing dispenser is removed and replaced with another dispenser and equipment at or below the shear valve used to connect the dispenser to the UST is replaced, under dispenser containment is required. This equipment may include flex connectors or risers or other transitional components that are beneath the dispenser and connect the dispenser to the piping.~~
- f) On or after October 13, 2028, containment sumps shall be installed where none currently exist.
- ge) If more than 20 feet or 50% of a pipe run is replaced, the appropriate containment required to make the associated interstitial monitoring functional (e.g., a tank containment sump, under-dispenser containment, or a junction sump) shall also be installed.
- hf) Water in Sumps

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- 1) Sumps Without Interstitial Monitoring Sensors. If water is in a sump and it is in contact with bare metal piping or metal, including flex connectors, then corrosion protection, using impressed current, spike anodes, or wristband anodes with proper electrolyte, must be installed on the metal piping in accordance with Section 175.510.
 - 2) Sumps with Interstitial Monitoring Sensors. Water that could interfere with the operation of double-wall interstitial monitoring systems or that is in contact with bare metal piping or metal, including flex connectors, shall be permanently removed and the source of ingress repaired. The sump shall be maintained so that, other than internal condensation, there is no water in contact with bare metal.
 - 3) Requirement for All Sumps. In all cases, sumps shall be maintained and repaired using petroleum compatible materials as necessary so that, in the event of a release, product will not be leaked out of sumps via cracks, broken seals or other openings.
- ig) Ban on Field-installed Spray-on or Pour-on Materials in UST Containment Sumps. All required containments shall be factory manufactured containments resistant to petroleum and chemical products. Field-applied spray-on or pour-on materials shall not be used in UST containment sumps. All repairs shall be made according to manufacturer's specifications. The application of any material shall not interfere with the normal operation of the shear valves or fusible links, or any equipment installed under dispensers or submersible pumps.
- jh) A hydrostatic test will be performed on all containment sump installations and immediately after repairs (including all submersible, piping, transition and fill sumps, whether single-walled or double-walled) as follows:
- 1) All penetrations, including electrical, must be completed prior to testing.
 - 2) Piping containment sumps are to be filled with water to a height that covers the highest penetration or sidewall seam by 4 inches~~Containment is to be filled with water to a height that covers the highest penetration by 2 inches.~~

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- 3) Fill sumps (spill buckets) shall be filled to within 1½ inches of the top of the sump.
 - 4) Minimal backfilling that may be necessary for support of the containment sump is allowed prior to the test.
 - 54) Test duration is 30 minutes and performed under PAI Time and Date Certain requirements with no drop in water level of more than 1/8 inch.
- k) All testing required by this Section shall be performed:
- 1) By an OSFM-licensed contractor that has licensure in the installation/retrofitting or tank and piping tightness testing module; and
 - 2) Using an employee of an OSFM-licensed contractor for testing who is certified in the installation-retrofitting or tank and piping tightness testing module and also certified by the manufacturer of the equipment being tested and the testing equipment being utilized.
- l) Owners and operators of UST systems with containment sumps used for interstitial monitoring of piping must meet these requirements for periodic testing and shall ensure the equipment is operating properly and will prevent releases to the environment by meeting one of the following:
- 1) The equipment is double-walled and the integrity of both walls is periodically monitored at a frequency not less than once annually. Owners and operators must begin meeting the testing requirements of subsections (1)(2) and (1)(3) and conduct a test within 30 days after discontinuing periodic monitoring of this equipment;
 - 2) The containment sumps used for interstitial monitoring of piping are tested at least once every three years to ensure the equipment is liquid-tight by using vacuum, pressure or liquid testing in accordance with one of the following criteria:
 - A) Requirements developed by the manufacturer of the containment sump. Owners and operators may use this option only if the manufacturer has developed testing requirements;

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- B) Requirements developed by the manufacturer of the testing equipment; or
 - C) A hydrostatic test that meets the requirements of subsection (j); or
- 3) An alternative test procedure for containment sumps with discriminating and nondiscriminating sensors is allowed subject to the following requirements.
- A) This alternative test procedure shall be conducted as follows:
 - i) Sumps shall be inspected and must be free of debris and liquids and obvious structural damage prior to testing;
 - ii) A liquid level sensor is mounted at the lowest point in the sump and a periodic test is performed by adding liquid to a point that will ensure activation of the sensor;
 - iii) The submersible pump automatically shuts off when liquid activates the sensor; and
 - iv) The level of liquid and type of liquid used to ensure activation of the sensor conforms to the sensor manufacturer's specifications.
 - B) Written documentation from the manufacturer detailing the minimum amount of liquid and the type of testing liquid required to activate the sensor must be provided when OSFM requests it.
 - C) The following conditions shall disqualify sumps from this testing method:
 - i) Sensors found to be raised out of the required position for proper activation shall trigger an NOV requiring hydrostatic testing above the highest penetration or seam for the containment sump in question, if the containment sump has been tested using the alternative test procedure in this subsection (1)(3); and

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- ii) Those sumps with obvious structural damage, such as cracks or breaks in the walls or floor of the containment sump, shall require repair or replacement. Containment sumps shall be tested pursuant to subsection (j) following repair or replacement of sump.
 - F) Containment sumps shall be inspected prior to testing. Sumps must be free of debris and moisture prior to testing, and those sumps with obvious structural damage, such as cracks or breaks in the walls or floor of the containment sump, shall require repair or replacement. Containment sumps shall be tested pursuant to subsection (j) following repair or replacement of the sump.
- m) Owners and operators must begin meeting the requirements for testing in subsection (l) as follows:
 - 1) For UST systems in use on or before October 13, 2015, the initial testing for containment sumps used for interstitial monitoring of piping must be conducted not later than October 13, 2018.
 - 2) For UST systems brought into use after October 13, 2015, these requirements apply at installation.
- n) Owners and operators must maintain the following records for containment sumps used for interstitial monitoring of piping:
 - 1) All records of installation shall be maintained for the life of the equipment;
 - 2) All records of testing must be maintained for three years; and
 - 3) For containment sumps used for interstitial monitoring of piping not tested every three years, documentation showing that the containment sumps used for interstitial monitoring of piping are double-walled and the integrity of both walls is periodically monitored every 30 days, must be maintained for as long as the equipment is periodically monitored.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

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Section 175.415 UST Compatibility with Product Stored

- a) Owners and operators shall use a UST made of or lined with materials that are compatible with the ~~substance~~product stored in the UST.
- b) Owners and operators must notify OSFM at least 30 days prior to switching to a regulated substance containing greater than 10% ethanol, greater than 20% biodiesel, or any other regulated substance identified by OSFM, using a Notification for Underground Storage Tanks form (available at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>). In addition, owners and operators with UST systems storing these regulated substances must meet one of the following:
 - 1) Demonstrate compatibility of the UST system (including the tank and any internal lining materials, piping, containment sumps, pumping equipment (including submersible, suction and dispenser pumps, as well as attached hoses and nozzles), release detection equipment, spill equipment, and overfill equipment and, for USTs installed after October 13, 2018, any associated seals, gaskets and adhesives). Owners and operators may demonstrate compatibility of the UST system by using one of the following options:
 - A) Certification or listing of UST system equipment or components by a nationally recognized, independent testing laboratory for use with the regulated substance stored; or
 - B) Equipment or component manufacturer approval. The manufacturer's approval must be in writing, indicate an affirmative statement of compatibility, specify the range of biofuel blends with which the equipment or component is compatible, and be from the equipment or component manufacturer; or
 - 2) Use another option determined by OSFM to be no less protective of human health and the environment than the options listed in subsection (b)(1). Demonstration of any such method shall be in writing submitted to OSFM. If the option is approved, the owner or operator shall comply with any conditions imposed by OSFM to ensure the protection of human

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health or the environment. Before the utilization of the option, OSFM shall issue written approval.

- b) ~~All UST components shall be listed for compatibility with the product being stored by a nationally recognized independent third party organization. In the event the third party listing is unattainable for a UST component, for petroleum products only, OSFM may accept certification of the non-listed component by a Licensed Professional Engineer that the non-listed component is compatible with the product that will be stored.~~
- c) Owners and operators must maintain records in accordance with 41 Ill. Adm. Code 176.430 documenting compliance with subsection (b) for as long as the UST system is used to store the regulated substance. Documentation shall include a completed Checklist for Documenting UST Compatibility form, available at the website cited in subsection (b).
- e) ~~In the event third party listing and certification by a Licensed Professional Engineer are both unattainable for a leak detection device or dispenser, for petroleum products only, OSFM may permit the use of the non-listed and non-certified component if a licensed installation/retrofitting contractor inspects the component on an annual or more frequent basis and, after each inspection, certifies to OSFM on forms provided by OSFM at www.state.il.us/osfm/PetroChemSaf/home.htm, under "downloadable applications", that the component has been inspected and there is no visible evidence of product leakage or release or other operational problems. Copies of these certifications provided to OSFM shall be maintained at the site or available within 30 minutes or before OSFM completes its inspection, whichever comes later, for at least a 2-year period. In the event that a listed component becomes available, facilities shall have 12 months to replace non-listed components with listed components.~~
- d) ~~New installations or new conversions to blended fuel (as defined in 41 Ill. Adm. Code 174.100) shall comply with the following:~~
- 1) ~~OSFM will permit a blended fuel to be stored in steel tanks, or any fiberglass tanks manufactured after 1991 if certified by the manufacturer as compatible with the product stored.~~
 - 2) ~~The associated piping must be steel or fiberglass piping manufactured after 1991.~~

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de) Existing USTs Previously Converted to a Blended Fuel (as defined in 41 Ill. Adm. Code 174.100). In those instances in which a blended fuel is being stored in an existing tank lined at any time, the lining material must be approved by OSFM based on information supplied by the manufacturer or a nationally recognized, independent testing laboratory Licensed Professional Engineer, in accordance with the criteria identified in Section 175.500, as compatible with the blended fuel, or the owner/operator must remove the blended fuel from the tank. Existing field installed linings shall be allowed to remain if both the lining and all UST components are compatible with the product stored, but shall comply with the requirements of Section 175.500, including requirements for 5-year inspections by a certified contractor. New field-installed linings for compatibility purposes only are allowed after January 1, 2011. These provisions, allowing new linings for compatibility purposes only, shall not be used to circumvent prohibitions against lining tanks for purposes of corrosion protection or repair after January 1, 2011. A steel tank shall be deemed compatible with all motor, alternative and blended fuels in the absence of a detailed engineering evaluation by an Illinois Licensed Professional Engineer establishing a problem with compatibility between the steel tank and the substance proposed to be stored in the tank, subject to the following requirements:

- 1) ~~The lining material shall be compatible with the product stored, as established by proof of compatibility from the lining manufacturer;~~
- 2) ~~All linings must comply with the requirements of Section 175.500, including requirements for lining inspections under Section 175.500(b) that must take place within 5 years after initial lining and every 5 years thereafter;~~
- 3) ~~Linings that fail for any reason may not be touched up, repaired or totally relined and tanks failing any lining inspection shall be removed within 60 days; and~~
- 4) ~~These provisions, allowing new linings for compatibility purposes only, shall not be used to circumvent prohibitions against lining tanks for purposes of corrosion protection or repair after January 1, 2011. A steel tank shall be deemed compatible with all motor, alternative and blended fuels in the absence of a detailed engineering evaluation by an Illinois~~

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~~Licensed Professional Engineer establishing that there is a compatibility issue.~~

- e) Blended Fuels and Compatibility. Materials and leak detection equipment that ~~are~~ listed as compatible with gasoline and/or petroleum diesel will be permitted to be used with gasoline/ethanol blends equal to or less than 10% ethanol or diesel/biodiesel blends equal to or less than 20% biodiesel~~that are less than 21% ethanol or biodiesel blend, respectively. Materials and leak detection equipment that is listed as compatible with a certain percentage of product (i.e., E85, B30, B50) may be used with blends that are less than the blended fuel percentage listed. As an example, line leak detection equipment listed as compatible with E85 may be used with all E blends of 85% or less. The same is true for B blends. Line leak detection equipment listed as compatible with B50 may be used with all B blends of 50% or less.~~

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.420 Piping

- a) Piping that routinely contains regulated substances and is in contact with the ground, backfill or water shall be properly designed, constructed and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory, shall be third party listed for its intended use, and shall also meet the requirements of one of the following subsections~~subsection (a)(1), (a)(2) or (a)(3):~~
- 1) The piping is constructed of noncorrodible material~~fiberglass-reinforced plastic.~~
 - 2) The piping is constructed of steel and protected as follows:
 - A) The piping is coated with a suitable dielectric material, if installed on or after April 21, 1989; and
 - B) All steel piping utilizes a cathodic protection system designed by a corrosion expert certified by NACE in cathodic protection design or by an Illinois Licensed Professional Engineer who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and

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metal tanks. If an impressed current system is selected, it must also be designed to allow determination of system operating status by means of permanently installed lights, amp, volts and hour gauges as required in Section 175.510.

- 3) The piping construction and corrosion protection are determined by OSFM to be designed to prevent release or threatened release of any stored regulated substance, in a manner that is no less protective of human health and the environment than the requirements in subsections (a)(1) and (a)(2). Before the installation of any such piping, its construction and corrosion protection shall be submitted to OSFM, in writing, and OSFM shall issue written approval.
- b) Installed underground piping shall be of double-wall construction and equipped with interstitial monitoring that meets the applicable requirements of Section 175.630(fg) and 40 CFR 280.43(g) for all permits issued February 1, 2008 and after. When required to make interstitial monitoring functional, the appropriate containment (e.g., under-dispenser containment, tank containment sumps, or junction sumps) shall be installed. Any replaced piping that exceeds 20 feet or 50% of the total piping run shall require the entire pipe run to be replaced with double-wall, monitored piping as required for newly installed piping. If the site has multiple distinct pipe runs, only that piping run being replaced shall be required to be double-wall construction with interstitial monitoring installed in compliance with this subsection (b). ~~Any release into the interstice of any double-wall piping shall require that the interstice be cleaned under accepted engineering practices before the piping run can be put back into service. Although this work does not require a permit, the work must be scheduled with OSFM under Section 175.320 and the work must be done by a contractor that meets the licensing and certification requirements for a tank precision tester under 41 Ill. Adm. Code 176.470 and 41 Ill. Adm. Code 172. (See also Section 175.640.) If the interstice cannot be cleaned so as to allow proper functioning of the interstitial monitoring, then the piping shall be replaced.~~ European suction systems are exempt from the requirement for having double-wall product piping, as well as from the requirement for having interstitial monitoring.
- c) Piping, valves and fittings for flammable liquids shall be designed for the working pressures and structural stresses to which they may be subjected and third party listed for their intended use. The application of any material shall not interfere with the normal operation of the shear valves, fusible links or any equipment

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installed under the dispensers or submersibles. They shall be of steel or other materials suitable for use with the liquid being handled.

- d) All piping shall be located so as to be protected from physical damage. Pipe trenches and pipe installation shall meet manufacturer's specifications for depth, width, slope, spacing and placement of pipe. Joint adhesive and thread sealant shall meet manufacturer's requirements for the regulated substance stored and/or transported by the pipe.
- e) Pressurized piping systems (including existing systems) shall also be equipped with automatic line leak detectors (see Section 175.640(a)). After installation, pressurized piping shall be [air](#) tested for 30 minutes at 1.5 times the working pressure or 50 psi, whichever is higher. Suction and vent piping shall be [air](#) tested at a minimum positive pressure of 7 psi or in accordance with the manufacturer's recommended procedures.
- f) All steel risers, vents and fills in contact with the ground, backfill or water shall be dielectrically wrapped or coated.
- g) Beginning May 1, 2003, a positive shutoff valve shall be installed on the product line at the submersible or at the tank for all suction systems on all new installations and when piping is replaced at existing sites and made accessible at grade. An extractor valve will be accepted on European suction instead of a positive shutoff valve.
- h) Vent lines will be [air](#) tested from the tank to grade level at the time of installation. This test will be done at 7 psi minimum or at the pressure recommended by the manufacturer. This test will be performed at the time of the line PAI test.
- i) The application of any material shall not interfere with the normal operation of the shear valves or fusible links, or any equipment installed under dispensers or submersibles.
- j) Any time product piping is [installed or](#) broken for repairs, a precision ~~line~~ [tightness](#) test must be conducted before the piping is put back into service.
- k) Beginning May 1, 2003, the new installation or total upgrade of product piping shall be double-walled for the entire length of that product line, with the exception of European suction.

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- 1) Any UST that fails to meet the criteria and requirements of Subparts D, E and F shall be removed within 60 days after receipt of a Notice of Violation requiring that removal. Field-constructed tanks and airport hydrant systems shall comply with Subpart I.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.425 UST Wiring Procedures

- a) Unless otherwise specified in this Section, all wiring at UST locations shall be in accordance with the Edition of NFPA 70 in force at the time of installation of the electrical equipment.
- b) Wiring within 20 feet of tanks and product piping, dispenser pumps or product lines shall be installed in rigid metallic conduit, threaded steel conduit, or any petroleum or product resistant rigid nonmetallic conduit listed and manufacturer-approved for that use. Rigid nonmetallic conduit must have written verification of its approval for petroleum or other product use. The approval must be via manufacturer's certification or third-party listing and must be kept on site and must be submitted with any applicable permit application. Electrical conduit shall maintain at least 6 inches of separation from product piping to avoid damage from abrasion or stray electrical current and shall be routed in compliance with subsection (e) when it becomes necessary to locate electrical wiring in the same trench as product piping.
- c) A minimum of 24 inches of cover is required over all UST wiring conduit. When rigid nonmetallic conduit is used, threaded rigid metal conduit or threaded steel intermediate metal conduit shall be used for the last 2 feet of the underground run to emergence or to the point of connection to the aboveground raceway.
- d) Intrinsically safe wiring shall be in conduit when installed within Class I locations, as specified in NFPA 70. Caution shall be taken when grounding not to impair cathodic protection of metallic tanks or piping.
- e) When locating electrical wiring in the same trench as the product lines, the conduit shall be positioned on either side of the product piping but not above or below the product piping. The electrical conduit shall cross over the top of any product piping whenever a crossover is necessary, unless all connections and

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fittings in the conduit run are liquid-tight. Any connections and fittings in the electrical conduit where the conduit crosses over or under the product piping shall be a minimum of 10 feet from the point where the conduit crosses the piping. A minimum ~~6 inch~~ separation shall be maintained at all times, even during a crossover. All crossovers shall be kept to a minimum.

- f) All electrical power shall be shut off at the immediate location where installations, repairs or upgrades are in progress.
- g) All electrical seal-offs are to be properly filled whether being used or for future use.
- h) Beginning October 13, 2018, all electrical conduit run to under-dispenser containment sumps shall enter the sump by going over the top of the side wall of the containment sump. No penetration of the under-dispenser sump by electrical conduit shall be allowed.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.430 Clearance Required for USTs

- a) Distance to Basements. No UST shall be less than 20 feet from any basement, cellar, pit or below-grade excavation on or off the property.
- b) Distance to Sewers. Individual tanks and piping shall be buried so that the tops of the tanks and piping are lower than the bottom level of all sewers, manholes, catch-basins, cesspools, septic tanks, septic tank clean out stations, wells or cisterns within 20 feet, on or off the property, or tanks and piping shall maintain a full clearance of 20 feet. The term "sewer" includes sanitary and storm sewer lines out of motor fuel dispensing facilities and bulk facilities. These clearances shall not be required when a sewer line is constructed throughout of petroleum resistant piping.
- c) Distance to Property Lines. Individual tanks shall be at least 20 feet to property lines unless; provided, however, that these clearances on the side adjacent to a public street, alley or highway are waived by consent of the authority having immediate jurisdiction over the public street, alley or highway. In the event the clearances to property lines is waived by the consent of the authority having

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immediate jurisdiction over the public street, alley or highway, ~~provided that~~ the required sewer clearances will be maintained.

- d) Distance to Special Classes of Property. Tanks and dispensers shall maintain a clearance of not less than 300 feet to any mine shaft, air or escape shaft for any mine and 85 feet to any educational, health care or assembly occupancy, as defined in 41 Ill. Adm. Code 100. The distance shall be measured from the nearest points of tanks and pumps to the nearest points of buildings or shafts.
- e) Tanks in service on October 1, 1985 (or after October 1, 1985 if approved by OSFM) may maintain existing underground tank clearances. Basements at motor fuel dispensing facilities existing on October 1, 1985 less than 20 feet from a UST shall be provided with mechanical ventilation. Only non-sparking explosion proof motors and compressors shall be permitted in these basements. Proof of compliance shall be submitted to OSFM.
- f) Except for the 20-foot clearance distance to basements, the clearances required under this Section shall not be required when both tanks and piping are double-walled with interstitial monitoring. For these USTs, the minimum clearance shall be such as to avoid projecting loads onto underground sewers, utilities and other structures. The clearance must also be sufficient to ensure that site activity does not undermine the UST backfill materials (for example, pea gravel base) for any UST once in place.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.435 ~~Pressure~~ Testing of Tanks or Lines

- a) The use of air or non-inert gases to ~~pressure~~ test underground storage tanks or piping containing, or that have contained, flammable or combustible liquids is prohibited.
- b) Approved tank or line precision~~line tightness~~ testing with inert gases (nitrogen and helium) may be utilized.
- c) Prior to the precision test, preliminary~~Preliminary~~ air tests may be used for tanks cleaned and vapor freed for the purposes of testing manway coverplates or gaskets.

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(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.450 Pumps, Dispensers and Other Product Transfer Equipment

- a) Pumps. Petroleum and hazardous substances shall be transferred from tanks by means of fixed pumps designed and equipped to allow control of the flow and to prevent leakage or accidental discharge. Systems that employ continuous air pressure on storage tanks in connection with gauging or ~~venting~~~~venting~~ devices are prohibited, with the exception of those systems utilized in Stage II Vapor Recovery.
- b) Gravity Flow Prohibitions and Precautions
 - 1) Devices that discharge by gravity are prohibited and were to have been removed by January 1, 1986. The transfer of waste motor oil to or from USTs is not subject to the requirements for transfer by means of fixed pumps. Gravity transfer of waste motor oil is permitted. Gravity devices at motor fuel dispensing facilities, bulk facilities, motor vehicle repair shops and parking garages that are retained for their novelty or historical interest may be retained at the facility, but shall be rendered nonfunctional.
 - 2) Where tanks are at an elevation that produces a gravity head on the dispensing device, the tank outlet shall be equipped with a device, such as a solenoid valve, positioned downstream as close as possible to the tank, installed and adjusted so that liquid cannot flow by gravity from the tank.
- c) Siphon Bars. Siphon bars that are used to transfer petroleum and hazardous substances between tanks by means of gravity or negative atmospheric pressure shall be permitted subject to the following requirements:
 - 1) The height of the tops of all tanks connected by the siphon bars shall be within 6 inches of each other;
 - 2) Piping shall meet the requirements of Section 175.420; and
 - 3) Release detection methods for tanks and piping shall be of a type approved for tanks connected by siphon bars, in accordance with Section 175.630.

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- d) Electrical Equipment and Requirements for Pumps and Dispensers. All pumps and dispensing devices for petroleum and hazardous substances and all connected electrical equipment shall be installed in accordance with Section 175.425. Dispenser discharge nozzles shall be constructed of nonferrous material or equipped with static wire hose.
- e) Dispensers. All dispensers shall be required to comply with the following:
- 1) Under-dispenser Containment. Under-dispenser containment is required pursuant to Section 175.410.
 - 2) Labeling. All dispensing devices used for drawing regulated substances from USTs shall be labeled in a conspicuous place with the name of the product.
 - 3) Size Limits. With the exception of industrial or fleet facilities with no connection to any UST from which regulated products are sold at retail, dispensers shall not be connected, directly or indirectly, to any tank for which the total of all compartments~~that~~ is over 30,000 gallons capacity.
 - 4) Hoses and Reels. Mechanical retractable devices are required on dispenser hoses in excess of 18 feet in length. Hose length on mechanical retractors shall not exceed 50 feet without written approval of OSFM. Detection of any of the following conditions indicates permanent damage and shall require that the hose be replaced with the nozzle immediately bagged if any portion of the hose or nozzle is actively leaking:
 - A) hose cuts, abrasions or cracks in the hose cover that penetrates to the reinforcement;
 - B) blisters or loose cover;
 - C) soft spots in the hose, particularly adjacent to the coupling;
 - D) indication of coupling slippage or irregular coupling alignment; or
 - E) flattened or kinked hose resulting in permanent deformation.

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- 5) Third-party Listed Latch-open Devices. When dispensing liquids into motor vehicle fuel tanks, dispenser nozzles shall be either manually held open or may be held open by a latch-open device that is an integral part of the listed nozzle assembly. An automatic self-closing type nozzle with a latch hold open device must be installed as an integral part of the listed nozzle assembly.
- 6) The dispensing nozzle must be an automatic closing type that has been tested and is third party listed for its intended use. [Nozzles used to dispense diesel fuel at attended self-service and unattended self-service motor fuel dispensing facilities shall have large-diameter, "leaded" spouts to avoid dispensing diesel fuel into vehicles with gasoline tanks.](#)
- 7) Prohibition on Unapproved Hold-open Devices. Temporary, portable or removable hold-open devices, including, but not limited to, plastic hooks, wires, wood blocks, gas caps and similar devices, shall not be used on dispenser nozzles. No person shall market, expose for sale, sell or distribute by any means whatsoever, in the State of Illinois, any temporary, portable or readily removable device designed or intended to be used for the purpose of holding open flammable or combustible liquid dispensing nozzles during dispensing operations at motor fuel dispensing facilities.
- 8) Requirements for a Secondary Means of Control. Any dispensing devices from which the flow of product is normally stopped by means other than by the closure of the nozzle valve shall further comply with either of the following:
 - A) The system shall be provided with equipment with a feature that causes or requires the closing of the nozzle valve before product flow may be resumed or before the nozzle can be replaced in its normal position in the dispenser; or
 - B) The nozzle valve latch-open device shall be removed.
- 9) Flow Shutoff
 - A) Hose nozzle valves shall be of the type that will close automatically, independent of the latch-open device, upon loss of

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pressure in the dispensing system. The latch-open device may only be engaged when the dispensing system is under pressure.

- B) All dispensing devices shall be equipped with 2 methods of controlling the flow of fuel:
 - i) deactivation of the dispenser; and
 - ii) closing of the hand nozzle or some other secondary means to shut off flow.
 - C) The nozzle must be designed and maintained to cease the flow of product if the nozzle falls to the ground from the fill pipe of the motor vehicle being fueled.
 - D) A listed emergency breakaway device designed to retain liquid on both sides of the breakaway point shall be installed on each hose. If hoses are attached to a hose-retrieving mechanism, the listed emergency breakaway device shall be installed between the point of attachment of the hose-retrieving mechanism to the hose and the hose nozzle valve.
 - E) A control shall be provided that will permit the pump to operate only when a dispensing nozzle is removed from its bracket or normal position with respect to the dispensing device, and the switch on the dispensing device is manually activated. This control shall also stop the pump when all nozzles have been returned, either to their brackets or normal nondispensing position.
- 10) Rebuilt Hose Nozzles. Rebuilt hose nozzles may be used if they are listed for that purpose.
- 11) Spout Anchor Springs. Nozzles must be equipped with devices (e.g., wire or a spout anchor spring) designed to retain the nozzle spout in the vehicle fill pipe while refueling. These devices must be part of the listed nozzle assembly. The spout anchor spring shall be of the type recommended by the manufacturer of the hose nozzle valve and be installed and maintained in accordance with the manufacturer's recommendations. Vacuum assist and balanced type vapor recovery

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nozzles prohibited from having wire or spout anchor springs as the result of their design shall be exempt from this requirement.

- 12) Shear Valve. Pressurized piping systems require a listed rigidly anchored emergency shutoff (shear) valve installed per manufacturer's specifications in ~~each~~ the supply line at the base of each individual dispenser. The valve shall incorporate a fusible link or other thermally activated device, designed to close automatically in the event of severe impact or fire exposure.
- A) In addition to being rigidly anchored to structural supports, each shear valve shall also be:
- i) Installed so as to align with the dispenser piping to avoid stresses on the connection between the shear valve and the dispenser supply piping;
 - ii) Installed so that the shearpoint of the valve is within ½ inch plus or minus of grade, with grade being the mounting plane of the dispenser base; and
 - iii) Installed so that the link arms can freely operate and the valve close without interference.
- B) After October 13, 2018, any product piping manifolded beneath a dispenser must be manifolded so that each line connecting to dispenser supply piping is on its own separate shear valve.
- i) Manifolding of piping under a dispenser shall not be done above a shear valve.
 - ii) Piping beneath a dispenser that was manifolded above a shear valve prior to October 13, 2018 may remain in that configuration until the piping is upgraded, provided that any single poppet shear valve beneath the dispenser is replaced with a double poppet shear valve. This shear valve replacement, if indicated, shall be completed by October 13, 2019.

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- ~~13)~~ ~~Emergency Shutoff for Remote Pumps. Devices served by remote pumps shall be equipped with a listed emergency shutoff valve.~~
- ~~13~~14) Collision Protection for Dispensers. All fuel dispensers shall be mounted or protected against collision damage by means of islands, posts or an equivalent means.
- ~~14~~15) Secure Mounting of Dispensers. Dispensing devices shall be bolted to their mounting surface in accordance with the manufacturer's instructions.
- ~~15~~16) Under-dispenser containments shall be factory manufactured and shall comply with the design requirements of Section 175.410(~~ig~~).

f) Location of Pumps and Dispensers

- 1) Unless otherwise allowed under this Section or permitted at the time of installation, dispensers and pumps shall be located outside of buildings. Dispenser hoses shall not be able to reach to within 5 feet from any building or window or other building opening, such as a basement, cellar, pit, ventilated soffit or any air intake or exhaust of any building, and must be located to avoid pocketing of vapor or liquid. Dispensers installed after October 1, 1985 shall not be located below grade. A transfer pump is not considered a dispenser and may be located inside a pumphouse or industrial building. Bulk-load outs are not considered dispensing and shall comply with NFPA 30 (see ~~Section~~ 41 Ill. Adm. Code 174.310).
- 2) However, detached buildings separated by at least 20 feet from other buildings and used exclusively for fleet dispensing of motor fuels may house dispensers and dispensing equipment for combustible liquids (Class II and III) so long as the buildings and equipment are in compliance with NFPA 30A, incorporated by reference in 41 Ill. Adm. Code 174.210.
- 3) Indoor dispensing shall otherwise be allowed only if approved by OSFM in writing prior to November 29, 1993 and if the following requirements are met:
 - A) For dispensing units existing prior to September 15, 1978:

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- i) be separated from other areas by 2 hour fire resistive construction;
 - ii) be provided with a mechanical or gravity ventilation system electrically interlocked with the dispensing units so that the dispensing units cannot be operated, unless the ventilation fan motors are energized and operating. The system shall be upgraded to meet NFPA 30A not later than September 1, 2011; and
 - iii) have all openings beneath dispenser enclosures sealed to prevent the flow of leaking fuel to lower building spaces.
- B) For dispensers existing as of October 1, 1985 and located within repair and parking garages:
- i) be not below grade;
 - ii) be separated from motor vehicle repair areas, pits and basements by 2 hour fire resistive construction;
 - iii) be protected against physical damage from vehicles by mounting the dispensing unit on a concrete island or by equivalent means;
 - iv) be located in a position where the dispensers and pumps cannot be struck by an out-of-control vehicle descending a ramp or other slope;
 - v) be provided with an approved mechanical or gravity ventilation system, that shall be upgraded to meet NFPA 30A by not later than September 1, 2011; and
 - vi) be provided with a clearly identified emergency ~~stop~~shutoff switch, readily accessible in case of fire or physical damage to any dispensing units to shut off the power to dispensing units and submersible pumps.

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- C) Existing dispensing units located below grade in repair and parking garages as of October 1, 1985 shall have independent mechanical ventilation systems and the entire dispensing area shall be protected by an automatic sprinkler system conforming to the requirements of NFPA 13, incorporated by reference in 41 Ill. Adm. Code 174.210. The sprinkler system shall be interconnected to an alarm system conforming to NFPA 72, incorporated by reference in 41 Ill. Adm. Code 174.210, and the sprinkler system shall be a wet system except in unheated areas. Facilities in existence as of September 1, 2011 shall have the option of complying with the Edition of NFPA 72 incorporated by reference in 41 Ill. Adm. Code 174.210 or the NFPA alarm and sprinkler system requirements in effect at the time of their installation.
- i) The ventilation systems shall be electrically interlocked with the gasoline dispensing units so that the dispensing units cannot be operated unless the ventilation fan motors are energized and operating, and shall be upgraded to meet NFPA 30A by not later than September 1, 2011.
 - ii) Existing dispensing units located below grade within buildings shall also comply with subsection (f)(3)(B), as applicable.
- 4) Curb pumps or pumps located in any portion of a public street are prohibited, except that devices at motor fuel dispensing facilities, bulk facilities, vehicle repair garages and parking garages that are retained for their novelty or historical interest may be retained at the facility if rendered nonfunctional.
- 5) Dispensing devices at a motor fuel dispensing facility shall be located [10 feet or more from any property lines or buildings](#), so that all parts of the vehicle being served will be on the premises of the facility or garage.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

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- a) Dispensing equipment at marine motor fuel dispensing facilities shall comply with the requirements of Section 175.450(e), with the additions or modifications specified in this Section. Marine motor fuel dispensing facilities shall also comply with Section 175.250.
- 1) Dispensing devices at marine motor fuel dispensing facilities may be located on open piers, wharves or floating docks, on shore, or on piers of the solid-fill type and shall be located away from other structures to provide room for safe ingress and egress of craft to be fueled.
 - 2) Under-dispenser containment shall be required for dispensers.
 - 3) A mechanical return reel shall be required for hose lengths in excess of 18 feet. All hose shall be secured and protected from damage and shall not be permitted to lie in the water or on the ground in a manner that is unprotected from accidental damage.
 - 4) Dispenser nozzles shall be of the automatic closing type; hold-open clips or devices shall not be allowed.
- b) Piping and Shutoff Valves
- 1) Anti-siphon devices such as solenoid valves shall be required when the piping slopes downward from the tank.
 - 2) Floating docks or structures shall require flexible lines from shore to dock. Suitable lengths of approved flexible hose may be employed between the shore piping and the piping on the floating structure, as made necessary by change in water level or shoreline. A breakaway valve shall be installed on shore where the piping approaches the dock or other floating structure. Any product supply line shall have secondary containment, and new installations must be double-wall after April 1, 1995. Flexible connectors shall be required at dock hinge points for rigid primary.
 - 3) All aboveground piping shall have proper hangers or mounts and shall be protected from physical damage.

