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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 2016

Issue#	Rules Due Date	Date of Issue
1	December 21, 2015	January 4, 2016
2	December 28, 2015	January 8, 2016
3	January 4, 2016	January 15, 2016
4	January 11, 2016	January 22, 2016
5	January 19, 2016	January 29, 2016
6	January 25, 2016	February 5, 2016
7	February 1, 2016	February 16, 2016
8	February 8, 2016	February 19, 2016
9	February 16, 2016	February 26, 2016
10	February 22, 2016	March 4, 2016
11	February 29, 2016	March 11, 2016
12	March 7, 2016	March 18, 2016
13	March 14, 2016	March 25, 2016
14	March 21, 2016	April 1, 2016
15	March 28, 2016	April 8, 2016
16	April 4, 2016	April 15, 2016
17	April 11, 2016	April 22, 2016
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19	April 25, 2016	May 6, 2016
20	May 2, 2016	May 13, 2016
21	May 9, 2016	May 20, 2016
22	May 16, 2016	May 27, 2016

23	May 23, 2016	June 3, 2016
24	May 31, 2016	June 10, 2016
25	June 6, 2016	June 17, 2016
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41	September 26, 2016	October 7, 2016
42	October 3, 2016	October 14, 2016
43	October 11, 2016	October 21, 2016
44	October 17, 2016	October 28, 2016
45	October 24, 2016	November 4, 2016
46	October 31, 2016	November 14, 2016
47	November 7, 2016	November 18, 2016
48	November 14, 2016	November 28, 2016
49	November 21, 2016	December 2, 2016
50	November 28, 2016	December 9, 2016
51	December 5, 2016	December 16, 2016
52	December 12, 2016	December 27, 2016
53	December 19, 2016	December 30, 2016

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: RCRA Permit Program

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

3)

Section Numbers:	Proposed Actions:
703.184	Amendment
703.213	Amendment

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

5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in the docket R16-7 rulemaking of which the amendments to Part 703 are a single segment. Also affected are 35 Ill. Adm. Code 720, 721, 722, 724, 725, 726, 727, 728, and 733, which is covered by a separate notice in this issue of the *Illinois Register*. The amendments to the various Parts are inter-related. 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.

This proceeding updates the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The R16-7 docket covers the time period January 1, 2015 through June 30, 2015. The following table briefly summarizes the federal actions in the update period:

January 13, 2016 (80 Fed. Reg. 1694): Amendment of DSWR: USEPA significantly amended the Definition of Solid Waste Rule (DSWR). Specifically, USEPA revised the conditions under which a material that is the subject of reclamation is considered "hazardous secondary material," and is excluded from the definition of "solid waste." If a material is not solid waste, it cannot be hazardous waste. Thus, the excluded HSM are not subject to regulation as hazardous waste.

April 8, 2015 (80 Fed. Reg. 18777): Removal of the Comparable Fuels and Gasification Rules: USEPA responded to the vacatur of the comparable fuels rule in Natural Resources Defense Council v. EPA, 755 F.3d 1010 (D.C. Cir. 2014), and the gasification rule in Sierra Club v. EPA, 755 F.3d 968 (D.C. Cir. 2014). USEPA removed the rules from the federal regulations.

April 17, 2015 (80 Fed. Reg. 21302): Adoption of the CCR Rule, Exclusions for Fossil Fuel Combustion Residuals (Coal Combustion Residuals or CCR) from Regulation as Hazardous Waste: USEPA determined not to regulate CCR as hazardous waste and adopted new rules to govern the disposal of CCR as non-hazardous solid waste. While the new CCR rules do not affect hazardous waste regulation, a small segment expands the "Bevill exemption" from the definition of "hazardous waste." The expanded exemption includes eight specified "uniquely associated wastes" that are generated from processes associated with combustion of coal and other fossil fuels and that are disposed with CCR.

In addition to the federal actions that fall within the timeframe of this docket, the Board included two additional federal actions that occurred later. One of these additional actions directly impacted one of the actions that USEPA took within the timeframe that is involved, and the other action affected a provision that the Board opened to make a correction suggested by USEPA.

July 2, 2015 (80 Fed. Reg. 37988): Corrections to the CCR Rule: USEPA adopted technical corrections to the CCR Rule: USEPA corrected the effective date from October 14, 2015 to October 19, 2015. The Board notes the revised effective date, but no action is necessary in that regard. The effective date is now past, and the date does not appear in the text of the revisions to the Bevill exemption.

July 2, 2015 (80 Fed. Reg. 37992): Revision of the List of OECD Countries: USEPA revised the list of Organization for Economic Cooperation and Development (OECD) countries for the rules applicable to trans-boundary shipments of hazardous waste. USEPA added Estonia, Israel, and Slovenia to reflect that these countries are now implementing OECD Decision C(2001)107.

Thus, the Board is acting in this consolidated R16-7 docket on the five sets of USEPA amendments. The Board included a number of corrections that the Board deems are needed, including many suggested by USEPA, as a result of their review of the Illinois rules for the purpose of authorization of the Illinois RCRA Subtitle C program, and two suggested by the Illinois General Assembly's Joint Committee on Administrative Rules (JCAR).

Specifically, the amendments to Part 703 correct several Board note Statements of derivation of various provisions.

Tables appear in the Board's opinion and order of March 3, 2016 in docket R16-7 that list numerous corrections and amendments that are not based on current federal amendments.

The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the March 3, 2016 opinion and order in docket R16-7.

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

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

9) Does this rulemaking contain incorporations by reference? Yes

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

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

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R16-7 and be addressed to:

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

Please direct inquiries to the following person and reference docket R16-7:

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 that generate, transport, treat, store, or dispose of hazardous waste. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].

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

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

14) Regulatory Agenda on which this rulemaking was summarized: December 4, 2015; 39 Ill. Reg. 15637-39

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 703
RCRA PERMIT PROGRAM

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703.101 Purpose
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703.124 Discharges of Hazardous Waste
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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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

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. _____, effective _____.

SUBPART D: APPLICATIONS

Section 703.184 Facility Location Information

a) In order to show compliance with the facility location requirements of Section 21(l) of the Environmental Protection Act [415 ILCS 5/21(l)], the owner or operator must include the following information, or a demonstration that Section 21(l) does not apply:

1) The location of any active or inactive shaft or tunneled mine below the facility;

2) The location of any active faults in the earth's crust within two miles of the facility boundary;

3) The location of existing private wells or existing sources of a public water supply within 1000 feet of any disposal unit boundary;

4) The location of the corporate boundaries of any municipalities within one and one-half miles of the facility boundary;

BOARD NOTE: Subsections (a)(1), (a)(2), (a)(3), and (a)(4) ~~of this Section~~ request information necessary to allow the Agency to determine the applicability of Section 21(l) of the Environmental Protection Act [415 ILCS 5/21(l)] requirements. These provisions are not intended to modify the requirements of the Act. For example, the operator is required to give the location of wells on its own property, even though the Agency might find that these do not prohibit the site location.

5) Documentation showing approval of municipalities if such approval is required by Section 21(l) of the Environmental Protection Act [415 ILCS 5/21(l)];

BOARD NOTE: This subsection (a) is a State-only requirement derived from 415 ILCS 5/21(l).

b) This subsection (b) corresponds with 40 CFR 270.14(b)(11)(ii), which pertains exclusively to facilities located in certain federally listed seismic zones, none of which is in Illinois. This statement maintains structural consistency with the corresponding federal rules;

c) A facility owner or operator must provide an identification of whether the facility is located within a 100-year floodplain. This identification must indicate the source of data for such determination and include a copy of the relevant flood map produced by the Federal Emergency Management Agency, National Flood Insurance Program (NFIP), if used, or the calculations and maps used where a NFIP map is not available. Information must also be provided identifying the 100-year flood level and any other special flooding factors (e.g., wave action) that must be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a 100-year flood;

BOARD NOTE: NFIP maps are available as follows: Flood Map Distribution Center, National Flood Insurance Program, Federal Emergency Management Agency, 6930 (A-F) San Tomas Road, Baltimore, MD 21227-6227. 800-638-6620; and, Illinois Floodplain Information Depository, State Water Survey, 514 WSRC, University of Illinois, Urbana, IL 61801. 217-333-0447. Where NFIP maps are available, they will normally be determinative of whether a facility is located within or outside of the 100-year flood plain. However, where the NFIP map excludes an area (usually areas of the flood plain less than 200 feet in width), these areas must be considered and a determination made as to whether they are in the 100-year floodplain. Where NFIP maps are not available for a proposed facility location, the owner or operator must use equivalent mapping techniques to determine whether the facility is within the 100-year floodplain, and if so located, what is the 100-year flood elevation.

d) An owner or operator of a facility located in the 100-year floodplain must provide the following information:

1) Engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as a consequence of a 100-year flood;

2) Structural or other engineering studies showing the design of operational units (e.g., tanks, incinerators) and flood protection devices (e.g., floodwalls, dikes) at the facility and how these will prevent washout;

3) If applicable, and in lieu of subsections (d)(1) and (d)(2)~~ of this Section~~, a detailed description of procedures to be followed to remove hazardous waste to safety before the facility is flooded, including the following:

A) Timing of such movement relative to flood levels, including estimated time to move the waste, to show that such movement can be completed before floodwaters reach the facility;

B) A description of the locations to which the waste will be moved and demonstration that those facilities will be eligible to receive hazardous waste in accordance with 35 Ill. Adm. Code 702, 703, and 724 through 727;

C) The planned procedures, equipment, and personnel to be used and

the means to ensure that such resources will be available in time for use; and

D) The potential for accidental discharges of the waste during movement;

e) An owner or operator of an existing facility not in compliance with 35 Ill. Adm. Code 724.118(b) must provide a plan showing how the facility will be brought into compliance and a schedule for compliance. Such an owner or operator must file a concurrent variance petition with the Board; and

f) An owner or operator of a new regional pollution control facility, as defined in Section 3 of the Environmental Protection Act [415 ILCS 5/3], must provide documentation showing site location suitability from the county board or other governing body as provided by Section 39(c) and 39.2 of that Act [415 ILCS 5/39(c) and 39.2].

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

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 703.213 Air Emission Controls for Tanks, Surface Impoundments, and Containers

Except as otherwise provided in 35 Ill. Adm. Code 724.101, the owner or operator of a tank, a surface impoundment, or a container that uses air emission controls in accordance with the requirements of Subpart CC of 35 Ill. Adm. Code 724 must provide the following additional information:

a) 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 prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the applicable design specifications, as listed in 35 Ill. Adm. Code 725.991(e)(1) or (f)(1).

b) Identification of each container area subject to the requirements of Subpart CC of 35 Ill. Adm. Code 724 and certification by the owner or operator that the requirements of this Subpart D are met.

c) Documentation for each enclosure used to control air pollutant emissions from containers in accordance with the requirements of 35 Ill. Adm. Code 724.984(d)(5) or 724.986(e)(1)(ii) that includes records for the most recent set of calculations and measurements performed by the owner or operator 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 to 40 CFR 52.741 (VOM Measurement Techniques for Capture Efficiency), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

d) Documentation for each floating membrane cover installed on a surface impoundment in accordance with the requirements of 35 Ill. Adm. Code 724.985(c) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in 35 Ill. Adm. Code 724.985(c)(1).

e) Documentation for each closed-vent system and control device installed in accordance with the requirements of 35 Ill. Adm. Code 724.987 that includes design and performance information, as specified in Section 703.124(c) and (d).

f) An emission monitoring plan for both 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(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.

g) When an owner or operator of a facility subject to Subpart CC of 35 Ill. Adm. Code 725 cannot comply with Subpart CC of 35 Ill. Adm. Code 724 by the date of permit issuance, the schedule of implementation required under 35 Ill. Adm. Code 725.982.

BOARD NOTE: Derived from 40 CFR 270.27 (2015) ~~270.27(a) (2007)~~.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

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

3)

Section Numbers:	Proposed Actions:
720.110	Amendment
720.111	Amendment
720.130	Amendment
720.131	Amendment
720.133	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 Subjects and Issues Involved: The amendments to Part 720 are a single segment of the docket R16-7 rulemaking that also affects 35 Ill. Adm. Code 703, 721, 722, 724, 725, 726, 727, 728, and 733, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R16-7 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 is stated in the Notice of Adopted Amendments for 35 Ill. Adm. Code 703. 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 implement segments of the federal amendments of January 13, 2015. The amendments further update the versions of federal rules and statutory provision incorporated by reference for purposes of the Illinois hazardous waste and underground injection control rules. The Board has included a limited number of corrections and clarifying amendments that are not directly derived from the instant federal amendments.

Tables appear in the Board's opinion and order of March 3, 2016 in docket R16-7 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the March 3, 2016 opinion and order in docket R16-7.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

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

9) Does this rulemaking contain incorporations by reference? No

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

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

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R16-7 and be addressed to:

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

Please direct inquiries to the following person and reference docket R16-7:

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 that generate, transport, treat, store, or dispose of hazardous waste. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805]

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

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

14) Regulatory Agenda on which this rulemaking was summarized: December 4, 2015, 39 Ill. Reg. 15637-39

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 720
HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section
720.101 Purpose, Scope, and Applicability
720.102 Availability of Information; Confidentiality of Information
720.103 Use of Number and Gender
720.104 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 Determinations
720.132 Boiler Determinations
720.133 Procedures for Determinations
720.134 Non-Waste Determinations
720.140 Additional Regulation of Certain Hazardous Waste Recycling Activities on a Case-by-Case Basis
720.141 Procedures for Case-by-Case Regulation of Hazardous Waste Recycling Activities
720.142 Notification Requirement for Hazardous Secondary Materials

720.143 Legitimate Recycling of Hazardous Secondary Materials

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

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

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

amended in R05-2 at 29 Ill. Reg. 6290, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2930, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 730, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11726, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 922, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18535, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17672, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8740, effective June 4, 2012; amended in R13-5 at 37 Ill. Reg. 3180, effective March 4, 2013; amended in R13-15 at 37 Ill. Reg. 17726, effective October 24, 2013; amended in R14-1/R14-2/R14-3 at 38 Ill. Reg. 7189, effective March 13, 2014; amended in R14-13 at 38 Ill. Reg. 12378, effective May 27, 2014; amended in R15-1 at 39 Ill. Reg. 1542, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. _____, 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.

"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.")

"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 includes an intact, unbroken battery from which the electrolyte has been removed.

"Board" means the Illinois Pollution Control Board.

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

Boiler by physical characteristics:

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

directly to a process stream) and fluidized bed combustion units; and

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

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

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

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

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

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

"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):

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 coordinated course of action to be followed in case of a fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment.

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

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

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

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

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

Receiving broken or intact CRTs;

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

Sorting or otherwise managing glass removed from CRT monitors.

"Designated facility" means either of the following entities:

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

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

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

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

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

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

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

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in 35 Ill. Adm. Code 733.113(a) and (c) and 733.133(a) and (c). A facility at which a particular category of universal waste is only accumulated is not a destination facility for the purposes of managing that category of universal waste.

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

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

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

"Discharge" or "hazardous waste discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous 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 runon to an associated collection system at wood preserving plants.

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

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

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

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

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

"EPA 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~~ten~~ regions:

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

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

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

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

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

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

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

Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah,

and Colorado.

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

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

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

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

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

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

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

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste and which was in operation, or for which installation was commenced, on or prior to July 14, 1986. Installation will be considered to have commenced if the owner or operator has obtained all federal, State, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either of the following is true:

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

The owner or operator has entered into contractual obligations that cannot be canceled or modified without substantial loss for physical construction

of the site or installation of the tank system to be completed within a reasonable time.

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

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

"Explosives or munitions emergency response specialist" means an individual trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include United States Department of Defense (USDOD) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), and USDOD-certified civilian or contractor personnel and other federal, State, or local government or civilian personnel who are similarly trained in explosives or munitions emergency responses.

"Facility" means the following:

All contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste or for managing hazardous secondary materials prior to

reclamation. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

For 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 722.134.

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

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

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

~~"Gasification" means, for the purpose of complying with 35 Ill. Adm. Code 721.104(a)(12)(A), a process conducted in an enclosed device or system that is designed and operated to process petroleum feedstock, including oil-bearing hazardous secondary materials, through a series of highly controlled steps utilizing thermal decomposition, limited oxidation, and gas cleaning to yield a synthesis gas composed primarily of hydrogen and carbon monoxide gas.~~

"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 generated and reclaimed under the control of the generator" means one of the following materials:~~

~~A material that is both generated and reclaimed 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);~~

~~A material that is generated and reclaimed at different facilities, if both of the following conditions are fulfilled:~~

~~Either the reclaiming facility is controlled by the generator, or both the generating facility and the reclaiming facility are controlled by the same person, as "person" is defined in this Section; and~~

~~The generator provides either 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 the 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 definition, "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 "person" is defined in this Section, shall not be deemed to "control" such facilities; or~~

~~A material that is generated pursuant to a written contract between a tolling contractor and a toll manufacturer and which is reclaimed by the tolling contractor, if the tolling contractor certifies the following:~~

~~"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."~~

~~For purposes of this definition, "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.~~

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

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

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

"Hazardous waste management unit" is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system, and a container storage area. A container alone does not constitute a unit; the unit includes containers, and the land or pad upon which they are placed.

"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;

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;

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 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.

"LDS" means leak detection system.

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

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

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

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

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

"Manifest tracking number" means the alphanumeric identification number (i.e., a unique three letter suffix preceded by nine numerical digits) that is pre-printed in Item 4 of the manifest by a registered source.

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

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

"Mining overburden returned to the mine site" means any material overlying an economic mineral deposit that is removed to gain access to that deposit and is

then used for reclamation of a surface mine.

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

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

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

"New hazardous waste management facility" 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.

"Onground tank" means a device meeting the definition of tank that is situated in such a way that the bottom of the tank is on the same level as the adjacent

surrounding surfaces so that the external tank bottom cannot be visually inspected.

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

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

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

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

Control of emission of the gaseous combustion products.

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

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

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

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

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

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

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

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

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

It is an animal feed under FFDCA section 201(w) (21 USC 321(w)), incorporated by reference in Section 720.111(c), that bears or contains any substances described in either of the two preceding paragraphs of this definition.
BOARD NOTE: The second exception of corresponding 40 CFR 260.10 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug." This is very similar to the language of section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC 136(u)). The three exceptions, taken together, appear intended not to include as pesticide any material within the scope of federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

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

"Plasma arc incinerator" means any enclosed device that uses a high intensity electrical discharge or arc as a source of heat followed by an afterburner using

controlled flame combustion and which is not listed as an industrial furnace.

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

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

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

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

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

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

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

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

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

"Remediation waste management site" means a facility where an owner or operator is or will be treating, storing, or disposing of hazardous remediation wastes. A remediation waste management site is not a facility that is subject to corrective action pursuant to 35 Ill. Adm. Code 724.201, but a remediation waste management site is subject to corrective action requirements if the site is located 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," as assigned to a site by the United States Department of Transportation, Federal Highway Administration, based on the particular activities that occur on the site, as set forth

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

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

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

"Small quantity generator" means a generator that generates less than 1,000 kg of hazardous waste in a calendar month.

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

"Solvent-contaminated wipe" means the following: A wipe that, after use or after cleaning up a spill, fulfills one or more of the following conditions:

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

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

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

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

"Sorbent" means a material that is used to soak up free liquids by either

adsorption or absorption, or both. "Sorb" means to either adsorb or absorb, or both.

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

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

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

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

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

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

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

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

tetrachlorodibenzo-p-dioxin.

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

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

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

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

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

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

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

"Treatability study" means the following:

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

Whether the waste is amenable to the treatment process;

What pretreatment (if any) is required;

The optimal process conditions needed to achieve the desired treatment;

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

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

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

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

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

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

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

"Unfit-for-use tank system" means a tank system that has been determined, through an integrity assessment or other inspection, to be no longer capable of

storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

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

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

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

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

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

Lamps, as described in 35 Ill. Adm. Code 733.105.

"Universal waste handler" means either of the following:

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

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

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

A person that treats (except under the provisions of Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles universal waste; or

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

"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.

"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.

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

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

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

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

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

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

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

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

"Wipe" means a woven or non-woven shop towel, rag, pad, or swab made of

wood pulp, fabric, cotton, polyester blends, or other material.

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

(Source: Amended at 40 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage 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, issued July 14, 1984, referenced in 35 Ill. Adm. Code 721.298, 724.298, 725.298, 725.301, 726.211, and 727.290.

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

"Flammable and Combustible Liquids Code," NFPA 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, ~~USEPA-approved for 35 Ill. Adm. Code 724.298, 725.298, and 727.290,~~ referenced in 35 Ill. Adm. Code 721.298, 724.298, 725.298, 725.301, ~~and~~ 726.211, and 727.290.

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

"APTI Course 415: Control of Gaseous 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 PB99-121949, or Revision B, February 2010, USEPA publication number EPA-821/R-10-001, NTIS document number PB2011-100735, USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

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

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

BOARD NOTE: Also available on the Internet as a viewable/printable HTML document from the USEPA website at:

www.epa.gov/clariton/clhtml/pubtitleORD.html as document 600479002.

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

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

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

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

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

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

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

Method 0011 (December 1996) (Sampling for Selected Aldehyde and Ketone Emissions from Stationary Sources), USEPA-approved

for Appendix I to 35 Ill. Adm. Code 721 and for Appendix I to 35 Ill. Adm. Code 726.

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

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

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

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

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

Method 0050 (December 1996) (Isokinetic HCl/Cl_2 Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

Method 0051 (December 1996) (Midget Impinger HCl/Cl_2 Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

of Hazardous Wastes and Their Disposal" ("Basel Convention").

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

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

OECD Guideline for Testing of Chemicals, "Ready Biodegradability," Method 301B (July 17, 1992), "CO_2 Evolution (Modified Sturm Test), " referenced in 35 Ill. Adm. Code 724.414.

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

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

USDOD. Available from the United States Department of Defense:

"DOD Ammunition and Explosives Safety Standards" (DOD 6055.09-STD), as in effect on February 29, 2008, referenced in 35 Ill. Adm. Code 726.305.

"The Motor Vehicle Inspection Report" (DD Form 626), as in effect in 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 November 2006, referenced in 35 Ill. Adm. Code 726.303.

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

BOARD NOTE: DOD 6055.09-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 DOD 6055.09-STD are available on-line for download in pdf format from 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):

"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 (2015)~~(2014)~~ (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 (2015)~~(2014)~~ (Water Effluent Concentrations), referenced in 35 Ill. Adm. Code 702.110, 730.103, and 730.151.

Appendix G to 10 CFR 20 (2015)~~(2014)~~ (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 (2015)~~(2014)~~ (Packaging and Transportation of Radioactive Material), referenced generally in 35 Ill. Adm. Code 726.430.

10 CFR 71.5 (2015)~~(2014)~~ (Transportation of Licensed Material), referenced in 35 Ill. Adm. Code 726.425.

33 CFR 153.203 (2015)~~(2014)~~ (Procedure for the Notice of Discharge), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

40 CFR 3.3 (2015)~~(2014)~~ (What Definitions Are Applicable to This Part?), referenced in Section 720.104.

40 CFR 3.10 (2015)~~(2014)~~ (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 720.104.

40 CFR 3.2000 (2015)~~(2014)~~ (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 720.104.

40 CFR 51.100(ii) (2015)~~(2014)~~ (Definitions), referenced in 35 Ill. Adm. Code 726.200.

Appendix W to 40 CFR 51 (2015)~~(2014)~~ (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 (2015)~~(2014)~~ (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 (2015)~~(2014)~~ (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 (2015)~~(2014)~~ (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry), referenced in 35 Ill. Adm. Code 721.989, 724.989, and 725.990.