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- 4) Where stray electrical currents are encountered, piping containing liquids at marine motor fuel dispensing facilities shall be electrically insulated from the shore piping.
 - 5) A readily accessible valve to shut off the product supply from shore shall be provided in each pipeline at or near the approach to the pier and at the shore end of each marine pipeline, adjacent to the point where a flexible hose is attached.
- c) Leak Detection
- 1) All pressurized piping systems shall be equipped with line leak detectors pursuant to Section 175.640.
 - 2) After April 1, 1995, all installations shall have double-wall piping with interstitial monitoring.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.465 Additional Requirements for Installation and Upgrade of USTs

Installation and upgrade of USTs shall be properly conducted in accordance with 41 Ill. Adm. Code 174 through 176 and manufacturer's recommended procedures and instructions. In addition, the following requirements shall be adhered to:

- a) Excavation for USTs shall be made with due care to avoid undermining of foundations of existing structures.
- b) The UST site shall be prepared to ensure safe movement and installation of equipment and materials. Sloping, benching, stepping or shoring the sides of excavations shall be performed in compliance with OSHA requirements under 29 CFR 1926.
- c) Upon delivery at the installation site, tanks and piping shall be inspected to detect any evidence of damage to coatings or structure.
- d) Upon discovery of any damage to tanks or piping, repairs shall be made in accordance with 41 Ill. Adm. Code 172, 174, 175 and 176 and manufacturer's instructions.

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- e) Equipment shall be provided with sufficient lifting capacity to unload and place USTs into the tank excavation. The tank shall be placed in the excavation with care, since dropping or rolling the tank into the excavation can break a weld, puncture or damage the tank, or scrape off the protective coating of coated tanks. Tanks shall not be rolled, dropped or dragged.
- f) ~~Tanks~~ Steel tanks shall be set on firm foundations and surrounded with at least 12 inches of noncorrosive inert material such as clean sand or gravel, well-tamped in place.
- g) ~~In areas subject to flooding or high groundwater,~~ USTs shall be installed to safeguard against movement by anchoring or ballasting in accordance with manufacturer's instructions.
- h) Unless otherwise prescribed by the manufacturer's recommended installation procedures, steel tanks shall be covered with a minimum of 3 feet of earth. USTs existing on October 1, 1985 shall be buried so that the tops of the tanks will not be less than 2 feet below the surface of the ground or shall be under at least 12 inches of earth and a slab of reinforced concrete not less than 4 inches in thickness; the slab shall be set on a firm, well-tamped earth foundation and shall extend at least one foot beyond the outline of the tank in all directions. When asphaltic or reinforced paving is used as part of the protection, it shall extend at least one foot horizontally beyond the outline of the tank in all directions.
- i) Tank to tank separation distance shall be a minimum of 24 inches for all tanks installed after May 1, 2003.
- j) There shall be a minimum of 2 manufactured slotted or perforated observation wells of at least 4" diameter installed in each new tank field of tanks larger than 1,000 gallons and one well for 1,000 gallon tanks or less and shall have 2 wells for fields with more than one tank. They shall be placed at opposite ends or opposite corners one foot below the invert elevation of the lowest UST. Lids shall be securely protected against unauthorized activities. Only one well will be required if groundwater flow direction can be proven and that proof is supplied at the time of permitting and the well is then installed in the downstream location.

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- k) Metallic tanks and metallic piping shall not be backfilled with cinders or other material of corrosive effect. Corrosion protection shall be provided in accordance with Section 175.510.
- l) Before the final inspection, but after the UST system has been installed, connected, backfilled and covered, tank and line precision testing shall be done on the entire UST system. Passing test results from the tank and line precision tests shall be available for the inspector to verify at the time of the final inspection.
- m) Any work performed in or around the excavation area must stop at sunset unless adequate lighting is provided.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

SUBPART E: CORROSION PROTECTION

Section 175.500 Interior Lining and Lining Inspection of USTs

- a) Tank Lining Requirements. Lining of tanks shall no longer be allowed for all permit applications received on or after January 1, 2011. Existing lined tanks shall be allowed to use lining as a primary method of corrosion protection only if the tanks continue to pass the lining inspections as provided in this Section. Tanks failing to pass the lining inspection criteria will not be allowed to be touched up, repaired, totally relined or put back into use and shall be placed out of service~~decommissioned~~ immediately and decommissioned~~removed~~ within 60 days after the lining inspection. As an alternative to decommissioning after a tank fails an internal lining inspection, that tank may be upgraded by installing a self-structural tank provided the tank material and installation procedure are third party listed for its intended use, and shall meet all other requirements of OSFM rules. The upgrade shall require submission of an OSFM Upgrade permit application within 60 days after the failed lining inspection, and the work may only be performed by an OSFM-licensed contractor in accordance with 41 Ill. Adm. Code 172. The permit application shall be accompanied by either a passing tank precision test report or a site assessment report based on soil borings taken around each tank being upgraded. This kind of upgrade shall be designated as an OSI activity that may not proceed without the presence of an STSS on site. If the upgrade permit application is not submitted within 60 days after the failed lining inspection, any tank that failed its lining inspection shall be decommissioned.

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- 1) The manufacturers of materials used to line ~~or repair leaking~~ tanks for the storage of petroleum or hazardous substances shall ~~register with OSFM. The manufacturers shall provide and maintain a current annual list of installers of their particular methods and materials for lining and repairing tanks. The list shall only contain the names of installers who are certified by the respective manufacturers. This manufacturer's registration shall include the submission of evidence for materials and tank specifications indicated in NLPA Standard 631, incorporated by reference in 41 Ill. Adm. Code 174.210. The manufacturer shall also certify compatibility of the lining material with products to be stored by submitting to OSFM the following data as required by Section A4.6 of NLPA 631. Tanks may be lined for purposes of compatibility only. Testing and inspection of linings and lining materials shall meet the specifications and procedures required by NLPA 631.~~
 - A) ~~Laboratory Data:~~
 - i) ~~Bonded Linings: When applied to properly prepared steel, concrete, fiberglass and other tank surfaces, bonded linings shall maintain a minimum useful life of 10 years.~~
 - ii) ~~Coefficient of Thermal Expansion: The coefficient of thermal expansion of the lining shall not result in loss of bonding due to normal operating temperature changes.~~
 - iii) ~~Immersion Tests: Representative lining samples shall be tested to determine compatibility of the lining material with stored products. Samples shall be immersed in the liquids listed below at either 38°C (100°F) for periods of one, 3, 6 and 12 months. Upon completion of each immersion period, testing of the samples must verify that the lining and repair materials have not substantially deteriorated.~~
 - B) ~~Test Data: The following tests, standards and equipment shall be conducted as indicated in Section A4.6 of NLPA 631 for the following:~~
 - i) ~~Bonding Strength, using Elecometer 106 with rating of 0-2000 lbs. per sq. inch~~

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- ii) ~~Flexural Strength~~
 - iii) ~~Impact Resistance~~
 - iv) ~~Barcol Hardness, using Barber Coleman GYZJ 935-1~~
 - v) ~~Film Integrity Procedure 1~~
- C) ~~Lining sample testing shall require lining samples to be immersed for the required timeframes specified in Section A4.6 of NLP 631, in each of the following liquids: Unleaded Gasoline, Leaded Gasoline, ASTM Reference Fuel C, No. 2 Fuel Oil or Diesel Fuel, Toluene, Xylene, Gasohol (10% Ethanol), Oxinol 50 (90% gasoline, 5% methanol and 5% GTBA) 85% methanol, 15% gasoline and distilled water. Physical properties, after the final immersion period, shall be a minimum of 30% of the original physical properties before immersion with a stable trend indicating little or no further long term deterioration for Toluene, Xylene and distilled water, and 50% for all other listed material.~~
- 2) Interior Lining Procedures. For all permit applications received prior to January 1, 2011, any tank that has not previously been internally lined may be lined only once by following the steps outlined in this Section.
- A) Tank Entry. Before entering tanks, the procedures described in API 2015, incorporated by reference in 41 Ill. Adm. Code 174.210, shall be complied with. These requirements include checking the oxygen content inside the tank with a properly calibrated oxygen monitor. At all times, personnel entering the tank shall be equipped with positive pressure air supplied equipment with full face enclosure and safety harness connected to a safety line held by an attendant located outside the tank and using a tripod with a mechanical winch adequate to lift the person and equipment working inside the tank. Oil and water resistant rubber or neoprene boots and gloves shall be worn. Clothing shall cover the arms, legs, torso and head of tank entry personnel. Disposable clothing, impervious to product, is preferred. Clothing saturated with product shall be removed immediately upon departure from

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the tank. Tests with the combustible gas indicator and oxygen monitor shall be performed periodically in the tank to ascertain that the tank vapors and oxygen content are in the safe range. It shall be recognized that if the tank is perforated, product or vapors that have leaked into the soil may re-enter the tank through a perforation. The vent line shall remain clear and unobstructed to allow continuous ventilation. All other lines and openings shall be plugged or capped off to insure no liquids or vapors may enter the tank during the lining operation.

- B) Structural Criteria. Prior to the application of lining, a structural criteria inspection shall be performed and the results of that inspection documented, as to whether the tank or tanks to be lined meet each of the structural criteria to be eligible to be lined pursuant to NLP 631, and this subsection (a)(2)(B). The records from the structural criteria inspection shall be retained by the owner/operator for the life of the tank. Lining of tanks shall not be allowed if:
- i) The shell or heads are more than 2% out of round;
 - ii) The shell or heads have one or more flat spots that have a cross measurement greater than the radius of the tank endcap;
 - iii) The shell or heads have any dent with a cross measurement greater than the radius of the tank endcap;
 - iv) The shell or heads have any dent that protrudes into the tank a distance greater than one inch for every foot of tank radius;
 - v) The shell or head has any seam split greater than 1/2 inch wide or 1/6 of the circumference of the tank in length;
 - vi) The unrepaired shell or head thickness is less than 75% of the original tank thickness;

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- vii) The number of perforations, not larger than $\frac{1}{2}$ inch, per 500 square feet of tank exceeds the limits in Table A10.4.2.4 of NLPA 631; or
 - viii) There are any welded repairs on the inside of the tank.
- C) Application of Lining. Prior to the application of lining material, a $\frac{1}{4}$ inch steel reinforcing plate rolled to the contour of the tank and with minimum dimensions of 8 inches by 8 inches shall be installed under the fill (drop) tube and gauging tube. This plate shall be covered with fiberglass cloth embedded in resin. The blast-cleaned surface shall be coated within 8 hours after blasting and before any visible rusting occurs. Only those lining materials meeting the specifications in API 1631 and NLPA 631 shall be used. Manufacturer's instructions are to be complied with on handling and mixing of resin compounds, and these compounds shall be applied to the entire interior surface of the tank by the manufacturer or the manufacturer's designated distributor following the specified method of application, to the designated thickness and at the recommended application temperature. If a heater is used to accelerate the curing process, all other work which might release flammable vapors shall be halted, and the heating unit shall be attended whenever it is in operation. The coating shall be cured thoroughly to the manufacturer's specifications and checked for air pockets and pinholes using a holiday detector. If any exceptions are found, they shall be repaired to manufacturer's specifications. The contractor shall protect the coated surfaces from contamination by foreign matter. The coating thickness shall be checked with an Elcometer Thickness Gauge or equivalent and tested for hardness using a Barcol Hardness Tester or equivalent to ensure compliance with manufacturer's specifications.
- D) Tank Closing. If a tank has been previously lined and passes its internal inspection, the following may be done in lieu of the manway requirements of subsection (a)(2)(E) ~~of this Section~~:
- i) A $\frac{1}{4}$ inch thick steel cover plate, rolled to the contour of the tank, shall be made to overlap the hole at least 2 inches on

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each side (e.g., should measure at least 26 inches by 26 inches, if manhole was cut 22 inches by 22 inches);

- ii) The cover shall be used as a template to locate $\frac{3}{4}$ inch diameter holes not exceeding 5 inch centers, one inch from the edge of the cover;
 - iii) The cover plate shall be sandblasted to white metal on both sides, and the entire inside surface shall be coated with coating material to act as a gasket;
 - iv) After being bolted to the tank, the cover plate and surrounding tank surface shall be properly sandblasted, coated with coating material and allowed to cure before backfilling the hole;
- E) Tank Closing after Entry Procedures. When a tank is being lined the following shall apply:
- i) Attach a manway no less than 18 inches in diameter that fits the contour of the tank. This manway shall be surrounded with self-supporting material and be accessible from surface grade.
 - ii) The manway shall be used as a template around which will be located $\frac{3}{4}$ inch diameter holes, 5 inches apart from center to center, one inch from the edge, and overlapping the entry hole at least 2 inches on each side, or welded in place if soil conditions will allow (no contamination is present). The lining material shall extend into the neck of the manway.
- F) Tank Lining Shall Conform to NLPA Standard 631. Original field notes documenting that the pre-lining inspection and tank lining application process complied with the requirements of NLPA Standard 631 shall be kept by the owner/operator for the life of the tank. ~~Completion of the forms provided by OSFM for tank linings at www.state.il.gov/OSFM/PetroChemSaf/LiningForms.htm shall be~~

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~~considered as equivalent to the forms required under NLPA Standard 631.~~

- G) Within 5 years after lining, and every 5 years thereafter, the lined tank shall be internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications. An interior lining inspection permit under Section 175.300 must be obtained to do an internal inspection. The results and data from the lining inspection, including whether the tank passed or failed, shall be kept by the tank owner for the life of the UST. Failed test reports shall be submitted to OSFM by the contractor within 3 days~~within 10 days after the lining inspection.~~
- 3) Internal Lining Combined with Cathodic Protection.
- A) For all applications received prior to January 1, 2011, a tank may be upgraded by both internal lining and cathodic protection if:
- i) The lining is installed in accordance with the requirements of subsection (a)(2)~~above~~ and Section 175.700; and
 - ii) The cathodic protection system meets the requirements of Section 175.400(b)(2)~~(B) through (C)~~ and 175.510.
- B) An interior inspection for an installation of internal lining combined with cathodic protection is required only once, provided the installation of both was completed within 90 days of each other and a structural criteria inspection was performed and documented.
- b) Within 5 years after initial lining or total subsequent lining of a tank, a physical internal inspection shall be performed as follows:
- 1) The procedures for tank lining in subsection (a) shall be followed while entry is made into an existing UST for internal inspection purposes.
 - 2) Once a UST has been entered, a visual inspection of the lining shall be made. The lining shall be visually inspected for obvious evidence of peeling, blistering, surface wrinkling or roughing of the lining material. No repairs of any kind to existing linings will be allowed.

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- A) Testing shall be done to check the thickness of the shell and heads of the tank. The average metal thickness shall be at least 75% of the original tank metal thickness. Ultrasonic testing shall be done in accordance with Chapter B7 of NLP Standard 631.
- i) Tanks not meeting the wall thickness requirements shall be condemned and not put back into service as referenced in Section B8.1 of NLP 631.
 - ii) No welding or cutting will be allowed inside the tank.
- B) After a lined tank passes both the visual and the tank wall thickness test, it must be tested for holidays (air pockets) in the lining material. This test shall be performed using a holiday detector with a silicon brush electrode or other acceptable instrument to ensure the integrity of the lining material. The internal inspection holiday test shall be conducted at a rate of at least 100 volts per mil of nominal lining thickness, but in no case less than 12,500 volts or more than 35,000 volts. Tanks needing repairs shall be placed out of service pursuant to subsection (a) condemned and not put back into service.
- C) If all previous testing ensures the integrity of the lining, it shall then be tested for hardness. Lining hardness test shall be performed using a Barcol Hardness Tester or another acceptable instrument to determine that the lining was properly cured when installed or that it has not been affected by the product stored. The overall hardness must meet the lining manufacturer's specifications for the product stored. In the event that some areas pass the hardness test and other areas fail the hardness test, the tank shall be placed out of service pursuant to subsection (a) condemned and not put back into service.
- D) The final test to verify that an existing lining still meets the manufacturer's original specifications shall determine the thickness of the coating. The entire interior tank lining wall surface shall be no less than 100 mils thick with a nominal (i.e., approximate) thickness of 125 mils. If any areas of the existing coating do not

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meet the 100 mils minimum thickness requirement, the tank shall be placed out of service pursuant to subsection (a)~~condemned and not put back into service.~~

- E) Where applicable, interior inspections of lined fiberglass tanks shall be the same as lined steel tanks, except testing will not be required for tank thickness and for holidays in the lining material.
- 3) During the Operational Safety Inspection, the contractor will not be allowed to either cut a new access hole into the tank, nor break open an existing entrance patch until all the required testing equipment is on site. The OSFM inspector must be on site before work may commence.~~Also, a complete set of OSFM reporting forms found at www.state.il/OSFM/PetroChemSaf/LiningForms.htm must also be onsite before the entering process may begin.~~
- 4) The entrance manhole, hole or patch opening shall be closed and sealed. When a bolted manway is to be installed as a new access opening for future access use, an upgrade permit will be required to make this type of improvement to the tank. No upgrade permit will be required if a manway is installed in conjunction with a lining permit or lining inspection permit, with manholes bolted to the tank top only in conjunction with an inspection, so as not to damage the existing lining.
- 5) All completed forms required by NLP 631 shall be kept by the owner for the life of the UST.~~Written documentation generated from the lining of a tank, consisting of completed OSFM forms for tank linings found at www.state.il/OSFM/PetroChemSaf/LiningForms.htm, shall be submitted to OSFM no later than 10 days after the lining procedure completion.~~
- 6) Every 5 years after the initial 5 year internal inspection, the tank must be reinspected. This can be done by a physical inspection or by another method approved by OSFM. The results and data from the lining inspection, including whether the tank passed or failed, shall be submitted to OSFM within 10 days after the lining inspection.
- 7) All interior inspections require an Internal Inspection Permit.

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- c) UST lining and internal inspections shall meet the following OSFM requirements:
- 1) Secure proper permitting and obtain OSI schedule.
 - 2) Contractor shall present to OSFM inspector the OSHA Confined Space Entry permit for this job at the time of tank entry.
 - 3) All monitoring equipment shall be maintained according to manufacturer's specifications.
 - 4) Establish an exclusion zone, approved by the on-site STSS, within which any ignition source shall be prohibited. The use of spark producing/non-explosion proof equipment is prohibited in the vapor hazard area prior to attaining the LEL/oxygen levels required in subsection (c)(7).
 - 5) USTs to be entered shall be isolated from all distribution lines, siphons, manifolds and manifold vent systems.
 - 6) Remove all liquids from the tank using explosion proof pumps or hand pumps.
 - 7) The tank atmosphere and the excavation area shall be regularly monitored, with a combustible gas indicator, for flammable or combustible vapor concentration. Monitoring of the UST shall be done at 3 levels in the tank: top, middle and bottom. Lower explosive limits (LEL) of 5% or less, or oxygen of 5% or less, shall be attained.
 - 8) Except as otherwise provided in this Section, vapor freeing shall be done in accordance with API 1631 Section 2.4, incorporated by reference in 41 Ill. Adm. Code 174.210. Dry ice shall not be allowed as a method of ~~inerting~~~~inserting~~ tanks. All inductors and diffusers must use metallic pipe. When vapor freeing the tank with compressed air or using inert gases under pressure, all devices shall be bonded to the tank, and the tank shall be grounded to a separated ground. Except when using liquid nitrogen, when using inert gases, the cylinder shall be equipped with a pressure gauge, so that no more than 5 psi can be discharged into the tank during vapor freeing procedures. To ensure and maintain proper grounding and bonding, the connections shall be tested by the contractor for continuity.

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This testing shall be done with equipment designed for continuity testing.

- 9) The STSS shall be on site before venting, cutting, cleaning or entry operations may proceed.
 - 10) If no access exists, an opening with the minimum dimensions of 18 inches by 18 inches shall be cut in the top of the UST using non-sparking equipment in preparation for a manway. All installed manways must be accessible from surface grade by way of a non-collapsible structure.
 - 11) Personal protective equipment shall be in accordance with API 1631.
 - 12) Cutting, cleaning and application of lining material shall be done in accordance with manufacturer's specifications and OSFM requirements.
 - ~~13) Tank owner shall file an amended Notification on OSFM forms found at www.state.il/OSFM/PetroChemSaf/Notify.pdf with OSFM within 30 days after the tank has been lined.~~
 - 1314) For performing internal inspections, once a tank has been reclassified as a non-hazardous confined space, a positive flow of fresh air must be supplied into the tank in lieu of supplied air and continuous monitoring must be performed during the operation
- d) The following testing and records requirements shall apply to all tank lining and lining inspections activity:
- 1) It shall be the responsibility of the lining contractor to have a precision test performed within 3 days after the lining or lining inspection procedure completion and before the tank is put back into use and to submit the results to OSFM ~~within 10 days after, or~~ within 3 days after a failed test, on forms provided by OSFM ([available at https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx](https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx)) at www.state.il/OSFM/PetroChemSaf/LiningStatementPrecisionTightnessTest.pdf and at www.state.il/OSFM/PetroChemSaf/FailedUST.pdf. This precision test shall be performed any time a UST is entered to install a manway, install a cover plate after lining, do an internal

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inspection of the tank, or penetrate the tank for any lining or lining inspections purpose.

- 2) ~~Tank owner shall file an amended notification on OSFM forms found at www.state.il/osfm/PetroChemSaf/Notify.pdf with OSFM within 30 days after the tank has been lined.~~
- 23) Lining inspections records shall be maintained for the life of the UST, and the most recent inspection record shall be kept on site pursuant to Section 175.650(e). The results and data from the lining inspection, including whether the tank passed or failed, shall be kept by the owner of the tank for the life of the UST ~~submitted to OSFM within 10 days after all lining inspections.~~

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.510 Corrosion Protection

In all situations, no matter which method is used to assess the integrity of the tank prior to addition of cathodic protection, the cathodic protection system being field installed in Illinois must be designed by a corrosion expert who is NACE certified in cathodic protection design or by a Licensed Professional Engineer with the state who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks. Those contractors installing the cathodic protection systems in Illinois must be licensed as cathodic protection installers. These contractors must successfully pass the International Code Council (ICC) certification exam module for cathodic protection. An installation/retrofitting ICC certified contractor may install wristband anodes or spike anodes on a flex connector without having a cathodic protection ICC certification.

- a) Cathodic Protection. A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements of 41 Ill. Adm. Code 174 through 176, and the integrity of the tank is ensured using one of the following methods:
 - 1) To be suitable for upgrading by cathodic protection, the integrity of the tank must be ensured by one of the following methods:
 - A) For tanks installed for less than 10 years, one of the following requirements ~~applies~~apply:

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- i) The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic protection system. ~~ii) The tank is monitored monthly for releases using a permanent method of leak detection as approved by OSFM. Monthly inventory control, manual tank gauging and Statistical Inventory Reconciliation (SIR) do not meet this requirement;~~ ~~iii) Two tank precision tests must also be conducted that meet the requirements of OSFM precision tank tightness testing. The first precision test shall be conducted prior to the installation of the cathodic protection system. The second precision test shall be conducted between 3 and 6 months following the first operation of the installed cathodic protection system. Both precision tests must indicate tightness of the tanks; or~~
- ~~iiiv) Use of alternative methods approved by OSFM. These acceptable alternative methods are indicated in subsection (a)(1)(B) for tanks that are over 10 years old.~~
- B) For tanks installed for more than 10 years, the following methods apply:
- i) An invasive inspection method that ensures the tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic system. The internal inspection procedures shall follow the requirements of NLP 631.7
- ii) An invasive remote video camera test is conducted prior to the installation of the cathodic protection system. The video system must be capable of recording a video survey of the interior surface of the tank with a suitable lighting source; or
- ~~iii) A non-invasive tank life/corrosion model test is conducted to examine the soil environment in the immediate vicinity of the tank and the relationship of the metal UST to this environment. A statistical model is used to assess the~~

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~~relationship between the aggressiveness of the environment and the rate of corrosion and to predict the remaining life of the UST prior to corrosion failure. An example of a noninvasive test method is Mean Time to Corrosion Failure (MTCF).~~

- ~~iii+v)~~ The tanks are assessed for corrosion holes by other methods determined by OSFM, to prevent releases in a manner that is no less protective of human health and the environment than subsections (a)(1)(B)(i) and; (ii) ~~and (iii)~~.
- 2) OSFM requires a tank integrity assessment even if both cathodic protection and interior lining systems are being installed. If the cathodic protection and interior lining are installed at the same time, only one approved integrity assessment is required. Even if both systems have been installed, OSFM requires routine inspection and maintenance of both systems to continue.
- ~~3) If one of the non-invasive methods described in this Section has been used to assess tank integrity of a tank older than 10 years, the leak detection method used on these tanks after installing the cathodic protection system may not be the monthly inventory control method, SIR, or manual tank gauging method of leak detection. Acceptable leak detection methods that can be used are as follows: automatic tank gauging, vapor monitoring, groundwater monitoring, interstitial monitoring, fiber optics or tracer elements.~~
- 34) USTs equipped with both interior lining and cathodic protection (sacrificial anodes or impressed current).
- A) The following maintenance procedures shall apply:
- i) Sacrificial anodes must be tested according to the requirements of subsection (f).
- ii) Impressed current records of operation must be recorded every 30 days and records kept on site for 2 years. The system must be tested annually according to the

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requirements of subsection (f) and records kept on site for 3 years.

- iii) As of September 1, 2010, some facilities may exist that had been previously granted an OSFM waiver for the UST lining maintenance requirements based upon original field notes from the initial lining, of an invasive method of initial tank integrity assessment verifying that there were no holes in the tank. For these systems, only the external cathodic protection system must be maintained and tested. This is contingent upon the original field notes being available, and a letter from OSFM existing from that time to verify the waiver was granted.
- B) For those USTs where a non-invasive tank integrity assessment method was used or if there were any holes present in the tank, regular interior lining inspections must continue as described in Section 175.500.
- b) ACT-100 Tanks Installed with Sacrificial Anodes. Owners of ACT-100 tanks meeting STI F894.01, incorporated by reference in 41 Ill. Adm. Code 174.210, and able to produce ACT-100 warranty papers may choose the steel-FRP composite design as a sole method of corrosion protection instead of maintaining the sacrificial anodes.
- c) Upgrades to Combine Internal Lining with Cathodic Protection. For all permit applications received prior to January 1, 2011, a tank may be upgraded by both internal lining and cathodic protection if:
 - 1) The lining is installed in accordance with the requirements of Section 175.500; and
 - 2) The cathodic protection system meets the requirements of Section 175.400(b)(2)(B) and this Section 175.510.
- d) Piping Corrosion Protection Requirements. All UST metal product piping that is in contact with backfill, ground or water shall be cathodically protected. All metal risers, vents and fills in contact with backfill, ground or water shall be

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dielectrically coated. Shrink-wrap or boots are not acceptable as a form of cathodic protection in a water environment.

- e) Wiring of all associated electrical equipment shall conform to the requirements of Section 175.425 and shall also conform to the following requirements:
- 1) All wiring that is connected to any anode of an impressed current system shall be no less than No. 10 stranded, with jacketing that is suitable for direct burial and that is petroleum or hazard resistant for the product conveyed. Such jacketing is to have a thickness sufficient to cause the wiring to have a diameter of at least $\frac{5}{16}$ inch. Systems existing prior to May 1, 2003 may remain.
 - 2) All wiring connected to any anode of a sacrificial anode system shall be suitable for direct burial and shall be resistant to petroleum and/or hazardous substances.
 - 3) All structural lead wiring of any cathodic protection system shall be suitable for direct burial and shall be petroleum and/or hazard resistant.
 - 4) For installation of cathodic protection systems to facilities existing prior to May 1, 2003, existing anode wiring may be replaced~~placed~~ into existing pavement saw-cuts, provided that the following conditions are met:
 - A) No part of the wiring is less than one inch below the finished pavement surface, and provided that the portion of the saw-cut groove above the wiring is filled with a combination of at least $\frac{3}{8}$ inch of backer rod~~backer rod~~ and at least $\frac{1}{2}$ inch of self-leveling caulk suitable as a concrete filler.
 - B) Structure lead wiring of impressed current systems shall consist of at least 2 separate leads. Such leads running from the junction box or rectifier to the UST structures must be in separate saw-cuts, jumpering from one UST structure to the next. One lead shall connect to the first structure to be protected and continue on to all structures in the UST. The second lead will connect to the last structure to be protected. Such loop is to ensure that if one lead were to become cut or disconnected, the other lead would ensure

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the continued connection of the UST structures and the junction box or rectifier.

- C) All wiring from anodes shall terminate and be identified (as to location per approved site plan), in strategically located junction boxes, placed in and around the protected field. This will facilitate the testing of each anode.
- D) Any additions or extensions done to the existing network must conform to Section 175.425(a).
- 5) Beginning May 1, 2003 for installation of cathodic protection systems, all wiring running outside of manholes or sumps shall be located at least 12 inches below the finished grade and installed in conduit approved for petroleum and/or hazardous installations.
- f) Operation and Maintenance of Cathodic Protection. Owners or operators of steel USTs with corrosion protection shall comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the UST is used to store regulated substances:
- 1) All corrosion protection systems shall be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances and are in contact with the ground, backfill or water. ~~STI-P3 tanks are to be tested every 3 years for proper corrosion protection operation.~~
 - 2) All USTs equipped with sacrificial anode or impressed current cathodic protection systems shall be regularly tested and inspected for proper operation, including when being first put into operation, by an OSFM-licensed contractor ~~who~~ that has licensure in the cathodic protection module, using an employee who has successfully passed the International Code Council (ICC) certification exam module for cathodic protection. Such testing shall be in accordance with the following requirements:
 - A) Frequency. ~~All cathodic protection systems shall be re-tested no less than 24 weeks and no more than 28 weeks from the date of installation or repairs. All sacrificial anode systems shall be tested every 3 years by a tester that meets the qualifications of this~~

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~~subsection (f)(2). In the event that a reading of -875 millivolts or less is recorded with testing being conducted above the structure, on any type of corrosion protection system, then annual testing will be required thereafter. In the event that upgrading of the cathodic protection system results with readings greater than -875 millivolts with readings being conducted above the structure, then testing may be conducted every 3 years, unless the 6 month test after upgrading produces a reading of -875 millivolts or less, then annual testing will be required.~~

- i) Sacrificial anodes shall be tested every 3 years as long as testing results are -850 millivolts or a higher negative number. In the event testing results do not meet the -850 millivolt requirement, the anodes shall be replaced. This requirement applies to all sacrificial anodes, including wristband and spike anodes.
 - ii) Impressed current systems shall be tested annually as long as testing results are -850 millivolts or a higher negative number. In the event testing results do not meet the -850 millivolt requirement, the impressed current system shall be repaired or upgraded as needed to meet the -850 millivolt requirement.
 - iii) All cathodic protection systems shall be re-tested no less than 24 weeks and no more than 28 weeks from the date of installation or repairs.
- B) Inspection Criteria. The criteria that are used to determine that cathodic protection is adequate as required by this subsection (f)(2)(B) shall be in accordance with NACE ~~SP0285RP0285~~ and SP0169, incorporated by reference in 41 Ill. Adm. Code 174.210. Subject to the technical applicability of these criteria given actual site conditions, one or more of the following criteria shall apply for adequacy of cathodic protection. Cathodic protection shall be repaired or replaced if it fails to meet the standards provided in this subsection (f)(2)(B).

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- i) A negative (cathodic) potential of ~~-850 millivolts or a higher negative number at least 850 millivolts~~ with cathodic protection applied. This potential is measured with respect to a saturated copper/copper sulfate reference electrode contacting the electrolyte.
 - ii) A minimum 100 millivolt of cathodic polarization between the structure and a saturated copper/copper sulfate reference electrode contacting the electrolyte. Such polarization shall be determined from the taking of a valid "instant-off" test, that, for each testing point, determines the voltage reading at the second drop in voltage following the interruption in cathodic protection being applied, and determines if the voltage reading is at least 100 millivolts higher than either the native reading or any other reading after the structure has had time to depolarize with no cathodic protection applied.
- 3) USTs with impressed current cathodic protection systems shall ~~also be tested and inspected, prior to being put into operation and~~ every 30 days ~~thereafter~~, to ensure the equipment is running properly ~~and the entire system must be tested annually by a cathodic protection tester certified under the requirements of 41 Ill. Adm. Code 172.~~
- 4) For USTs using cathodic protection, records of the operation of the cathodic protection shall be maintained to demonstrate compliance with the performance standards in this Section. These records shall provide the following:
 - A) The results of ~~6-month~~ testing for sacrificial anode systems; ~~the 6-month test and annual tests~~ must be maintained on site for 2 years;
 - B) All records from the last 2 cathodic protection total system tests by a qualified cathodic protection tester pursuant to a 3-year cycle must be maintained on site; ~~and~~
 - C) Impressed current systems must be inspected every 30 days and reports or a log maintained that shows date of inspection, initials of inspector, hour, volt and amp readings, and power on verification.