Appendix A to 40 CFR 60 (2015)~~(2014)~~ (Test Methods), referenced generally in 35 Ill. Adm. Code 726.205 (in addition to the references cited below for specific methods):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 CFR 61 (2015)~~(2014)~~ (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 (2015)~~(2014)~~ (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 (2015)~~(2014)~~ (National Emission Standard for Benzene Waste Operations), referenced in 35 Ill. Adm. Code 724.982 and 725.983.

40 CFR 63 (2015)~~(2014)~~ (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 (2015)~~(2014)~~ (National Emission Standards for Individual Drain Systems), referenced in 35 Ill. Adm. Code 721.984, 724.984, 724.985, 725.985, and 725.986.

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

Subpart EEE of 40 CFR 63 (2015)~~(2014)~~ (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 (2015)~~(2014)~~ (Test Methods), referenced in 35 Ill. Adm. Code 721.983 and 725.984.

Appendix C to 40 CFR 63 (2015)~~(2014)~~ (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 (2015)~~(2014)~~ (Test Methods), referenced in 35 Ill. Adm. Code 721.983 and 725.984.

40 CFR 136.3 (Identification of Test Procedures) (2015)~~(2014)~~, referenced in 35 Ill. Adm. Code 702.110, 704.150, 704.187, and 730.103.

40 CFR 144.70 (2015)~~(2014)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 704.240.

40 CFR 232.2 (2015)~~(2014)~~ (Definitions), referenced in 35 Ill. Adm. Code 721.104.

40 CFR 257 (2015)~~(2014)~~ (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)~~(2014)~~ (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 (2015)~~(2014)~~ (Criteria for Municipal Solid Waste Landfills), referenced in 35 Ill. Adm. Code 739.181.

40 CFR 260.21(b) (2015)~~(2014)~~ (Alternative Equivalent Testing Methods), referenced in Section 720.121.

40 CFR 261.151 (2015)~~(2014)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 721.251.

Appendix III to 40 CFR 261 (2015)~~(2014)~~ (Chemical Analysis Test Methods), referenced in 35 Ill. Adm. Code 704.150 and 704.187.

40 CFR 262.53 (2015)~~(2014)~~ (Notification of Intent to Export), referenced in 35 Ill. Adm. Code 722.153.

40 CFR 262.54 (2015)~~(2014)~~ (Special Manifest Requirements), referenced in 35 Ill. Adm. Code 722.154.

40 CFR 262.55 (2015)~~(2014)~~ (Exception Reports), referenced in 35 Ill. Adm. Code 722.155.

40 CFR 262.56 (2015)~~(2014)~~ (Annual Reports), referenced in 35 Ill. Adm. Code 722.156.

40 CFR 262.57 (2015)~~(2014)~~ (Recordkeeping), referenced in 35 Ill. Adm. Code 722.157.

Appendix to 40 CFR 262 (2015)~~(2014)~~ (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 (2015)~~(2014)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 724.251 and 727.240.

Appendix I to 40 CFR 264 (2015)~~(2014)~~ (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 724.

Appendix IV to 40 CFR 264 (2015)~~(2014)~~ (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 (2015)~~(2014)~~ (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 (2015)~~(2014)~~ (Political Jurisdictions in Which Compliance with Section 264.18(a) Must Be Demonstrated), referenced in 35 Ill. Adm. Code 703.306, 724.118, and 727.110.

Appendix I to 40 CFR 265 (2015)~~(2014)~~ (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 725.

Appendix III to 40 CFR 265 (2015)~~(2014)~~ (EPA Interim Primary Drinking Water Standards), referenced in Appendix C to 35 Ill. Adm. Code 725.

Appendix IV to 40 CFR 265 (2015)~~(2014)~~ (Tests for Significance), referenced in Appendix D to 35 Ill. Adm. Code 725.

Appendix V to 40 CFR 265 (2015)~~(2014)~~ (Examples of Potentially Incompatible Waste), referenced in 35 Ill. Adm. Code 725.277, 725.301, 725.330, 725.357, 725.382, and 725.413 and Appendix E to 35 Ill. Adm. Code 725.

Appendix IX to 40 CFR 266 (2015)~~(2014)~~ (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 (2015)~~(2014)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 727.240.

40 CFR 270.5 (2015)~~(2014)~~ (Noncompliance and Program Reporting by the Director), referenced in 35 Ill. Adm. Code 703.305.

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

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

40 CFR 761 (2015)~~(2014)~~ (Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions), referenced generally in 35 Ill. Adm. Code 728.145.

40 CFR 761.3 (2015)~~(2014)~~ (Definitions), referenced in 35 Ill. Adm. Code 728.102 and 739.110.

40 CFR 761.60 (2015)~~(2014)~~ (Disposal Requirements), referenced in 35 Ill. Adm. Code 728.142.

40 CFR 761.65 (2015)~~(2014)~~ (Storage for Disposal), referenced in 35 Ill. Adm. Code 728.150.

40 CFR 761.70 (2015)~~(2014)~~ (Incineration), referenced in 35 Ill. Adm. Code 728.142.

Subpart B of 49 CFR 107 (2014)~~(2013)~~ (Exemptions), referenced generally in 35 Ill. Adm. Code 724.986 and 725.987.

49 CFR 171 (2014) ~~(2013), as amended at 78 Fed. Reg. 60745 (Oct. 2, 2013), 78 Fed. Reg. 65454 (Oct. 31, 2013), and 79 Fed. Reg. 15033 (Mar. 18, 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 (2014)~~(2013)~~ (Hazardous Waste), referenced in 35 Ill. Adm. Code 722.133.

49 CFR 171.8 (2014) ~~(2013), as amended at 78 Fed. Reg. 65454 (Oct. 31, 2013)~~ (Definitions and Abbreviations), referenced in 35 Ill. Adm. Code 733.118, 733.138, 733.152, 733.155, and 739.143.

49 CFR 171.15 (2014)~~(2013)~~ (Immediate Notice of Certain Hazardous Materials Incidents), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 171.16 (2014)~~(2013)~~ (Detailed Hazardous Materials Incident Reports), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 172 (2014) ~~(2013), as amended at 78 Fed. Reg. 60745 (Oct. 2, 2013), 78 Fed. Reg. 65454 (Oct. 31, 2013), 78 Fed. Reg. 69310 (Nov. 19, 2013), and 79 Fed. Reg. 15033 (Mar. 18, 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 (2014)~~(2013)~~ (Marking Requirements), referenced in 35 Ill. Adm. Code 722.132.

Subpart C of 49 CFR 172 (2014)~~(2013)~~ (Shipping Papers), referenced in 35 Ill. Adm. Code 722.124.

Subpart F of 49 CFR 172 (2014) ~~(2013), as amended at 78 Fed. Reg. 60745 (Oct. 2, 2013)~~ (Placarding), referenced in 35 Ill. Adm. Code 722.133.

49 CFR 173 (2014) ~~(2013), as amended at 78 Fed. Reg. 60745 (Oct. 2, 2013) and 78 Fed. Reg. 65454 (Oct. 31, 2013)~~ (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 (2014)~~(2013)~~ (Hazardous Materials Classes and Index to Hazard Class Definitions), referenced in 35 Ill. Adm. Code 733.152.

49 CFR 173.12 (2014)~~(2013)~~ (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 (2014)~~(2013)~~ (Reuse, Reconditioning, and Remanufacture of Packagings), referenced in 35 Ill. Adm. Code 725.273.

49 CFR 173.50 (2014)~~(2013)~~ (Class 1 − Definitions), referenced in 35 Ill. Adm. Code 721.123.

49 CFR 173.54 (2014)~~(2013)~~ (Forbidden Explosives), referenced in 35 Ill. Adm. Code 721.123.

49 CFR 173.115 (2014)~~(2013)~~ (Class 2, Divisions 2.1, 2.2, and 2.3 − Definitions), referenced in 35 Ill. Adm. Code 721.121.

49 CFR 173.127 (2014)~~(2013)~~ (Class 2, Divisions 2.1, 2.2, and 2.3 – Definitions), referenced in 35 Ill. Adm. Code 721.121.

49 CFR 174 (2014)~~(2013)~~ (Carriage by Rail), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 175 (2014)~~(2013), as amended at 78 Fed. Reg. 65454 (Oct. 31, 2013) and 79 Fed. Reg. 15033 (Mar. 18, 2014)~~ (Carriage by Aircraft), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 176 (2014)~~(2013), as amended at 78 Fed. Reg. 65454 (Oct. 31, 2013)~~ (Carriage by Vessel), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 177 (2014)~~(2013), as amended at 78 Fed. Reg. 60745 (Oct. 2, 2013)~~ (Carriage by Public Highway), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 177.817 (2014)~~(2013)~~ (Shipping Papers), referenced in 35 Ill. Adm. Code 722.124.

49 CFR 178 (2014)~~(2013), as amended at 78 Fed. Reg. 60745 (Oct. 2, 2013), 78 Fed. Reg. 65454 (Oct. 31, 2013), and 79 Fed. Reg. 15033 (Mar. 18, 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 (2014)~~(2013)~~ (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 (2014)~~(2013)~~ (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 (2014)~~(2013)~~ (Pipeline Safety Programs and Rulemaking Procedures), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 191 (2014)~~(2013)~~ (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 (2014)~~(2013)~~ (Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 193 (2014)~~(2013)~~ (Liquefied Natural Gas Facilities: Federal Safety Standards), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 194 (2014)~~(2013)~~ (Response Plans for Onshore Oil Pipelines), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 195 (2014)~~(2013)~~ (Transportation of Hazardous Liquids by Pipeline), referenced generally in 35 Ill. Adm. Code 721.104.

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

49 CFR 198 (2014)~~(2013)~~ (Regulations for Grants to Aid State Pipeline Safety Programs), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 199 (2014)~~(2013)~~ (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) (2013)~~(2011)~~, 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) (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)) (2013)~~(2012)~~, referenced in Section 720.110 and 35 Ill. Adm. Code 733.109.

Section 1004 of the Resource Conservation and Recovery Act (42 USC 6903) (2013), referenced in 35 Ill. Adm. Code 721.951 and 721.981.

Chapter 601 of subtitle VIII of 49 USC (49 USC 60101 through 60140) (2013)~~(2011)~~, referenced in 35 Ill. Adm. Code 721.104.

Section 1412 of the Department of Defense Authorization Act of 1986 (50 USC 1521(j)(1)) (2012)~~(2011)~~, referenced in 35 Ill. Adm. Code 726.301.

d) This Section incorporates no later editions or amendments.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

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

In accordance with the standards and criteria in Sections 720.131 and 720.134 and the procedures in Section 720.133, the Board will determine on a case-by-case basis that the following recycled materials are not solid wastes:

a) Materials that are accumulated speculatively without sufficient amounts being recycled (as defined in Section 721.101(c)(8));

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

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

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

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

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

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 720.131 Solid Waste Determinations

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

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

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

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

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

5) Other relevant factors.

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

the production process. This determination will be based on the following criteria:

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

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

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

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

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

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

7) Other relevant factors.