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A minimum of 2 years of records shall be kept on site; ~~and. Also, a certified corrosion protection contractor must check the total system annually after the date of installation and results shall be kept on site for 2 years.~~

D) The records from the impressed current annual test conducted by an OSFM licensed contractor shall be kept on site for 2 years.

- 5) Alternative methods of corrosion protection may be used if approved in writing by OSFM, provided they are no less protective of human health or the environment.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

SUBPART F: RELEASE DETECTION

Section 175.610 General Release Detection Requirements for All USTs

- a) Owners or operators of new and existing USTs shall provide a method, or combination of methods, of release detection that:
- 1) Can detect a release from the entire tank and any portion of the connected underground piping that routinely contains product;
 - 2) Is installed, calibrated, operated and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running condition; ~~and~~
 - 3) Meets the performance requirements in Sections 175.630, ~~and~~ 175.640 or Subpart I, as applicable. All performance claims and the manner of determining the claims shall be described in writing by the equipment manufacturer or installer. In addition, methods used ~~on or after December 22, 1990 (except for methods permanently installed prior to that date)~~ shall be capable of detecting the leak rate or quantity specified for that method in Section 175.630 and 175.640 with a probability of detection of 0.95 and a probability of false alarm of 0.05. Release detection for tanks and piping permitted on or after February 1, 2008 must also meet the interstitial monitoring requirements indicated in Sections 175.400 and 175.420; ~~and~~.

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- 4) Beginning October 13, 2018, is operated and maintained, and electronic and mechanical components are tested for proper operation, in accordance with manufacturer's instructions or a code of practice developed by a nationally recognized association or independent testing laboratory. As an alternative, another test method may be used that is determined by OSFM to be not less protective of human health and the environment. Before the utilization of any such method, it shall be submitted to OSFM in writing, and OSFM shall issue written approval.
- A) A test of the proper operation must be performed at installation and at least annually thereafter and, at a minimum, as applicable to the facility, shall cover the following components and criteria:
- i) Automatic tank gauge and other controllers: test alarm; verify system configuration; test battery backup;
 - ii) Probes and sensors: inspect for residual buildup; ensure floats move freely; ensure shaft is not damaged; ensure cables are free of kinks and breaks; test alarm operability and communication with controller;
 - iii) Automatic line leak detector: test operation to meet criteria in Section 175.640(a)(3) by simulating a leak;
 - iv) Vacuum pumps and pressure gauges: ensure proper communication with sensors and controller; and
 - v) Hand-held electronic sampling equipment associated with groundwater and vapor monitoring: ensure proper operation.
- B) All testing and inspections required by this Section shall be performed:
- i) By an OSFM-licensed contractor that has licensure in the installation/retrofitting or tank and piping tightness testing module; and

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- ii) [Using an ICC-certified employee for testing or inspection who is also certified by the manufacturer of the equipment being inspected and any testing equipment being utilized.](#)
- b) All leak detection equipment must be evaluated and be listed in the NWGLDE publication "List of Leak Detection Evaluations for Storage Tank Systems", as referenced in 41 Ill. Adm. Code 174.210, or, may be utilized if approved by OSFM.
- c) When a release detection method operated in accordance with the performance standards in Sections 175.630 and 175.640 [or Subpart I](#) indicates a release may have occurred, owners or operators shall notify the Illinois Emergency Management Agency in accordance with 41 Ill. Adm. Code 176.300 through 176.330.
- d) All leak detection equipment installed on a UST, whether required or not, shall be maintained. Self-diagnosing release detection systems may not be used to circumvent any testing required by 41 Ill. Adm. Code 174, 175, 176 or 177.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.620 Release Detection Requirements for Hazardous Substance USTs

- a) Owners or operators of hazardous substance USTs, permitted prior to February 1, 2008, shall provide release detection that complies with Section 175.610 and 40 CFR 280.42, and shall be designed, constructed and installed to contain regulated substances released from the tank system until they are detected and removed, prevent the release of regulated substances to the environment at any time during the operational life of the UST, and be checked at least every 30 days for evidence of a release. Underground piping shall be equipped with secondary containment as allowed under subsections (a) and (b) and, if under pressure, be equipped with both an automatic line leak detector and interstitial monitoring meeting the requirements of Sections 175.640(a) and 175.630(~~fg~~) and 40 CFR 280.
- b) The following existing systems installed before February 1, 2008 are allowed:
 - 1) Secondary containment systems with interstitial monitoring [meeting the requirements of Section 175.630\(f\) and](#) capable of detecting a failure from the inner and outer wall.

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- 2) Double-wall tanks which are able to detect the failure of the inner or outer wall.
- 3) External liners (including vaults) that meet the requirements of 40 CFR 280.42.
- 4) Other methods of release detection may be used if owners or operators:
 - A) Demonstrate to OSFM that an alternate method can detect a release of the stored substance as effectively as the method allowed in Section 175.630(~~fg~~); written approval is required from OSFM to use the alternate release detection method before it can be used; and
 - B) Provide written information to OSFM on effective corrective action technologies, health risks and chemical and physical properties of the stored substance, and the characteristics of the UST site.
- c) Hazardous substance USTs permitted on or after February 1, 2008 shall be double-wall and shall have interstitial monitoring in compliance with Section 175.630(~~fg~~). All pressurized piping shall have automatic line leak detectors. Hazardous substance USTs shall not be permitted unless all UST components are listed by a nationally recognized independent third party organization as compatible with the product being stored.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.630 Methods of and Requirements for Release Detection for Tanks

Owners and operators of petroleum USTs shall provide release detection on tanks. Only one approved method of primary release detection is required for each tank although multiple methods are acceptable. If present, secondary release detection systems must be maintained. No method of release detection shall be used unless that method has been approved by OSFM. USTs must be monitored at least every 30 days for releases using one or more of the methods listed below:

- a) ~~Monthly Inventory Control~~

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- 1) ~~Product inventory control (or another test of equivalent performance) shall be conducted monthly to detect a release of at least 1.0 percent of the flow through plus 130 gallons on a monthly basis in the following manner:~~
 - A) ~~Inventory volume measurements for regulated substance inputs, withdrawals and the amount still remaining in the tank are recorded each operating day;~~
 - B) ~~The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest 1/8 inch;~~
 - C) ~~The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery;~~
 - D) ~~Deliveries are made through a drop tube that extends to within 6 inches of the tank bottom;~~
 - E) ~~Product dispensing is metered and recorded pursuant to Section 8 of the Weights and Measures Act [225 ILCS 470/8];~~
 - F) ~~The measurement of any water level in the bottom of the tank is made to the nearest 1/8 inch at least once a month;~~
 - G) ~~All personnel involved in performing inventory control measurements, recordkeeping and related performance must be knowledgeable in that performance and activities;~~
 - H) ~~Monthly inventory control records for the previous 2 years must be kept on site or available within 30 minutes or before OSFM completes its inspection, whichever is later;~~
 - I) ~~This method can only be used for a period of 10 years after the date cathodic protection was first installed on the tank. A precision tank test must be performed at 5 years and 10 years and these records kept on site for 10 years. At the 10 year point, another form of leak detection is required;~~

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~~J) No USTs installed after May 1, 2003 will be allowed to use this method.~~

~~K) Inventory control may not be used on systems with blending pumps or siphon tanks.~~

~~2) Monthly inventory control cannot be used as a method of release detection for any tank that, after passing only a noninvasive tank integrity assessment, was upgraded using the cathodic protection method.~~

~~a)~~ Manual Tank Gauging

1) Only tanks of 600 gallons or less nominal capacity may use the method described in this subsection ~~(a) as the sole method of release detection. Tanks over 2,000 gallons may not use this method of release detection.~~ All owners or operators using manual tank gauging methods must conduct a monthly reconciliation and maintain those reconciliation records. The requirements for this type of release detection shall adhere to requirements listed in this subsection for the specific tank sizes noted:

Requirements

Nominal tank capacity	Whether use of manual tank gauging for release detection is allowed	Time limit on use of manual tank gauging for release detection
600 gallons or less	Allowed as sole method of release detection	Allowed indefinitely
601-2,000 gallons	Not allowed Only in combination with annual tank precision testing	Not allowed Only for the first 10 years after the date cathodic protection was first installed
Over 2,000 gallons	Not allowed even in combination with annual tank precision testing	Not Never allowed

2) Standards

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- A) In order to be eligible to continue to use manual tank gauging alone (tanks 600 gallons or less only) ~~or in combination with other methods (tanks up to 2,000 gallons only)~~, the following standards regarding maximum variation between beginning and ending product level measurements shall be adhered to:

Standards

Nominal tank capacity	Weekly standard (one test)	Monthly standard (average of 4 tests taken once weekly over a 4- week period)
600 gallons or less	10 gallons	5 gallons
601-1,000 gallons	13 gallons	7 gallons
1,001-2,000 gallons	26 gallons	13 gallons

- B) A leak is suspected and subject to the requirements of 41 Ill. Adm. Code 176.300 through 176.360 if the variation between beginning and ending measurements exceeds the weekly or monthly standards as listed in this subsection ~~(a)~~. Weekly inventory records, monthly reconciliation records, ~~annual tightness test results~~, and related records shall be maintained for 2 years in order to continue to be eligible to continue to use manual tank gauging.
- 3) Manual tank gauging shall also meet the following requirements:
- A) Tank liquid level measurements are taken at the beginning and ending of a period of at least 36 hours during which no liquid is added to or removed from the tank;
- B) Level measurements are based on an average of 2 consecutive stick readings at both the beginning and ending of the period;
- C) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest $\frac{1}{8}$ inch;

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- D) The measurement of any water level in the bottom of the tank is made to the nearest $\frac{1}{8}$ inch at least once a month; and
- E) All personnel involved in performing manual tank gauging measurements, recordkeeping and related performance must be knowledgeable in that performance and activities.
- 4) Manual tank gauging cannot be used as a method of release detection for any tank that, after passing only a noninvasive tank integrity assessment, was upgraded using the cathodic protection method.
- 5) ~~This method will not be allowed for tanks 601 to 2,000 gallons after May 1, 2003, except that, for those tanks for which this method was being used on May 1, 2003, the method may be used until the 10-year allowance expires.~~
- be) In conjunction with Statistical Inventory Reconciliation (SIR) and any other release detection methods when required~~monthly inventory control or manual tank gauging~~, tank precision ~~tank tightness~~ testing, as approved by OSFM (not a stand-alone method of release detection):
- 1) Tank precision~~tightness~~ testing (or another test of equivalent performance) shall be capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank that routinely contains product while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table. There are 4 types of tank precision testing:
- A) ~~100% percent~~ volumetric overfill;
- B) Volumetric underfill with an approved ullage test of negative pressure or inert gas as approved by OSFM;
- C) A negative pressure; or
- D) Other approved methods, in accordance with subsection (h).

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- 2) In the case of a suspected release, tracer elements and automatic tank gauging (ATG) are not ~~an~~-approved ~~methods~~method of tank precision ~~tank~~ testing.
- c~~d~~) Automatic Tank Gauging (use of an ATG). ATG equipment that tests for the loss of product and conducts inventory control shall meet the following requirements:
- 1) The automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product;
 - 2) The ATG must also meet or exceed the performance criteria and requirements found at 40 CFR 280.43(a) and the test must be performed with the system operating in one of the following modes:
 - A) In-tank static testing conducted at least once every 30 days; or
 - B) Continuous in-tank leak detection operating on an uninterrupted basis or operating within a process that allows the system to gather incremental measurements to determine the leak status of the tank at least once every 30 days.
 - 3~~2~~) The ATG must be installed, calibrated and in compliance with the protocol of the third party evaluation;
 - 4~~3~~) Beginning May 1, 2003, all new or replacement ATG monitors shall be mounted no more than 6 feet from the floor and must remain unobstructed and accessible;
 - 5~~4~~) All ATG systems must be equipped with printers. If a system has to be retrofitted, a permit will be required. Systems with remote printers will be accepted.
- d~~e~~) Vapor Monitoring. Testing or monitoring for vapors within the soil gas of the excavation zone shall meet the following requirements:
- 1) The materials used as a backfill are sufficiently porous (e.g., gravel, sand or crushed rock) to readily allow diffusion of vapor from releases into the excavation area;

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- 2) The stored regulated substance or a tracer compound placed in the tank system is sufficiently volatile (e.g., gasoline) to result in a vapor level that is detectable by the monitoring devices located in the excavation zone in the event of a release from the tank;
- 3) The measurement of vapors by the monitoring device is not rendered inoperative by groundwater, rainfall, soil moisture or other known interferences so that a release could go undetected for more than 30 days;
- 4) The level of background contamination in the excavation zone will not interfere with the method used to detect releases from the tank;
- 5) The vapor monitors are designed and operated to detect any significant increase in concentration above the background of the regulated substance stored in the tank system, a component or components of that substance, or a tracer compound placed in the tank system; vapor monitor sensors must be permanently installed in the vapor monitor wells; a monthly inspection of the vapor monitoring system must be made and a log maintained showing the date of inspection, results and initials of the party doing the inspection; all vapor sensors must be tested for functionality by a licensed contractor [pursuant to Section 175.610\(a\)\(4\)](#) at least once every 3 years and the records kept until the next test;
- 6) In the UST excavation zone, the site is assessed to ensure compliance with the requirements in subsections [\(de\)](#)(1) through (4) and to establish the number and positioning of monitoring wells that will detect releases within the excavation zone from any portion of the tank that routinely contains product. [In the event of a confirmed release, this method of release detection may not be used until remediation is complete and a new site assessment is conducted that demonstrates that the vapor monitoring system will meet all criteria, including documentation on the threshold for a release and documentation that background contamination will not interfere with the ability to detect a release. If replacement of the UST system triggers the requirement for double-walled tanks and piping, interstitial monitoring is required. If the owner/operator wishes to combine this form of release detection with groundwater monitoring during seasonal variations, the site assessment must clearly document that use;](#)

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- 7) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering;
 - 8) Vapor monitoring wells shall be of sufficient design to allow vapors to be detected from any portion of the tank being monitored and shall be a minimum of 4 inches in diameter or as approved by OSFM on the applicable permit; ~~and~~
 - 9) An adequate number of vapor monitoring wells shall be provided to ensure that a release can be detected from any portion of the tank. Adequacy of the wells is subject to approval of OSFM on the applicable permit; ~~and~~.
 - 10) Phase out and elimination of vapor monitoring. Except pursuant to Subpart I, no permits for installation of vapor monitoring systems will be issued after October 13, 2018. Except pursuant to Subpart I, this method will no longer be allowed for tanks after October 13, 2023.
- e) Groundwater Monitoring. Testing or monitoring for liquids on the groundwater shall meet the following requirements:
- 1) The regulated substance stored is immiscible in water and has a specific gravity of less than one;
 - 2) Groundwater is never more than 20 feet from the ground surface, the hydraulic conductivity of the soil between the UST and the monitoring wells or devices is not less than 0.01 cm/sec (e.g., the soil should consist of gravels, coarse to medium sands, coarse silts or other permeable materials), and groundwater shall be present in the groundwater monitoring wells at all times;
 - 3) The slotted or perforated portion of the monitoring well casing shall be designed to prevent migration of natural soils or filter pack into the well and to allow entry of regulated substance on the water table into the well under both high and low groundwater conditions;
 - 4) Groundwater monitoring wells shall be sealed from the ground surface to the top of the filter pack;

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- 5) Monitoring wells or devices intercept the excavation zone or are as close to it as is technically feasible;
- 6) The continuous monitoring devices or manual methods used can detect the presence of at least $\frac{1}{8}$ inch of free product on top of the groundwater in the monitoring wells.
 - A) The continuous monitoring devices must be fixed sensors mounted permanently inside the well or samples must be taken by a mechanical bailer capable of detecting the presence of at least $\frac{1}{8}$ inch of free product on top of the groundwater in the monitoring wells.
 - B) Groundwater monitoring must be done monthly and a log of the inspection made showing the date of the inspection, initials of the person conducting the inspection, and results of the well sampling;
- 7) Within and immediately below the UST excavation zone, the site is assessed to ensure compliance with the requirements in subsections (e)(1) through (5) and to establish the number and positioning of monitoring wells or devices that will detect releases from any portion of the tank that routinely contains product. In the event of a confirmed release, this method of release detection may not be used until remediation is complete and a new site assessment is conducted that demonstrates that the groundwater monitoring system will meet all criteria, including documentation on the threshold for a release and documentation that background contamination will not interfere with the ability to detect a release. If replacement of the UST system triggers the requirement for double-walled tanks and piping, interstitial monitoring is required. If the owner/operator wishes to combine this form of release detection with vapor monitoring during seasonal variations, the site assessment must clearly document that use;
- 8) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering;
- 9) As of September 1, 2010, the minimum diameter of newly installed groundwater monitoring wells shall be 8 inches; ~~and~~

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- 10) An adequate number of groundwater monitoring wells shall be provided to ensure that a release can be detected from any portion of the tank based upon the direction of groundwater flow and the tank placement. Adequacy of the wells is subject to approval of OSFM on the applicable permit. Beginning May 1, 2003, an adequate number of monitoring wells shall require a minimum of ~~two 8-inch~~ ^{2-8-inch} diameter monitoring wells for the first tank and one additional well for each additional tank installed. The wells will be of manufactured slotted or perforated type. They shall be at opposite ends and corners, one foot below the invert elevations of the lowest UST; ~~and:~~
- 11) [Phase out and elimination of groundwater monitoring. Except pursuant to Subpart I, no permits for installation of groundwater monitoring leak detection systems shall be issued after October 13, 2018. Except pursuant to Subpart I, this method will no longer be allowed for tanks after October 13, 2023.](#)
- fg) Interstitial Monitoring. Interstitial monitoring between the UST and a secondary barrier immediately around or beneath it, or interstitial monitoring as required by Sections 175.400(a) and 175.420(b) and meeting the requirements of this Section, may be used but only if the system is designed, constructed and installed to detect a leak from any portion of the tank that routinely contains product. All tanks permitted on or after February 1, 2008 must be equipped with interstitial monitoring sensors. When required to make tank or piping interstitial monitoring functional, the appropriate containment (e.g., under-dispenser containment, tank containment sumps or junction sumps) shall be installed. All existing interstitial monitoring systems and sensors shall be maintained and, beginning September 8, 2008, may not be removed irrespective of whether the leak detection is secondary or redundant to other forms of leak detection. If the interstitial monitoring is not functional or not operating properly it shall promptly be repaired or replaced and any necessary measures to prevent false positive and false negative readings shall be implemented.
- 1) Interstitial monitoring must also meet one of the following requirements:
- A) For double-wall USTs, the sampling or testing method can detect a release through the inner wall in any portion of the tank that routinely contains product;

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- B) For USTs existing prior to February 1, 2008 and with a secondary barrier within the excavation zone, the sampling or testing method used can detect a release between the underground storage tank system and the secondary barrier.
- i) The secondary barrier around or beneath the UST consists of artificially constructed material that is sufficiently thick and impermeable (~~at least~~not in excess of 0.000001 cm/sec for the regulated substance stored) to direct a release to the monitoring point and permit its detection;
 - ii) The barrier is compatible with the regulated substance stored so that a release from the UST will not cause a deterioration of the barrier allowing a release to pass through undetected;
 - iii) For cathodically protected tanks, the secondary barrier shall be installed so that it does not interfere with the proper operation of the cathodic protection system;
 - iv) The groundwater, soil moisture or rainfall will not render the testing or sampling method used inoperative so that a release could go undetected for more than 30 days;
 - v) The site is assessed to ensure that the secondary barrier is always above the groundwater and not in a 25-year flood plain unless the barrier and monitoring designs are for use under those conditions;
 - vi) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering; and
 - vii) An adequate number of monitoring wells shall be provided to ensure that a release can be detected from any portion of the tank. Adequacy of the number of the wells is subject to the approval of OSFM.

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- C) For tanks with an internally fitted liner, an automated device can detect a release between the inner wall of the tank and the liner, and the liner is compatible with the substance stored.
- 2) The interstitial monitoring system must be tested every year pursuant to Section 175.610(a)(4) to verify its operation and records from the 2 previous tests must be kept on site, or available within 30 minutes or before OSFM completes its inspection, whichever is later. Testing of the system sensors shall be done in such a way as to verify their function but not damage the sensors. This testing shall be done by a licensed contractor. Interstitial monitoring must also comply with the requirements of Section 175.640.
- 3) The operability of the interstitial monitoring sensors shall be inspected and verified by the owner/operator every 30 days. Pursuant to Section 175.650(e), records for the previous 2 years must be kept on site or available within 30 minutes or before OSFM completes its inspection, whichever is later.
- ~~gh)~~ Statistical Inventory Reconciliation-~~(SIR)~~
- 1) Release detection methods based on the application of statistical principles to inventory data must meet the following requirements:
- A) Report a quantitative result with a calculated leak rate;
- B) Be capable of detecting a leak rate of 0.2 gallon per hour or a release of 150 gallons within 30 days; and
- C) Use a threshold that does not exceed one-half the minimum detectible leak rate.
- 2) The company that uses this method shall provide OSFM a written affirmation that their data collection staff is trained in the data gathering procedures and that only trained staff will be utilized for data collection. Each tank monitored by SIR shall be identified to OSFM in writing within 30 days after the commencement of the monitoring, specifying tank size, product stored, facility location and any other pertinent identification information necessary. SIR data shall be compiled and analyzed once each

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month to determine if a release has occurred, and the results put into a monthly report that is maintained by the facility.

- 32) SIR methods may only be used in conjunction with tank precision ~~tank tightness~~ testing conducted annually, starting with the time that SIR is first used. An additional tank precision ~~tank tightness~~ test pursuant to subsection ~~(b)~~ shall be mandatory if any data analysis indicates a possible release or is inconclusive or indeterminate, or for any test result other than a pass, or when a report is not available for any month of monitoring.
- 43) The measurement of any water level in the bottom of the tank is made to the nearest $\frac{1}{8}$ inch at least once a month.
- 54) New requests to use SIR after May 1, 2003 will no longer be accepted. If SIR is discontinued on a UST, SIR will not be allowed again.
- 65) After January 1, 2006, SIR may not be used on systems with blending pumps or siphon tanks.
- h) Other Methods. Any other type of release detection method or combination of methods, approved by OSFM, may be used if the owner or operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in subsections ~~(b)~~ through ~~(f)~~. Demonstration of any such method shall be in writing submitted to OSFM. In comparing methods, OSFM shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner or operator shall comply with any conditions imposed by OSFM on its use to ensure the protection of human health or the environment. Before the utilization of the method, OSFM shall issue written approval.
- i) One copy of each independent third-party evaluation and its protocol, for the release detection methods in subsections ~~(b)~~, (c), (d), ~~(e)~~, (g), and (h) ~~and (i)~~, shall be submitted to OSFM as part of the permit application process. Any deviation from the third-party evaluation shall be submitted to OSFM for approval with the permit application, including, but not limited to, an evaluation by a licensed professional engineer finding that the release detection system as installed meets the performance requirements of 40 CFR 280 and this Part and the performance claims established by the independent third party evaluation and its

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protocol. For requirements regarding listing of components used with alternative or blended fuels, see Section 175.415.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.640 Methods of and Requirements for Release Detection for Piping

Owners and operators of petroleum USTs shall provide release detection for all piping containing regulated substances. The release detection must meet the requirements specified in this Section.

- a) Pressurized piping systems shall comply with the following requirements:
- ~~1)~~ ~~Both new and existing pressurized piping installations shall be equipped with automatic line leak detectors.~~
 - 12) Every pressurized piping line installed after February 1, 2008 shall be equipped with interstitial monitoring sensors at all piping sumps, dispenser sumps, and piping junction sumps. For installations and replacements after~~As of~~ September 1, 2010, these sensors must immediately shut off the submersible ~~turbine~~ pump (STP) supplying that line upon detection of a release, except for USTs serving emergency power generators. Sensors for USTs serving emergency power generators shall trigger a local alarm upon the detection of a release. The automatic shutoff shall be deactivated in any UST serving emergency power generators when that function has been previously installed. Pursuant to ~~Sections~~Section 175.630~~(f)(g) and~~ 175.610(a)(4), all interstitial monitoring sensors shall be tested annually, and the sensors inspected for operability at least once per month and a record of the inspection results generated.
 - 23) All new and existing sump sensors must be installed so as to detect liquid per manufacturer's specifications or, if not specified by the manufacturer, at~~below~~ the lowest ~~contained entry point in the sump.~~
 - 34) Both new and existing pressurized piping installations shall be equipped with automatic line leak detectors. Mechanical and electronic line leak detectors that alert the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or triggering an audible or visual alarm may be used only if they detect leaks of 3 gallons per hour at 10 pounds per square inch line pressure within one

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hour, except for USTs serving emergency power generators. All line leak detectors must have a functionality test performed annually [pursuant to Section 175.610\(a\)\(4\)](#). Self-diagnosing line leak detectors are not alone sufficient to meet the requirement for an annual functionality test. Automatic line leak detectors for USTs serving emergency power generators shall trigger a local alarm upon the detection of a release. Any automatic flow restriction or shutoff shall be deactivated in pressurized piping serving emergency generators when that function has been previously installed.

- ~~45~~) In addition to utilizing automatic line leak detectors, pressurized piping systems shall utilize either line ~~precision~~~~tightness~~ testing pursuant to this subsection (a)~~(45)~~ or monthly monitoring pursuant to subsection (c). Line ~~precision~~~~tightness~~ testing requirements may be met by one of the following methods:
- A) Pressurized lines must have an annual precision test that is capable of detecting a 0.1 gallon per hour leak rate at 1.5 times the operating pressure for 30 minutes. Use of an inert gas to pressurize piping is also acceptable. Use of air to pressurize piping that contains product is prohibited.
 - B) The use of electronic line leak detection that is able to detect a 0.1 gallon per hour leak at 1.5 times the operating pressure in an annual [precision](#) test of the line, with the records of the 2 most recent annual [precision](#) tests kept on site or available within 30 minutes or before OSFM completes its inspection, whichever is later.
 - C) A method meeting the requirements of the NWGLDE publication "List of Leak Detection Evaluations for Storage Tank Systems", as referenced in 41 Ill. Adm. Code 174.210, or, if unavailable, as approved by OSFM.
 - D) [In the case of a suspected release, tracer elements and line testing using the automatic tank gauge \(ATG\) are not approved methods of line precision testing.](#)
- b) Suction lines and systems must comply with the following requirements:

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- 1) American Suction
 - A) ~~For all installations and replacements after As of~~ September 1, 2010, every American suction piping line shall be equipped with interstitial monitoring sensors at all piping sumps, dispenser sumps and piping junction sumps that will immediately shut off the ~~product supply pumps~~ ~~supply of product at the dispenser~~ upon the detection of a release, except for USTs serving emergency power generators. Sensors for USTs serving emergency power generators shall trigger a local alarm upon the detection of a release. The automatic shutoff shall be deactivated in any UST serving emergency power generators when that function has been previously installed. All interstitial monitoring sensors shall be tested annually pursuant to the requirements of ~~Sections~~ ~~Section~~ 175.630(~~fg~~) and 175.610(a)(4). All interstitial monitoring sensors shall be inspected for operability at least once per month and a record of the inspection results generated.
 - B) All American suction lines shall be precision tested annually ~~using positive pressure of at least 7 psi for 30 minutes, or, using~~ a monthly monitoring method as approved by OSFM.
- 2) European suction lines do not require line leak detection or a precision line test if they are designed and constructed to meet the following:
 - A) The below grade piping operates at less than atmospheric pressure;
 - B) The below grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released;
 - C) Only one check valve is included in each suction line;
 - D) The check valve is located directly below and as close as practical to the suction pump; and
 - E) A method is provided that allows compliance with subsections (b)(2)(B), (C) and (D) to be readily determined as of the time of OSFM inspection.

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- 3) Suction systems that do not meet the requirements of subsections (b)(2)(A) through (E) shall be classified as American suction and subject to the requirements for American suction in subsection (b)(1). European suction piping meeting the requirements of subsections (b)(2)(A) through (E) remains subject to requirements for under-dispenser containment pursuant to Section 175.410.
- c) Any of the methods in Section 175.630(~~de~~) through (~~fg~~) and (~~hi~~) may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances, as approved by OSFM. SIR is not acceptable as a form of line leak detection. Precision testing is not a stand-alone method for line leak detection.
- d) Existing interstitial monitoring systems and sensors shall be maintained and, beginning September 8, 2008, may not be removed irrespective of whether the leak detection is secondary or redundant to other forms of leak detection. If the interstitial monitoring is not functional or not operating properly it shall promptly be repaired or replaced and any necessary measures to prevent false positive and false negative readings shall be implemented.
- e) One copy of an independent third-party evaluation and its protocol for each piping release detection method shall be submitted to OSFM as part of the permit application process. Any deviation from the third-party evaluation shall be submitted to OSFM for approval with the permit application, including but not limited to an evaluation by a licensed professional engineer finding that the release detection system as installed meets the performance requirements of 40 CFR 280 and this Part and the performance claims established by the independent third-party evaluation and its protocol. See also Section 175.415 regarding compatibility with product stored.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.650 Release Detection and Cathodic Protection Recordkeeping

UST owners or operators shall maintain records in accordance with 41 Ill. Adm. Code 176.430, demonstrating compliance with all applicable Sections of this Subpart F. Unless stated otherwise below, all records shall be maintained for at least the 2 most recent years and shall be kept on site or available within 30 minutes, or before OSFM completes its inspection, whichever is later, via

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fax, email or other transfer of information. The failure to maintain or produce the records required under this Section may result in OSFM's issuance of a red tag for the tank or tanks at issue pursuant to 41 Ill. Adm. Code 177 indicating non-compliance with the rules of OSFM and prohibiting any further deposit of regulated substances into the tank or tanks subject to a red tag in the event that testing with corresponding documentation is not forthcoming within ~~60~~30 days. These records shall include the following:

- a) All written performance claims pertaining to any release detection system used and the manner in which these claims have been justified or tested by the equipment manufacturer or installer, shall be maintained for the life of the UST release detection equipment;
- b) The results of any sampling, testing or monitoring conducted or otherwise required shall be maintained for the required 2-year period, except that:
 - 1) The results of annual operation tests conducted in accordance with Section 175.610(a)(4) must be maintained for at least 3 years. At a minimum, the results must list each component tested, indicate whether each component tested meets criteria in Section 175.610(a)(3) or needs to have action taken, and describes any action taken to correct an issue;
 - 2) Thethe results of tank ~~precision~~tightness testing conducted in accordance with Section 175.630(~~be~~) shall be retained until the next test is conducted; and
 - 3) The results of tank tightness testing, line tightness testing, and vapor monitoring using a tracer compound placed in the tank system conducted in accordance with Subpart I must be retained until the next test is conducted.
- c) Written documentation of all calibration, maintenance and repair of release detection equipment permanently located on site shall be maintained for 5 years after the date of installation, and thereafter for 3 years after the servicing work is completed. Any schedules of required calibration and maintenance provided by the release detection equipment manufacturer shall be retained for the life of the UST release detection equipment;

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- d) All records from the last 2 cathodic protection total system tests by a qualified cathodic protection tester pursuant to a 3-year cycle must be maintained on site; and
- e) At the time of a compliance inspection/audit, the following shall be verified:
- 1) Corrosion Protection
 - A) Lining inspections records shall be maintained for the life of the UST, and the most recent inspection record shall be kept on site pursuant to Section 175.500(d)650(e).
 - B) All corrosion protection records must be maintained for the time periods required under Section 175.510.
 - 2) Tank Leak Detection
 - A) Manual Tank Gauging. Weekly inventory records, monthly reconciliation records, ~~annual tightness test results~~, and related records shall be maintained.
 - B) Interstitial Monitoring. Records of interstitial monitoring of tanks and testing of interstitial monitoring systems must be maintained. The records can be from an ATG system showing the interstitial monitor's status (pass/normal/other) on a print out tape or by maintaining a log showing date of inspection, initials of inspector and status of system (pass/normal/other).
 - C) Inventory Control. ~~Pursuant to Section 175.630(a), a precision tank tightness test must be performed at 5 years and 10 years after corrosion protection installation and prior to changing leak detection methods. Daily Inventory~~inventory control records ~~for airport hydrant systems and field-constructed tanks and monthly reconciliation records~~ shall be maintained for 2 years and tightness test records shall be maintained until the next tightness test is conducted.
 - D) Automatic Tank Gauge. A print out tape of the tank leak test showing one pass per tank per month must be kept. ~~If no tape is~~

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~~available from the unit, a log showing date, initials of person conducting the test and leak results shall be maintained.~~

- E) SIR. Annual tank ~~precisiontightness~~ test results and monthly SIR monitoring reports shall be maintained. At the commencement of SIR monitoring, a lag time of 60 days is allowed for the compilation of data and the generation of the monthly report for that data.
- F) Vapor and Groundwater Monitoring. No later than October 13, 2018, records of site assessments under Section 175.630(d) and (e) must be maintained for as long as the methods are used, and shall be redone if found to be missing. Records of site assessments developed after October 13, 2015 must be signed by a professional engineer or professional geologist. A monthly record must be taken on a log showing date of each monthly inspection, results/status (pass or fail), and the initials of the party doing the inspection for each vapor monitoring sensor or groundwater monitoring well with records maintained.
- 3) Line Leak Detection
- A) Unless otherwise indicated in this Part, all line leak detection records, including any required line ~~precisiontightness~~ testing results, shall be maintained for a period of at least 2 years.
- B) Interstitial monitoring records for lines shall comply with the same requirements and be maintained in the same manner as interstitial monitoring for tanks.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

SUBPART G: REPAIRS TO UNDERGROUND STORAGE TANKS
AND DEFECTIVE EQUIPMENT

Section 175.700 Repairs Allowed

Owners and operators of USTs shall ensure that repairs will prevent releases due to structural failure or corrosion as long as the UST is used to store regulated substances. Any hole

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or penetration made into a tank, including, but not limited to, any bung openings or any entrance way established for interior lining inspection, shall be installed and closed as per this Section.

- a) ~~All repairs~~Repairs to USTs shall be properly conducted in accordance with manufacturer's recommended procedures and a code of practice developed by a nationally recognized association or an independent testing laboratory and 41 Ill. Adm. Code 174 through 176. For repairs involving tank penetration or tank entry, the vapor freeing and inerting procedures and related requirements of Sections 175.500(a) and (c) and 175.830(a) shall be followed. No welding or cutting will be allowed inside the tank in conducting repairs.
- b) Repairs to fiberglass-reinforced plastic tanks shall be made by the manufacturer's authorized representative or a representative of any fiberglass tank manufacturer in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory~~NLPA 631, incorporated by reference in 41 Ill. Adm. Code 174.210.~~
- c) Metal pipe sections and fittings that have released product as a result of corrosion or other damage shall be replaced. The entire pipe run shall be replaced upon finding a second corrosion-related piping leak in the wall of the same pipe run. ~~Noncorrodible~~Fiberglass pipes and fittings may be repaired in accordance with the manufacturer's specifications. All repairs shall comply with the requirements of Section 175.420.
- d) Repairs to secondary containment areas of tanks and piping used for interstitial monitoring must have the secondary containment tested for tightness according to the instructions of the manufacturer of the tanks or piping, or a code of practice developed by a nationally recognized association or independent testing laboratory, prior to being brought back into use and within 30 days following the date of completion of the repair. All other repairs to tanks and piping must be precision tested in accordance with Sections 175.630(b) and 175.640(a)(4) prior to being brought back into use and within 30 days following the date of the completion of the repair, except as provided in subsections (d)(1) through (d)(3) of this Section.~~Repaired tanks and piping shall be tightness tested in accordance with Sections 175.630(c) and 175.640(a)(5) prior to being brought back into use and within 30 days following the date of the completion of the repair, except as provided in this subsection (d)(1) through (3).~~

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- 1) The repaired tank is internally inspected in accordance with Section 175.500;
 - 2) The repaired portion of the UST is monitored monthly for releases in accordance with a method specified in Section 175.630(~~cd~~) through (~~gh~~);
or
 - 3) Another test method is used that is determined by OSFM to be not less protective of human health and the environment than those listed in subsections (d)(1) and (2); before the utilization of any such method, it shall be submitted to OSFM in writing, and OSFM shall issue written approval.
- e) Within 6 months following the repair of any cathodically protected UST system, the cathodic protection system must be tested in accordance with Section 175.510(f) to ensure that it is operating properly.
- f) All repaired spill prevention equipment and all repaired containment sumps shall be tested for being liquid-tight before being put back into operation. All repaired overfill prevention equipment shall be inspected before being put back into operation to insure it is operating properly. The testing or inspection described in this subsection shall be done according to the respective requirements of Sections 175.405 and 175.410.
- ge) UST owners or operators shall maintain records of each repair for the remaining operating life of the UST that demonstrate compliance with the requirements of this Section. The last 2 years of records shall be retained on site.
- hf) All materials used to make necessary repairs shall comply with Subpart D of this Part.
- ig) When a tank is determined to be leaking, it can be permanently abandoned-in-place (subject to Section 175.840), removed (subject to Section 175.830), replaced (subject to Section 175.Subpart D) or repaired (subject to this Section).
- jh) Removal or abandonment-in-place of a leaking tank shall be in compliance with Sections 175.830 and 175.840. Leaking piping shall be removed or abandoned-in-place in compliance with these Sections.

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- i) ~~For permit applications received prior to January 1, 2011, storage tanks may be lined if done in compliance with Section 175.500.~~

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.710 Emergency Repairs

- a) An emergency consists of a defect in a UST that is causing or threatens to cause harm to human health or the environment, or presents a threat to fire safety, and contact of the regulated substance with the defect cannot be prevented. In the event of a release, release reporting, investigation and initial response shall be conducted pursuant to 41 Ill. Adm. Code 174, 175 and 176. All emergency repairs shall meet the requirements of Section 175.700 and require a permit applied for after-the-fact on the next business day and require a final inspection scheduled pursuant to Section 175.320 within 10 days after issuance of the permit. A UST contractor portal for the on-line submission of permit applications and the scheduling of permitted work can be found at <https://webapps.sfm.illinois.gov/USTPortal>.
- b) If minor or temporary repairs are required to correct the defect, only the defective area can be repaired.
- c) Economic loss or the threat of economic loss does not constitute an emergency.
- d) Minor or temporary repairs, as a result of an emergency, to tanks or piping may begin on weekends, holidays and after business hours, when the repairs would otherwise require a permit prior to being performed. Permit applications are required for this UST activity and shall be submitted to OSFM after-the-fact, on the next business day. All repairs shall be inspected and precision tested in accordance with Sections 175.630(b) and 175.640(a)(4) prior to the repaired UST being put back into operation and within 30 days following the completion of the repair, unless otherwise directed by OSFM.
- e) When the emergency prompting the need for repairs occurs on a business day, the contractor shall ~~contact OSFM and~~ obtain authorization to proceed with the emergency repair by submitting an electronic Emergency Repair Request on-line or by calling OSFM. After obtaining authorization, the contractor shall apply for a permit on the next business day. A UST contractor portal for the on-line submission of an Emergency Repair Request and permit applications and other

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~~forms can be found at the website in subsection (a) fax a statement to OSFM indicating what facility and what specific repair is being requested.~~

- f) Repairs completed in violation of 41 Ill. Adm. Code 172, 174, 175, 176 and 177 may be required to be removed, exposed or replaced at the discretion of OSFM.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.720 Defective or Non-Compliant Equipment and Emergency Action by OSFM

- a) Pursuant to Section 6 of the Gasoline Storage Act [430 ILCS 15/6], whenever necessary or appropriate to assure that the public health or safety is not threatened, OSFM shall have the authority to undertake emergency action whenever there is a release or substantial threat of a release of petroleum or regulated substances from a UST.
- b) Failed tank or line precision ~~tank or line~~ tests and defective tank or piping leak detection equipment will require that particular tank system to be shut down until repaired and functioning properly. Another approved method of leak detection may be implemented if approved by OSFM on an interim basis.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

SUBPART H: REMOVAL, ABANDONMENT AND CHANGE-IN-SERVICE

Section 175.800 Removal, Abandonment-in-Place or Change-in-Service Records

Owners or operators shall maintain records in accordance with 41 Ill. Adm. Code 176.430 that are capable of demonstrating compliance with removal, abandonment-in-place or change-in-service requirements under all applicable Sections of this Subpart H. The results of the excavation zone or other assessment required in 41 Ill. Adm. Code 176.360 shall be maintained for the time period specified in 41 Ill. Adm. Code 176.330 following completion of a removal, abandonment-in-place or change-in-service in one of the following ways:

- a) By the owners or operators who took the UST out of service;
- b) By the current owners or operators of the UST site; or

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- c) By mailing these records to OSFM if they cannot be maintained at the facility where the tank has been removed.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.810 Temporary Closure

- a) USTs may be put into a temporary closure status provided they meet the performance standards for new UST systems or the upgrading requirements specified in 41 Ill. Adm. Code 174 through 176 and 40 CFR 280, except that spill and overfill prevention equipment requirements do not have to be met. The USTs may continue in a temporary closure status for a period of 5 years from the date of last use provided they meet the following requirements:
- 1) The tank and product lines shall be emptied immediately upon placing the UST in a temporary closure status. The UST is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (one inch) of residue, or 0.3% ~~percent~~ by weight of the total capacity of the UST system, remain in the system. ~~Any UST placed in a temporary closure status, formerly known as out of service status, prior to September 1, 2010 and containing more than one inch of product may be allowed to continue in temporary closure status as long as release detection is maintained during its remaining temporary closure period.~~
 - 2) Pursuant to Sections 175.500 and 175.510, all corrosion~~Cathodic~~ protection shall be maintained and operational for all tanks and lines, and tested as required, to include flex/pipe connectors. This will include any monthly logs that need to be maintained.
 - 3) OSFM must receive a written request, within 30 days after the date the tank was last used, requesting temporary closure status. The request shall be submitted on a Notification for Underground Storage Tanks on OSFM forms (available at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>).~~forms provided by OSFM at www.state.il/OSFM/PetroChemSaf/Notify.pdf.~~
 - 4) Vent lines shall be left open and functioning.

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- 5) Within 7 days, the owner/operator shall cap and secure all product lines and secure all pumps, manways and ancillary equipment.
 - 6) Subject to all other applicable OSFM requirements, a UST may be put back in operation any time during the first 12 months, without meeting the requirements of subsection (d) subsections (b) and (e), subject to the requirement that OSFM be notified in writing on the Notification for Underground Storage Tanks form OSFM forms at www.state.il.gov/OSFM/PetroChemSaf/Notify.pdf at least 10 days prior to operation.
 - 7) If there is no ongoing incident cleanup related to the tanks that are the subject of the temporary closure request, a site assessment using the procedures of 41 Ill. Adm. Code 176.330 shall be conducted prior to bringing the UST back into service, and the report required under 41 Ill. Adm. Code 176.330(e) shall be submitted to OSFM.
 - 8) The owner/operator shall inspect the UST for compliance with the temporary closure requirements of this subsection (a) every 6 months, and for each inspection, the owner/operator shall attest, under penalty of perjury and on a form provided by OSFM at www.state.il.us/osfm/PetroChemSaf/home.htm, under "downloadable applications", that the UST is in compliance with the temporary closure requirements of this subsection (a).
- b) Failure to maintain corrosion protection at any point during the remaining 4-year temporary closure period referenced in subsection (de) shall require the removal of the USTstanks. Failure to maintain release detection on any UST placed in a temporary closure status, formerly known as an out of service status, prior to September 1, 2010 and containing more than one inch of residue shall require the owner/operator to provide OSFM with a site assessment and passing results for tank and line precision testing within 30 days after issuance of an NOV in order for the tanks to remain in a temporary closure status. Immediately after tank and line testing the tanks shall be emptied to one inch or less. Release detection is not required as long as all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (one inch) of residue, or 0.3 percent by weight of the total capacity of the UST system, remain in the system.

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- c) Failure to empty tanks in temporary closure shall require the owner to remove all contents to less than an inch before proceeding with bringing the tanks back into service.
- de) Systems that have been out of use for over one year but less than 5 years may be put back in service provided that the following additional requirements are met:
- 1) Tanks and lines shall be precision tested and proven sufficient.
 - 2) Tank and line release detection is tested and proven operational.
 - 3) Cathodic protection is tested and proven sufficient.
 - 4) A site assessment is conducted prior to bringing the UST back into service.
 - 5) All tests referenced in subsections (de)(1) through (de)(3) must be performed not more than 90 days and not less than 30 days before placing the tank back in service and submitted to OSFM at least 10 days prior to reopening so that a certification audit can be performed.
 - 6) Prior to a tank being put back in service, all requirements for return to service must be met, and all testing and inspections passed, and a Notification for Underground Storage Tanks Form placing the tanks "Currently in Use" must be submitted.
- ed) Single-wall USTs over 30 years old that have been in temporary closure, formerly known as out-of-service, more than one year shall be removed rather than placed back into service.
- fe) If a UST is not placed back into service within 5 years from the date of last use, the tank system shall be removed within 60 days after the conclusion of the 5-year period.
- g) USTs with double-walled tanks and piping equipped with interstitial monitoring shall not be subject to the 5-year limit during the period the tank manufacturer's warranty is in place if all of the following requirements are met:
- 1) Corrosion protection has been and continues to be maintained;

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- 2) A site assessment under Section ~~176.330~~175.330 has been performed;
- 3) Any UST components found to be defective are replaced in the 45 days prior to any return to active use; and
- 4) All requirements for return to use under subsection ~~(d)~~(de) and this Section are met.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.820 Change-in-Service of USTs

- a) From a Regulated Substance to a Non-Regulated Substance. Continued use of a UST to store a non-regulated substance (so that it is no longer classified as a UST) is considered a change-in-service. Before a change-in-service, owners or operators shall empty and clean the tank by removing all liquid and accumulated sludge and conduct a site assessment. The minimum requirements for the site assessment will be the procedures and requirements of 41 Ill. Adm. Code 176.330. However, a change-in-service may only occur during the first 2 years, commencing with the date of installation of the tank. A tank system classified as a UST may not be re-classified as being a non-UST unless there has been a change-in-service as provided in this Section.
- b) From a Regulated Substance to a Regulated Substance. A change-in-service also consists of a conversion of a petroleum UST to a non-compatible petroleum UST or a hazardous substance UST to a non-compatible hazardous substance UST or a petroleum UST to a hazardous substance UST and vice versa. Before a change-in-service, owners or operators shall empty and clean the tank by removing all liquid and accumulated sludge in accordance with the requirements of Sections 175.500(a) and (c) and 175.830(a), including API 2015, incorporated by reference in 41 Ill. Adm. Code 174.210. The owner or operator shall verify that the UST meets the requirements of a hazardous material system if being changed over to a hazardous material substance, including requirements for secondary containment with interstitial monitoring after December 22, 1998. (See Section 175.415~~(e)~~ and (d) regarding when an existing UST is converted to a blended or alternative fuel.)

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- c) From a Non-Regulated Substance to a Regulated Substance. A non-UST, which is used to store a non-regulated substance, may not be converted to a UST unless the tank has been re-certified and is in compliance with all applicable upgrade requirements for newly installed USTs. A waste oil tank that is supplying fuel to a waste oil furnace and is taken out of service shall be no longer classified as a heating oil tank. If the tank does not meet all upgrade requirements for release detection, spill, overfill and corrosion protection, the tank shall be removed.
- d) For all activity related to a change-in-service, the equipment must be compatible with the product being stored and notification of change-in-service must be ~~submitted~~provided on the Notification for Underground Storage Tanks form (available at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>)~~OSFM forms at www.state.il/osfm/PetroChemSaf/Notify.pdf~~ to OSFM not less than 30 days prior to the change-in-service.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.830 Removal of USTs

- a) For tank removals, the following requirements and procedures shall be followed:
- 1) Compliance with subsections (a)(2) through (a)(18) is the responsibility of the contractor.
 - 2) Except as otherwise provided in this Section, the procedures of API 1604, incorporated by reference in 41 Ill. Adm. Code 174.210, shall be followed for vapor freeing and inerting procedures.
 - 3) Secure proper permitting and schedule removal date with OSFM. A new permit and fee will be required when there is a failure to meet the Date Certain schedule established under Section 175.320, including not showing for the inspection, not being completely ready for the inspection, allowing the permit to expire before the inspection, or not cancelling the job before 6:00 a.m. the morning of 24 hours prior to the scheduled activity. (See Section 175.300 for additional permit requirements.)
 - 4) Maintain all combustible gas indicator equipment according to manufacturer's specifications.

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- 5) Establish an exclusion zone within which smoking is prohibited, which shall include all hazardous (classified) locations/areas where work related to removal is being conducted. The use of spark producing/non-explosion proof equipment is prohibited in the vapor hazard area prior to removal of product and sludges and attaining the lower explosive limit (LEL)/oxygen levels required in subsection (a)(9).
- 6) Excavate to the top of the tank. Drain product from piping into the tank or into approved drums, being careful to avoid any spillage to the excavation area. Safely disconnect product piping from the tank, and remove the piping. Pipe trenches shall remain open for inspection by an OSFM Storage Tank Safety Specialist (STSS). Further excavation below the top of the tank is not allowed until STSS has verified that tank conditions meet the LEL/oxygen criteria of subsection (a)(9).
- 7) Remove all liquids from the tank using explosion-proof pumps or hand pumps. When suctioning product out of tanks, plastic pipes shall not be allowed as a suction tube.
- 8) Regularly monitor the tank atmosphere and the excavation area with a combustible gas indicator for flammable or combustible vapor concentration until the tank is removed from both the excavation and the site. Monitoring the UST shall be done at 3 levels in the tank: top, middle and bottom. A confined space entry permit shall be obtained prior to tank entry and [Safety Data Sheets \(SDS\)](#)~~MSDS sheets~~ must be on site.
- 9) Regularly monitor the tank to insure explosive conditions do not exist. A maximum of 5% of the LEL, or 5% or less oxygen concentration, shall be attained before the tank is considered safe for removal, instead of ~~1020%~~, as required in the API 1604. Dry ice shall not be allowed as a method of inerting tanks as referred to in API 1604.
- 10) Bond all devices to the tank and ground the tank to a separate ground when vapor freeing the tank with compressed air or using inert gases under pressure. When using inert gases the cylinder shall be equipped with a pressure gauge, so that no more than 5 psi can be discharged into the tank during vapor freeing procedures. To ensure and maintain proper grounding and bonding, the connections shall be tested by the contractor

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for continuity. This testing shall be done with equipment designed for continuity testing. When vapor freeing of tanks, plastic pipes shall not be allowed as a vent tube on eductors.

- 11) Plug and cap all accessible tank holes. One plug should have an 1/8 inch vent hole.
- 12) Excavate around the tank to prepare for removal. This shall include excavation along one side and one end, from top to bottom.
- 13) A STSS shall be on site before hot work can proceed.
- 14) With STSS on site, remove tank from the ground. Equipment with sufficient lifting capacity shall be used to lift the tank from the excavation and must be rated as appropriate for the particular site and excavation.
- 15) Protective Equipment and Tank Cleaning Requirements
 - A) Cleaning procedures shall be in accordance with API 2015, incorporated by reference in 41 Ill. Adm. Code 174.210. Personal protection requirements for tank cleaning personnel shall, at a minimum, include the following:
 - i) protective respiratory equipment for tank cleaning personnel shall be the type that provides supplied positive air pressure to a full-face mask throughout the breathing cycle during all cleaning operations, in accordance with API 2015~~supplied air with full face mask~~;
 - ii) level B personal protective equipment with body harness and tag line;
 - iii) protective booties;
 - iv) continual monitoring of LEL and oxygen during cleaning;
and
 - v) attendant/observer;

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- vi) ~~positive flow of fresh air supplied during all cleaning operations.~~
- B) Requirements in subsection (a)(15)(A) shall not apply in the event that no physical entry is made into the tank.
- 16) Any UST removed from the excavation zone shall be properly cleaned on site the day of the removal and removed from the site within 24 hours.
- 17) Tanks larger than 2,000 gallons in capacity shall have holes or openings no less than 3 feet x 3 feet, one on each end or side, for cleaning. Tanks less than 2,000 gallons capacity shall have one entire side removed from end to end and shall be no less than 3 feet wide.
- 18) The use of spark producing/non-explosion proof equipment is prohibited in the vapor hazard area prior to attaining the LEL/oxygen levels required in subsection (a)(9).
- 19) The tank owner must ~~submit file~~ an amended Notification ~~for~~ Underground Storage Tanks on OSFM forms (available at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>)~~provided by OSFM at www.state.il.gov/OSFM/PetroChemSaf/Notify.pdf~~ to with OSFM within 30 days after the tank removal.
- 20) If an STSS has observed evidence of a release, the owner, operator or designated representative of the UST owner/operator must notify the Illinois Emergency Management Agency. This is to be done at the site immediately following the field determination and the incident number shall be given to the STSS prior to his/her leaving the site.
- 21) All ~~tank~~ removals require a site assessment pursuant to 41 Ill. Adm. Code 176.330.
- 22) Any tank being removed without an OSFM permit will be required to be put back in the excavation and vented to 12 feet above grade if it has not been removed from the site and covered with backfill until a permit and licensed contractor can remove it properly.

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b) Bunker Tanks

- 1) A commercial heating oil or emergency power generator tank situated below grade, in a basement, on a floor, and enclosed in a masonry wall structure, with the tank completely or partially covered by sand, or otherwise not fully accessible to inspection, commonly referred to as a "bunker tank", meets the definition of a UST (see 41 Ill. Adm. Code 174.100). Removal of a bunker tank shall require the owner or operator to hire a licensed decommissioning contractor to secure proper permitting and schedule the removal pursuant to Section 175.320.
- 2) That section of the enclosing masonry partition wall that is not part of the building's basement exterior wall will need to be dismantled, and all sand within the enclosure removed. Both masonry rubble and sand from the enclosure will be hauled off as special waste under manifest by a licensed waste hauler (see 35 Ill. Adm. Code 808 and 809).
- 3) The exposed tank will be emptied as much as possible of any residual liquids, and the area will be monitored for vapors, and ventilation provided as needed to maintain LELs of 5% or less. No further work on the tank removal will be allowed unless the STSS is on site.
- 4) With the STSS on site and LELs at a maximum of 5%, the tank will be accessed for cleaning. Tanks larger than 2,000 gallons in capacity shall have holes or openings no less than 3 feet x 3 feet, one on each end or side, for cleaning. Tanks less than 2,000 gallons capacity shall have one entire side removed from end to end and shall be no less than 3 feet wide.
- 5) Once cleaned, the tank will be cut up on site, the pieces removed from the building, and all parts of the tank scrapped.
- 6) Once the enclosure wall, sand and tank have been properly removed, the area where the bunker tank had been will be evaluated under the direction of the STSS on site.
 - A) For bunker tanks, soil sampling and a site assessment will be required if either of the following conditions are found:

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- i) Evidence indicating product may have migrated from the bunker tank to the environment beyond the floor or walls of the building it was located within, such as finding free product in a drain; or
 - ii) Evidence is seen of both leakage of product on the floor or building wall where the bunker tank was located, and the area of floor or wall associated with evidence of leakage of product from the bunker tank is deteriorated or cracked such that there is a possibility of the product having migrated beyond the enclosure confines.
 - B) In the event that any of the conditions described in subsection (b)(6)(A)(i) or (ii) are found, samples will be obtained from soil borings from beneath the floor or from outside the wall from areas where contamination is most likely to be present, based on the evidence discovered. Samples will be submitted for analysis, and a release shall be reported if indicated.
 - C) In the event that none of the conditions described in subsection (b)(6)(A)(i) or (ii) are found, no samples from soil borings will be required, and no incident shall be reported.
 - D) The STSS on site will clearly document his/her observations under "Remarks" on the Log of Removal, noting whether any of the conditions listed in subsections (b)(6)(A)(i) and (ii) were present.
- 7) In addition to submitting the OSFM Site Assessment Results Report form, the following supplemental documentation shall also be submitted to OSFM to properly close the removal of a bunker tank. The form is available at the website cited in subsection (a)(19).
- A) If there is "Contamination" being reported:
 - i) The report from the lab, including analytical results derived from the soil samples showing locations of the samples taken, shall be attached to the OSFM Site Assessment Results Report;

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- ii) The OSFM form indicating "Contamination" shall be signed by a Professional Engineer or a Professional Geologist;
 - iii) The IEMA Incident Number from the release report shall be recorded on the OSFM form; and
 - iv) The box indicating "Bunker Tank" shall be marked on the OSFM form.
- B) If there is "No Contamination" being reported:
- i) A letter from the contractor shall be submitted, attesting to the proper handling of the debris generated by the removal and a description of the condition of the floor and building walls of the former enclosure (see subsection (b)(6)(A)(ii));
 - ii) A copy of the hauler's manifests for the sand and masonry rubble shall be submitted;
 - iii) The box indicating "Bunker Tank" shall be marked on the form; and
 - iv) The OSFM form indicating "No Contamination" shall be submitted, and may be signed by the property owner.
- cb) Disposal of Tanks
- 1) If a tank is to be scrapped as junk, it shall be retested for combustible or flammable vapors and, if necessary, rendered gas free.
 - 2) If the tank last contained leaded gasoline, an unknown petroleum product or a hazardous substance, it may only be scrapped or junked, recertified, or discarded at a special waste or hazardous waste landfill as designated by Illinois EPA regulations. If tanks are being re-certified, the contractor must give written notice to OSFM on the removal permit as to the intent to re-certify and re-use the tanks being removed. The re-certified tank must be re-installed within 6 months from removal.

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- 3) Removed tanks may not be reused for any purpose other than those allowed by OSFM rules (proper disposal at an approved landfill, scrapped or junked after proper cleaning, or recertified pursuant to OSFM rules).
- 4) Compliance with this subsection (~~c~~**b**) is the responsibility of the contractor.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

Section 175.840 Abandonment-in-Place

- a) No tank or piping may be abandoned-in-place unless the permit applicant demonstrates eligibility for a waiver of the removal requirement for the tank and/or piping. The waiver shall be granted only in the following instances:
 - 1) ~~where~~ it would be infeasible to remove the UST due to loss of adjacent or subjacent support of nearby structures, such as railroad tracks, streets (as defined in Section 1-201 of the Illinois Vehicle Code [625 ILCS 5/1-201]), and other USTs;
 - 2) removal is infeasible because of inaccessibility, as determined by OSFM;
or
 - 3) in unusual situations ~~in which~~~~where~~ removal is infeasible due to other reasons, as determined by OSFM.
- b) In the event there is a delegation of authority to the City of Chicago to enforce UST rules and regulations, pursuant to the Gasoline Storage Act [430 ILCS 15/2], subject to the terms of such agreement, the City has the authority to modify subsection (d) of this Section, to issue permits to abandon in-place USTs located within the jurisdiction of the City and request records of abandonment-in-place; however, any criteria for abandonment-in-place shall be as stringent as that of OSFM. Tanks, inside the jurisdiction of the City of Chicago, which were abandoned-in-place prior to July 28, 1989 (the date of repeal of home rule by the City over USTs) in accordance with City laws, regulations or ordinances, need not be removed so long as a condition under subsection (a) allowing abandonment continues to exist.

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- c) Tanks, outside the jurisdiction of the City of Chicago, filled with inert material, as described in subsection (d)(~~1314~~), prior to October 1, 1985, need not be removed so long as a condition under subsection (a) allowing abandonment exists; however, the owners shall provide documentation of fill material and date of fill, upon request by OSFM. The documentation shall be a receipt or a written statement from the contractor who did the fill, a statement from the inspector who inspected the tank or a written statement from anyone designated by the State Fire Marshal or the Director of the Division of Petroleum and Chemical Safety.
- d) For UST abandonment-in-place, the following requirements and procedures shall be followed:
- 1) ~~An OSFM permit under Section 175.300 shall be obtained and the work scheduled with OSFM on-site evaluation shall be done by the owner or operator, or designated representative, to prepare an accurate Certification of Site Condition with site drawings. If the ability to abandon in place is questioned, a third party professional structural engineer may be used to determine the feasibility of removal in order to verify that the tank is or is not eligible to be abandoned in place pursuant to subsection (a).~~
 - 2) Except as otherwise provided in this Section, the procedures of API 1604 shall be followed for vapor freeing and inerting procedures.
 - 3) ~~Proper permitting shall be obtained.~~
 - A) ~~A complete plan or diagram of the area shall be provided and show the location of tanks, fill pipes, vent lines, sewers, streets, product lines and buildings;~~
 - B) ~~A Certification of Site Condition shall be provided, which includes, but is not limited to, facility name and location, number and size of USTs involved and that the subject UST site is clean or contaminated. This Certification of Site Condition shall be based on a professional site assessment from soil sampling and this site assessment must accompany the site certification form (www.state.il.us/osfm/Techservices/doc/TS101-Abandonment_In_Place_032008.Doc); and~~

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☞ ~~A description of the specific inert material to be used shall be indicated on the permit application.~~

- 34) All health and safety monitoring equipment shall be maintained according to manufacturer's specifications.
- 45) An exclusion zone shall be established, within which smoking is prohibited. The exclusion zone shall include all hazardous (classified) locations/areas where work related to abandonment-in-place is being conducted. The use of spark producing/non-explosion proof equipment is prohibited in the vapor hazard area prior to removal of product and sludges and attaining the LEL/oxygen levels required in subsection (d)(940).
- 56) Upon excavating to the top of the tank, on-site personnel shall drain product into approved drums or other approved receptacles and remove all piping except the vent line. Any associated piping to be abandoned-in-place shall be properly secured or capped and have prior approval by OSFM. Pipe trenches shall remain open for inspection by OSFM Storage Tank Safety Specialist (STSS). Further excavation below the top of the tank is not allowed until STSS is present and has verified that tank conditions meet the LEL/oxygen criteria of subsection (d)(940).
- 67) All liquids shall be removed from the tank using explosion-proof pumps or hand pumps.
- 78) The tank atmosphere and the excavation area shall be regularly monitored with a combustible gas indicator for flammable or combustible vapor concentration. Monitoring the UST shall be done at 3 levels in the tank: top, middle and bottom. A confined space entry permit shall be obtained prior to tank entry and ~~SDSMSDS sheets~~ must be on site.
- 89) Vapor freeing shall be done in accordance with API 1604, except that dry ice shall not be allowed as a method of inerting tanks. When vapor freeing the tank with compressed air or using inert gases under pressure, all devices shall be bonded to the tank and the tank shall be grounded to a separate ground. When using inert gases, the cylinder shall be equipped with a pressure gauge so that no more than 5 psi can be discharged into the tank during vapor freeing procedures. To ensure and maintain proper

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grounding and bonding, the connections shall be tested by the contractor for continuity. This testing shall be done with equipment designed for continuity testing. When vapor freeing a tank, plastic pipes shall not be allowed as a vent tube on eductors.

- ~~910~~) The tank shall be regularly monitored to insure that explosive conditions do not exist. A maximum of 5% of the LEL, or 5% or less oxygen concentration, shall be attained before the tank is considered safe for abandonment.
- ~~1011~~) An STSS shall be on site before hot work can proceed.
- ~~1112~~) A sufficient number of holes or openings shall be made in the tank for abandonment-in-place procedures if existing openings are not adequate.
- ~~1213~~) Cleaning procedures shall be in accordance with API 2015, incorporated by reference in 41 Ill. Adm. Code 174.210. Protective respiratory equipment for tank cleaning personnel shall be the type that provides positive air pressure to a full-face mask throughout the breathing cycle, in accordance with API 2015.
- ~~1314~~) After cleaning, on-site personnel shall proceed to introduce an OSFM-approved, inert material through openings in the top of the tank to minimize any surface settling subsequent to abandonment of the tank in place. Allowed inert material shall be limited to sand, gravel, clay, bentonite or inert material mixed with portland cement to increase flowability. The portland cement concentration may not exceed 50 lbs. per cubic yard of mixed material. Any other materials must be approved by OSFM during the permit process. The procedure for filling shall be in accordance with API 1604.
- ~~1415~~) After the tank is filled with inert material, all tank openings shall be plugged or capped unless it was necessary to cut open the tank top. The vent line shall be disconnected, capped and removed.
- ~~1516~~) The tank owner must ~~submitfile~~ an amended Notification ~~foref~~ Underground ~~Storage~~ Tanks on OSFM forms (~~available~~ at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>) to ~~www.state.il/OSFM/~~

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~~www.state.il/osfm/PetroChemSaf/Notify.pdf~~ with OSFM within 30 days after the abandonment-in-place.

- 16) If an STSS has observed evidence of a release, the owner, operator or designated representative of the UST owner/operator must notify IEMA. This is to be done at the site immediately following the field determination and the incident number shall be given to the STSS prior to his/her leaving the site.
- 17) Every abandonment-in-place requires a site assessment (see 41 Ill. Adm. Code 176.330).
- ~~1817)~~ When a UST is abandoned-in-place, the owner of the UST shall keep a permanent record of the UST location, the date of abandonment-in-place and the procedure used for abandonment-in-place. ~~Upon request by OSFM, Division of Petroleum and Chemical Safety, the owner shall forward a copy of the record to OSFM, within 14 days after receipt of a written request by OSFM sent to the last known address by U.S. registered or certified mail.~~
- e) When a UST is allowed to be abandoned-in-place, as specified in this Section, the abandoned-in-place UST shall be removed when the condition for issuing the abandonment permit no longer exists. The removal procedures shall be followed and a removal permit is required.
- f) Compliance with subsections (d)(1) through (d)(~~1415~~) is the responsibility of the contractor.

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

SUBPART I: UST SYSTEMS WITH FIELD-CONSTRUCTED TANKS AND
AIRPORT HYDRANT FUEL DISTRIBUTION SYSTEMS

Section 175.900 General Requirements

- a) Implementation of requirements. Owners and operators must comply with the requirements of this Part for UST systems with field-constructed tanks and airport hydrant systems as follows:

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- 1) For UST systems installed on or before October 13, 2015 the requirements are effective according to the following schedule:

<u>Requirement</u>	<u>Effective Date</u>
<u>Upgrading UST systems; general operating requirements; and operator training</u>	<u>October 13, 2018</u>
<u>Release detection</u>	<u>October 13, 2018</u>
<u>Release reporting, response, and investigation; closure; financial responsibility and notification (except as provided in subsection (b))</u>	<u>October 13, 2015</u>

- 2) For UST systems installed after October 13, 2015, the requirements apply at installation.
- b) Not later than October 13, 2018, all owners of previously deferred UST systems must submit a one-time notice of tank system existence to OSFM, using the form required by 41 Ill. Adm. Code 176.440. Owners and operators of UST systems in use as of October 13, 2015 must demonstrate financial responsibility at the time of submission of the notification form.
- c) Except as provided in Section 175.910, owners and operators must comply with the requirements of 41 Ill. Adm. Code 174, 175, 176 and 177.
- d) Airport hydrant systems and field constructed tanks shall be designed and constructed by professional engineers with training and experience in the design of those systems. In addition to the other codes of practice listed in 41 Ill. Adm. Code 174.210, owners and operators may use military construction criteria, such as Unified Facilities Criteria (UFC) 3-460-01, Petroleum Fuel Facilities, or may also use NFPA 407 Standard for Aircraft Fuel Servicing when designing, constructing and installing airport hydrant systems and field-constructed tanks, when applicable.