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

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

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

3) Whether~~The degree to which~~ the partially-reclaimed material is a viable substitute for a product or intermediate produced from virgin or~~like an analogous~~ raw materials that is used in subsequent production steps~~material~~;

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

5) Whether~~The extent to which~~ the partially-reclaimed material is handled to minimize loss.~~; and~~

~~6) Other relevant factors.~~

d) When the management of a hazardous secondary material is not regulated by any of 35 Ill. Adm. Code 724, 725, 726, or 727, the Board will grant a solid waste determination, as provided in Section 720.133, from classifying as a solid waste those hazardous secondary materials that are transferred for reclamation under 35 Ill. Adm. Code 721.4(a)(24) and that are managed at a verified reclamation facility or verified intermediate facility. The Board's determination will be based on the following criteria:

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

2) The reclamation facility or intermediate facility satisfies the financial assurance condition in 35 Ill. Adm. Code 721.4(a)(24)(F)(vi);

3) The reclamation facility or intermediate facility has not been subject to a formal enforcement action in the previous three years and must not be classified as a significant non-complier under RCRA Subtitle C, or the facility has provided credible evidence that the facility will manage the hazardous secondary materials properly. Credible evidence may include a

demonstration that the facility has taken remedial steps to address the violations and prevent future violations, or that the violations are not relevant to the proper management of the hazardous secondary materials;

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

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

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

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 720.133 Procedures for Determinations

The Board will use the procedures of Subpart D of 35 Ill. Adm. Code 104 for determining whether a material is a solid waste, for determining whether a particular enclosed flame combustion device is a boiler, or for evaluating an application for a non-waste determination.

a) The application must address the relevant criteria contained in Section 720.131, 720.132, or 720.134, as applicable.

b) This subsection (b) corresponds with 40 CFR 260.33(b), which pertains to the USEPA procedure for review of petitions. This statement maintains structural consistency with USEPA rules.

c) Changed Circumstances.~~For a non-waste determination, in~~

1) In the event of a change in circumstances that affects how a hazardous secondary material meets the relevant criteria contained in Section 720.131, 720.132, or 720.134 upon which a solid waste or non-waste determination has been based, the applicant must send a description of the change in circumstances to the Board as a petition for adjusted standard that requests modification of the previously granted solid waste, boiler, or non-waste determination under which the petitioner operates or, in the alternative, a Board order that no such modification is necessary.

2) The Board will:

A) determine, based on the record, whether ~~re-apply to the Board for a formal determination that~~ the hazardous secondary material continues to meet the relevant criteria that justify exclusion from the definition as ~~and therefore is not~~ a solid waste; and

B) issue an appropriate order granting or denying the petition.

d) A solid waste, boiler, or non-waste determination is effective for a fixed term not to exceed 10 years, except as provided in this subsection (d). No later than six months prior to the end of this term, facilities must re-apply for a solid waste, boiler, or non-waste determination. If a facility owner or operator re-applies for a solid waste, boiler, or non-waste determination no later than six months prior to expiration of a solid waste, boiler, or non-waste determination, the facility may continue to operate under an expired solid waste, boiler, or non-waste determination until receiving a decision on the re-application from the Board.

e) A facility that receives a solid waste, boiler, or non-waste determination must provide notification, as required by Section 720.142.

(Source: Amended at 40 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)~~ of this Section~~, as applicable. If the Board denies the petition, the hazardous secondary material might still be eligible for a solid waste 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)~~ of this Section~~, as applicable;

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:

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.

~~BOARD NOTE: USEPA intended that use of the non-waste determination procedure is voluntary. By this procedure, the generator or other person managing a hazardous secondary material may obtain a formal determination that a particular use of a hazardous secondary material is legitimate recycling. The generator and others managing the material may independently make a determination pursuant to Section 720.143 and manage the material under one of the exemptions from the definition of solid waste codified at 35 Ill. Adm. Code 721.102(a)(2)(ii) or 721.104(a)(23), (a)(24), or (a)(25). See 73 Fed. Reg. 64668, 74710 (Oct. 30, 2008).~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 720.142 Notification Requirement for Hazardous Secondary Materials

a) A ~~hazardous secondary material generator, a tolling contractor, a toll manufacturer, a reclaimer, or an intermediate~~ facility that manages hazardous secondary materials that~~which~~ are excluded from regulation under 35 Ill. Adm. Code ~~721.102(a)(2)(B) or~~ 721.104(a)(23), (a)(24), or (a)(27)~~(a)(25)~~ must send a notification to USEPA Region 5. The notification must occur prior to operating under the regulatory provision~~exclusion~~ and before March 1 of every even-numbered calendar year thereafter using a copy of USEPA Form 8700-12 obtained from the Agency, Bureau of Land (217-782-6762). The notification must include the following information:

1) The name, address, and USEPA identification number (if applicable) of the facility;

2) The name and telephone number of a contact person for the facility;

3) The NAICS code of the facility;

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

4) The regulation~~exclusion~~ under which the facility will manage the hazardous secondary materials~~ (e.g., 35 Ill. Adm. Code 721.102(a)(2)(B) or 721.104(a)(23), (a)(24), or (a)(25))~~;

~~5) For a reclaimer or intermediate facility that manages hazardous secondary materials in accordance with Section 721.104(a)(24) or (a)(25), whether the reclaimer or intermediate facility has financial assurance (not applicable for persons managing hazardous secondary materials generated and reclaimed under the control of the generator);~~

5~~6~~) When the facility began or expects to begin managing the hazardous secondary materials in accordance with the regulation~~exclusion~~;

6~~7~~) A list of hazardous secondary materials that the facility will manage according to the regulation~~exclusion~~ (reported as the USEPA hazardous waste numbers that would apply if the hazardous secondary materials were managed as hazardous wastes);

7~~8~~) For each hazardous secondary material, whether the hazardous secondary material, or any portion thereof, will be managed in a land-based unit;

8~~9~~) The quantity of each hazardous secondary material to be managed annually; and

9~~10~~) The certification (included in USEPA Form 8700-12) signed and dated by an authorized representative of the facility.

b) If a facility that manages hazardous secondary material ~~generator, tolling contractor, toll manufacturer, reclaimer, or intermediate facility~~ has submitted a notification, but then subsequently ceases managing hazardous secondary materials in accordance with a regulation listed in subsection (a)~~the exclusions~~, the facility owner or operator must notify the Agency within 30 days after the cessation using a copy of USEPA Form 8700-12 obtained from the Agency, Bureau of Land (217-782-6762). For purposes of this Section, a facility has

stopped managing hazardous secondary materials if the facility no longer generates, manages, or reclaims hazardous secondary materials under the regulation listed in subsection (a)~~exclusions~~, 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 40 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~~This Section applies to any person that is regulated pursuant to Section 720.134 or which claims to be excluded from hazardous waste regulation pursuant to 35 Ill. Adm. Code 721.102(a)(2)(B) or 721.104(a)(23), (a)(24), or (a)(25) because that person is engaged in reclamation. Any such person must be able to demonstrate that the recycling in which it is engaged is legitimate~~ recycling. 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~~factors set forth in subsections (b) and (c)~~ of this subsection (a)~~Section~~.

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

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

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

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

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

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

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

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

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

3) The generator and the recycler must manage the hazardous secondary material as a valuable commodity when it is under their control. When 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. When there is no analogous raw material, the hazardous secondary material must be contained. Hazardous secondary materials that are released to the environment and that 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) When 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, when the commodity standards and

specifications include levels that specifically address those hazardous constituents.

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

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

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

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

i) The person performing the recycling must conduct the necessary assessment and prepare documentation that 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 that show that the recycled product does not contain levels of hazardous constituents that pose a significant human health or environmental risk;

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

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

b) 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.~~Factors fundamental to a determination of legitimate recycling. 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, and the recycling process must produce a valuable product or intermediate.~~

~~1) The hazardous secondary material provides a useful contribution to the recycling process or to a product or intermediate if any of the following is true of its reclamation:~~

~~A) It contributes valuable ingredients to a product or intermediate;~~

~~B) It replaces a catalyst or carrier in the recycling process;~~

~~C) It is the source of a valuable constituent recovered in the recycling process;~~

~~D) It is recovered or regenerated by the recycling process; or~~

~~E) It is used as an effective substitute for a commercial product.~~

~~2) The product or intermediate produced is valuable if either of the following describes it:~~

~~A) It is sold to a third party; or~~

~~B) It 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.~~

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.~~Other factors for consideration in a~~

~~determination of legitimate recycling. A determination whether a specific recycling activity constitutes legitimate recycling must consider the factors of subsections (c)(1) and (c)(2) of this Section, in the way described in subsection (c)(3) of this Section:~~

~~1) The demonstration must show whether both the generator and the recycler manage the hazardous secondary material as a valuable commodity. Where there is an analogous raw material, the demonstration must show whether the generator and the recycler manage the hazardous secondary material, at a minimum, in a manner consistent with the management of the raw material. Where there is no analogous raw material, the demonstration must show whether the hazardous secondary material is contained. A hazardous secondary material that is released to the environment and which is not immediately recovered is discarded material, which is solid waste; and~~

~~2) The demonstration must show whether each of the following is true of the product of the recycling process:~~

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

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

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

~~3) Determination whether a specific instance of reclamation is legitimate recycling. A determination that a specific instance of reclamation of a hazardous secondary material is legitimate recycling requires evaluation of all of the factors set forth in subsection (c)(1) of this Section, and the determination must consider legitimacy as a whole.~~

~~A) If, after careful evaluation, the determination is that the conditions of one or both of the factors set forth in subsections (c)(1) and (c)(2) of this Section are not fulfilled, this fact militates in favor of a determination that the reclamation of the hazardous secondary material is not legitimate recycling. However, the non-fulfillment of the factors set forth in subsections (c)(1) and (c)(2) of this Section does not require a determination that the reclamation is not legitimate recycling.~~

~~B) In evaluating the extent to which the reclamation fulfills the factors set forth in subsections (c)(1) and (c)(2) of this Section, and in determining whether a specific reclamation process that does not meet one or both of these factors is still legitimate recycling, the determination can consider the protectiveness of the storage methods, exposure of persons and the environment to toxics in the product, the bioavailability of the toxics in the product, and other relevant considerations that bear on whether the recycling is legitimate.~~

~~BOARD NOTE: USEPA stated that the four legitimacy factors of this Section are substantially the same as its pre-existing "legitimacy policy," as embodied in an internal USEPA memorandum. That memorandum elaborates "other relevant factors" as the economics of the recycling process (i.e., whether most of the revenue derives from sale of the product or from fees charged generators for managing their wastes) and whether the toxic constituents are necessary or of use to the product or are "just 'along for the ride.'" Memorandum from Sylvia K. Lowrance, Director, USEPA, Office of Resource Conservation and Recovery, to Hazardous Waste Management Division Directors, USEPA Regions 1 through 10, attachment at p. 2; see 73 Fed. Reg. 64668, 709-10 (Oct. 31, 2008).~~

~~BOARD NOTE: USEPA uses "legitimate recycling" interchangeably with "legitimately recycled," "recycling is legitimate," and "recycling to be considered legitimate" in corresponding 40 CFR 260.43, as added at 73 Fed. Reg. 64668 (Oct. 30, 2008). The Board has standardized the usage "legitimate recycling" in this Section. USEPA refers to "reclamation of the material that is legitimate" in corresponding 40 CFR 261.2(a)(2)(ii) and 261.4(a)(23), (a)(24), and (a)(25) (2009), as determined pursuant to corresponding 40 CFR 260.43 (2009). The Illinois provision at 35 Ill. Adm. Code 721.101(c)(7) (and corresponding federal 40 CFR 261.1(c)(7)) states that a material is "recycled" if it is~~

~~"used, reused, or reclaimed." The Board intends that "legitimate reclamation," in referenced provisions 35 Ill. Adm. Code 721.102(a)(2)(ii) or 721.104(a)(23), (a)(24), or (a)(25), is synonymous with "legitimate recycling," as used in this Section.~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

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

3)

Section Numbers:	Proposed Actions:
721.101	Amendment
721.102	Amendment
721.103	Amendment
721.104	Amendment
721.107	Amendment
721.132	Amendment
721.133	Amendment
721.135	Amendment
721.138	Repealed
721.270	New Section
721.271	New Section
721.272	New Section
721.273	New Section
721.275	New Section
721.276	New Section
721.277	New Section
721.279	New Section
721.290	New Section
721.291	New Section
721.293	New Section
721.294	New Section
721.296	New Section
721.297	New Section
721.298	New Section
721.299	New Section
721.300	New Section
721.500	New Section
721.510	New Section
721.511	New Section
721.520	New Section
721.930	New Section
721.931	New Section
721.932	New Section
721.933	New Section

721.934	New Section
721.935	New Section
721.950	New Section
721.951	New Section
721.952	New Section
721.953	New Section
721.954	New Section
721.955	New Section
721.956	New Section
721.957	New Section
721.958	New Section
721.959	New Section
721.960	New Section
721.961	New Section
721.962	New Section
721.963	New Section
721.964	New Section
721.980	New Section
721.981	New Section
721.982	New Section
721.983	New Section
721.984	New Section
721.986	New Section
721.987	New Section
721.988	New Section
721.989	New Section
721.Appendix H	Amendment
721.Appendix Z	Amendment

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

5) A Complete Description of Subjects and Issues Involved: The amendments to Part 721 are a single segment of the docket R16-7 rulemaking that also affects 35 Ill. Adm. Code 703, 720, 722, 724, 725, 726, 727, 728, and 733, each of which is covered by a separate notice in this issue of the Illinois Register. To save space, a more detailed description of the subjects and issues involved in the docket R16-7 rulemaking in this issue of the Illinois Register only in the answer to question 5 is stated in the Notice of Adopted Amendments for 35 Ill. Adm. Code 703. 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 implement segments of the federal amendments of January 13, 2015; April 8, 2015; April 17, 2015; and July 2, 2015. The amendments make all of the federal amendments relating to exclusion from the definition of solid waste. The Board has included a limited number of corrections and clarifying amendments that are not directly derived from the instant federal amendments. USEPA suggested many of the included corrections after review of the Illinois hazardous waste regulations for the purpose of authorization of the Illinois RCRA Subtitle C program.

Tables appear in the Board's opinion and order of March 3, 2016 in docket R16-7 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the March 3, 2016 opinion and order in docket R16-7.

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) Will these rulemaking replace any emergency rules currently in effect? No

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

9) Does this rulemaking contain incorporations by reference? No

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

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

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R16-7 and be addressed to:

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

Please direct inquiries to the following person and reference docket R16-7:

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 that generate, transport, treat, store, or dispose of hazardous waste. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed

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

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

14) Regulatory agenda on which this rulemaking was summarized: December 4, 2015; 39 Ill. Reg. 15637-39

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 721
IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

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

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

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

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART D: LISTS OF HAZARDOUS WASTE

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

SUBPART E: EXCLUSIONS AND EXEMPTIONS

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

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

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

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

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

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

SUBPART J: TANK SYSTEMS

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

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

Section
721.500 Applicability
721.510 Preparedness and Prevention
721.511 Emergency Procedures for Facilities Generating or Accumulating 6000 kg or Less of Hazardous Secondary Material
721.520 Contingency Planning and Emergency Procedures for Facilities Generating or Accumulating More Than 6000 kg of Hazardous Secondary Material

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

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

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section
721.950 Applicability
721.951 Definitions
721.952 Standards: Pumps in Light Liquid Service
721.953 Standards: Compressors
721.954 Standards: Pressure Relief Devices in Gas/Vapor Service
721.955 Standards: Sampling Connection Systems
721.956 Standards: Open-Ended Valves or Lines
721.957 Standards: Valves in gas/Vapor Service or in Light Liquid Service
721.958 Standards: Pumps and Valves in heavy Liquid Service, Pressure Relief Devices in Light Liquid or Heavy Liquid Service, and Flanges and Other Connectors
721.959 Standards: Delay of Repair
721.960 Standards: Closed-Vent Systems and Control Devices
721.961 Alternative Standards for Valves in Gas/Vapor Service or in Light Liquid Service: Percentage of Valves Allowed to Leak
721.962 Alternative Standards for Valves in Gas/Vapor Service or in Light Liquid Service: Skip Period Leak Detection and Repair
721.963 Test Methods and Procedures
721.964 Recordkeeping Requirements

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS AND CONTAINERS

Section
721.980 Applicability
721.981 Definitions
721.982 Standards: General
721.983 Material Determination Procedures
721.984 Standards: Tanks
721.986 Standards: Containers
721.987 Standards: Closed-Vent Systems and Control Devices
721.988 Inspection and Monitoring Requirements
721.989 Recordkeeping Requirements

721.APPENDIX A Representative Sampling Methods
721.APPENDIX B Method 1311 Toxicity Characteristic Leaching Procedure (TCLP) (Repealed)

721.APPENDIX C	Chemical Analysis Test Methods (Repealed)
721.TABLE A	Analytical Characteristics of Organic Chemicals (Repealed)
721.TABLE B	Analytical Characteristics of Inorganic Species (Repealed)
721.TABLE C	Sample Preparation/Sample Introduction Techniques (Repealed)
721.APPENDIX G	Basis for Listing Hazardous Wastes
721.APPENDIX H	Hazardous Constituents
721.APPENDIX I	Wastes Excluded by Administrative Action
721.TABLE A	Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Non-Specific Sources
721.TABLE B	Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Specific Sources
721.TABLE C	Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof
721.TABLE D	Wastes Excluded by the Board by Adjusted Standard
721.APPENDIX J	Method of Analysis for Chlorinated Dibenzo-p-Dioxins and Dibenzofurans (Repealed)
721.APPENDIX Y	Table to Section 721.138: Maximum Contaminant Concentration and Minimum Detection Limit Values for Comparable Fuel Specification
721.APPENDIX Z	Table to Section 721.102: Recycled Materials that Are Solid Waste

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

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9 at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill.

Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17531, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1718, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9135, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9481, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1281, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9108, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6584, effective April 22, 2002; amended in R03-18 at 27 Ill. Reg. 12760, effective July 17, 2003; amended in R04-16 at 28 Ill. Reg. 10693, effective July 19, 2004; amended in R05-8 at 29 Ill. Reg. 6003, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2992, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 791, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11786, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 986, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18611, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17734, effective October 14, 2011; amended in R13-5 at 37 Ill. Reg. 3213, effective March 4, 2013; amended in R14-13 at 38 Ill. Reg. 12442, effective May 27, 2014; amended in R15-1 at 39 Ill. Reg. 1607, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. _____, 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 Section 3010 of the Resource Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.). In this Part:

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 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 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~~Sections 721.102(a)(2)(B) and~~ 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 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 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)~~ of this Section~~ is derived from 40 CFR 3, 271.10(b), 271.11(b), and 271.12(h) (2015)~~(2014)~~.

(Source: Amended at 40 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)~~ of this Section~~;

ii) It is recycled, as described in subsection (c)~~ of this Section~~;

iii) It is considered inherently waste-like, as described in

subsection (d)~~ of this Section~~; 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. ~~A hazardous secondary material is not discarded if each of the following is true with respect to the waste:~~

~~i) It is generated and reclaimed under the control of the generator, as defined in 35 Ill. Adm. Code 720.110;~~

~~ii) It is not speculatively accumulated, as defined in Section 721.101(c)(8);~~

~~iii) It is handled only in non-land-based units and is contained in such units;~~

~~iv) It is generated and reclaimed within the United States and its territories;~~

~~v) It is not otherwise subject to material-specific management conditions pursuant to Section 721.104(a) when reclaimed;~~

~~vi) It is not a spent lead acid battery (see 35 Ill. Adm. Code 726.180 and 733.102);~~

~~vii) It does not meet either of the listing descriptions for K171 or K172 waste in Section 721.132; and~~

~~viii) The reclamation of the material is legitimate, as determined pursuant to 35 Ill. Adm. Code 720.143.~~

BOARD NOTE: See also the notification requirements of 35 Ill. Adm. Code 720.142. For hazardous secondary materials managed in land-based units, see Section 721.104(a)(23).

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 recycled − or accumulated, stored, or treated before recycling − as specified in subsections (c)(1) through (c)(4) ~~of this Section~~, 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).

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 ~~721.102(a)(2)(B) or~~ 721.104(a)(17), (a)(23), (a)(24), or (a)(27)~~(a)(25)~~.

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) Hazardous waste numbers F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026, and F028.

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

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)~~ of this Section~~):

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)~~ of this Section~~.

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 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 40 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 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) of this Section,~~ or subsection (h) of this Section~~; 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)~~ of this Section~~) 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 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, 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 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 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 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 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.

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)~~ of this Section~~ 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)~~ of this Section~~, 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)~~ of this Section~~.

d) Any solid waste described in subsection (e)~~ of this Section~~ 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 also has been excluded from subsection (e)~~ of this Section~~ 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)~~ of this Section~~, 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 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)
Antimony	0.10
Arsenic	0.50
Barium	7.6
Beryllium	0.010
Cadmium	0.050
Chromium (total)	0.33
Cyanide (total) (mg/kg)	1.8
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. 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)~~ of this Section~~ 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 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)~~ of this Section~~ 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)~~ of this Section~~; 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)~~ of this Section~~.

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 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)~~ of this Section~~ 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 40 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.

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, unless it is accumulated speculatively, as defined in Section 721.101(c).

8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated, where they are reused in the production process, provided that the following is true:

A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

B) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);

C) The secondary materials are never accumulated in such tanks for over 12 months without being reclaimed; and

D) The reclaimed material is not used to produce a fuel or used to produce products that are used in a manner constituting disposal.

9) Wood preserving wastes.

A) Spent wood preserving solutions that have been used and which are reclaimed and reused for their original intended purpose;

B) Wastewaters from the wood preserving process that have been reclaimed and which are reused to treat wood; and

C) Prior to reuse, the wood preserving wastewaters and spent wood preserving solutions described in subsections (a)(9)(A) and (a)(9)(B)~~ of this Section~~, so long as they meet all of the following conditions:

i) The wood preserving wastewaters and spent wood preserving solutions are reused on-site at water-borne plants in the production process for their original intended purpose;

ii) Prior to reuse, the wastewaters and spent wood preserving solutions are managed to prevent release to either land or groundwater or both;

iii) Any unit used to manage wastewaters or spent wood preserving solutions prior to reuse can be visually or otherwise determined to prevent such releases;

iv) Any drip pad used to manage the wastewaters or spent wood preserving solutions prior to reuse complies with the standards in Subpart W of 35 Ill. Adm. Code 725, regardless of whether the plant generates a total of less than 100 kg/month of hazardous waste; and

v) Prior to operating pursuant to this exclusion, the plant owner or operator prepares a one-time notification to the Agency stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that document in its on-site records until closure of the facility. The exclusion applies only so long as the plant meets all of the conditions. If the plant goes out of compliance with any condition, it may apply to the Agency

for reinstatement. The Agency must reinstate the exclusion in writing if it finds that the plant has returned to compliance with all conditions and that the violations are not likely to recur. If the Agency denies an application, it must transmit to the applicant specific, detailed statements in writing as to the reasons it denied the application. The applicant under this subsection (a)(9)(C)(v) may appeal the Agency's determination to deny the reinstatement, to grant the reinstatement with conditions, or to terminate a reinstatement before the Board pursuant to Section 40 of the Act [415 ILCS 5/40].

10) 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 hazardous waste number K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.

12) Certain oil-bearing hazardous secondary materials and recovered oil, as follows:

A) Oil-bearing hazardous secondary materials (i.e., sludges, by-products, or spent materials) that are generated at a petroleum refinery (standard industrial classification (SIC) code 2911) and are inserted into the petroleum refining process (SIC code 2911: including, but not limited to, distillation, catalytic cracking, fractionation, ~~gasification (as defined in 35 Ill. Adm. Code 720.110),~~ 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) ~~of this Section~~, 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) ~~of this Section~~. 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 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.~~Comparable fuels or comparable syngas fuels that meet the requirements of Section 721.138.~~

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)~~ of this Section~~, the spent material is stored in tanks, containers, or buildings that meet the following minimum integrity standards: a building must be an engineered structure with a floor, walls, and a roof all of which are made of non-earthen materials providing structural support (except that smelter buildings may have partially earthen floors, provided that the spent material is stored on the non-earthen portion), and have a roof suitable for diverting rainwater away from the foundation; a tank must be free standing, not be a surface impoundment (as defined in 35 Ill. Adm. Code 720.110), and be manufactured of a material suitable for containment of its contents; a container must be free standing and be manufactured of a material suitable for containment of its contents. If a tank or container contains any particulate that may be subject to wind dispersal, the owner or operator must operate the unit in a manner that controls fugitive dust. A tank, container, or building must be

designed, constructed, and operated to prevent significant releases to the environment of these materials.