(Source: Added at 42 Ill. Reg. 10476, effective October 13, 2018)

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Section 175.910 Additions, Exceptions, and Alternatives for UST Systems with Field-Constructed Tanks and Airport Hydrant Systems

- a) Exception to piping secondary containment requirements. Owners and operators may use single-walled piping when installing or replacing piping associated with UST systems with field-constructed tanks greater than 50,000 gallons and piping associated with airport hydrant systems. Piping associated with UST systems with field-constructed tanks less than or equal to 50,000 gallons and not part of an airport hydrant system must meet the secondary containment requirement when installed or replaced.
- b) Upgrade requirements. Not later than October 13, 2018, airport hydrant systems and UST systems with field-constructed tanks, when installation commenced on or before October 13, 2015, must meet the following requirements or be permanently closed pursuant to Section 175.830 or 175.840.
 - 1) Corrosion protection. UST system components in contact with the ground that routinely contain regulated substances must meet one of the following:
 - A) Except as provided in subsection (a), the new UST system performance standards for tanks at Section 175.400 and for piping at Section 175.420; or
 - B) Be constructed of metal and be cathodically protected, according to a code of practice developed by a nationally recognized association or independent testing laboratory, and meet the following:
 - i) Cathodic protection must meet the requirements of Sections 175.400(b) and 175.510 for tanks and Sections 175.420(a) and 175.510 for piping.
 - ii) Pursuant to Section 175.510(a), tanks without cathodic protection must be assessed to ensure the tank is structurally sound and free of corrosion holes prior to adding cathodic protection. The assessment must be by internal inspection or another method determined by OSFM to adequately assess the tank for structural soundness and corrosion holes.

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- 2) Spill and overflow prevention equipment. To prevent spilling and overflowing associated with product transfer to the UST system, all UST systems with field-constructed tanks and airport hydrant systems must comply with new UST system spill and overflow prevention equipment requirements specified in Section 175.405.

- c) Walkthrough inspections. In addition to the walkthrough inspection requirements in 41 Ill. Adm. Code 176.655(b), owners and operators must inspect the following additional areas for airport hydrant systems at least once every 30 days, if confined space entry according to the Occupational Safety and Health Administration (see 29 CFR 1910) is not required, or at least annually, if confined space entry is required, and keep documentation of the inspection (see 41 Ill. Adm. Code 176.655(b)).
 - 1) Hydrant pits: Visually check for any damage; remove any liquid or debris; check for any leaks.
 - 2) Hydrant piping vaults: Check for any hydrant piping leaks.

- d) Release detection. Owners and operators of UST systems with field-constructed tanks and airport hydrant systems, when installation commenced on or before October 13, 2015, must begin meeting the release detection requirements described in this Subpart not later than October 13, 2018.
 - 1) Methods of release detection for field-constructed tanks. Owners and operators of field-constructed tanks with a capacity less than or equal to 50,000 gallons must meet the release detection requirements in Subpart F. Owners and operators of field-constructed tanks with a capacity greater than 50,000 gallons must meet either the requirements in Subpart F (except Section 175.630(d) and (e)) must be combined with inventory control (see subsection (d)(1)(E)) or use one or a combination of the following alternative methods of release detection:
 - A) Conduct an annual tank tightness test that can detect a 0.5 gallon per hour leak rate;
 - B) Use an automatic tank gauging system to perform release detection at least every 30 days that can detect a leak rate less than or equal

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to one gallon per hour. This method must be combined with a tank tightness test that can detect a 0.2 gallon per hour leak rate performed at least every 3 years;

- C) Use an automatic tank gauging system to perform release detection at least every 30 days that can detect a leak rate less than or equal to 2 gallons per hour. This method must be combined with a tank tightness test that can detect a 0.2 gallon per hour leak rate performed at least every 2 years;
- D) Perform vapor monitoring (conducted in accordance with Section 175.630(d) for a tracer compound placed in the tank system) capable of detecting a 0.1 gallon per hour leak rate at least every 2 years;
- E) Perform inventory control (conducted in accordance with Department of Defense Manual 4140.25; the ATA Airport Fuel Facility Operations and Maintenance Guidance Manual; or equivalent procedures) at least every 30 days that can detect a leak equal to or less than 0.5% of flow-through and either:
- i) Perform a tank tightness test that can detect a 0.5 gallon per hour leak rate at least every 2 years; or
 - ii) Perform vapor monitoring or groundwater monitoring (conducted in accordance with Section 175.630(d) and (e), respectively, for the stored regulated substance) at least every 30 days; or
- F) Another method approved by OSFM if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in subsections (d)(1)(A) through (d)(1)(E). Demonstration of any such method shall be submitted in writing to OSFM. In comparing methods, OSFM shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner or operator shall comply with any conditions imposed by OSFM on its use to ensure the protection of human health and

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the environment. Before the utilization of the method, OSFM shall issue written approval.

- 2) Methods of release detection for piping. Owners and operators of underground piping associated with field-constructed tanks less than or equal to 50,000 gallons must meet the release detection requirements in Subpart F. Owners and operators of underground piping associated with airport hydrant systems and field-constructed tanks greater than 50,000 gallons must follow either the requirements in Subpart F (except Section 175.630(d) and (e) must be combined with inventory control; see subsection (d)(2)(C)) or use one or a combination of the following alternative methods of release detection:

A) Acceptable methods of leak detection:

- i) Perform a semiannual or annual line tightness test at or above the piping operating pressure in accordance with the following table.

Maximum Leak Detection Rate Per Test Section Volume

<u>Test Section Volume (gallons)</u>	<u>Semiannual Test leak detection rate not to exceed (gallons/hour)</u>	<u>Annual Test leak detection rate not to exceed (gallons/hour)</u>
<u><50,000</u>	<u>1.0</u>	<u>0.5</u>
<u>≥50,000 to <75,000</u>	<u>1.5</u>	<u>0.75</u>
<u>≥75,000 to <100,000</u>	<u>2.0</u>	<u>1.0</u>
<u>≥100,000</u>	<u>3.0</u>	<u>1.5</u>

- ii) Piping segment volumes ≥100,000 gallons not capable of meeting the maximum 3.0 gallon per hour leak rate for the semiannual test may be tested at a leak rate up to 6.0 gallons per hour according to the following schedule:

Phase In For Piping Segments ≥100,000 Gallons In Volume

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<u>First Test</u>	<u>Not later than October 13, 2018 (may use up to 6.0 gph leak rate)</u>
<u>Second Test</u>	<u>Between October 13, 2018 and October 13, 2021 (may use up to 6.0 gph leak rate)</u>
<u>Third Test</u>	<u>Between October 13, 2021 and October 13, 2022 (must use 3.0 gph for leak rate)</u>
<u>Subsequent Tests</u>	<u>After October 13, 2022, begin using semiannual or annual line testing according to the Maximum Leak Detection Rate Per Test Section Volume table in subsection (d)(2)(A)(i)</u>

- B) Perform vapor monitoring (conducted in accordance with Section 175.630(d) for a tracer compound placed in the tank system) capable of detecting a 0.1 gallon per hour leak rate at least every 2 years;
- C) Perform inventory control (conducted in accordance with Department of Defense Manual 4140.25; ATA Airport Fuel Facility Operations and Maintenance Guidance Manual; or equivalent procedures) at least every 30 days that can detect a leak equal to or less than 0.5% of flow-through and either:
- i) Perform a line tightness test (conducted in accordance with subsection (d)(2)(A) using the leak rates for the semiannual test) at least every 2 years; or
 - ii) Perform vapor monitoring or groundwater monitoring (conducted in accordance with Section 175.630(d) or (e), respectively, for the stored regulated substance) at least every 30 days; or
- D) Another method approved by OSFM if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in subsections (d)(2)(A) through (d)(2)(C). Demonstration of any such method shall be submitted

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in writing to OSFM. In comparing methods, OSFM shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner or operator shall comply with any conditions imposed by OSFM on its use to ensure the protection of human health or the environment. Before the utilization of the method, OSFM shall issue written approval.

- 3) Recordkeeping for release detection. Owners and operators must maintain release detection records according to the recordkeeping requirements in Section 175.650.
- e) Applicability of closure requirements to previously closed UST systems. When directed by OSFM, the owner and operator of a UST system, with field-constructed tanks or airport hydrant system permanently closed before October 13, 2015, must assess the excavation zone and close the UST system in accordance with Section 175.830 or 175.840, and 41 Ill. Adm. Code 176.Subpart C, if releases from the UST may, in the judgment of OSFM, pose a current or potential threat to human health and the environment.

(Source: Added at 42 Ill. Reg 10476, effective October 13, 2018)

Section 175.920 Partial Exclusions for Aboveground Storage Tanks Associated with Airport Hydrant Systems and Field-Constructed Tanks

Aboveground storage tanks (ASTs) associated with airport hydrant systems and field-constructed tanks shall not be required to comply with 41 Ill. Adm. Code 174, 175, 176 and 177, except that they are required to comply with release reporting, response and corrective action requirements in 41 Ill. Adm. Code 176.300 through 176.360, and shall comply with 41 Ill. Adm. Code 160 and 180, as applicable. These ASTs shall also comply with the requirements for partially excluded USTs found at 41 Ill. Adm. Code 174.100 (definition of underground storage tank system).

(Source: Added at 42 Ill. Reg. 10476, effective October 13, 2018)

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Section 175.APPENDIX A UST Activity that Cannot Proceed Without an OSFM Inspector on Site

In addition to obtaining a permit pursuant to 41 Ill. Adm. Code 175.300, the UST activities listed in this Appendix A will require that the inspection be scheduled with OSFM as an OSI, meaning under circumstances where the work cannot proceed in the absence of having an STSS on site. (See Section 175.320, regarding scheduling of UST activity.) Proceeding without completion of the required OSFM inspection is a violation of OSFM rules.

~~Removal of a UST or UST system, or removal of an entire underground pipe run/Tank or piping removal (with the exception of piping that is repaired or replaced within the same trench)~~

Abandonment-in-place, tanks or piping

UST hot work/~~tank entry~~ (if cutting or penetration of tank shell or work capable of providing a source of ignition or heat is involved, including for tank lining or lining inspection purposes)
(See definition of "hot work" at 41 Ill. Adm. Code 174.100)

Lining and lining inspection
Installation of a UST or UST system, or installation of an entire underground pipe run (See Section 175.320(c))

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

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Section 175.APPENDIX B The Type of OSFM Permit Required for Specific Permitted UST Activities

Pursuant to Section 175.300 and 41 Ill. Adm. Code 174.440 and 174.450, the UST activities listed in this Appendix B will require the kinds of permits listed in this chart. [A UST contractor portal for the on-line submission of permit applications and the scheduling of permitted work can be found at https://webapps.sfm.illinois.gov/USTPortal.](https://webapps.sfm.illinois.gov/USTPortal)

Type of UST Activity	Permit Required
Installation of a complete UST with all components, or installation of just the tank	Installation permit and motor fuel dispensing permit pursuant to Section 175.200
Installation of any portion of a UST (except corrosion protection or lining)	Upgrade permit and motor fuel dispensing permit pursuant to Section 175.200 as may be applicable
Removal of an UST or UST system, underground tank or removal of an entire underground pipe/piping run (with the exception of piping that is repaired or replaced within the same trench)	Removal permit
Removal of underground piping when the piping is replaced or repaired all within the same trench	Upgrade permit (requires at least one employee certified in the decommissioning module)
Abandonment-in-place of any tank or piping	Abandonment-in-place permit
UST repair to make an existing UST part functional, including flex connector replacement but not including lining or corrosion protection	Upgrade permit
Tank lining or tank lining inspections	Lining or interior lining inspection permit
Emergency repairs (excluding corrosion protection)	Upgrade permit (see the procedures of Section 175.710)
Repair or install cathodic protection or corrosion protection, including on flex connectors (but see wristband/spike anodes below)	Cathodic protection permit
Manway installation (no separate upgrade or entry permit for a manway is required where the original lining permit or lining inspection permit includes the installation of a manway)	Hot work/tank entry Upgrade permit

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UST activity requiring the cutting or penetration of the tank shell in any way (no separate hot work permit required where a lining or lining inspection , upgrade or other permit is being issued)	Hot work permit
Installation, upgrade or removal of leak detection systems	Upgrade permit
New spill containment (except that replacement of spill containment is a like-for-like replacement that requires only notification to OSFM pursuant to Section 175.300)	Upgrade permit
Installation or replacement of a remote fill	Upgrade permit
New or replaced overfill prevention equipment (except that replacement of drop tube valves and ball floats are like-for-like replacements that require only notification to OSFM pursuant to Section 175.300)	Upgrade permit
Installation or replacement of dispensers where piping or any other transitional components at or below the shear valve (including the shear valve) are replaced at the same time	Upgrade permit
Installation or replacement of an ATG unit (except that replacement of ATG probes are like-for-like replacements that require only notification to OSFM pursuant to Section 175.300)	Upgrade permit
Installation or replacement of a flex connector connector (only)	Upgrade permit
Installation of wristband anodes or spike anodes on an existing flex connector (only)	Cathodic protection Upgrade permit
Installation or replacement of a flex connector and wristband anodes or spike anodes on the flex connector (only)	Cathodic protection Upgrade permit (shall also be licensed in the retrofitting/installation module)
Connecting a new or existing bulk load-out to a new or existing UST at a motor fuel dispensing facility	Upgrade permit (Installation permit if an entire UST is being installed)
Construction of a building or structure where loading or unloading or dispensing operations will occur	Motor fuel dispensing Installation permit pursuant to Section 175.200

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Site for the mobile fueling of commercial vehicle fleets (pursuant to Section 2(1) (d)(C) of the Gasoline Storage Act [430 ILCS 15/2(1)(d)(C)])	Mobile fueling site permit (pursuant to 41 Ill. Adm. Code 174.440 and 174.450)
Tank vehicle to be used for the mobile fueling of commercial vehicle fleets (pursuant to Section 2(1) (d)(C) of the Gasoline Storage Act [430 ILCS 15/2(1)(d)(C)])	Mobile fueling vehicle permit (pursuant to 41 Ill. Adm. Code 174.440 and 174.450)
Person, company, or other entity proposing to conduct mobile fueling using tank vehicles to be used for the mobile fueling of commercial vehicle fleets (pursuant to Section 2(1) (d)(C) of the Gasoline Storage Act [430 ILCS 15/2(1)(d)(C)])	Mobile fueling contractor permit (pursuant to 41 Ill. Adm. Code 174.440 and 174.450)

(Source: Amended at 42 Ill. Reg. 10476, effective October 13, 2018)

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Section 175.APPENDIX C Derivation Table (Repealed)

The following table indicates the Sections of 41 Ill. Adm. Code 170 that formerly stated requirements identical to or related to those now located within this Part 175.

New Section	Old Section
175.100	170.400
175.200	170.150(a), (c), (e), 170.210(a), 170.310(d), 170.426(g)
175.210	170.150, 170.428(g)
175.220	170.310, 170.428(g)
175.230	None
175.240	None
175.250	170.145, 170.426(j), 170.428(e), (g), (m), 170.APPENDIX E
175.260	170.91, 170.160, 170.310(d), 170.426(l)
175.300	170.541, 170.APPENDIX E
175.310	170.542
175.320	170.543
175.330	170.441
175.400	170.420(a), (b)
175.405	170.420(e)
175.410	170.420(d)(19), 170.421(i)
175.415	170.470
175.420	170.420(d)(12), (13), 170.421
175.425	170.421(f)
175.430	170.422
175.435	170.423
175.440	170.424
175.445	170.425
175.450	170.91, 170.150(d)(5), (6), 170.160(g), (h), 170.310(a)(1), (2), 170.426, 170.428(a), (h), (i), (j), (k), (l), 170.546(a)
175.455	170.150(d)(2), 170.420(d)(1), 170.545, 170.672(e)
175.460	170.426(j), 170.428(b), (c), (e), (l), 170.APPENDIX E
175.465	170.420(b)(3), (4), 170.420(d), 170.546(b)
175.500	170.430
175.510	170.460, 170.480(e)
175.600	170.450
175.610	170.500
175.620	170.520
175.630	170.530

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175.640	170.540
175.650	170.550
175.700	170.480
175.710	170.481
175.720	170.200, 170.427
175.800	170.660
175.810	170.411
175.820	170.630
175.830	170.670(a), (b), (c)
175.840	170.670(d)
175.APPENDIX A	None
175.APPENDIX B	None
175.APPENDIX C	None

(Source: Repealed at 42 Ill. Reg. 10476, effective October 13, 2018)

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- 1) Heading of the Part: Administrative Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances.
- 2) Code Citation: 41 Ill. Adm. Code 176
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
176.100	Amendment
176.200	Amendment
176.205	Amendment
176.215	Amendment
176.220	Amendment
176.225	Amendment
176.230	Amendment
176.235	Repealed
176.240	Amendment
176.250	Amendment
176.300	Amendment
176.310	Amendment
176.320	Amendment
176.330	Amendment
176.340	Amendment
176.360	Amendment
176.420	Amendment
176.430	Amendment
176.440	Amendment
176.455	New Section
176.470	Amendment
176.500	Amendment
176.505	Amendment
176.610	Amendment
176.615	Amendment
176.620	Amendment
176.625	Amendment
176.630	Amendment
176.635	Amendment
176.645	Amendment
176.650	Amendment
176.655	Amendment
176.APPENDIX A	Repealed

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- 4) Statutory Authority: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].
- 5) Effective Date of Rules: October 13, 2018
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any matter incorporated by reference, are on file in the principal office of the State Fire Marshal, 1035 Stevenson Drive, Springfield IL and are available for public inspection at that location.
- 9) Notice of Proposal Published in the *Illinois Register*: 42 Ill. Reg. 3457; February 23, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

Section .430(b) and (c) made changes in several places to remove "or upgrade" as a cause of recordkeeping requirements.

Section .655(b), language was changed to require that containment sumps and apertures be inspected, tested and maintained by an OSFM licensed contractor.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending to this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking will revise the Illinois technical requirements for underground storage tank systems ("USTs") to conform to new federal regulatory requirements that became effective on October 13, 2015. These changes would include requiring federally acceptable proofs of compatibility for underground storage tanks, piping and all related system components whenever such systems store or

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dispense ethanol blends above 10% ethanol (E10) for gasoline or above 20% biodiesel (B20) for diesel. Federally required changes will also include monthly walkthrough inspections by Certified Operators, tightness testing of spill buckets and piping containments every three years, inspection of overfill prevention equipment every three years, prohibition of ball float vent valves at time of installation or replacement, full regulation of airport hydrant fueling systems, and full regulation of field constructed tanks. This rulemaking will also update these rules to incorporate and streamline current practices, including the electronic submission of reporting forms and permit applications. Increases the length of time for required repeat Operator training from two to four years and allows Class A and B Operators to avoid retraining in response to a Notice of Violation by electing to retrain every year. Makes non-substantive changes.

- 16) Information and questions regarding these adopted rules shall be directed to:

Tom Andryk
Division of Legal Counsel
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield IL 62703-4259

217/785-5758
fax: 217/524-5487

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

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TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 176

ADMINISTRATIVE REQUIREMENTS FOR UNDERGROUND STORAGE TANKS
AND THE STORAGE, TRANSPORTATION, SALE AND USE OF
PETROLEUM AND OTHER REGULATED SUBSTANCES

SUBPART A: DEFINITIONS

Section
176.100 [Incorporation of](#) Definitions

SUBPART B: FINANCIAL ASSURANCE

Section
176.200 Definitions
176.205 Applicability
176.210 Amount
176.215 Mechanisms of Financial Responsibility
176.220 Proof of Financial Responsibility
176.225 Substitution of Financial Responsibility Mechanisms by an Owner or Operator
176.230 Cancellation or Non-Renewal by a Provider of Financial Assurance
176.235 Reporting by Owner or Operator ([Repealed](#))
176.240 Recordkeeping
176.245 Release from the Requirements
176.250 Bankruptcy or Other Incapacity of Owner, Operator or Provider of Financial Assurance

SUBPART C: RELEASE REPORTING AND SITE ASSESSMENT

Section
176.300 Reporting of Suspected Releases
176.310 Release Investigation Reporting and Site Assessment
176.320 Initial Response and Reporting of Confirmed Releases
176.330 Procedures for Site Assessments
176.340 Reporting and Cleanup of Spills and Overfills
176.350 Initial Release Abatement Measures
176.360 Assessing the Site at Removal of, Previously Removed, or Change-in-Service of

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USTs

SUBPART D: GENERAL TECHNICAL REQUIREMENTS,
INCLUDING REPORTING, RECORDKEEPING AND NOTIFICATION

Section

176.400	Delegation of Authority to Enforce UST Rules and Regulations
176.410	General Requirement to Maintain All Equipment
176.420	Requirement that UST Components Be Third Party Listed
176.430	Reporting and Recordkeeping
176.440	Notification Requirements for Purposes of UST Registration
176.450	UST Registration Fees
176.455	Payment of 1988 Annual UST Fee
176.460	Pre-'74 and Heating Oil USTs
176.470	Requirements for Conducting Precision Testing of Tanks and Piping, Cathodic Protection Testing, and Testing of Other UST Equipment

SUBPART E: HEARINGS AND ENFORCEMENT PROCEDURES

Section

176.500	Definitions
176.505	Enforcement Action
176.510	Grounds and Time for Appeal
176.515	Notice of Hearing
176.520	Continuances
176.525	Appearances
176.530	Service of Papers and Computation of Time
176.535	Stipulations
176.540	Evidence
176.545	Official Notice
176.550	Authority of Hearing Officer
176.555	Default
176.560	Post-Hearing Submissions
176.565	Transcripts
176.570	Final Order
176.575	License Suspension or Revocation and Assessment of Fines Against a Contractor
176.580	Assessment of Penalties
176.585	Subpoena – Fees and Mileage of Witnesses
176.590	Paper Hearings

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SUBPART F: OPERATOR TRAINING

Section	Purpose
176.600	Purpose
176.605	Scope
176.610	Definitions
176.615	Class A, B and C Operator Classifications
176.620	Training
176.625	Minimum Training Requirements
176.630	Examination Frequency
176.635	Approval of Required Training and Examination Location
176.640	Examination Fees
176.645	Recordkeeping
176.650	Out-of-Compliance Retraining
176.655	Periodic Operation and Maintenance Walkthrough Inspections and Written Facility Operations and Maintenance Plan; and Class A, B and C Operator Responsibilities
176.660	Violations

176.APPENDIX A Derivation Table ([Repealed](#))

AUTHORITY: Implementing the Gasoline Storage Act and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15].

SOURCE: Adopted at 34 Ill. Reg. 13485, effective September 2, 2010; amended at 36 Ill. Reg. 3187, effective February 15, 2012; amended at 42 Ill. Reg. 10621, effective October 13, 2018.

SUBPART A: DEFINITIONS

Section 176.100 [Incorporation of Definitions](#)

Unless otherwise provided in this Part, all terms in this Part shall have the definitions provided by 41 Ill. Adm. Code [174.100.174](#).

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

SUBPART B: FINANCIAL ASSURANCE

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Section 176.200 Definitions

"Bodily Injury" means bodily injury, sickness or disease sustained by a person, including death at any time, resulting from a release of petroleum from a UST.

~~"IEMA" means the Illinois Emergency Management Agency.~~

"Occurrence" means an accident, including continuous or repeated exposure to conditions, that results in a release of petroleum into the environment from a UST.

~~"OSFM" means the Office of the State Fire Marshal.~~

"Property Damage" means physical injury to, destruction of, or contamination of tangible property, including all resulting loss of use of that property; or loss of use of tangible property that is not physically injured, destroyed or contaminated, but has been evacuated, withdrawn from use, or rendered inaccessible because of an occurrence.

"Provider of Financial Assurance" means an entity that provides financial assurance to an owner or operator of a UST through one or more mechanisms listed in Section 176.215, including the fiduciary of a designated savings account.

"Tangible Net Worth" means the tangible assets that remain after deducting total liabilities. These assets do not include intangibles such as goodwill and rights to patents or royalties. For purposes of this definition, "assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity as a result of past transactions.

"Underground Storage Tank Trust Fund" or "UST Fund" means the fund created as a special fund in the Illinois State Treasury at 415 ILCS 5/57.11.

~~"UST" means underground storage tank system.~~

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

Section 176.205 Applicability

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- a) This Subpart B applies to all owners or operators of USTs in the ground as of April 1, 1995 and implements Section 6.1 of the Gasoline Storage Act [430 ILCS 15/6.1], which imposes a State law financial assurance requirement of \$20,000 per owner or operator.
- b) All owners or operators of hazardous substance USTs are excluded from regulation under this Subpart B.
- c) Although the UST Fund assists certain petroleum UST owners in paying for corrective action or third-party liability (see 415 ILCS 5/57.9), for purposes of this Subpart the UST Fund is not considered a mechanism for the financial responsibility compliance required under Section 6.1 of the Gasoline Storage Act as implemented by this Subpart.
- d) ~~None of the financial responsibility mechanisms specified in Section 176.215 are required by OSFM to include a standby trust.~~

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

Section 176.215 Mechanisms of Financial Responsibility

Under Section 6.1 of the Gasoline Storage Act, only the following may be considered acceptable mechanisms for financial responsibility:

- a) Commercial or private insurance, including risk retention groups ~~(40 CFR 280.97, incorporated by reference in 41 Ill. Adm. Code 174.210);~~
- b) Self-insurance ~~(40 CFR 280.95, incorporated by reference in 41 Ill. Adm. Code 174.210)~~, if there is a tangible net worth of at least \$200,000;
- c) Guarantee ~~(40 CFR 280.96, incorporated by reference in 41 Ill. Adm. Code 174.210);~~
- d) Surety bond ~~(40 CFR 280.98, incorporated by reference in 41 Ill. Adm. Code 174.210);~~
- e) Letter of credit ~~(40 CFR 280.99, incorporated by reference in 41 Ill. Adm. Code 174.210);~~

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- f) Certificate of deposit;
- g) Designated savings account; or
- h) Any combination of the mechanisms listed in this Section.

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

Section 176.220 Proof of Financial Responsibility

- a) Proof of financial responsibility for Section 176.215(a), (b), (c), (d) or (e) shall be maintained on the respective OSFM forms, which may be complemented by industry customs and practices so long as the OSFM form language is utilized. The forms are available at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>. Any requirement to submit original documents to OSFM on third party instruments shall be governed by ISP 98 Form 11.1 (Model Government Standby Form), incorporated by reference in 41 Ill. Adm. Code 174.210, located in 40 CFR 280, incorporated by reference in 41 Ill. Adm. Code 174.210. These forms shall be modified to comply with Section 176.210. It is the responsibility of tank owners or operators to modify the forms.
- b) Proof of financial responsibility for Section 176.215(f) or (g) shall be documented by written proof from the appropriate financial institution that is at all times current, as reflected by copies of the same records on file with the financial institution.
- c) The forms referenced in subsection (a) ~~of this Section~~ shall be renewed on an annual basis.
- d) A completed Certificate of Financial Responsibility~~An annual notification~~ indicating the financial responsibility mechanism chosen under Section 176.215 by the owner or operator, on forms provided by OSFM (available at the website cited in subsection (a) www.state.il.us/osfm/PetroChemSaf/home.htm, under "downloadable applications") shall be submitted~~sent~~ to OSFM on an annual basis.
- e) If a self-insurance mechanism (under Section 176.215(b)) is chosen, the facility shall submit~~send~~ copies of the required proof to OSFM on an annual basis, which shall include:

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- 1) the annual Certificate of Financial Responsibility~~notification~~ under ~~this~~ subsection (d), indicating the financial responsibility mechanism chosen;
 - 2) a letter by the owner's/operator's Chief Financial Officer that ~~may shall~~ include the items specified for this letter as stated in 40 CFR 280.95, but must demonstrate at least~~although it may show~~ a tangible net worth equal to or greater than \$200,000;
 - 3) a statement prepared by an independent public accountant that may include~~meets~~ the financial criteria and requirements of 40 CFR 280.95, but must demonstrate at least~~except that the statement may show~~ a tangible net worth equal to or greater than \$200,000, ~~which statement may be on the OSFM form provided for this purpose, found at www.state.il.us/osfm/PetroChemSaf/home.htm, under "downloadable applications"~~;
 - 4) Facilities that choose a self-insurance mechanism and are owned and operated by the US Government or the State of Illinois shall complete the annual Certificate of Financial Responsibility but shall not be required to provide the documentation described in subsections (e)(2) and (e)(3).
- ~~f~~e) The forms referenced in subsections (a), (b) and (c) ~~of this Section~~ shall include the name, address and facility identification number for each facility, as applicable.

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

Section 176.225 Substitution of Financial Responsibility Mechanisms by an Owner or Operator

- a) An owner or operator may substitute any alternative financial responsibility mechanism specified in Section 176.215, provided that at all times the owner or operator maintains an effective financial responsibility mechanism or combination of mechanisms that satisfies the requirements of this Subpart.
- b) After replacing a financial responsibility mechanism with a different mechanism~~obtaining alternative financial responsibility as~~ specified in Section

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176.215, an owner or operator may cancel the replaced financial responsibility mechanism by providing notice to the provider of financial assurance.

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

Section 176.230 Cancellation or Non-Renewal by a Provider of Financial Assurance

- a) Except as otherwise provided, a provider of financial assurance may cancel or fail to renew an assurance mechanism by sending notice of termination by certified mail to the owner or operator.
 - 1) Termination of a guarantee, surety bond or letter of credit may not occur until 120 days after the date on which the owner or operator receives the notice of termination as evidenced by the return receipt.
 - 2) Termination of commercial or private insurance or risk retention group coverage may not occur until 60 days after the date on which the owner or operator receives the notice of termination as evidenced by the return receipt.

- b) If a provider of financial assurance cancels or fails to renew an assurance mechanism, ~~for reasons specified in Section 176.250(e),~~ the owner or operator must obtain ~~replacement~~alternative coverage, in a ~~mechanism form~~ allowed by Section 176.215, within 60 days after receipt of the notice of termination. When the owner or operator fails to obtain ~~replacement~~alternative coverage within 60 days after receipt of the notice of termination, the owner or operator shall notify OSFM of that failure, in writing, by certified mail, within 10 days. The notification to OSFM shall include:
 - 1) Name and address of the provider of financial assurance;
 - 2) Effective date of termination;
 - 3) Evidence of the financial responsibility mechanism subject to the termination, maintained in accordance with Section 176.240(b); and
 - 4) Name, address and facility identification number for each affected facility.

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

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Section 176.235 Reporting by Owner or Operator (Repealed)

- a) ~~An owner or operator shall certify compliance with the financial responsibility requirements in Section 176.215, as specified in the notification form provided by OSFM at www.state.il/osfm/PetroChemSaf/Notify.pdf, when notifying OSFM of any new or existing UST, in accordance with Section 176.440.~~
- b) ~~An owner or operator shall notify OSFM on an amended notification form when there is a change in status of financial responsibility, in accordance with Section 176.440(g).~~
- c) ~~OSFM may require an owner or operator to submit evidence of financial responsibility as described in Section 176.240(b) or other information relevant to compliance with this Subpart at any time. The request shall be in writing, sent by U.S. Mail, registered or certified, to the facility or owner's address on the most recent notification form submitted to OSFM.~~

(Source: Repealed at 42 Ill. Reg. 10621, effective October 13, 2018)

Section 176.240 Recordkeeping

- a) Owners or operators shall maintain evidence of all financial responsibility mechanisms used to demonstrate financial responsibility (pursuant to this Subpart) for a UST until released from the requirements of this Subpart under Section 176.245. An owner or operator shall maintain that evidence at the UST site or the owner's or operator's principal place of business. Records maintained off-site shall be made available upon written or oral request from OSFM, ~~sent by U.S. Mail, registered or certified, to the facility or owner's address on the most recent notification form submitted to OSFM, and the recipient shall comply within 10 days after receipt.~~
- b) An owner or operator shall maintain a copy of the following types of evidence of financial responsibility:
 - 1) An owner or operator using a financial responsibility mechanism as specified in Section 176.215 shall maintain a copy of the instrument required under Section 176.220.