D) The Agency must allow by permit that solid mineral processing spent materials only may be placed on pads, rather than in tanks, containers, or buildings if the facility owner or operator can demonstrate the following: the solid mineral processing secondary materials do not contain any free liquid; the pads are designed, constructed, and operated to prevent significant releases of the spent material into the environment; and the pads provide the same degree of containment afforded by the non-RCRA tanks, containers, and buildings eligible for exclusion.

i) The Agency must also consider whether storage on pads poses the potential for significant releases via groundwater, surface water, and air exposure pathways. Factors to be considered for assessing the groundwater, surface water, and air exposure pathways must include the following: the volume and physical and chemical properties of the spent material, including its potential for migration off the pad; the potential for human or environmental exposure to hazardous constituents migrating from the pad via each exposure pathway; and the possibility and extent of harm to human and environmental receptors via each exposure pathway.

ii) Pads must meet the following minimum standards: they must be designed of non-earthen material that is compatible with the chemical nature of the mineral processing spent material; they must be capable of withstanding physical stresses associated with placement and removal; they must have 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~~non-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)~~ of this Section~~, 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 code D018);

B) The oil generated by the organic chemical manufacturing facility is not placed on the land, or speculatively accumulated before being recycled into the petroleum refining process. An "associated organic chemical manufacturing facility" is a facility for which all of the following is true: its primary SIC code is 2869, but its operations may also include SIC codes 2821, 2822, and 2865; it is physically co-located with a petroleum refinery; and the petroleum

refinery to which the oil being recycled is returned also provides hydrocarbon feedstocks to the organic chemical manufacturing facility. "Petrochemical recovered oil" is oil that has been reclaimed from secondary materials (i.e., sludges, by-products, or spent materials, including wastewater) from normal organic chemical manufacturing operations, as well as oil recovered from organic chemical manufacturing processes.

19) Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid, unless the material is placed on the land or accumulated speculatively, as defined in Section 721.101(c).

20) Hazardous secondary materials used to make zinc fertilizers, provided that the following conditions are satisfied:

A) Hazardous secondary materials used to make zinc micronutrient fertilizers must not be accumulated speculatively, as defined in Section 721.101(c)(8).

B) A generator or intermediate handler of zinc-bearing hazardous secondary materials that are to be incorporated into zinc fertilizers must fulfill the following conditions:

i) It must submit a one-time notice to the Agency that contains the name, address, and USEPA identification number of the generator or intermediate handler facility, that provides a brief description of the secondary material that will be subject to the exclusion, and which identifies when the manufacturer intends to begin managing excluded zinc-bearing hazardous secondary materials under the conditions specified in this subsection (a)(20).

ii) It must store the excluded secondary material in tanks, containers, or buildings that are constructed and maintained in a way that prevents releases of the secondary materials into the environment. At a minimum, any building used for this purpose must be an engineered structure made of non-earthen materials that provide structural support, and it

must have a floor, walls, and a roof that prevent wind dispersal and contact with rainwater. A tank used for this purpose must be structurally sound and, if outdoors, it must have a roof or cover that prevents contact with wind and rain. A container used for this purpose must be kept closed, except when it is necessary to add or remove material, and it must be in sound condition. Containers that are stored outdoors must be managed within storage areas that fulfill the conditions of subsection (a)(20)(F)~~ of this Section~~:

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)~~ of this Section~~.

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)~~ of this Section~~.

ii) It must submit a one-time notification to the Agency that, at a minimum, specifies the name, address, and USEPA identification number of the manufacturing facility and which identifies when the manufacturer intends to begin managing excluded zinc-bearing hazardous secondary materials under the conditions specified in this subsection (a)(20).

iii) It must maintain for a minimum of three years records of all shipments of excluded hazardous secondary materials received by the manufacturer, which must at a minimum identify for each shipment the name and address of the generating facility, the name of transporter, and the date on which the materials were received, the quantity received, and a brief description of the industrial process that generated the material.

iv) It must submit an annual report to the Agency that identifies the total quantities of all excluded hazardous secondary materials that were used to manufacture zinc fertilizers or zinc fertilizer ingredients in the previous year, the name and address of each generating facility, and the industrial processes from which the hazardous secondary materials were generated.

D) Nothing in this Section preempts, overrides, or otherwise negates the provision in 35 Ill. Adm. Code 722.111 that requires any person who generates a solid waste to determine if that waste is a hazardous waste.

E) Interim status and permitted storage units that have been used to store only zinc-bearing hazardous wastes prior to the submission of the one-time notice described in subsection (a)(20)(B)(i) ~~of this Section~~, and that afterward will be used only to store hazardous secondary materials excluded under this subsection (a)(20), are not subject to the closure requirements of 35 Ill. Adm. Code 724 and 725.

F) A container used to store excluded secondary material must fulfill the following conditions:

i) It must have containment structures or systems sufficiently impervious to contain leaks, spills, and accumulated precipitation;

ii) It must provide for effective drainage and removal of leaks, spills, and accumulated precipitation; and

iii) It must prevent run-on into the containment system.

BOARD NOTE: Subsections (a)(20)(F)(i) through (a)(20)(F)(iii) are derived from 40 CFR 261.4(a)(20)(ii)(B)(*1*) through (a)(20)(ii)(B)(*3*). The Board added the preamble to these federal paragraphs as subsection (a)(20)(F) to comport with Illinois Administrative Code codification requirements.

G) Required records of shipments of excluded hazardous secondary materials must, at a minimum, contain the following information:

i) The name of the transporter and date of the shipment;

ii) The name and address of the facility that received the excluded material, along with documentation confirming receipt of the shipment; and

iii) The type and quantity of excluded secondary material in each shipment.

BOARD NOTE: Subsections (a)(20)(G)(i) through (a)(20)(G)(iii) are derived from 40 CFR 261.4(a)(20)(ii)(D)(*1*) through (a)(20)(ii)(D)(*3*). The Board added the preamble to these federal paragraphs as subsection (a)(20)(G) to comport with Illinois Administrative Code codification requirements.

21) Zinc fertilizers made from hazardous wastes or hazardous secondary materials that are excluded under subsection (a)(20)~~ of this Section~~, provided that the following conditions are fulfilled:

A) The fertilizers meet the following contaminant limits:

i) For metal contaminants:

Constituent	Maximum Allowable Total Concentration in Fertilizer, per Unit (1%) of Zinc (ppm)

Arsenic	0.3
Cadmium	1.4
Chromium	0.6
Lead	2.8
Mercury	0.3

ii) For dioxin contaminants, the fertilizer must contain no more than eight parts per trillion of dioxin, measured as toxic equivalent (TEQ).

B) The manufacturer performs sampling and analysis of the fertilizer product to determine compliance with the contaminant limits for metals no less frequently than once every six months, and for dioxins no less frequently than once every 12 months. Testing must also be performed whenever changes occur to manufacturing processes or ingredients that could significantly affect the amounts of contaminants in the fertilizer product. The manufacturer may use any reliable analytical method to demonstrate that no constituent of concern is present in the product at concentrations above the applicable limits. It is the responsibility of the manufacturer to ensure that the sampling and analysis are unbiased, precise, and representative of the products introduced into commerce.

C) The manufacturer maintains for no less than three years records of all sampling and analyses performed for purposes of determining compliance with subsection (a)(21)(B)~~ of this Section~~. Such records must at a minimum include the following:

i) The dates and times product samples were taken, and the dates the samples were analyzed;

ii) The names and qualifications of the persons taking the samples;

iii) A description of the methods and equipment used to take the samples;

iv) The name and address of the laboratory facility at which analyses of the samples were performed;

v) A description of the analytical methods used, including any cleanup and sample preparation methods; and

vi) All laboratory analytical results used to determine compliance with the contaminant limits specified in this subsection (a)(21).

22) Used CRTs.

A) Used, intact CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste within the United States, unless they are disposed of or speculatively accumulated, as defined in Section 721.101(c)(8), by a CRT collector or glass processor.

B) Used, intact CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste when exported for recycling, provided that they meet the requirements of Section 721.140.

C) Used, broken CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste, provided that they meet the requirements of Section 721.139.

D) Glass removed from CRTs is not a solid waste provided that it meets the requirements of Section 721.139(c).

23) Hazardous secondary materials reclaimed under the control of the generator~~managed in land-based units~~. 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)~~managed in land-based units, as defined in 35 Ill. Adm. Code 720.110, is not a solid waste if the following conditions are fulfilled with regard to the material~~:

A) Excluded hazardous secondary materials.

i) The hazardous secondary material is generated and reclaimed at the generating facility. (For purposes of this subsection (a)(23)(A)(i), "generating facility" means all contiguous property owned, leased, or otherwise controlled by the hazardous secondary material generator.);

ii) The hazardous secondary material is generated and reclaimed at different facilities, if the reclaiming facility is controlled by the generator or if both the generating facility and the reclaiming facility are controlled by a person as defined in 35 Ill. Adm. Code 720.110, and if the generator provides one of the following certifications:

"On behalf of [insert generator facility name], I certify that this facility will send the indicated hazardous secondary material to [insert reclaimer facility name], which is controlled by [insert generator facility name] and that [insert name of either facility] has acknowledged full responsibility for the safe management of the hazardous secondary material."

or

"On behalf of [insert generator facility name], I certify that this facility will send the indicated hazardous secondary material to [insert reclaimer facility name], that both facilities are under common control, and that [insert name of either facility] has acknowledged full responsibility for the safe management of the hazardous secondary material."

For purposes of this subsection (a)(23)(A)(ii), "control" means the power to direct the policies of the facility, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate facilities on behalf of a different person, as defined in 35 Ill. Adm. Code 720.110, cannot be deemed to "control" such facilities. The

generating and receiving facilities must both maintain at their facilities for no less than three years records of hazardous secondary materials sent or received under this exclusion. In both cases, the records must contain the name of the transporter, the date of the shipment, and the type and quantity of the hazardous secondary material shipped or received under the exclusion. These requirements may be satisfied by routine business records (e.g., financial records, bills of lading, copies of USDOT shipping papers, or electronic confirmations); or

iii) The hazardous secondary material is generated pursuant to a written contract between a tolling contractor and a toll manufacturer and is reclaimed by the tolling contractor, if the tolling contractor certifies as follows:

"On behalf of [insert tolling contractor name], I certify that [insert tolling contractor name] has a written contract with [insert toll manufacturer name] to manufacture [insert name of product or intermediate] which is made from specified unused materials, and that [insert tolling contractor name] will reclaim the hazardous secondary materials generated during this manufacture. On behalf of [insert tolling contractor name], I also certify that [insert tolling contractor name] retains ownership of, and responsibility for, the hazardous secondary materials that are generated during the course of the manufacture, including any releases of hazardous secondary materials that occur during the manufacturing process."

The tolling contractor must maintain at its facility for no less than three years records of hazardous secondary materials received pursuant to its written contract with the tolling manufacturer, and the tolling manufacturer must maintain at its facility for no less than three years records of hazardous secondary materials shipped pursuant to its written contract with the tolling contractor. In both cases,

the records must contain the name of the transporter, the date of the shipment, and the type and quantity of the hazardous secondary material shipped or received pursuant to the written contract. These requirements may be satisfied by routine business records (e.g., financial records, bills of lading, copies of USDOT shipping papers, or electronic confirmations). For purposes of this subsection (a)(23)(A)(ii), "tolling contractor" means a person who arranges for the production of a product or intermediate made from specified unused materials through a written contract with a toll manufacturer. "Toll manufacturer" means a person who produces a product or intermediate made from specified unused materials pursuant to a written contract with a tolling contractor.

B) Management of hazardous secondary materials.

i~~A~~) 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.~~;~~

~~B) The material is a hazardous secondary material generated and reclaimed under the control of the generator, as defined in 35 Ill. Adm. Code 720.110;~~

ii~~C~~) 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~~D~~) The hazardous secondary material is not otherwise subject to material-specific management conditions under subsection (a) ~~of this Section~~ when reclaimed, and it is not

a spent lead acid battery (see 35 Ill. Adm. Code 726.180 and 733.102)~~, and it does not meet either of the listing descriptions for K171 or K172 waste in Section 721.132~~;

v) Persons performing the recycling of hazardous secondary materials under this exclusion must maintain documentation of their legitimacy determination on-site. Documentation must be a written description of how the recycling meets all four factors in 35 Ill. Adm. Code 720.143(a). Documentation must be maintained for three years after the recycling operation has ceased.

vi) The emergency preparedness and response requirements found in Subpart M of this Part are met.

~~E) The reclamation of the material is legitimate, as determined pursuant to 35 Ill. Adm. Code 720.143; and~~

~~F) In addition, a person claiming the exclusion under this subsection (a)(23) must provide notification of regulated waste activity, as required by 35 Ill. Adm. Code 720.142. (For hazardous secondary material managed in a non-land-based unit, see Section 721.102(a)(2)(B)).~~

24) Hazardous secondary materials transferred for off-site recycling. Hazardous secondary material that is generated and then transferred to a verified reclamation facility~~another person~~ for the purpose of reclamation is not a solid waste if the management of the material fulfills the conditions of subsections (a)(24)(A) through (a)(24)(G)~~ of this Section~~:

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; the hazardous secondary material must not be a spent lead-acid battery (see 35 Ill. Adm. Code 726.180 and 733.102)~~; and the material must not fulfill either of the listing descriptions for K171 or K172 waste in Section 721.132~~.

D) The reclamation of the hazardous secondary material must be legitimate, as determined pursuant to 35 Ill. Adm. Code 720.143.

E) The hazardous secondary material generator must satisfy each of the following conditions:

i) The hazardous secondary material must be contained as defined in 35 Ill. Adm. Code 720.110. A hazardous secondary material released to the environment is discarded and a solid waste unless it is immediately recovered for the purpose of recycling. Hazardous secondary material managed in a unit that leaks or that otherwise continuously releases hazardous secondary material is discarded material and a solid waste.

ii) The hazardous secondary material generator must arrange~~This subsection (a)(24)(E)(ii) applies when non-RCRA management of hazardous secondary material will occur at a reclamation facility or transfer facility. For the purposes of this subsection (a)(24), "non-Subtitle C management" is management of the hazardous secondary material that is not addressed under a RCRA Part B permit or under the interim status facility standards (of 35 Ill. Adm. Code 725 or similar regulations authorized by USEPA as equivalent to 40 CFR 265). Prior to arranging~~ 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

solid waste determination pursuant to 35 Ill. Adm. Code 720.131(d), or a reclamation facility when the management of the hazardous secondary material is regulated by any of 35 Ill. Adm. Code 724, 725, 726, or 727~~ where non-Subtitle C management will occur, the hazardous secondary material generator must make reasonable efforts to ensure that the reclaimer intends to properly and legitimately reclaim the hazardous secondary material and not discard it, and that the reclaimer will manage the hazardous secondary material in a manner that is protective of human health and the environment~~. If the hazardous secondary material will pass through an intermediate facility, the facility must be a "verified intermediate facility" that has been granted a solid waste determination pursuant to 35 Ill. Adm. Code 720.131(d) or~~ where non-RCRA~~ management of the hazardous secondary materials at that facility must be regulated by any of 35 Ill. Adm. Code 724, 725, 726, or 727~~will occur~~, 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~~, and the hazardous secondary material generator must perform reasonable efforts to ensure that the intermediate facility will manage the hazardous secondary material in a manner that is protective of human health and the environment. Reasonable efforts must be repeated at a minimum of once every three years for the hazardous secondary material generator to claim the exclusion of this subsection (a)(24) and to send the hazardous secondary materials to a reclaimer and any intermediate facility. In making these reasonable efforts, the generator may use any credible evidence available, including information gathered by the hazardous secondary material generator, provided by the reclaimer or intermediate facility, or provided by a third party. The hazardous secondary material generator must make the series of affirmative determinations set forth in subsection (a)(24)(H) of this Section for each reclamation facility and intermediate facility that will manage its waste~~.

~~BOARD NOTE: Corresponding 40 CFR 261.4(a)(24)(v)(B) makes it clear that USEPA intends that the generator undertake this determination for each reclaimer that will manage its hazardous secondary material. The Board added a definition of "non-Subtitle C management" and substituted this term for the language "management of the hazardous secondary materials is not addressed under a RCRA Part B permit or interim status standards." Although the Board shifted the language for enhanced readability, the Board intends no shift in meaning. The Board moved the material from 40 CFR 261.4(a)(24)(v)(B)(1) through (a)(24)(v)(B)(5) to appear as 35 Ill. Adm. Code 721.104(a)(24)(H)(i) through (a)(24)(H)(v). This movement allowed compliance with codification requirements relating to the maximum permissible indent level.~~

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.

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.~~The hazardous secondary material generator must execute a certification statement that includes the following language, together with the printed name and official title of an authorized~~

~~representative of the hazardous secondary material generator, the authorized representative's signature, and the date signed:~~

~~"I hereby certify in good faith and to the best of my knowledge that, prior to arranging for transport of excluded hazardous secondary materials to [insert the name of each reclamation facility and any intermediate facility that will manage the materials], reasonable efforts were made in accordance with 35 Ill. Adm. Code 721.104(a)(24)(E)(ii) (and corresponding 40 CFR 261.4(a)(24)(v)(B)) to ensure that the hazardous secondary materials would be recycled legitimately and would be otherwise managed in a manner that is protective of human health and the environment, and that such efforts were based on current and accurate information."~~

~~BOARD NOTE: Corresponding 40 CFR 261.4(a)(24)(v)(C) combines the requirements for records retention and availability for inspection with the requirement for certification. The Board combined the certification requirements from 40 CFR 261.4(a)(24)(v)(C), (a)(24)(v)(C)(1), and (a)(24)(v)(C)(2) in this single subsection (a)(24)(E)(iii). This combination allowed compliance with codification requirements relating to the maximum permissible indent level. The Board moved the records retention and availability for inspection requirements from 40 CFR 261.4(a)(24)(v)(C) to subsection (a)(24)(E)(iv) of this Section. This forced renumbering 40 CFR 261.4(a)(24)(v)(D) and (a)(24)(v)(E) as subsections (a)(24)(E)(v) and (a)(24)(E)(vi) of this Section. Although the Board shifted the language for enhanced readability, the Board intends no shift in meaning.~~

~~iv)~~ ~~The hazardous secondary material generator must maintain the following records for a minimum of three years:~~

~~documentation and certification that the generator made reasonable efforts, prior to transferring hazardous secondary material, for each reclamation facility and, if applicable, intermediate facility where non-Subtitle C management of the hazardous secondary materials will occur. Documentation and certification must be made available, within 72 hours, or within any longer period of time specified by the Agency, upon request by the Agency.~~

~~BOARD NOTE: The Board moved the records retention and availability for inspection requirements of corresponding 40 CFR 261.4(a)(24)(v)(C) to this subsection (a)(24)(E)(iv).~~

~~v)~~ ~~The hazardous secondary material generator must maintain certain records at the generating facility for a minimum of three years that document every off-site shipment of hazardous secondary materials. The documentation for each shipment must, at a minimum, include the following information about the shipment: the name of the transporter and date of the shipment; the name and address of each reclaimer and intermediate facility to which the hazardous secondary material was sent; and the type and quantity of hazardous secondary material in the shipment.~~

~~BOARD NOTE: The Board combined and moved the shipping documentation and records retention requirements of corresponding 40 CFR 261.4(a)(24)(v)(D) and (a)(24)(v)(D)(1) through (a)(24)(v)(D)(3) to this single subsection (a)(24)(E)(v). This combination allowed compliance with codification requirements relating to the maximum permissible indent level.~~

iv~~vi~~) 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~~DOT~~ shipping papers, or electronic confirmations of receipt).

~~BOARD NOTE: The Board moved the shipment confirmation documentation and records retention requirements of corresponding 40 CFR 261.4(a)(24)(v)(E) to this subsection (a)(24)(E)(vi).~~

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 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~~DOT~~ shipping papers, or electronic confirmations of receipt).

iv) The reclaimer or intermediate facility must manage the hazardous secondary material in a manner that is at least as protective of human health and the environment as that employed for analogous raw material, and the material must be contained. An ""analogous raw material"" is a raw material for which the hazardous secondary material substitutes and that serves the same function and has similar physical and chemical properties as the hazardous secondary material.

v) A reclaimer of hazardous secondary materials must manage any residuals that are generated from its reclamation processes in a manner that is protective of human health and the environment. If any residuals of the reclamation process exhibit a characteristic of hazardous waste, as defined in Subpart C 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.

~~H) For the purposes of subsection (a)(24)(E)(ii) of this Section, the hazardous secondary material generator must affirmatively determine that each of the following conditions is true for each reclamation facility and any intermediate facility that will manage the generator's hazardous secondary material:~~

~~i) Available information indicates that the reclamation process is legitimate recycling, as determined pursuant to 35 Ill. Adm. Code 720.143. In making this determination, the hazardous secondary material generator may rely on its existing knowledge of the physical and chemical properties~~

~~of the hazardous secondary material, as well as on information from other sources (e.g., the reclamation facility, audit reports, etc.) about the reclamation process. (By making this determination, the hazardous secondary material generator has also satisfied the requirement in 35 Ill. Adm. Code 720.143(a) that the generator demonstrate that the recycling is legitimate).~~

~~ii)~~ ~~Publicly available information indicates that each reclamation facility and any intermediate facility that is used by the hazardous secondary material generator has submitted the notification required by 35 Ill. Adm. Code 720.142, and these facilities have submitted the required proofs of financial assurance as required by the applicable of Section 721.243(a)(1), (b)(1), (c)(1), (d)(1), (e)(3), and (g) and notification of financial assurance pursuant to 35 Ill. Adm. Code 720.142(a)(5). In making this dual determination, the hazardous secondary material generator may rely on the available information documenting the reclamation facility's and any intermediate facility's compliance with the notification requirements pursuant to 35 Ill. Adm. Code 720.142, including the requirement in 35 Ill. Adm. Code 720.142(a)(5) to notify the Agency whether the reclaimer or intermediate facility has financial assurance.~~

~~iii)~~ ~~Publicly available information indicates that each reclamation facility and any intermediate facility that is used by the hazardous secondary material generator has not had any formal enforcement actions taken against the facility within the previous three years for violations of the RCRA hazardous waste regulations, and the facility has not been classified as a significant non-complier (SNC) with RCRA Subtitle C requirements. In making this determination, the hazardous secondary material generator may rely on the publicly available information from USEPA, the Agency, or the Office of the Attorney General. If the reclamation facility or any intermediate facility that is used by the hazardous secondary material generator has had~~

~~a formal enforcement action taken against the facility within the previous three years for violations of the RCRA hazardous waste regulations, or if the facility has been classified as a SNC with RCRA Subtitle C requirements, the hazardous secondary material generator must have credible evidence that the facility will manage the hazardous secondary materials properly. In making this determination, the hazardous secondary material generator can obtain additional information from USEPA, the Agency, the Office of the Attorney General, or the facility itself which indicates that the facility has addressed the violations, taken remedial steps to address the violations and prevent future violations, or that the violations are not relevant to the proper management of the generator's hazardous secondary materials.~~

~~BOARD NOTE: USEPA or a state may make a formalized determination that a facility is a SNC (pronounced "snick") pursuant to USEPA's "Hazardous Waste Civil Enforcement Response Policy" (most recent version: December 2003, available from USEPA, Envirofacts Data Warehouse (www.epa.gov/compliance/resources/policies/civil/rcra/finalerp1203.pdf)). USEPA operates the online RCRAInfo database (www.epa.gov/enviro/html/rcris/) from which interested persons can learn whether a facility has significant federal enforcement action against it, or if it is a SNC.~~