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- 2) An owner or operator using a financial test or guarantee shall maintain a copy of the chief financial officer's letter based on year-end financial statements for the most recent completed financial reporting year. This evidence shall be on file no later than ~~180~~120 days after the close of the financial reporting year. The letter by the Chief Financial Officer shall be accompanied by the documents identified in Section ~~176.220(e)(1) and (e)(3)~~176.220(d)(1) and (d)(3) and ~~may~~shall include the items specified for this letter in 40 CFR 280.95, ~~but must demonstrate at least~~although it ~~may show~~ a tangible net worth equal to or greater than \$200,000.
- 3) An owner or operator using a commercial or private insurance policy or risk retention group coverage shall maintain a copy of the signed insurance policy or risk retention group coverage policy, with the endorsement or certificate of insurance and any amendments to the agreement.
- 4) ~~An owner or operator using a financial responsibility mechanism as specified in Section 176.215 shall maintain an updated copy of a certification of financial responsibility (see 40 CFR 280.111(b)(11), incorporated by reference in 41 Ill. Adm. Code 174.210).~~

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

Section 176.250 Bankruptcy or Other Incapacity of Owner, Operator or Provider of Financial Assurance

- a) Within 10 days after commencement of a voluntary or involuntary proceeding for relief under the United States Bankruptcy Code (11 USC 101 et seq.) naming an owner or operator as debtor, the owner or operator must notify OSFM by certified mail of that commencement and submit the appropriate forms listed in Section 176.240(b), documenting current financial responsibility.
- b) Within 10 days after commencement of a voluntary or involuntary proceeding for relief under the United States Bankruptcy Code naming a guarantor providing financial assurance as debtor, the guarantor must notify the owner or operator by certified mail of that commencement ~~as required under the terms of the guarantee specified in 40 CFR 280.96, incorporated by reference in 41 Ill. Adm. Code 174.210.~~

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- c) An owner or operator who obtains financial assurance by a mechanism other than the financial test of self-insurance will be deemed to be without the required financial responsibility in the event of a bankruptcy or incapacity of its provider of financial assurance or a suspension or revocation of the authority of the provider of financial assurance to issue a guarantee, commercial or private insurance policy, risk retention group coverage policy, surety bond, letter of credit or certificate of deposit or act as fiduciary of a designated savings account. The owner or operator must obtain alternative financial assurance as specified in Section 176.215 within 30 days after receiving notice of such an event. ~~If the owner or operator does not obtain alternative coverage within 30 days after notification, the owner or operator shall notify OSFM in writing, sent by certified mail, within 10 days after receiving notice of the bankruptcy event.~~

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

SUBPART C: RELEASE REPORTING AND SITE ASSESSMENT

Section 176.300 Reporting of Suspected Releases

- a) Owners or operators of USTs shall immediately report to IEMA (from Illinois, 1-800-782-7860; from outside Illinois, 217/782-7860) and follow the procedures in Sections 176.310, 176.320(b) and (c) and 176.350 in any of the following situations:
- 1) The discovery by owners, operators, product delivery drivers or others of released regulated substances at the UST site or in the surrounding area (such as the presence of free product or vapors in soils, basements, sewer or utility lines or nearby surface water);
 - 2) Unusual operating conditions observed by owners or operators (such as the erratic behavior of product dispensing equipment, the sudden loss of product from the UST or an unexplained presence of water in the tank, or liquid in the interstitial space of any secondarily contained systems), ~~unless: system equipment is found to be defective but not leaking and is immediately repaired or replaced; or~~
 - A) The system equipment or component is found not to be releasing regulated substances to the environment;

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- B) Any defective system equipment or component is immediately repaired or replaced; and
 - C) For secondarily contained systems, except as provided for in 41 Ill. Adm. Code 175.630(f)(1)(B)(iv), any liquid in the interstitial space not used as part of the interstitial monitoring method (for example, brine filled) is immediately removed;
- 3) Monitoring results, including investigation of an alarm, from a release detection method required under 41 Ill. Adm. Code 175.620, 175.630 or 175.640 that indicate a release may have occurred, unless one or more of the following exists:
- A) The monitoring device is found to be defective and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial result; ~~or~~
 - B) The leak is contained in the secondary containment and:
 - i) Except as provided for in 41 Ill. Adm. Code 175.630(f)(1)(B)(iv), any liquid in the interstitial space not used as part of the interstitial monitoring method (for example, brine filled) is immediately removed; and
 - ii) Any defective system equipment or component is immediately repaired or replaced;
 - ~~C~~) In the case of monthly inventory control, described in 41 Ill. Adm. Code 175.Subpart I, a second month of data does not confirm the initial result or the investigation determines that no release has occurred; or; however, the immediate reporting requirement under this Section remains in effect.
 - D) The alarm was investigated and determined to be a nonrelease event (for example, from a power surge or caused by filling the tank during release detection testing).
- b) In addition to IEMA, the 911 call center shall immediately be called when a suspected release presents a hazard to life, for example, when observations

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demonstrate the presence of petroleum or hazardous substance vapors in sewers or basements or free product near utility lines, or where a sheen is present on a body of water.

- c) Once a release has been confirmed under the procedures of Section 176.310, the reporting procedures of Section 176.320 shall apply.
- d) Notification of Suspected Release at the Direction of [the storage tank safety specialist \(STSS\) employed by OSFM](#). ~~STSS~~. The owner, operator or designated representative of the UST must notify IEMA and any other entities required to be notified under Section 176.320 of a suspected release, when directed to do so by the ~~storage tank safety specialist (STSS) employed by OSFM~~. This is to be done at the time of discovery and the incident number shall be given to the STSS prior to leaving the site.

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

Section 176.310 Release Investigation Reporting and Site Assessment

- a) Investigation Due to Off-Site Impact. When required in writing by OSFM, owners or operators of USTs shall [follow the procedures in Subpart C](#) to determine if the UST is the source of off-site impacts. These impacts include the discovery of regulated substances, such as the presence of free product or vapors in soils, basements, sewer or utility lines or nearby surface or drinking water that have been observed by OSFM or brought to its attention by another party.
- b) Release Investigations and Confirmation Steps. Unless corrective action is initiated [in accordance with 35 Ill. Adm. Code 734](#), owners or operators shall immediately investigate and within 7 days shall confirm the presence or absence of all suspected releases of regulated substances requiring reporting, using the following procedures:
 - 1) System Test. Owners and operators must conduct tests (according to the requirements for ~~precision~~[tightness](#) testing ~~in~~ [41 Ill. Adm. Code 175.630\(b\)](#)~~175.630(e)~~ and [175.640\(a\)\(4\)](#) or, as appropriate, [secondary containment testing described in 41 Ill. Adm. Code 175.700\(d\)](#)~~175.640(a)(5)~~) that
 - A) [The test must](#) determine whether:

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- i) ~~A~~ A leak exists in that portion of the tank that routinely contains product, or the attached delivery piping; ~~or both.~~
 - ii) A breach of either wall of the secondary containment has occurred.
 - B) If the system test confirms a leak into the interstice or a release, owners and~~Owners or~~ operators shall repair, replace, ~~or upgrade or decommission~~ the UST. In addition, owners and operators shall and begin corrective action pursuant to 35 Ill. Adm. Code 734; if the test results for the system, tank or delivery piping indicate that a ~~release~~leak exists;
 - 2) Further investigation is not required if the test results for the tank system and delivery piping do not indicate that a ~~release~~leak exists and if environmental contamination is not the basis for suspecting a release; and
 - 3) Owners or operators shall conduct a site assessment (utilizing the requirements of Section 176.330) if ~~the test results for the system, tank and delivery piping do not indicate that a leak exists, but~~ environmental contamination is the basis for suspecting a release. In the event lab results are not forthcoming within 7 days, the owner/operator shall have such reasonable additional time as is necessary to receive the results, but the total time period to confirm the presence or absence of a release and report any confirmed release shall not in any event exceed 45 days.
- c) Initial Site Assessment. An initial site assessment shall follow the procedures and requirements identified in Section 176.330.
 - 1) If the ~~site assessment~~test results for the excavation zone or the UST site indicate that a release has occurred, owners or operators shall begin initial response and initial abatement procedures under Sections 176.350 and 176.320(b) and (c), and begin corrective action pursuant to 35 Ill. Adm. Code 734.
 - 2) If the ~~site assessment~~test results for the excavation zone or the UST site do not indicate that a release has occurred, further investigation is not required.

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(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

Section 176.320 Initial Response and Reporting of Confirmed Releases

Initial Response. Upon confirmation of a release of a regulated substance, owners or operators shall perform the following initial response actions:

- a) Immediately report the release.
 - 1) The release shall be reported by calling the 911 call center and then IEMA in the following situations:
 - A) Spills and overfills of petroleum products over 25 gallons and spills and overfills of hazardous substances over a reportable quantity as defined in 41 Ill. Adm. Code 174.100.
 - B) Spills, overfills or confirmed releases that present a hazard to life, for example, when observations demonstrate the presence of petroleum or hazardous substance vapors in sewers or basements or free product near utility lines, or where a sheen is present on a body of water.
 - 2) All other confirmed releases shall be reported to the local authority having jurisdiction and to IEMA. A call to the fire department in whose jurisdiction the release occurred may be done in the absence of an available 911 emergency telephone number. IEMA may be reached at 1-800-782-7860 (from inside Illinois) or 217-782-7860 (from outside Illinois). If known, the caller shall inform IEMA whether the same release had previously been called in as a suspected release.
 - 3) A release of a hazardous substance equal to or in excess of the reportable quantity shall be reported to the following entities in addition to those identified in subsection (a)(1):
 - A) to the Local Emergency Planning Committee (LEPC) that is likely to be affected by the release (found at www.illinois.gov/iema/Preparedness/SERC/Documents/LEPC_ReleaseReporting)

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[ContactList.pdf;http://www.state.il.us/iema/disaster/LEPCContactList.xls](http://www.state.il.us/iema/disaster/LEPCContactList.xls)); and

- B) the National Response Center (800-424-8802);
- b) Take immediate action to prevent any further release of the regulated substance into the environment; and
- c) Immediately identify and mitigate fire, explosion and vapor hazards.

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

Section 176.330 Procedures for Site Assessments

- a) All site assessments and related reports must be conducted or prepared under the supervision of a Licensed Professional Engineer or Licensed Professional Geologist. All site assessment work shall meet accepted engineering standards or accepted standards for the practice of professional geology and be conducted according to the best professional judgment and diligence of the supervising Licensed Professional Engineer or Licensed Professional Geologist, as the case may be.
- b) Owners or operators shall measure for the presence of a release where contamination is most likely to be present at the UST site by conducting sampling in the same manner and following the same procedures as required under the Board's Petroleum Underground Storage Tanks rules at 35 Ill. Adm. Code 734.210(h)(1) and (2). Samples must be analyzed for the same applicable indicator contaminants as required under 35 Ill. Adm. Code 734.405. All sampling must meet the same data quality and certification requirements as set forth in 35 Ill. Adm. Code 734.415 and 734.420. If soil borings are involved the owner or operator must follow the same requirements as set forth in 35 Ill. Adm. Code 734.425 and 734.435. For all UST decommissioning (both removal and abandonment-in-place), UST removals, samples shall be taken in native soil with the excavation for the removal or abandonment still open and prior to backfill and with the STSS still on site, within 24 hours after removal of the tanks and piping. In selecting sample types, sample locations and sample measurement methods, owners or operators shall also consider the nature of the stored substance, the type of initial alarm or cause for suspicion, if any, the method of tank removal or abandonment-in-place, the types of backfill, the depth of groundwater and other

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factors appropriate for identifying the presence and source of ~~at~~the release. Packaging for shipping or delivery should be done in a manner that will preserve the sample and prevent deterioration or dilution, as for example, putting samples in sealed containers in ice.

- c) Within 45 days after receipt of lab results from a full site assessment pursuant to subsection (b), owners or operators must designate and ~~submit~~provide to OSFM, on OSFM forms (~~titled entitled "Site Assessment Results" form "site assessments results form"~~ and available at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx> found at www.state.il.us/osfm/PetroChemSaf/home.htm, under "downloadable applications"), a "contamination" or "no contamination"~~pass/fail~~ result indicating whether a release has occurred, along with associated lab results. This determination shall be based upon an evaluation of lab results to determine whether any contamination has been found. The determination~~A pass result for the UST (finding no contamination and, therefore, no need to report to IEMA)~~ must be certified by a Licensed Professional Engineer or Licensed Professional Geologist. Even if "no contamination" is being reported, the analytical report with tables and a site map showing sampling/boring locations shall be submitted to OSFM. licensed environmental engineer or licensed environmental geologist, competent and experienced in performing site assessments, using accepted practices for these assessments, consistent with the site characteristics and conditions.In the event a suspected release was previously called into IEMA and is being confirmed by site assessment, the "contamination" or "no contamination"~~pass/fail~~ result on the Site Assessment Results form shall be provided to IEPA in addition to OSFM.
- d) In the event that sampling or other site observations disclose evidence of a release or site assessment lab results show site contamination, the owner or operator shall immediately ~~cease site assessment work and shall immediately~~ notify IEPA and any other required entities of a suspected release, as required by Section 176.320, and begin corrective action pursuant to 35 Ill. Adm. Code 734.
- e) Records generated from site assessments and related activity shall be kept at the site (or available within 30 minutes or before OSFM completes its inspection, whichever is later) and may not be discarded or destroyed unless and until a No Further Remediation (NFR) letter is issued by IEPA or until the site permanently ceases the activity involved in using the USTs and any site assessments required under this Part are completed and show no evidence of contamination. Owners or

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operators claiming that required records were destroyed, discarded or lost prior to September 1, 2010 or by a prior owner of the subject UST property shall conduct a new site assessment when the assessment is required by OSFM rules for continued or future use of the USTs.

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

Section 176.340 Reporting and Cleanup of Spills and Overfills

- a) Owners or operators of USTs shall contain and immediately clean up a spill or overfill, immediately report either release to the 911 call center and then to IEMA, ~~and~~ begin initial response and initial abatement in accordance with Sections 176.310, 176.320 and 176.350, and begin corrective action pursuant to 35 Ill. Adm. Code 734, in the following situations:
- 1) Spill or overfill of petroleum that results in a release to the environment that exceeds 25 gallons or that causes a sheen on a nearby body of water; or
 - 2) Spill or overfill of a hazardous substance that results in a release to the environment that equals or exceeds the reportable quantity (see 41 Ill. Adm. Code 174.100). Under Section 176.320, this kind of release shall also be immediately reported to the Local Emergency Planning Committee and to the National Response Center.
- b) Owners or operators of USTs shall contain and immediately clean up a spill or overfill of petroleum that is 25 gallons or less and a spill or overfill of a hazardous substance that is less than the reportable quantity. In doing so, the owner or operator shall comply with procedures specified in Section 176.350. If cleanup cannot be accomplished within 24 hours, owners or operators shall immediately notify IEMA and the local authority having jurisdiction of the release.

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

Section 176.360 Assessing the Site at Removal of, Previously Removed, or Change-in-Service of USTs

- a) Before the STSS leaves the site for the day and while the excavation for a removal or abandonment-in-place is still open (prior to any backfill placed back

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~~into the excavation), Within 24 hours after removal is completed,~~ or prior to a change in service from a regulated product to an unregulated product, the following procedures shall be conducted:-

- 1) The owner or operator shall perform a site assessment using the procedures and requirements of Section 176.330;
 - 2) The owner or operator, or his or her designated representative, shall immediately report a release or suspected release, based upon a visual observation by STSS or upon a site assessment showing the existence of a release, to IEMA and any other entities required under Section 176.320 and secure an incident number. If confirmation of the release is via a visual observation by STSS or otherwise confirmed while STSS is still on site, the incident number shall be provided to STSS at the conclusion of the removal and prior to the departure of STSS.
 - 3) If contaminated soils, contaminated groundwater or free product as a liquid or vapor, resulting from a UST release is discovered, the owner or operator shall begin initial response and initial abatement procedures in accordance with Sections 176.310, 176.320 and 176.350 and begin corrective action pursuant to 35 Ill. Adm. Code 734.
- b) When directed in writing by OSFM, the owner or operator of a UST previously removed shall assess the excavation zone (including, if so ordered, re-excavating and assessing the site where the tank had been located) in accordance with Section 176.330.

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

SUBPART D: GENERAL TECHNICAL REQUIREMENTS,
INCLUDING REPORTING, RECORDKEEPING AND NOTIFICATION

Section 176.420 Requirement that UST Components Be Third Party Listed

- a) All installed UST components and ancillary equipment shall be third party listed (see 41 Ill. Adm. Code 174.100) for their performance in the intended use, as well as installed and maintained according to the manufacturer's instructions. Replaceable subcomponents shall be of a type recommended by the manufacturer. ~~In the event the third party listing is unattainable, OSFM may accept, from a~~

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~~Licensed Professional Engineer, certification that the non-listed component will perform as intended and will meet performance requirements under 40 CFR 280 and this Part when used as intended. In the event third party listing and certification by a licensed professional engineer are both unattainable, OSFM may permit use of the component if a licensed installation/retrofitting contractor inspects the component on an annual or more frequent basis and, after each inspection, certifies to OSFM on forms provided by OSFM (available at www.state.il.us/osfm/PetroChemSaf/home.htm, under "downloadable applications"), that the component has been inspected and there is no visible evidence of product leakage, release, or other operational problems or other defect in performance. In the event a listed component becomes available, facilities shall have 12 months to replace non-listed components with listed components.~~

- b) In addition to the requirement that all UST components be third party listed for their performance in the intended use, all UST components must also be third party listed or certified by the manufacturer as compatible with the product to be stored under 41 Ill. Adm. Code 175.415. This would include third party listing requirements for components used with alternative or blended fuels and product compatibility requirements for hazardous substance USTs, see 41 Ill. Adm. Code 175.415 and 175.620.

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

Section 176.430 Reporting and Recordkeeping

- a) Reporting. Owners and operators must submit the following information to OSFM:
- 1) Notification for all USTs (Section 176.440); which includes notification when any person assumes ownership of a UST system (Section 176.440(g));
 - 2) Notification prior to UST systems switching to certain regulated substances (41 Ill. Adm. Code 175.415(b));
 - 3) Certification of installation for USTs (Section 176.430(f));

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- ~~43~~) Reports of all releases, including suspected releases (Section 176.300), spills and overfills (Section 176.340), and confirmed releases (Section 176.320);
- ~~54~~) Initial response, including leak abatement, site characterization, and fire and explosion mitigation (40 CFR 280, subpart F, incorporated by reference in 41 Ill. Adm. Code 174.210) when requested by OSFM;
- ~~65~~) A notification related to removal, abandonment-in-place or change-in-service (41 Ill. Adm. Code 175.820(d), ~~and~~ 175.830(a)(19) and 175.840(d)(15));
- ~~76~~) A completed Site Assessment Results form ~~A pass/fail determination and notification~~ (Section 176.330(c)), ~~(to be submitted to OSFM within 45 days after the receipt of laboratory data in connection with a site assessment); and~~
- ~~87~~) Proof of financial responsibility on an annual basis (Section 176.220).
- b) Recordkeeping. Owners and operators must maintain the following information for the life of the UST (unless a shorter or longer period is provided in this subsection (b) or by the applicable Section cited or by other OSFM rule):
- 1) Documentation of operation of corrosion protection equipment and methods (see 41 Ill. Adm. Code 175.500 and 175.510).
 - 2) Documentation of UST repairs (see 41 Ill. Adm. Code 175.700 and 175.710).
 - 3) All records required to show compliance with release detection requirements (see 41 Ill. Adm. Code 175.600 through 175.650), with all tank and piping precision test results kept for 2 years or at least until the next precision test, whichever is longer.
 - 4) All written performance claims pertaining to any release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or installer.

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- 5) Written documentation of all calibration, maintenance and repair of release detection equipment permanently located on site, including schedules of required calibration and maintenance provided by the release detection equipment manufacturer.
- 6) Documentation of compliance with testing, inspection and recordkeeping for spill and overfill prevention equipment and containment sumps used for interstitial monitoring of piping (see 41 Ill. Adm. Code 175.405 and 175.410).
- ~~7~~6) The results of any sampling, testing or monitoring not specified in subsections (a), (b), (f) and (g) ~~of this Section.~~
- 8) The results of the vapor and groundwater monitoring site assessments conducted pursuant to 41 Ill. Adm. Code 175.650(e)(2)(F).
- ~~9~~7) Results of the site assessment conducted at removal, abandonment-in-place or change-in-service (see 41 Ill. Adm. Code 175.800) and copies of the results of any other site assessment conducted pursuant to OSFM rules with all completed Site Assessment Results forms ~~pass/fail determinations and notifications~~ submitted to OSFM pursuant to Section 176.330.
- ~~10~~8) Proof of financial responsibility submitted under Section 176.220.
- ~~11~~9) Copies of all records submitted to OSFM under subsections (a), (f) and (g) ~~of this Section.~~
- ~~12~~10) Copies of the records required by Sections 176.645 and 176.655.
- 13) Tank Installation information, including all paperwork relating to the manufacturer's instructions and warranty, final tank and line precision test results and the contractor's certification of UST installation and the related documentation required by subsection (f).
- 14) Copies of annual release detection operation tests required by 41 Ill. Adm. Code 175.610(a)(4), including the annual ATG configuration test results.
- 15) Documentation of compatibility for UST systems (see 41 Ill. Adm. Code 175.415).

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- c) Availability and Maintenance of Records. Owners or operators shall keep the records required in subsection (b) at the UST site or available to the OSFM inspector within 30 minutes or before OSFM completes its inspection, whichever is later, via fax, email or other transfer of information. Financial responsibility records may be maintained at the owner or operator's principal place of business and shall be produced within 10 days after OSFM request.
- d) Owners or operators of unmanned sites will be given prior notification of inspection/audit of those sites.
- e) Failure to maintain or produce the records required under this Section may result in OSFM's issuance of a red tag or revocation of a facility operating permit (green decal) for the tank or tanks or facility at issue (see 41 Ill. Adm. Code 177), prohibiting any further operation of the facility or further deposit of regulated substances into a tank subject to a red tag.
- f) Certification of UST Installation ~~or Upgrade~~ and Related Documentation
 - 1) Contractors shall certify, on the [Notification for Underground Storage Tanks](https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx) form provided by OSFM at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx> www.state.il/OSFM/PetroChemSaf/Notify.pdf, that:
 - A) The installer has been certified or licensed by OSFM. If applicable, the contractor shall also certify that the installer has been certified by the tank and piping manufacturers.
 - B) The installation ~~and/or upgrade~~ has been performed in accordance with 41 Ill. Adm. Code 172 through 176.
 - C) All work listed in the manufacturer's installation checklist has been completed and submitted in accordance with this subsection (f), 41 Ill. Adm. Code 175.400 and 175.465, Section 176.420 (or compliance with applicable third-party standards or codes cited in OSFM rules as of the date of installation), and Section 176.440(f), if applicable.

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- 2) Contractors shall complete the manufacturer's installation checklist for USTs, which shall be available at the time of final inspection. The owner and operator shall maintain a copy of the checklist on-site for the life of the UST.
 - 3) In lieu of the contractor's certification, an owner or operator may provide OSFM with a certification from a licensed professional engineer with education and experience in UST installation stating that the UST installation ~~or upgrade~~ was inspected by that engineer and that the UST installation ~~or upgrade~~ was properly installed in accordance with manufacturer's recommendations and OSFM rules.
 - 4) OSFM shall not issue a green decal pursuant to 41 Ill. Adm. Code 177.115 for the UST until OSFM has received the completed certification of UST installation ~~or upgrade~~ by the licensed contractor or the certification of proper installation ~~or upgrade~~ from a licensed professional engineer.
- g) Results from ~~precision~~ tank and piping precision testing, cathodic protection testing, containment sump testing, functionality testing of automatic or mechanical line leak detectors, release detection sensors testing, and interior lining testing shall be handled as follows:
- 1) All test results are to be issued to the facility and owner.
 - 2) Test results that fail must be ~~submitted~~reported to OSFM by the licensed testing contractor within 3 working days.
 - 3) All test results required due to Notice of Violation must be kept at the facility and available to OSFM upon request~~reported to OSFM within 3 working days~~.
 - 4) All test results required to be submitted to OSFM must be submitted with a form provided by OSFM. The form is available at the forms page of the OSFM's Division of Petroleum and Chemical Safety at the website cited in subsection (f)(1).www.state.il/OSFM/PetroChemSaf/home.htm, under "downloadable applications".

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

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Section 176.440 Notification Requirements for Purposes of UST Registration

- a) For any UST, with the exception of a UST containing heating oil for consumptive use on the premises where stored:
- 1) Any owner of a UST in operation at any time after January 1, 1974, and in the ground as of September 24, 1987, shall submit immediately a notice of existence of the tank system to OSFM, on the [Notification for Underground Storage Tanks](#) form provided by OSFM, available at the [forms page for the Division of Petroleum and Chemical Safety](#) at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>.
www.state.il/OSFM/PetroChemSaf/Notify.pdf.
 - ~~2) Where no owner/operator can be determined and a non-owner elects to voluntarily undertake responsibility for removal and cleanup, the party electing to proceed under this Part and 35 Ill. Adm. Code 734.105 shall submit a written verification of the election to proceed as a third party.~~
 - 23) Any owner of a UST brought into operation on or after April 21, 1989 shall submit, within 30 days before bringing the tank into operation, a notice of existence of the tank system to OSFM, on the [Notification for Underground Storage Tanks](#) form provided by OSFM at [the website cited in subsection \(a\)\(1\)](#) www.state.il/OSFM/PetroChemSaf/Notify.pdf. This applies even if the UST was subject to a change-in-service under 41 Ill. Adm. Code 175.820(a) or (b) within the 30-day time period.
 - 34) OSFM shall use the information required to be submitted under [this](#) subsection (a) to determine whether a UST must be registered.
- b) For a UST containing heating oil for consumptive use on the premises where stored:
- 1) Any owner of a heating oil UST greater than 1,100 gallons in capacity and in the ground as of July 11, 1990 shall submit immediately a notice of existence of the tank system to OSFM, on the [Notification for Underground Storage Tanks](#) form provided by OSFM, at www.state.il/OSFM/PetroChemSaf/Notify.pdf.

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- 2) Any owner of a heating oil UST greater than 110 gallons and less than or equal to 1,100 gallons in capacity and in the ground as of September 6, 1991 shall submit immediately a notice of existence of the tank system to OSFM, on the [Notification for Underground Storage Tanks](http://www.state.il/osfm/PetroChemSaf/Notify.pdf) form provided by OSFM at www.state.il/osfm/PetroChemSaf/Notify.pdf.
 - 3) Any owner of a heating oil UST greater than 110 gallons in capacity installed after September 6, 1991 shall submit, within 30 days after bringing the tank into operation, a notice of existence of the tank system to OSFM, on the [Notification for Underground Storage Tanks](http://www.state.il/osfm/PetroChemSaf/Notify.pdf) form provided by OSFM at www.state.il/osfm/PetroChemSaf/Notify.pdf. This applies even if the UST was subject to a change-in-service under 41 Ill. Adm. Code 175.820(a) or (b) within the 30-day time period.
 - 4) A heating oil tank used exclusively for storing heating oil for consumptive use on a farm or residence is not classified as a UST.
 - 5) OSFM shall use the information required to be submitted by this subsection (b) to determine whether a UST must be registered.
- c) Owners required to submit notices under subsection (a) or (b) shall provide notice for each tank they own. Owners may provide notice for more than one tank using one notification form, but owners who own tanks located at more than one facility shall file a separate notification form for each separate facility. The owner shall provide the proper street address for the owner and for each facility.
 - d) Owners shall provide all of the information required in subsections (a) and (b), on the [Notification for Underground Storage Tanks](http://www.state.il/osfm/PetroChemSaf/Notify.pdf) forms provided by OSFM, at www.state.il/osfm/PetroChemSaf/Notify.pdf including any certification required of the owner by this Part.
 - e) Any owner of a UST newly installed on or after April 21, 1989 shall certify compliance with the following requirements (in the [Notification for Underground Storage Tanks](http://www.state.il/osfm/PetroChemSaf/Notify.pdf) notification form found at the website cited in subsection (a)(1) www.state.il/osfm/PetroChemSaf/Notify.pdf compliance with the following requirements):
 - 1) Installation of tanks under 41 Ill. Adm. Code 175.400, 175.405, 175.410 and 175.465, Sections 176.420 (or compliance with applicable third-party

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- standards or codes as cited in OSFM rules as of the date of installation) and 176.430(f) and installation of piping under 41 Ill. Adm. Code 175.420;
- 2) Cathodic protection of steel tanks and piping under 41 Ill. Adm. Code 175.400(b), 175.420(a) and 175.510;
 - 3) Release detection under 41 Ill. Adm. Code 175.610, 175.620, 175.630 and 175.640; and
 - 4) Financial responsibility in accordance with Subpart B of this Part. The green decal (facility operating permit) shall not be issued for a new tank installation until the notification required by this Section has been received by OSFM.
- f) Beginning January 1, 1989, all owners and operators of USTs being installed, ~~upgraded or lined~~ shall ensure that the contractor certifies in the [Notification for Underground Storage Tanks form](#) ~~notification form~~ that the methods used to perform the UST activity comply with the requirements of 41 Ill. Adm. Code 174 through 176, and the contractor shall complete the certification. The notification form (found at [the website cited in subsection \(a\)\(1\)-www.state.il/OSFM/PetroChemSaf/Notify.pdf](#)) is to be submitted to OSFM within 30 days after completion of the activity requiring certification.
- g) Any change in information stated in the form as described in subsections (a) and (b) is to be submitted to OSFM on an amended form (found at [the website cited in subsection \(a\)\(1\)-www.state.il/OSFM/PetroChemSaf/Notify.pdf](#).) within 30 days, commencing from the date of the change. This includes, but is not limited to, removal, abandonment-in-place and temporary out-of-service status. A change in ownership is considered a change in information and each subsequent owner is required to report that change within 30 days after acquisition. When the only change is a change in ownership, the one-page form entitled Notification of Ownership Change for Underground Storage Tanks shall be used (found at the website cited in subsection (a)(1)). The new owner shall provide the Property Identification Number (PIN) for the facility property when completing this one-page form. Copies of proof of legal ownership, including, but not limited to the current deed, contract or lease, shall be supplied to OSFM with this Notification upon OSFM's written request.

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- h) Commencing April 1, 1995, any person who sells a new or re-certified tank intended to be used as a UST shall notify the purchaser of the owner's notification obligations under this Section. The [Notification for Underground Storage Tanks notification](#) form provided by OSFM at www.state.il/OSFM/PetroChemSaf/Notify.pdf shall be used to comply with this requirement.

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

Section 176.455 Payment of 1988 Annual UST Fee

The owner of any registered underground petroleum storage tank (excluding heating oil USTs for consumptive use on the premises where stored) in the ground at any time in 1988 and in operation at any time after January 1, 1974 shall pay a 1988 annual fee of \$100 per tank on or before 90 days from the date on the invoice requesting payment of the fee. The payment is to be by check or money order made payable to "Office of the State Fire Marshal".

(Source: Added at 42 Ill. Reg. 10621, effective October 13, 2018)

Section 176.470 Requirements for Conducting Precision Testing of Tanks and Piping, Cathodic Protection Testing, and Testing of Other UST Equipment

Persons conducting precision testing of tanks and piping, cathodic protection testing, and testing of other UST equipment shall be ICC certified in the appropriate module and be licensed by OSFM pursuant to 41 Ill. Adm. Code 172. All persons conducting precision testing must be certified by the manufacturer of the testing equipment being used.

- a) Tank ~~precision test~~~~tightness~~ methods shall be evaluated and listed by an independent third-party. Proof of evaluation and listing shall be demonstrated by the methods being published in the NWGLDE publication "List of Leak Detection Evaluations for Storage Tank Systems", incorporated by reference in 41 Ill. Adm. Code 174.210(a). All tank tightness methods are subject to approval by OSFM.
- b) UST equipment (including all equipment other than that listed in ~~subsection~~~~subsections~~ (a)(1) and (2)). To qualify as a tester under this subsection, an individual must be an employee of an OSFM-licensed contractor with at least one employee who is ICC certified in the appropriate module, with that ICC certified employee on site and actively supervising the work at all times. All

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testers must also be certified by the manufacturer in the testing of the equipment being evaluated for its operation in accordance with manufacturers' specifications.

- c) For purposes of this Section, "license" (or any comparable variation of the term) is synonymous with "registration" (or any comparable variation of the term).
- d) Each tester shall also abide by any other applicable requirements found in 41 Ill. Adm. Code 172.

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

SUBPART E: HEARINGS AND ENFORCEMENT PROCEDURES

Section 176.500 Definitions

~~"NOV" means a notice of violation issued by OSFM.~~

"Revocation of the Registration of an Underground Storage Tank System" means termination by OSFM of the registration of a UST.

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

Section 176.505 Enforcement Action

Except in the case of an emergency administrative order, all~~At~~ enforcement action shall begin with the issuance of an NOV by OSFM. The violations cited on the NOV shall be corrected within 60 calendar days after the issuance of the NOV. A copy of the NOV shall be left with any owner, employee or agent of the owner at the facility at the time of inspection or may be mailed or served by other legal process in the case of a closed or unattended facility.

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

SUBPART F: OPERATOR TRAINING

Section 176.610 Definitions

"Certified Operator" means a Class A, B or C Operator who has completed all the training required under this Subpart for his or her particular operator training classification.

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"Class A Operator" is someone who has primary responsibility to operate and maintain a UST in accordance with applicable regulatory requirements. The Class A Operator's responsibilities often include managing resources and personnel, such as establishing work assignments, to achieve and maintain compliance with regulatory requirements.

"Class B Operator" is someone who has day-to-day responsibility for implementing applicable UST regulatory requirements and standards. The Class B Operator typically implements in-field ~~in the field, including the day-to-day~~ aspects of UST operation, maintenance and recordkeeping at one or more UST facilities.

"Class C Operator" is an employee who is responsible for initially addressing ~~responding to~~ alarms or other indications of emergencies caused by spills or releases from USTs. The Class C Operator typically controls or monitors the dispensing or sale of regulated substances. ~~Not all employees of a UST facility are necessarily Class C Operators.~~

"Four-Year Anniversary Date" means the four-year deadline for completion of repeat training in ordinary course, including continuing education, training and a general examination. This deadline is the later of:

Four years after the completion of initial or repeat training (see Section 176.615), as shown by the most recent valid completion certificate; or

Four years after the completion of out-of-compliance retraining (see Section 176.650), as shown by the most recent valid completion certificate.

"Manned Facility" means a UST facility that has a responsible attendant present during all hours of operation.

~~"Notice of Violation" or "NOV" means a document issued by OSFM that is the first step in the OSFM enforcement process.~~

"Operator Training" means the training required under this Subpart.

~~"OSFM" means the Office of the State Fire Marshal.~~

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~~"Third Party Provider"~~ means an entity that provides online or other approved training and examinations for Class A, B and C Operators and issues the certificate of completion when the candidates taking the examinations have completed the training and passed the examination.

"Training Program" means any program that provides information to and evaluates the knowledge of a Class A, Class B or Class C Operator through a combination of both training and testing approved in advance by OSFM and meeting the requirements of this Subpart F.

~~"Two Year Anniversary Date" or "2 Year Anniversary Date" means the 2 year deadline for completion of repeat training in ordinary course, including continuing education, training and a general examination. This deadline is the later of:~~

~~2 years after the completion of initial or repeat training (see Section 176.615), as shown by the most recent valid completion certificate; or~~

~~2 years after the completion of out of compliance retraining (see Section 176.650), as shown by the most recent valid completion certificate.~~

"Unmanned Facility" means a UST facility that does not have a responsible attendant present during all hours of operation.

~~"UST" means underground storage tank system.~~

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

Section 176.615 Class A, B and C Operator Classifications

The owner of each UST or group of USTs at a facility must have a Class A, Class B and Class C Operator designated and shall ensure that each is trained in accordance with this Subpart. Separate individuals may be designated for one or more classes of operators, so long as they successfully complete the required training program and examination according to the operator class in which the individual is designated. ~~Each and each~~ facility must designate one or more individuals for each operator class. In addition, any personnel at the facility that meet the definition of a Class C Operator as defined in Section 176.610 shall complete the Class C

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Operator training required for those individuals and be on the facility's list of designated Class C Operators.

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

Section 176.620 Training

- a) A Class A, Class B or Class C Operator satisfies the training requirements of this Subpart by completing both training and an examination, as determined to be appropriate by OSFM. This may be internet, computer software, live or equivalent training and examination so long as the training and examination is approved by OSFM in advance under Section 176.635.
- b) All Class A ~~and Class~~, B ~~and C~~ Operators shall also complete continuing education and training requirements and a general examination, either:
 - 1) ~~Once every~~ once every ~~four~~ two years, with the deadline for the completion of the training and examination to be no later than the ~~four~~ two-year anniversary date or the last retraining in response to an NOV, whichever is later; ~~or: The first retraining deadline shall be August 8, 2014, or the 2-year date from the last retraining triggered by receipt of an NOV, whichever is later.~~
 - 2) Annually, in which case there shall be no retraining in response to an NOV for the Class A or Class B Operator.
- c) Class C Operators shall retrain every four years using an OSFM approved Class C Operator training program.
- d) Class A or Class B Operators may retrain Class C Operators so long as the training and examination administered to the Class C Operators has been approved in advance by OSFM and otherwise meets the requirements of Section 176.635 and this Part.

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

Section 176.625 Minimum Training Requirements

OSFM will approve ~~an online~~ training mechanism for Class A, Class B and Class C Operators to be implemented by OSFM approved ~~third party~~ providers. Training and related examinations

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under this Subpart shall cover and test for appropriate knowledge of Illinois UST regulations. Generally, Class A, B and C Operators will be trained in the following:

- a) For Class A Operators, subject matter shall include, but not be limited to, financial responsibility documentation requirements, notification requirements, release and suspected release reporting, temporary and permanent closure requirements, operator training requirements, and a general knowledge of USTs requirements, including regulations relating to spill prevention, overfill prevention, release detection, corrosion protection, emergency response, ~~and~~ product and equipment compatibility and demonstration, environmental and regulatory consequences of releases, and related reporting, recordkeeping, testing and inspections. Class A operators must have the knowledge and skills to make informed decisions regarding compliance and to determine whether the appropriate individuals are fulfilling the operation, maintenance and recordkeeping requirements for UST systems in accordance with this subsection.
- b) For Class B Operators, subject matter shall include, but not be limited to, components of UST systems, materials of UST components, methods of release detection and release prevention applied to UST components, reporting and recordkeeping requirements, operator training requirements, and the operation and maintenance requirements of USTs that relate to spill prevention, overfill prevention, release detection and related reporting, corrosion protection, emergency response and product and equipment compatibility and demonstration, environmental and regulatory consequences of releases, and related reporting, recordkeeping, testing and inspections. Training for the Class B operator must cover the general requirements that encompass all regulatory requirements and typical equipment used at UST facilities or site-specific requirements that address only the regulatory requirements and equipment specific to the facility.; ~~and~~
- c) For Class C Operators, subject matter shall include, but not be limited to:
 - 1) recommended responses to:
 - A) emergencies (such as, situations posing an immediate danger or threat to the public or to the environment requiring immediate action);
 - B) spill alarms; and

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- C) releases from a UST;
- 2) the locations and proper operation of emergency stops; shutoff systems and
- 3) the use of other emergency equipment; and
- 4) notifying the appropriate authorities in response to such emergencies, alarms and releases.

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

Section 176.630 Examination Frequency

The owner of a facility must ensure that Class A and Class B Operators are trained within 30 days after assuming operation and maintenance responsibilities for a UST and that Class C Operators are trained before assuming responsibility involving emergency response. At no time may a UST operate without a validly-trained Class A Operator, Class B Operator and Class C Operator. Continuing education, training and a general examination regarding operator-specific subject matter shall take place once every four years for all Class C Operators. Class A and B Operators may choose to retrain either annually or every four years. Class A and B Operators who choose to retrain every four years may be required by Section 176.650 to retrain before the end of the four-year period. In all cases, and evidence of completed retraining shall be available at the facility in accordance with Sections 176.645, 176.650 and 176.655. ~~OSFM may also require retraining pursuant to Section 176.650.~~

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

Section 176.635 Approval of Required Training and Examination Location

All training programs used to meet the operator training requirements must have prior written approval by OSFM. These programs must at least meet the criteria of this Subpart in order to be approved. These programs shall appropriately test the person being trained for knowledge and skills to make informed decisions regarding compliance and to implement regulatory requirements in the field regarding the relevant UST technical requirements for the Class of Operator trained, including those requirements found at 41 Ill. Adm. Code 174, 175, 176 and 177. The provider must also demonstrate its ability to maintain and track test scores and maintain appropriate security. Upon approval, the training can be conducted multiple times at multiple locations. The approved training can include in-class, online, or hands-on training.

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Submission of an incomplete application may result in the denial of the application. If OSFM has denied a training provider's application 3 times, the applicant shall not re-submit an application for a period of one year from the date of receipt of the third denial.

- a) Course approvals shall be valid for a period of 5 years. Applications must be submitted at least 120 days prior to the first scheduled date of training and at least 120 days prior to the expiration of the course approval. Applications for approval of training courses shall be on OSFM forms on 8½ by 11 sheets of paper or via electronic submission and contain:
 - 1) a complete course outline, including:
 - A) a detailed description of subject matter, order of presentation, and amount of time scheduled for the course presentation, with a breakdown of time spent on each specific area of instruction;
 - B) a description of all training aids, devices and handouts;
 - C) a description of the test to be given at the conclusion of each training course, including:
 - i) procedures for conducting and grading the test (including a description of the hands-on practical demonstration of knowledge at the UST site, if applicable);
 - ii) the passing score for the training exam and any procedure for review of failing areas and retesting for any Class A, B or C Operator who fails to achieve an initial passing grade;
 - iii) the number of questions per topic identified in Section 176.625; and
 - iv) examples or a sampling of test questions;
 - D) one set of proposed training materials;
 - E) sample certificates;
 - F) the methodology for verifying participation and completion;

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- G) the anticipated number and locations for any classroom, hands-on or webinar course to be offered;
 - H) the name, address and phone number of the training provider and of the contact person;
 - I) the credentials of any classroom, hands-on or webinar instructors, including title, affiliation and summary of professional background (i.e., a curriculum vitae); and
 - J) a certification that the technology or methods to be presented in the training program will satisfy Illinois and federal laws.
- b) The minimum required passing score set by the training provider shall be at least 75%. The training provider must supply those individuals who successfully complete a training program with a certificate of training documenting the level of training received. Upon request, the training provider must submit individual test results and documents verifying training completion to OSFM. This information shall include student rosters, student information, test results and other information as may be requested by OSFM.
- c) Training providers will be required to apply for and receive written approval from OSFM for any modifications to approved training programs prior to their implementation. All training must reflect the existing State of Illinois requirements for the operation and maintenance of USTs and must be updated for any Illinois statute or rule changes affecting operation and maintenance requirements. OSFM may review and propose revision to the entire training program at the time of any requested modification.
- d) Online and software courses shall possess reasonable topic and total course minimum time requirements to insure that trainees read the online materials.
- e) OSFM may periodically audit or review any training class, and the trainer shall allow a maximum of 2 OSFM employees to attend any training class on request without charge and without certification.

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

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Section 176.645 Recordkeeping

- a) The following records shall be maintained and readily available at each UST facility:
 - 1) A list of the designated current Class A, Class B and Class C Operators for the UST facility (identified by facility number and address), including:
 - A) For each Class A, B and C Operator, records detailing the name, date each assumed duties, training classification (Class A, B or C or a combination), date of most recent retraining, and date current completion certificate will expire; and
 - B) For Class A and Class B Operators who are not permanently onsite or who are assigned to more than one facility, telephone numbers to contact the Class A and B Operators;
 - 2) A copy of the current testing certificates showing the name of the trainee, date trained and operator class for all current Class A, B and C Operators. Class A and Class B certificates shall indicate whether the certificate is a one-year certificate or a four-year certificate. These certificates shall also be signed by the trainer and include the company name, address, phone, name of trainer, and, for computer-based programs, the name of the training program and web address where internet-based;
 - 3) A copy of the current Class C Operator instructions or procedures required by subsection (b); and
 - 4) A copy of the written UST facility operation and maintenance plan and all 30-day and annual walkthrough~~quarterly~~ inspection checklists used by the certified operators for the past 2 years pursuant to Section 176.655.
- b) The UST owner shall provide all Class C Operators with written instructions that include all of the following:
 - 1) Emergency response procedures, including:
 - A) procedures for overfill protection during delivery of regulated substances;

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- B) operation of emergency ~~stop~~shut-off systems;
 - C) appropriate responses to all alarms;
 - D) reporting of leaks, spills and releases; and
 - E) site-specific emergency procedures, if any.
- 2) The name and other information needed for contacting appropriate parties if a leak, spill, release or alarm occurs.
- c) For unmanned facilities, the records identified in subsections (a) and (b) shall be maintained at the UST facility or available to the OSFM inspector within 30 minutes or before OSFM completes its inspection, whichever is later, via facsimile, e-mail, hand delivery or other transfer of information.

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

Section 176.650 Out-of-Compliance Retraining

- a) Appropriate retraining, including both training and testing, is required for both Class A and Class B Operators of USTs who do not retrain annually, when those Operators have been determined by OSFM to be out of compliance by issuing an NOV pertaining to release detection, corrosion protection, spill and overflow, financial responsibility, or failure to complete training and testing as required by this Subpart. The training program or comparable examination must be developed or administered by an independent organization, OSFM, or a recognized authority.
- b) Retraining required under this Section shall be completed within ~~30~~ days after issuance of the NOV indicating noncompliance.
- c) Evidence of ~~completed~~completed retraining shall be at the UST facility and available for inspection within ~~30~~ days after issuance of the NOV indicating noncompliance. When the NOV pertains to a failure to complete the training and testing required by this Subpart, the owner must have evidence of completed training and testing at the facility and available for inspection within 30 calendar days after receipt of the NOV.

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(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

Section 176.655 Periodic Operation and Maintenance Walkthrough Inspections and Written Facility Operations and Maintenance Plan; and Class A, B and C Operator Responsibilities

- a) At a manned facility, a Class A, Class B or Class C Operator must be onsite at all times. For unmanned facilities, emergency contact information for Class A, B and C Operators, including names and telephone numbers, shall be conspicuously posted at the facility unless a toll-free number for 24 hour dispatch to the facility has been prominently displayed at the facility. At both manned and unmanned facilities, the Class C Operator is responsible for responding to alarms or other indications of emergencies caused by spills or releases from USTs and shall be familiar with the written emergency response instructions and procedures for the facility.
- b) Periodic Operation and Maintenance Walkthrough Inspections and Operations and Maintenance Plan. Each Class A or Class B Operator shall perform walkthrough inspections~~a quarterly inspection~~ of each storage tank system for which he or she is designated and shall record the results of each inspection on a checklist to be maintained with the facility records. ~~At a minimum,~~ walkthrough~~quarterly~~ inspections shall be conducted at least once every 30 days and once per year, with the results~~and~~ recorded on a checklist that details the inspection of the following:
- 1) At least once every 30 days:
- A) Release detection methods, including monitoring systems and all associated sensors shall be maintained by:
- i) checking to ensure that the entire system is,~~checking that they are~~ fully operational;
- ii) checking, for potential releases and that there are no alarms or any other unusual operating conditions present; and,
- iii) checking and collecting 30-day Pass reports for ATGs and 30-day Normal reports for sensors and checking that all

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~~other for all~~ required records are reviewed and current; ~~and whether UST facility staff and Class C Operators appropriately responded to all alarms and any conditions that might have indicated a release of a regulated substance;~~

~~B)~~ ~~The overall status of the UST, for alarms and unusual operating conditions that may indicate a release, and investigating and documenting same if it has not been reported as a suspected release under Subpart C;~~

B~~E~~) Integrity of spill and overflow prevention and spill containment equipment and manholes shall be maintained by:

i) Visually checking for damage, including cracks, holes or bulges;

ii) removing all liquid and debris;

iii) checking for a release of regulated substances in all areas of the containments, including the interstitial areas of any double-walled spill prevention equipment with interstitial monitoring;

iv) testing the overflow alarm for operation, if present;

v) checking for and removing any obstructions lodged in the fill pipe;

vi) checking to make sure the fill cap is securely on the fill pipe; and

vii) checking for all potential sources of water entry; (for cracks, holes or bulges), and for the presence of regulated substances, water or debris in the spill prevention equipment;

C~~D~~) Visually checking dispensers~~Dispensers, hoses, breakaways and hardware for leaks and damage, visible product piping and~~

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~~dispenser sumps for the presence of regulated substances, water and debris;~~

~~E) All containment sumps, including those at the submersible junction sumps, remote fills, single wall piping sumps, and at secondary containments, for visual damage to the sump, for the presence of regulated substances or any indication that a release may have occurred, and that these sumps are free of water, product and debris;~~

~~F) If an alarm condition has occurred since the last monthly inspection on any double wall system, whether UST staff and Class C Operators appropriately responded, and, if necessary, whether the appropriate sumps were opened, inspected and cleaned, with the sensors placed back into operational position or status in such a manner as to detect a leak at the earliest possible time;~~

DG) That any impressed current cathodic protection system being utilized is operational, checking and recording that the power is on and that the voltage, amps and hour meter have the appropriate readings required under Section 175.510(f), with a log entry that shows date of inspection, initials of inspector, hour, volt and amp readings, and power on verification;

2) At least once per year:

A) All containment sumps shall be maintained by:

i) checking for visual damage to the sumps, covers and lids;

ii) checking for the presence of regulated substances or any indication that a release may have occurred; and

iii) checking that these sumps and the interstitial areas for any double-walled sumps with interstitial monitoring are free of water, product and debris;

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- BH) All UST equipment including emergency stops shall be checked~~shutoffs~~, for the presence or absence of visible damage to any UST component;
- C) Documentation that the emergency stops have been tested by the owner/operator or a contractor for interconnection and pump shutdown shall be submitted and the testing shall comply with the following:
- i) Checking that activation of any single emergency stop results in the shutoff of all switches and pumps; and
 - ii) Making sure that this is done annually with the OSFM certification form completed (the OSFM form titled "Certification of Operational Testing of Emergency Stops" is available at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>);
- D) Documentation that the shear valves have been visually inspected by the owner/operator or a contractor shall be submitted and the inspection shall comply with the following:
- i) checking that the shear valves are located ½ inch above or below grade, with grade being the surface upon which the dispenser is mounted;
 - ii) checking that the shear valves are securely mounted using a listed rigid anchor device;
 - iii) checking that the link arm operates when tripped, ensuring the poppet valve closes easily; and
 - iv) Making sure that this is done annually with the OSFM certification form completed (the OSFM form titled "Certification of Annual Inspection of All Dispenser Shear Valves" is available at the website cited in subsection (b)(2)(C));

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- F) All required signs are fully visible and all communication systems in place and operational; ~~and~~
- FJ) All other daily, 30-day, monthly and annual inspections, testing, reporting and records are maintained as required under 41 Ill. Adm. Code 174, 175 and 176; ~~and-~~
- G) If applicable, the tank gauge stick or groundwater bailers shall be checked for operability and serviceability (manual tank gauging or groundwater monitoring).
- c) Inspection of containment sumps required by subsection (b)(2) shall be performed:
- 1) By an OSFM-licensed contractor that has licensure in the installation/retrofitting or tank and piping tightness testing module; and
 - 2) Using an employee of an OSFM-licensed contractor for testing or inspection who is certified in the installation/retrofitting or tank and piping tightness testing module and also certified by the manufacturer of the equipment being tested or inspected and the testing equipment being utilized.
- d) The OSFM 30-day and annual walkthrough inspections checklist is available at the website cited in subsection (b)(2)(C).
- e2) Operations and Maintenance Plan. UST facility owners and operators shall also, in conjunction with their designated Class A and B Operators, adopt and implement a written operations and maintenance plan signed by both the owner and either a Class A or Class B Operator designated for the UST facility. The plan shall be kept at the facility for the life of the UST and shall be updated to reflect changes in the UST facility equipment and operations as they occur. The operations and maintenance plan shall be as specific as possible for each facility. At a minimum, the operations and maintenance plan shall include the following:
- 1A) A detailed plan showing what inspections, operations, testing, maintenance and recordkeeping shall be done on a daily, 30-day, monthly, quarterly and annual basis in accordance with OSFM rules.

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- ~~2B~~) A description of the manner in which UST facility owners and operators properly dispose of regulated substances spilled at the facility, including any water or soil removed from any part of the UST when there is any indication it might be or has been contaminated with a regulated substance.
- ~~3C~~) The emergency procedures and instructions required under Section 176.645.
- ~~f~~e) The UST facility owner and operator and certified operators shall ensure that all inspections and testing, as outlined in the operations and maintenance plan and required by this Subpart, are properly performed. They shall also ensure that the work is performed by licensed contractors if required by 41 Ill. Adm. Code 174, 175 or 176.
- ~~g~~d) The certified operators shall provide the UST facility owner and operator with a copy of each inspection checklist and alert the owner and operator to any condition that requires follow-up actions. The certified operator doing this shall date and initial the 30-day and annual walkthrough~~quarterly~~ inspection checklist, indicating that this information has been provided to the UST facility owner and operator and a description of the actions taken to correct an issue. The UST owner and operator shall promptly address and correct each compliance and maintenance item noted as being deficient on the checklist.
- ~~h~~e) A Class A, B or C Operator shall not represent himself or herself as certified unless the person has a current valid certificate of training from an approved trainer.

(Source: Amended at 42 Ill. Reg. 10621, effective October 13, 2018)

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Section 176.APPENDIX A Derivation Table (Repealed)

The following table indicates the Sections of 41 Ill. Adm. Code 170 that formerly stated requirements identical or related to those now located within this Part 176.

New Section	Old Section
176.100	170.10, 170.400
176.200	170.700
176.205	170.710
176.210	170.720
176.215	170.730
176.220	170.740
176.225	170.750
176.230	170.760
176.235	170.770
176.240	170.780
176.245	170.790
176.250	170.795
176.300	170.560 and 170.580(e)
176.310	170.580
176.320	170.580
176.330	170.580(e), 170.610(e), 170.640(a), (e)
176.340	170.590
176.350	170.610
176.360	170.640
176.400	170.412
176.410	170.200, 170.427
176.420	170.150(d)(5), (6), 170.310(a)(2), 170.420(a), 170.421(a), (b), (d), 170.500(a)(3), 170.530(j), 170.540(a), (e)
176.430	170.420(e), 170.490, 170.544(b), 170.550, 170.660, 170.780
176.440	170.440
176.450	170.442
176.460	170.672
176.470	170.460(f), 170.480(e), 170.544
176.500	170.800
176.505	None
176.510	170.810
176.515	170.820(a)
176.520	170.820(b), (e)

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176.525	170.830
176.530	None
176.535	None
176.540	None
176.545	170.840
176.550	170.850
176.555	None
176.560	170.870
176.565	170.880
176.570	170.890
176.575	170.910
176.580	170.920, 170.930, 170.940
176.585	None
176.590	None
176.APPENDIX A	None

(Source: Repealed at 42 Ill. Reg. 10621, effective October 13, 2018)

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- 1) Heading of the Part: Compliance Certification for Underground Storage Tanks
- 2) Code Citation: 41 Ill. Adm. Code 177
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
177.100	Amendment
177.105	Amendment
177.115	Amendment
177.APPENDIX A	Repealed
- 4) Statutory Authority: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].
- 5) Effective Date of Rules: October 13, 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 rules, including any matter incorporated by reference, are on file in the principal office of the State Fire Marshal, 1035 Stevenson Drive Springfield IL, and are available for public inspection at that location.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 3508; February 23, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending to this part? No
- 15) Summary and Purpose of Rulemaking: Updates existing underground storage tank system (UST) rules concerning the compliance certification required to be issued by

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OSFM under Section 3.5 of the Gasoline Storage Act. Makes other non-substantive changes.

- 16) Information and questions regarding these adopted rules shall be directed to:

Tom Andryk
Division of Legal Counsel
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield IL 62703-4259

217/785-5758
fax: 217/524-5487

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 177

COMPLIANCE CERTIFICATION FOR UNDERGROUND STORAGE TANKS

Section

177.100	Definitions
177.105	Deposit Prohibited
177.110	Inspection of UST Facilities
177.115	Evidence of Compliance Status for UST Facilities
177.120	Certificate of Exemption
177.125	Missing, Damaged or Destroyed Evidence of Compliance Status
177.130	Expiration of Certificates

177.APPENDIX A Derivation Table [\(Repealed\)](#)

AUTHORITY: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Sections 2 and 3.5 of the Gasoline Storage Act [430 ILCS 15/2 and 3.5].

SOURCE: Adopted at 34 Ill. Reg. 13531, effective September 2, 2010; amended at 42 Ill. Reg. 10670, effective October 13, 2018.

Section 177.100 Definitions

"Deposit" means the act of placing in or filling of a UST or directing the act of placing in or filling of a UST with a regulated substance.

"Evidence of Compliance Status" means a tag or decal issued by OSFM that is visible to persons making delivery of petroleum, petroleum product, hazardous substances or regulated substances under to this Part.

"Non-Motor Fuel Dispensing Facility" means a location where petroleum or petroleum-based product other than motor fuel is dispensed from a UST.

~~"OSFM" means the Office of the State Fire Marshal.~~

All other terms shall have the meanings ascribed to them in 41 Ill. Adm. Code 174.100.

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(Source: Amended at 42 Ill. Reg. 10670, effective October 13, 2018)

Section 177.105 Deposit Prohibited

- a) Effect of Green Decal. Beginning December 22, 1998, no person shall deposit or arrange for or allow another person to deposit petroleum, petroleum product, hazardous substances or regulated substances into any UST unless evidence is displayed that the UST is in compliance with 41 Ill. Adm. Code 174, 175 and 176, except as provided in this Part.
- b) Effect of Red Tag. Beginning December 22, 1998, no person shall deposit or arrange for or allow another person to deposit petroleum, petroleum product, hazardous substances or regulated substances into any UST that displays evidence that the UST is not in compliance with the applicable rules of OSFM. A depositor may make one deposit of a regulated substance to a newly installed or newly lined tank to provide ballast, or to conduct tank or line ~~precision~~~~tightness~~ testing if approved by OSFM. That regulated substance shall not be sold or dispensed until the required decal is obtained.

(Source: Amended at 42 Ill. Reg. 10670, effective October 13, 2018)

Section 177.115 Evidence of Compliance Status for UST Facilities

- a) Evidence of compliance status for UST facilities shall consist of a tag or decal issued by OSFM. The tag or decal shall be either:
 - 1) Red: indicating non-compliance; or
 - 2) Green: indicating compliance; or
 - 3) Yellow: indicating exempt (see Section 177.120).
- b) Evidence of compliance status (green decal) shall be affixed as follows:
 - 1) for motor fuel dispensing facilities, to the window closest to the main entry of the motor fuel dispensing facility or, if such a window is not available, to the inside window of the dispenser cabinet;

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- 2) for non-motor fuel dispensing facilities, to the fill pipe of the UST or near the fill pipe at a location agreed to by the representative of OSFM.
- c) If more than one UST is located at the facility, and some but not all USTs are in compliance, OSFM, in its discretion, may issue a green decal that shall be affixed as provided in subsection (b) and will issue individual red tags for each of the non-compliant USTs that shall be affixed directly onto the fill pipe of the non-compliant UST or near the fill pipe of the non-compliant UST at a location approved by OSFM.
- d) Evidence of compliance status may also be a notice or letter issued by OSFM indicating the facility status. The letter or notice shall be valid for 30 days from the date of the notice or letter.
- e) No decal or tag shall be removed by anyone other than an employee of OSFM. Upon reaching full compliance with the requirements of 41 Ill. Adm. Code 174, 175 and 176 and this Part, OSFM shall issue a green decal to a facility as soon as practicable. Upon reaching full compliance for a particular tank, OSFM shall remove any red tag prohibiting deposit into a particular UST as soon as practicable. Any request to fill a UST with a required minimal amount of fuel necessary to perform ~~precision compliance~~ testing must be submitted in writing and approved by OSFM in advance. A depositor may make one deposit of a regulated substance to a newly installed or newly lined tank to provide ballast. That regulated substance shall not be sold or dispensed until the required decal is obtained.

(Source: Amended at 42 Ill. Reg. 10670, effective October 13, 2018)

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Section 177.APPENDIX A Derivation Table (Repealed)

The following table indicates the Sections of 41 Ill. Adm. Code 170 or 171 that formerly stated requirements identical or related to those now located within this Part 177.

New Section	Old Section
177.100	170.400, 171.10
177.110	171.70(a), 171.100(a)
177.115	171.90, 171.110
177.120	171.150
177.125	171.160
177.130	171.180
177.APPENDIX A	None

(Source: Repealed at 42 Ill. Reg. 10670, effective October 13, 2018)

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- 1) Heading of the Part: Sewer Discharge Criteria
- 2) Code Citation: 35 Ill. Adm. Code 307
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
307.3301	Amendment
307.5100	New Section
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 13.3, and 27
- 5) Effective Date of Rules: May 29, 2018
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted May 10, 2018 in consolidated docket R18-6/R18-14, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 4701; March 16, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? Not applicable. Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] 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).
- 11) Differences between the Proposal and the Final Version: A table in a document entitled "Identical-in-Substance Rulemaking Addendum (Final)" that the Board added to consolidated docket R18-6/R18-14 summarizes the difference between the amendments adopted in the May 10, 2018 opinion and order and those proposed by the Board in an opinion and order dated February 22, 2018, in consolidated docket R18-6/R18-14.

The difference is limited to a minor stylistic revision. The change is intended to have no substantive effect.

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- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] 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 JCAR.

Since the Notices of Proposed Amendments appeared in the March 16, 2018 issue of the Illinois Register, the Board received suggestions for revisions from JCAR. The Board evaluated each suggestion but did not change the text as a result, as detailed in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated docket R18-6/R18-14 described in item 11 above. A table in the Identical-in-Substance Rulemaking Addendum (Final) in consolidated docket R18-6/R18-14 lists the JCAR suggestions and the Board response to each.

- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The following briefly describes the subjects and issues involved in the consolidated docket R18-6/R18-14 rulemaking. A comprehensive description is contained in the Board's opinion and order of May 10, 2018, adopting amendments in consolidated docket R18-6/R18-14, which opinion and order is available from the address below.

This proceeding updates the Illinois wastewater pretreatment rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during two update periods: January 1, 2017 through June 30, 2017 and July 1, 2017 and December 31, 2017.

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

June 14, 2017 (82 Fed. Reg. 27154): USEPA adopted pretreatment standards for dental dischargers. New sources are to comply by July 20, 2017. Existing sources are to comply by July 14, 2020.

June 26, 2017 (82 Fed. Reg. 28777): USEPA corrected the pretreatment standards for dental dischargers.

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July 5, 2017 (82 Fed. Reg. 30997): USEPA corrected the June 26, 2017 corrections to its June 14, 2017 pretreatment standards for dental dischargers.

September 18, 2017 (82 Fed. Reg. 43494): USEPA postponed the effective date of pretreatment standards for the steam electric power generating point source category adopted November 3, 2015.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Final)" that the Board added to consolidated docket R18-6/R18-14 that list the revisions to the text of the corresponding federal rule, the amendments that are not based on current federal amendments, and the revisions to the text since the Board's February 22, 2018 proposal for public comment. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the Identical-in-Substance Rulemaking Addendum (Final) in consolidated docket R18-6/R18-14.

Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] 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).

- 16) Information and questions regarding these adopted rules shall be directed to: Please reference consolidated docket R18-6/R18-14 and direct inquiries to the following person:

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

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

Request copies of the Board's opinion and order of May 10, 2018 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

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NOTICE OF ADOPTED AMENDMENTS

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARDPART 307
SEWER DISCHARGE CRITERIA

SUBPART A: GENERAL PROVISIONS

Section	
307.101	Preamble (Renumbered)
307.102	General Requirements (Renumbered)
307.103	Mercury (Renumbered)
307.104	Cyanide (STORET number 00720) (Renumbered)
307.105	Pretreatment Requirements (Repealed)
307.1001	Preamble
307.1002	Definitions
307.1003	Test Procedures for Measurement
307.1005	Toxic Pollutants
307.1006	Electronic Reporting

SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

Section	
307.1101	General and Specific Requirements
307.1102	Mercury
307.1103	Cyanide

SUBPART F: DAIRY PRODUCTS PROCESSING

Section	
307.1501	Receiving Stations
307.1502	Fluid Products
307.1503	Cultured Products
307.1504	Butter
307.1505	Cottage Cheese and Cultured Cream Cheese
307.1506	Natural and Processed Cheese
307.1507	Fluid Mix for Ice Cream and other Frozen Desserts
307.1508	Ice Cream, Frozen Desserts, Novelties, and Other Dairy Desserts

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307.1509	Condensed Milk
307.1510	Dry Milk
307.1511	Condensed Whey
307.1512	Dry Whey

SUBPART G: GRAIN MILLS

Section

307.1601	Corn Wet Milling
307.1602	Corn Dry Milling
307.1603	Normal Wheat Flour Milling
307.1604	Bulgur Wheat Flour Milling
307.1605	Normal Rice Milling
307.1606	Parboiled Rice Milling
307.1607	Animal Feed
307.1608	Hot Cereal
307.1609	Ready-to-Eat Cereal
307.1610	Wheat Starch and Gluten

SUBPART H: CANNED AND PRESERVED FRUITS AND VEGETABLES

Section

307.1700	General Provisions
307.1701	Apple Juice
307.1702	Apple Products
307.1703	Citrus Products
307.1704	Frozen Potato Products
307.1705	Dehydrated Potato Products
307.1706	Canned and Preserved Fruits
307.1707	Canned and Preserved Vegetables
307.1708	Canned and Miscellaneous Specialties

SUBPART I: CANNED AND PRESERVED SEAFOOD

Section

307.1801	Farm-Raised Catfish
307.1815	Fish Meal Processing Subcategory

SUBPART J: SUGAR PROCESSING

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Section

- 307.1901 Beet Sugar Processing
- 307.1902 Crystalline Cane Sugar Refining
- 307.1903 Liquid Cane Sugar Refining

SUBPART K: TEXTILE MILLS

Section

- 307.2000 General Provisions
- 307.2001 Wool Scouring
- 307.2002 Wool Finishing
- 307.2003 Low Water Use Processing
- 307.2004 Woven Fabric Finishing
- 307.2005 Knit Fabric Finishing
- 307.2006 Carpet Finishing
- 307.2007 Stock and Yarn Finishing
- 307.2008 Nonwoven Manufacturing
- 307.2009 Felted Fabric Processing

SUBPART L: CEMENT MANUFACTURING

Section

- 307.2101 Nonleaching
- 307.2102 Leaching
- 307.2103 Materials Storage Piles Runoff

SUBPART M: CONCENTRATED ANIMAL FEEDING OPERATIONS

Section

- 307.2201 General
- 307.2202 Ducks

SUBPART N: ELECTROPLATING

Section

- 307.2300 General Provisions
- 307.2301 Electroplating of Common Metals
- 307.2302 Electroplating of Precious Metals

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307.2304	Anodizing
307.2305	Coatings
307.2306	Chemical Etching and Milling
307.2307	Electroless Plating
307.2308	Printed Circuit Boards

SUBPART O: ORGANIC CHEMICALS, PLASTICS, AND SYNTHETIC FIBERS

Section

307.2400	General Provisions
307.2401	Rayon Fibers
307.2402	Other Fibers
307.2403	Thermoplastic Resins
307.2404	Thermosetting Resins
307.2405	Commodity Organic Chemicals
307.2406	Bulk Organic Chemicals
307.2407	Specialty Organic Chemicals
307.2410	Indirect Discharge Point Sources
307.2490	Non-Complexed Metal-Bearing and Cyanide-Bearing Waste Streams
307.2491	Complexed Metal-Bearing Waste Streams

SUBPART P: INORGANIC CHEMICALS MANUFACTURING

Section

307.2500	General Provisions
307.2501	Aluminum Chloride Production
307.2502	Aluminum Sulfate Production
307.2503	Calcium Carbide Production
307.2504	Calcium Chloride Production
307.2505	Calcium Oxide Production
307.2506	Chlor-Alkali Process (Chlorine and Sodium or Potassium Hydroxide Production)
307.2508	Hydrofluoric Acid Production
307.2509	Hydrogen Peroxide Production
307.2511	Potassium Metal Production
307.2512	Potassium Dichromate Production
307.2513	Potassium Sulfate Production
307.2514	Sodium Bicarbonate Production
307.2516	Sodium Chloride Production
307.2517	Sodium Dichromate and Sodium Sulfate Production

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307.2520	Sodium Sulfite Production
307.2522	Titanium Dioxide Production
307.2523	Aluminum Fluoride Production
307.2524	Ammonium Chloride Production
307.2527	Borax Production
307.2528	Boric Acid Production
307.2529	Bromine Production
307.2530	Calcium Carbonate Production
307.2531	Calcium Hydroxide Production
307.2533	Carbon Monoxide and Byproduct Hydrogen Production
307.2534	Chrome Pigments Production
307.2535	Chromic Acid Production
307.2536	Copper Salts Production
307.2538	Ferric Chloride Production
307.2540	Fluorine Production
307.2541	Hydrogen Production
307.2542	Hydrogen Cyanide Production
307.2543	Iodine Production
307.2544	Lead Monoxide Production
307.2545	Lithium Carbonate Production
307.2547	Nickel Salts Production
307.2549	Oxygen and Nitrogen Production
307.2550	Potassium Chloride Production
307.2551	Potassium Iodide Production
307.2553	Silver Nitrate Production
307.2554	Sodium Bisulfite Production
307.2555	Sodium Fluoride Production
307.2560	Stannic Oxide Production
307.2563	Zinc Sulfate Production
307.2564	Cadmium Pigments and Salts Production
307.2565	Cobalt Salts Production
307.2566	Sodium Chlorate Production
307.2567	Zinc Chloride Production

SUBPART R: SOAP AND DETERGENTS

Section	
307.2701	Soap Manufacturing by Batch Kettle
307.2702	Fatty Acid Manufacturing by Fat Splitting

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307.2703	Soap Manufacturing by Fatty Acid Neutralization
307.2704	Glycerine Concentration
307.2705	Glycerine Distillation
307.2706	Manufacture of Soap Flakes and Powders
307.2707	Manufacture of Bar Soaps
307.2708	Manufacture of Liquid Soaps
307.2709	Oleum Sulfonation and Sulfation
307.2710	Air-Sulfur Trioxide Sulfation and Sulfonation
307.2711	Sulfur Trioxide Solvent and Vacuum Sulfonation
307.2712	Sulfamic Acid Sulfation
307.2713	Chlorosulfonic Acid Sulfation
307.2714	Neutralization of Sulfuric Acid Esters and Sulfonic Acids
307.2715	Manufacture of Spray Dried Detergents
307.2716	Manufacture of Liquid Detergents
307.2717	Manufacturing of Detergents by Dry Blending
307.2718	Manufacture of Drum Dried Detergents
307.2719	Manufacture of Detergent Bars and Cakes

SUBPART S: FERTILIZER MANUFACTURING

Section	
307.2801	Phosphate
307.2802	Ammonia
307.2803	Urea
307.2804	Ammonium Nitrate
307.2805	Nitric Acid
307.2806	Ammonium Sulfate Production
307.2807	Mixed and Blend Fertilizer Production

SUBPART T: PETROLEUM REFINING

Section	
307.2901	Topping
307.2902	Cracking
307.2903	Petrochemical
307.2904	Lube
307.2905	Integrated

SUBPART U: IRON AND STEEL MANUFACTURING

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NOTICE OF ADOPTED AMENDMENTS

Section

307.3000	General Provisions
307.3001	Cokemaking
307.3002	Sintering
307.3003	Ironmaking
307.3004	Steelmaking
307.3005	Vacuum Degassing
307.3006	Continuous Casting
307.3007	Hot Forming
307.3008	Salt Bath Descaling
307.3009	Acid Pickling
307.3010	Cold Forming
307.3011	Alkaline Cleaning
307.3012	Hot Coating
307.3013	Other Operations

SUBPART V: NONFERROUS METALS MANUFACTURING

Section

307.3100	General Provisions
307.3101	Bauxite Refining
307.3102	Primary Aluminum Smelting
307.3103	Secondary Aluminum Smelting
307.3104	Primary Copper Smelting
307.3105	Primary Electrolytic Copper Refining
307.3106	Secondary Copper
307.3107	Primary Lead
307.3108	Primary Zinc
307.3109	Metallurgical Acid Plants
307.3110	Primary Tungsten
307.3111	Primary Columbium-Tantalum
307.3112	Secondary Silver
307.3113	Secondary Lead
307.3114	Primary Antimony
307.3115	Primary Beryllium
307.3116	Primary and Secondary Germanium and Gallium
307.3117	Secondary Indium
307.3118	Secondary Mercury

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

307.3119	Primary Molybdenum and Rhenium
307.3120	Secondary Molybdenum and Vanadium
307.3121	Primary Nickel and Cobalt
307.3122	Secondary Nickel
307.3123	Primary Precious Metals and Mercury
307.3124	Secondary Precious Metals
307.3125	Primary Rare Earth Metals
307.3126	Secondary Tantalum
307.3127	Secondary Tin
307.3128	Primary and Secondary Titanium
307.3129	Secondary Tungsten and Cobalt
307.3130	Secondary Uranium
307.3131	Primary Zirconium and Hafnium

SUBPART X: STEAM ELECTRIC POWER GENERATING

Section	
307.3301	Steam Electric Power Generating

SUBPART Y: FERROALLOY MANUFACTURING

Section	
307.3401	Open Electric Furnaces With Wet Air Pollution Control Devices
307.3402	Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices
307.3403	Slag Processing
307.3404	Covered Calcium Carbide Furnaces With Wet Air Pollution Control Devices
307.3405	Other Calcium Carbide Furnaces
307.3406	Electrolytic Manganese Products
307.3407	Electrolytic Chromium

SUBPART Z: LEATHER TANNING AND FINISHING

Section	
307.3500	General Provisions
307.3501	Hair Pulp, Chrome Tan, Retan-Wet Finish
307.3502	Hair Save, Chrome Tan, Retan-Wet Finish
307.3503	Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish
307.3504	Retan-Wet Finish-Sides

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

307.3505	No Beamhouse
307.3506	Through-the-Blue
307.3507	Shearling
307.3508	Pigskin
307.3509	Retan-Wet Finish-Splits
307.3590	Potassium Ferricyanide Titration Method

SUBPART BA: GLASS MANUFACTURING

Section

307.3601	Insulation Fiberglass
307.3602	Sheet Glass Manufacturing
307.3603	Rolled Glass Manufacturing
307.3604	Plate Glass Manufacturing
307.3605	Float Glass Manufacturing
307.3606	Automotive Glass Tempering
307.3607	Automotive Glass Laminating
307.3608	Glass Container Manufacturing
307.3610	Glass Tubing (Danner) Manufacturing
307.3611	Television Picture Tube Envelope Manufacturing
307.3612	Incandescent Lamp Envelope Manufacturing
307.3613	Hand Pressed and Blown Glass Manufacturing

SUBPART BB: ASBESTOS MANUFACTURING

Section

307.3701	Asbestos-Cement Pipe
307.3702	Asbestos-Cement Sheet
307.3703	Asbestos Paper (Starch Binder)
307.3704	Asbestos Paper (Elastomeric Binder)
307.3705	Asbestos Millboard
307.3706	Asbestos Roofing
307.3707	Asbestos Floor Tile
307.3708	Coating or Finishing of Asbestos Textiles
307.3709	Solvent Recovery
307.3710	Vapor Absorption
307.3711	Wet Dust Collection

SUBPART BC: RUBBER MANUFACTURING

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section

307.3801	Tire and Inner Tube Plants
307.3802	Emulsion Crumb Rubber
307.3803	Solution Crumb Rubber
307.3804	Latex Rubber
307.3805	Small-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3806	Medium-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3807	Large-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3808	Wet Digestion Reclaimed Rubber
307.3809	Pan, Dry Digestion, and Mechanical Reclaimed Rubber
307.3810	Latex-Dipped, Latex-Extruded, and Latex-Molded Rubber
307.3811	Latex Foam

SUBPART BD: TIMBER PRODUCTS PROCESSING

Section

307.3900	General Provisions
307.3901	Barking
307.3902	Veneer
307.3903	Plywood
307.3904	Dry Process Hardboard
307.3905	Wet Process Hardboard
307.3906	Wood Preserving – Water Borne or Nonpressure
307.3907	Wood Preserving – Steam
307.3908	Wood Preserving – Boulton
307.3909	Wet Storage
307.3910	Log Washing
307.3911	Sawmills and Planing Mills
307.3912	Finishing
307.3913	Particleboard Manufacturing
307.3914	Insulation Board
307.3915	Wood Furniture and Fixture Production without Water Wash Spray Booths or without Laundry Facilities
307.3916	Wood Furniture and Fixture Production with Water Wash Spray Booths or with Laundry Facilities

SUBPART BE: PULP, PAPER, AND PAPERBOARD

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section	
307.4000	General Provisions
307.4001	Dissolving Kraft
307.4002	Bleached Papergrade Kraft and Soda
307.4003	Unbleached Kraft
307.4004	Dissolving Sulfite
307.4005	Papergrade Sulfite
307.4006	Semi-Chemical
307.4007	Mechanical Pulp
307.4008	Non-Wood Chemical Pulp
307.4009	Secondary Fiber Deink
307.4010	Secondary Fiber Non-Deink
307.4011	Fine and Lightweight Papers from Purchased Pulp
307.4012	Tissue, Filter, Non-Woven, and Paperboard from Purchased Pulp
307.4013	Groundwood-Thermo-Mechanical (Repealed)
307.4014	Groundwood-CMN Papers (Repealed)
307.4015	Groundwood-Fine Papers (Repealed)
307.4016	Soda (Repealed)
307.4017	Deink (Repealed)
307.4018	Nonintegrated-Fine Papers (Repealed)
307.4019	Nonintegrated-Tissue Papers (Repealed)
307.4020	Tissue From Wastepaper (Repealed)
307.4021	Papergrade Sulfite (Drum Wash) (Repealed)
307.4022	Unbleached Kraft and Semi-Chemical (Repealed)
307.4023	Wastepaper-Molded Products (Repealed)
307.4024	Nonintegrated-Lightweight Papers (Repealed)
307.4025	Nonintegrated-Filter and Nonwoven Papers (Repealed)
307.4026	Nonintegrated-Paperboard (Repealed)

SUBPART BF: BUILDERS' PAPER AND BOARD MILLS

Section	
307.4101	Builder's Paper and Roofing Felt (Repealed)

SUBPART BG: MEAT PRODUCTS

Section	
307.4201	Simple Slaughterhouse
307.4202	Complex Slaughterhouse

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

307.4203	Low-Processing Packinghouse
307.4204	High-Processing Packinghouse
307.4205	Small Processor
307.4206	Meat Cutter
307.4207	Sausage and Luncheon Meats Processor
307.4208	Ham Processor
307.4209	Canned Meats Processor
307.4210	Renderer

SUBPART BH: METAL FINISHING

Section	
307.4300	General Provisions
307.4301	Metal Finishing

SUBPART BJ: OIL AND GAS EXTRACTION

Section	
307.4503	Onshore Facility Standards
307.4508	Coalbed Methane Subcategory

SUBPART BL: CENTRALIZED WASTE TREATMENT

Section	
307.4700	General Provisions
307.4701	Metals Treatment and Recovery
307.4702	Oils Treatment and Recovery
307.4703	Organics Treatment and Recovery
307.4704	Multiple Waste Streams

SUBPART BN: PHARMACEUTICAL MANUFACTURING

Section	
307.4900	General Provisions
307.4901	Fermentation Products
307.4902	Extraction Products
307.4903	Chemical Synthesis Products
307.4904	Mixing/Compounding and Formulation
307.4905	Research (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART BP: DENTAL OFFICESSection307.5100Dental Offices

SUBPART BQ: TRANSPORTATION EQUIPMENT CLEANING

Section

307.5200

General Provisions

307.5201

Tank Trucks and Intermodal Tank Containers Transporting Chemical and Petroleum Cargos

307.5202

Rail Tank Cars Transporting Chemical and Petroleum Cargos

307.5203

Tank Barges and Ocean/Sea Tankers Transporting Chemical and Petroleum Cargos

307.5204

Tanks Transporting Food Grade Cargos

SUBPART BR: PAVING AND ROOFING MATERIALS (TARS AND ASPHALT)

Section

307.5301

Asphalt Emulsion

307.5302

Asphalt Concrete

307.5303

Asphalt Roofing

307.5304

Linoleum and Printed Asphalt Felt

SUBPART BS: WASTE COMBUSTORS

Section

307.5401

Commercial Hazardous Waste Combustor

SUBPART BT: LANDFILLS

Section

307.5500

General Provisions

307.5501

RCRA Subtitle C Hazardous Waste Landfill

307.5502

RCRA Subtitle D Non-Hazardous Waste Landfill

SUBPART BU: PAINT FORMULATING

Section

307.5601

Oil-Base Solvent Wash Paint

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART BV: INK FORMULATING

Section
307.5701 Oil-Base Solvent Wash Ink

SUBPART CD: PESTICIDE CHEMICALS

Section
307.6500 General Provisions
307.6501 Organic Pesticide Chemicals Manufacturing
307.6502 Metallo-Organic Pesticides Chemicals Manufacturing
307.6503 Pesticide Chemicals Formulating and Packaging
307.6505 Repackaging of Agricultural Pesticides Performed at Refilling Establishments

SUBPART CG: CARBON BLACK MANUFACTURING

Section
307.6801 Carbon Black Furnace Process
307.6802 Carbon Black Thermal Process
307.6803 Carbon Black Channel Process
307.6804 Carbon Black Lamp Process

SUBPART CJ: BATTERY MANUFACTURING

Section
307.7100 General Provisions
307.7101 Cadmium
307.7102 Calcium
307.7103 Lead
307.7104 Leclanche
307.7105 Lithium
307.7106 Magnesium
307.7107 Zinc

SUBPART CL: PLASTICS MOLDING AND FORMING

Section
307.7300 General Provisions

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

307.7301	Contact Cooling and Heating Water
307.7302	Cleaning Water
307.7303	Finishing Water

SUBPART CM: METAL MOLDING AND CASTING

Section	
307.7400	General Provisions
307.7401	Aluminum Casting
307.7402	Copper Casting
307.7403	Ferrous Casting
307.7404	Zinc Casting

SUBPART CN: COIL COATING

Section	
307.7500	General Provisions
307.7501	Steel Basis Material
307.7502	Galvanized Basis Material
307.7503	Aluminum Basis Material
307.7504	Canmaking

SUBPART CO: PORCELAIN ENAMELING

Section	
307.7600	General Provisions
307.7601	Steel Basis Material
307.7602	Cast Iron Basis Material
307.7603	Aluminum Basis Material
307.7604	Copper Basis Material

SUBPART CP: ALUMINUM FORMING

Section	
307.7700	General Provisions
307.7701	Rolling With Neat Oils
307.7702	Rolling With Emulsions
307.7703	Extrusion
307.7704	Forging

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 307.7705 Drawing With Neat Oils
- 307.7706 Drawing With Emulsions or Soaps

SUBPART CQ: COPPER FORMING

- Section
- 307.7800 General Provisions
- 307.7801 Copper Forming
- 307.7802 Beryllium Copper Forming

SUBPART CR: ELECTRICAL AND ELECTRONIC COMPONENTS

- Section
- 307.7901 Semiconductor
- 307.7902 Electronic Crystals
- 307.7903 Cathode Ray Tube
- 307.7904 Luminescent Materials

SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

- Section
- 307.8100 General Provisions
- 307.8101 Lead-Tin-Bismuth Forming
- 307.8102 Magnesium Forming
- 307.8103 Nickel-Cobalt Forming
- 307.8104 Precious Metals Forming
- 307.8105 Refractory Metals Forming
- 307.8106 Titanium Forming
- 307.8107 Uranium Forming
- 307.8108 Zinc Forming
- 307.8109 Zirconium-Hafnium Forming
- 307.8110 Metal Powders

307.APPENDIX A References to Previous Rules (Repealed)

AUTHORITY: Implementing Sections 7.2, 13, and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted in R70-5, March 31, 1971; amended in R70-8/R71-14/R71-20, March 7, 1972; amended in R74-3, October 30, 1975; amended in R74-15/R74-16 at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended in R76-17 at 2 Ill. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21 at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5/R82-10 at 8 Ill. Reg. 1625, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 Ill. Reg. 13094, effective July 29, 1988; amended in R88-18 at 13 Ill. Reg. 1794, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19288, effective November 17, 1989; amended in R88-9 at 14 Ill. Reg. 3100, effective February 20, 1990; amended in R89-12 at 14 Ill. Reg. 7620, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7377, effective April 27, 1992; amended in R93-2 at 17 Ill. Reg. 19483, effective October 29, 1993; amended in R94-10 at 19 Ill. Reg. 9142, effective June 23, 1995; amended in R95-22 at 20 Ill. Reg. 5549, effective April 1, 1996; amended in R97-23 at 21 Ill. Reg. 11930, effective August 12, 1997; amended in R99-4 at 23 Ill. Reg. 4413, effective March 31, 1999; amended in R99-17 at 23 Ill. Reg. 8421, effective July 12, 1999; amended in R00-15 at 24 Ill. Reg. 11640, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1735, effective January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10867, effective August 14, 2001; amended in R03-13 at 27 Ill. Reg. 15095, effective September 10, 2003; amended in R04-1 at 28 Ill. Reg. 3076, effective February 6, 2004; amended in R04-18 at 28 Ill. Reg. 10661, effective July 13, 2004; amended in R05-4/R05-15 at 29 Ill. Reg. 6921, effective April 26, 2005; amended in R06-13 at 30 Ill. Reg. 17811, effective October 26, 2006; amended in R08-5/R08-7/R08-13 at 32 Ill. Reg. 18986, effective November 26, 2008; amended in R13-7 at 37 Ill. Reg. 1936, effective February 4, 2013; amended in R16-9 and R17-8 at 41 Ill. Reg. 1129, effective January 23, 2017; amended in R18-6 and R18-14 at 42 Ill. Reg. 10676, effective May 29, 2018.

SUBPART X: STEAM ELECTRIC POWER GENERATING

Section 307.3301 Steam Electric Power Generating

- a) **Applicability.** This Section applies to discharges resulting from operation of a generating unit by an establishment whose generation of electricity is the predominant source of revenue or principal reason for operation, and whose generation of electricity results primarily from a process utilizing fossil-type fuel (coal, oil, or gas), fuel derived from fossil fuel (e.g., petroleum coke, synthesis gas), or nuclear fuel in conjunction with a thermal cycle employing the steam water system as the thermodynamic medium. This Section applies to discharges associated with both the combustion turbine and steam turbine portions of a combined cycle generating unit.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) Specialized definitions. The Board incorporates by reference 40 CFR 423.11 (2017), as amended at 82 Fed. Reg. 43494 (Sep. 18, 2017)(2016). This incorporation includes no later amendments or editions.
- c) Existing sources.
- 1) The Board incorporates by reference 40 CFR 423.16 (2017), as amended at 82 Fed. Reg. 43494 (Sep 18, 2017) and Appendix A to 40 CFR 423 (2017)(2016). This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of those standards.
- d) New sources.
- 1) The Board incorporates by reference 40 CFR 423.17 and Appendix A to 40 CFR 423 (2017)(2016). This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of those standards.
 - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 14, 1980.

(Source: Amended at 42 Ill. Reg. 10676, effective May 29, 2018)

SUBPART BP: DENTAL OFFICESSection 307.5100 Dental Offices

- a) Applicability.
- 1) Except as provided in subsections (a)(3), (a)(4), and (a)(5), this Subpart BP applies to dental dischargers.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) Unless otherwise designated by the control authority, a dental discharger subject to this Subpart BP is not a significant industrial user, as defined in 35 Ill. Adm. Code 310, and is not a categorical industrial user or industrial user subject to categorical pretreatment standards as a result of applicability of this Subpart BP.
 - 3) This Subpart BP does not apply to dental dischargers that exclusively practice one or more of the following dental specialties: oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics.
 - 4) This Subpart BP does not apply to wastewater discharges from a mobile unit operated by a dental discharger.
 - 5) This Subpart BP does not apply to dental dischargers that do not discharge any amalgam process wastewater to a POTW, such as dental dischargers that collect all dental amalgam process wastewater for transfer to a centralized waste treatment facility, as defined in 40 CFR 437.2(c).
 - 6) A dental discharger that does not place dental amalgam and does not remove amalgam, except in limited emergency or unplanned, unanticipated circumstances, and that certifies these facts to the control authority, as required in subsection (d), is exempt from any further requirements of this Subpart BP.
- b) General Definitions. The Board incorporates by reference 40 CFR 441.20 (2017), as added at 82 Fed. Reg. 30997 (July 5, 2017). This incorporation includes no later amendments or editions.
 - c) Pretreatment Standards for Existing Sources (PSES). The Board incorporates by reference 40 CFR 441.30 (2017), as added at 82 Fed. Reg. 30997 (July 5, 2017). This incorporation includes no later amendments or editions.
 - d) Pretreatment Standards for New Sources (PSNS). The Board incorporates by reference 40 CFR 441.40 (2017), as added at 82 Fed. Reg. 30997 (July 5, 2017). This incorporation includes no later amendments or editions.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- e) Reporting and Recordkeeping Requirements. The Board incorporates by reference 40 CFR 441.50 (2017), as added at 82 Fed. Reg. 30997 (July 5, 2017). This incorporation includes no later amendments or editions.

(Source: Added at 42 Ill. Reg. 10676, effective May 29, 2018)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF RECODIFICATION

1) Heading of the Part: Emergency Medical Services, Trauma Center, Comprehensive Stroke Center, Primary Stroke Center And Acute Stroke Ready Hospital Code

2) Code Citation: 77 Ill. Adm. Code 515

3) Date of Administrative Code Division Review: June 1, 2018

4) Headings and Section Numbers of the Part Being Recodified:

Section Numbers:

Subpart D:

Section 515.500

Subpart E:

Section 515.700

Headings:

Emergency Medical Technicians

Emergency Medical Technician-Basic Training

EMS Lead Instructor, Emergency Medical

Dispatcher, First Responder, Pre-Hospital

Registered Nurse, Emergency

Communications Registered Nurse, and

Trauma Nurse Specialist

EMS Lead Instructor

5) Outline of the Section Numbers and Headings of the Part as Recodified:

Section Numbers:

Subpart D:

Section 515.500

Subpart E:

Section 515.700

Headings:

Education of Emergency Medical

Technicians, Advanced Emergency Medical

Technicians, Emergency Medical

Technicians-Intermediate, Paramedics

and EMS Personnel

Emergency Medical Technician-Basic Training

EMS Lead Instructor, Emergency Medical Dispatcher,

Emergency Medical Responder, Pre-Hospital Registered

Nurse, Emergency Communication Registered Nurse, and

Trauma Nurse Specialist

EMS Lead Instructor

6) Conversion Table of Present and Recodified Parts:

Present Part:

Subpart D:

Emergency Medical

Recodified Part:

Subpart D: Education of

Emergency Medical

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF RECODIFICATION

Technicians	Technicians, Advanced Emergency Medical Technicians, Emergency Medical Technicians- Intermediate, Paramedics and EMS Personnel
Section 515.500 Emergency Medical Technician-Basic Training	Section 515.500 Emergency Medical Technician-Basic Training
Subpart E: EMS Lead Instructor, Emergency Medical Dispatcher, First Responder, Pre- Hospital Registered Nurse, Emergency Communications Registered Nurse, and Trauma Nurse Specialist	Subpart E: EMS Lead Instructor, Emergency Medical Dispatcher, Emergency Medical Responder, Pre-Hospital Registered Nurse, Emergency Communications Registered Nurse, and Trauma Nurse Specialist
Section 515.700 EMS Lead Instructor	Section 515.700 EMS Lead Instructor

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of May 29, 2018 through June 4, 2018. The rulemakings are scheduled for the June 12, 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.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
7/13/18	<u>Illinois Racing Board</u> , General Licensee Rules (11 Ill. Adm. Code 1313)	4/13/18 42 Ill. Reg. 6597	6/12/18
7/13/18	<u>Department of Financial and Professional Regulation</u> , Illinois Physical Therapy (68 Ill. Adm. Code 1340)	2/23/18 42 Ill. Reg. 3239	6/12/18
7/13/18	<u>State Board of Elections</u> , Campaign Financing (26 Ill. Adm. Code 100)	4/13/18 42 Ill. Reg. 6612	6/12/18
7/18/18	<u>Office of Comptroller</u> , Rules of Practice in Administrative Hearings (74 Ill. Adm. Code 310)	3/2/18 42 Ill. Reg. 3818	7/17/18
7/18/18	<u>Department of Public Health</u> , Emergency Medical Services, Trauma Center, Comprehensive Stroke Center, Primary Stroke Center, and Acute Stroke Ready Hospital Code (77 Ill. Adm. Code 515)	4/6/18 42 Ill. Reg. 6024	7/17/18

PROPERTY TAX APPEAL BOARD

JULY 2018 REGULATORY AGENDA

- a) Part (Heading and Code Citations): Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 Ill. Adm. Code 1910).

1) Rulemaking:

- A) Description: The Property Tax Appeal Board anticipates amending the following rules:

Section 1910.12 – Provide that Board members present at either of the Property Tax Appeal Board Offices in Springfield or Des Plaines for a simultaneous meeting at both locations being held through an interactive video conference shall count towards determining a quorum of members physically present at a scheduled meeting of the Board. Allow any person to address the Property Tax Appeal Board during a meeting provided at least ten (10) days advance written notice is given the Board identifying the name, address and telephone number of the individual who wishes to address the Board and a summary of the topic that will be discussed. No person shall be allowed to address the Board during a meeting in a manner that would violate Section 1910.71. The time period any person will be allowed to address the Board during a meeting shall not exceed ten (10) minutes.

Section 1910.30 – Provide that for appeals filed beginning with the 2016 assessment year, the contesting party shall file one (1) copy of the petition, one (1) copy of the written notice of the decision of the board of review or decision of the Property Tax Appeal Board reducing the assessment for the prior year conferring jurisdiction on the Property Tax Appeal Board, and one (1) copy of the written and documentary evidence.

Section 1910.40 – Provide that for appeals filed beginning with the 2016 assessment year, the board of review shall submit one (1) copy of its completed Board of Review Notes on Appeal and one (1) copy one of its written and documentary evidence. At the time the board of review submits its evidence in response to the appeal, it shall also submit its rebuttal evidence, if any, as defined in Section 1910.66.

Section 1910.50 – Provide that a taxpayer may file an appeal or appeals directly to the Property Tax Appeal Board for the subsequent year or the remaining years of the general assessment period within 30 days of a

PROPERTY TAX APPEAL BOARD

JULY 2018 REGULATORY AGENDA

Property Tax Appeal Board decision reducing the assessment of the property if the decision is issued after the deadline for filing complaints with the board of review or after the adjournment of the session of the board of review at which assessments for the subsequent year or years of the same general assessment period are being considered.

Section 1910.60 – Provide that for appeals filed beginning with the 2016 assessment year any taxing body that has a revenue interest in an appeal before the Property Tax Appeal Board shall file one (1) copy of the Request to Intervene and resolution for the tax year in question with the Clerk of the Property Tax Appeal Board. Provide that beginning with the 2016 tax year an intervenor shall submit one (1) copy of its written and documentary evidence. At the time the intervenor submits its evidence in response to the appeal, it shall also submit its rebuttal evidence, if any, as defined in Section 1910.66.

Section 1910.66 – Provide that for appeals beginning with the 2016 assessment year the parties shall submit one (1) copy of their written and documentary rebuttal evidence. Clarify that except as provided in Sections 1910.40 and 1910.60, any party shall have 30 days after first receipt of the argument and written documentary evidence filed by an opposing party to file written or documentary evidence in rebuttal.

- B) Statutory Authority: 35 ILCS 200/Art. 7 and 35 ILCS 200/16-160 through 16-195
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: Summer 2018
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Steven M. Waggoner
Acting Executive Director
Property Tax Appeal Board
Stratton Office Building, Room 402

PROPERTY TAX APPEAL BOARD

JULY 2018 REGULATORY AGENDA

401 South Spring Street
Springfield IL 62706

217/785-4459
fax: 217/785-4425
steve.waggoner@illinois.gov

- G) Related rulemakings and other pertinent information: The Property Tax Appeal Board currently has a pending rulemaking at 42 Ill. Reg. 3862; March 2, 2018.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

NOTICE PURSUANT TO 415 ILCS 5/7.2(b)

Section 22.4(a) of the Environmental Protection Act (Act) (415 ILCS 5/22.4(a) (2016)) requires the Illinois Pollution Control Board (Board) to adopt regulations that are "identical in substance" to hazardous waste regulations adopted by the United States Environmental Protection Agency (USEPA). These USEPA rules implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. §§ 6921 *et seq.* (2015)). The federal RCRA Subtitle C hazardous waste management (HWM) regulations are found at 40 C.F.R. 260 through 268, 270 through 273, and 279.

Similarly, Section 22.40(a) of the Act (415 ILCS 5/22.40(a) (2016)) requires the Board to adopt regulations that are "identical in substance" to Municipal Solid Waste Landfill (MSWLF) regulations adopted by the USEPA. These USEPA rules implement Subtitle D of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle D) (42 U.S.C. §§ 6941 *et seq.* (2015)). The federal RCRA Subtitle D MSWLF regulations are found at 40 C.F.R. 258.

Sections 22.4(a) and 22.40(a) also provides that Title VII of the Act (415 ILCS 5/26 *et seq.* (2016)) and Section 5–35 of the Administrative Procedure Act (5 ILCS 100/5–35 (2016)) do not apply to the Board's adoption of identical-in-substance regulations.

Section 7.2(a) of the Act (415 ILCS 5/7.2(a) (2016)) requires the Board to complete its identical-in-substance rulemaking actions within one year after the date of the USEPA action on which they are based. Section 7.2(b) allows the Board to extend the adoption deadline by causing *Illinois Register* publication of a notice of the extension and reasons for delay.

On October 19, 2017, the Board adopted an order in consolidated docket R17–14/R17–15 that set forth reasons for delay in updating 35 Ill. Adm. Code 702–704, 720–728, 733, 739, 810, 811, and 812. In that order, the Board stated as follows:

EXTENSION OF DUE DATE AND REASONS FOR DELAY

The Board finds it necessary to set forth reasons for delay and again extend the due date for final Board adoption of amendments. The Board encountered unanticipated delay in development of this proposal for public comment.

The statutory due date for the R17–14 and R17–15 amendments was November 28, 2017. The Board extended that deadline until June 1, 2018 by an order adopted on October 19, 2017. A notice of public information appeared in

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the *Illinois Register* on November 3, 2017, at 41 Ill. Reg. 13463. The Board cannot complete the amendments before June 1, 2018.

The statutory due date for the R18–12 amendments is arguably August 28, 2018.¹ For the reasons stated below, the Board cannot fulfill that deadline.

The Board finds it necessary to extend the due date for adopting the consolidated R17–14, R17–15, and R18–12 amendments² until December 3, 2018.

The extreme volume and complexity of the present amendments and limited Board staff resources while this rulemaking was under development caused delay of this proposal for public comment. The Board now anticipates completion of the present amendments no later than December 3, 2018.

REVISED TIMETABLE TO COMPLETE RULEMAKING

The following schedule is the best-case scenario in which no added time will be necessary to complete these amendments:

Board order proposing amendments:	May 24, 2018
Submission for <i>Illinois Register</i> publication:	June 11, 2018
Estimated <i>Illinois Register</i> publication date:	June 22, 2018
Estimated end of 45-day public comment period:	August 6, 2018
Board order adopting amendments:	August 23, 2018
End of 30–day delay for USEPA review:	September 24, 2018
Estimated filing and effective date:	October 1, 2018
Estimated <i>Illinois Register</i> publication date:	October 12, 2018

The Board will complete this rulemaking no later than December 3, 2018.

¹ USEPA did not amend its rules on August 28, 2017. Rather, USEPA set an implementation date, which allows the Board to substitute the date for a defined phrase in the federal text. USEPA did amend its rules on December 26, 2017. See discussion below of the federal actions.

² There is no need to extend the due date for the R18–31 UIC corrections because their due date is May 10, 2019—one year from the date of this opinion and order finding that corrections are needed. See 415 ILCS 5/7.2(b) (2016).

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The selection of December 3, 2018 as the extended due date for completion of these amendments adds two months to the best-case scenario. Although the Board intends to complete these amendments as rapidly as possible, the Board adds extra time to allow for delays. Due to the extreme volume of the present amendments, delay may occur in publication of the proposal for public comment.³ It is also possible that JCAR may request additional time to review the amendments. Under 415 ILCS 7.2(b), the Board extends to December 3, 2018, the statutory deadline for adoption of amendments in these consolidated proceedings.

³ The Office of the Secretary of State, Administrative Code Unit tries to limit the length of each issue of the Illinois Register to about 1,000 pages. The present amendments are nearly twice that length. This conflict could cause delay in publication of the proposed amendments.

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