~~iv) Available information indicates that the reclamation facility and any intermediate facility used by the hazardous secondary material generator have the equipment and trained personnel to safely recycle the hazardous secondary material. In making this determination, the generator may rely on a description made by the reclamation facility or an independent third party of the equipment and trained personnel that the facility will use to manage and recycle the generator's hazardous secondary material.~~

~~v)~~ ~~If residuals are generated from the reclamation of the excluded hazardous secondary materials, the reclamation facility has the permits required (if any) to manage the residuals. If the reclamation facility does not have required permits, the facility has a contract with an appropriately permitted facility to dispose of the residuals. If the reclamation facility does not have required permits or a contract with a permitted facility, the hazardous secondary material generator has credible evidence that the residuals will be managed in a manner that is protective of human health and the environment. In making these determinations, the hazardous secondary material generator may rely on publicly available information from USEPA or the Agency, or on information provided by the facility itself.~~

~~BOARD NOTE: The Board moved 40 CFR 261.4(a)(24)(v)(B)(1) through (a)(24)(v)(B)(5) to appear as 35 Ill. Adm. Code 721.104(a)(24)(H)(i) through (a)(24)(H)(v), which set forth the determinations mandated for the purposes of subsection (a)(24)(E)(ii). This movement allowed compliance with codification requirements relating to the maximum permissible indent level.~~

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.~~Hazardous secondary materials exported for recycling. Hazardous secondary material that is exported from the United States and reclaimed at a reclamation facility located in a foreign country is not a solid waste, so long as the hazardous secondary material generator complies with the applicable requirements of subsections (a)(24)(A) through (a)(24)(E) of this Section, except that the requirements of subsection (a)(24)(H)(ii) of this Section (requiring the use of publicly available information to verify that the facility has submitted required notifications) do not apply to foreign reclaimers and intermediate facilities, and the hazardous secondary material generator also complies with the following requirements:~~

~~A)~~ ~~The generator must notify the Agency and USEPA of an intended export before the hazardous secondary material is scheduled to leave the United States. The generator must submit a complete notification at least 60 days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a period up to 12 months in duration, but not longer. The notification must be in writing and signed by the hazardous secondary material generator, and must include the following information:~~

~~i)~~ ~~The name, mailing address, telephone number and USEPA identification number (if applicable) of the hazardous secondary material generator;~~

~~ii)~~ ~~A description of the hazardous secondary material; the USEPA hazardous waste number that would apply were the hazardous secondary material to be managed as hazardous waste; and the USDOT proper shipping name, hazard class, and identification number (UN or NA number) for each hazardous secondary material, as identified in 49 CFR 171 through 173, each incorporated by reference in 35 Ill. Adm. Code 720.111;~~

~~iii)~~ ~~The estimated frequency or rate at which the hazardous secondary material is to be exported, and the period of time over which the hazardous secondary material is to be exported;~~

~~iv)~~ ~~The estimated total quantity of hazardous secondary material;~~

~~v)~~ ~~All points of entry to and departure from each foreign country through which the hazardous secondary material will pass;~~

~~vi)~~ ~~A description of the means by which each shipment of the hazardous secondary material will be transported (e.g.,~~

~~mode of transportation vehicle (air, highway, rail, water, etc.), and the types of container (drums, boxes, tanks, etc.));~~

~~vii)~~ ~~A description of the manner in which the hazardous secondary material will be reclaimed in the receiving country;~~

~~viii)~~ ~~The name and address of each reclaimer, any intermediate facility, and any alternative reclaimer and intermediate facilities; and~~

~~ix)~~ ~~The name of any transit countries through which the hazardous secondary material will be sent, together with a description of the approximate length of time the material will remain in each transit country and the nature of the handling of the material while in the country (for purposes of this Section, the meanings of the terms "Acknowledgement of Consent," "receiving country," and "transit country" are as defined in 35 Ill. Adm. Code 722.151, with the exception that the terms in this Section refer to hazardous secondary materials, rather than hazardous waste).~~

~~B)~~ ~~Submission of notification of intent to export hazardous secondary material. Whether delivered by mail or hand delivery, the following words must prominently appear on the front of the envelope: "Attention: Notification of Intent to Export."~~

~~i)~~ ~~A notification that is submitted by mail must be sent to the following mailing addresses:~~

~~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~~

~~Permits Section~~
~~Division of Land Pollution Control~~
~~Illinois Environmental Protection Agency~~
~~P.O. Box 19276~~
~~Springfield, Illinois 62794-9276~~

~~ii) A notification that is hand-delivered must be delivered to the following addresses:~~

~~Office of Enforcement and Compliance Assurance~~
~~Office of Federal Activities~~
~~International Compliance Assurance Division~~
~~Environmental Protection Agency~~
~~Ariel Rios Bldg., Room 6144~~
~~12th St. and Pennsylvania Ave., NW.~~
~~Washington, DC 20004~~

~~Permits Section~~
~~Division of Land Pollution Control~~
~~Illinois Environmental Protection Agency~~
~~1021 North Grand Avenue East~~
~~Springfield, Illinois 62794-9276~~

~~C) Except for a change in the telephone number submitted pursuant to subsection (a)(25)(A)(i) of this Section or a decrease in the quantity of hazardous secondary material indicated pursuant to subsection (a)(25)(A)(iv) of this Section, when the conditions specified on the original notification change (including any exceedance of the estimate of the quantity of hazardous secondary material specified in the original notification), the hazardous secondary material generator must provide the Agency and USEPA with a written re-notification of the change. The shipment cannot take place until consent of the receiving country to the changes (except for changes to subsection (a)(25)(A)(ix) of this Section and in the ports of entry to and departure from transit countries pursuant to subsection (a)(25)(A)(v) of this Section) has been obtained and the hazardous secondary material generator receives from USEPA an Acknowledgment of Consent reflecting the receiving country's consent to the changes.~~

~~D)~~ ~~Upon request from the Agency or USEPA, the hazardous secondary material generator must furnish to the Agency and USEPA any additional information that a receiving country requests in order to respond to a notification.~~

~~E)~~ ~~USEPA has stated in corresponding 40 CFR 261.4(a)(25)(v) that it will provide a complete notification to the receiving country and any transit countries. A notification is complete when USEPA determines that the notification satisfies the requirements of subsection (a)(25)(A) of this Section. When a claim of confidentiality is asserted with respect to any notification information required by subsection (a)(25)(A) of this Section, USEPA has stated in corresponding 40 CFR 261.4(a)(25)(v) that it may find the notification not complete until any such claim is resolved in accordance with 40 CFR 260.2.~~

~~F)~~ ~~The export of hazardous secondary material pursuant to this subsection (a)(25) is prohibited, unless the receiving country consents to the intended export. When the receiving country consents in writing to the receipt of the hazardous secondary material, USEPA has stated in corresponding 40 CFR 261.4(a)(25)(vi) that it will send an Acknowledgment of Consent to the hazardous secondary material generator. When the receiving country objects to receipt of the hazardous secondary material or withdraws a prior consent, USEPA has stated that it will notify the hazardous secondary material generator in writing. USEPA has stated that it will also notify the hazardous secondary material generator of any responses from transit countries.~~

~~G)~~ ~~For exports to OECD Member countries, the receiving country may respond to the notification using tacit consent. If no objection has been lodged by any receiving country or transit countries to a notification provided pursuant to subsection (a)(25)(A) of this Section within 30 days after the date of issuance of the acknowledgement of receipt of notification by the competent authority of the receiving country, the trans-boundary movement may commence. In such cases, USEPA has stated in corresponding 40 CFR 261.4(a)(25)(vii) that it will send an~~

~~Acknowledgment of Consent to inform the hazardous secondary material generator that the receiving country and any relevant transit countries have not objected to the shipment, and are thus presumed to have consented tacitly. Tacit consent expires one calendar year after the close of the 30-day period; re-notification and renewal of all consents is required for exports after that date.~~

~~H)~~ ~~A copy of the Acknowledgment of Consent must accompany the shipment. The shipment must conform to the terms of the Acknowledgment of Consent.~~

~~I)~~ ~~If a shipment cannot be delivered for any reason to the reclaimer, intermediate facility or the alternate reclaimer or alternate intermediate facility, the hazardous secondary material generator must re-notify the Agency and USEPA of a change in the conditions of the original notification to allow shipment to a new reclaimer in accordance with subsection (a)(25)(C) of this Section and obtain another Acknowledgment of Consent.~~

~~J)~~ ~~The hazardous secondary material generator must keep a copy of each notification of intent to export and each Acknowledgment of Consent for a period of three years following receipt of the Acknowledgment of Consent.~~

~~K)~~ ~~Annual reporting of hazardous secondary material exports. A hazardous secondary material generator must file with the Agency and USEPA, no later than March 1 of each year, a report that summarizes the types, quantities, frequency, and ultimate destinations of all hazardous secondary materials exported during the previous calendar year. Annual reports must be sent to the addresses listed in subsection (a)(25)(B) of this Section (for mail or hand delivery, as appropriate) for submission notification of intent to export hazardous secondary material. The annual reports must include the following information:~~

~~i)~~ ~~The name, mailing and site addresses, and USEPA identification number (if applicable) of the hazardous secondary material generator;~~

~~ii)~~ ~~The calendar year covered by the report;~~

~~iii)~~ ~~The name and site address of each reclaimer and intermediate facility that received exported hazardous secondary material from the generator;~~

~~iv)~~ ~~By reclaimer and intermediate facility, for each hazardous secondary material exported, a description of the hazardous secondary material and the USEPA hazardous waste number that would apply were the hazardous secondary material to be managed as hazardous waste; the USDOT hazard class for the material, as determined pursuant to 49 CFR 171 through 173, each incorporated by reference in 35 Ill. Adm. Code 720.111; the name and USEPA identification number (where applicable) for each transporter used; the total amount of hazardous secondary material shipped; and the number of shipments pursuant to each notification;~~

~~v)~~ ~~A certification signed by the hazardous secondary material generator that states as follows:~~

~~"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."~~

~~L)~~ ~~Any person that claims an exclusion under this subsection (a)(25) must provide notification as required by 35 Ill. Adm. Code 720.142.~~

26) Solvent-contaminated wipes that are sent for cleaning and reuse are not solid wastes from the point of generation, provided that all of the following conditions are fulfilled:

A) The solvent-contaminated wipes, when accumulated, stored, and transported, are contained in non-leaking, closed containers that are labeled "Excluded Solvent-Contaminated Wipes." The containers must be able to contain free liquids, should free liquids occur. During accumulation, a container is considered closed when there is complete contact between the fitted lid and the rim, except when it is necessary to add or remove solvent-contaminated wipes. When the container is full, when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container must be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions;

B) The solvent-contaminated wipes may be accumulated by the generator for up to 180 days from the start date of accumulation for each container prior to being sent for cleaning;

C) At the point of being sent for cleaning on-site or at the point of being transported off-site for cleaning, the solvent-contaminated wipes must contain no free liquids, as defined in 35 Ill. Adm. Code 720.110;

D) Free liquids removed from the solvent-contaminated wipes or from the container holding the wipes must be managed according to the applicable regulations found in this Part and 35 Ill. Adm. Code 720, 722 through 728, and 733;

E) Generators must maintain at their site the following documentation:

i) The name and address of the laundry or dry cleaner that is receiving the solvent-contaminated wipes;

ii) The documentation that the 180-day accumulation time limit in 35 Ill. Adm. Code 721.104(a)(26)(B) is being met; and

iii) A description of the process the generator is using to ensure that the solvent-contaminated wipes contain no free liquids at the point of being laundered or dry cleaned on-site or at the point of being transported off-site for laundering or dry cleaning; and

F) The solvent-contaminated wipes are sent to a laundry or dry cleaner whose discharge, if any, is regulated under sections 301 and 402 or section 307 of the federal Clean Water Act (33 USC 1311 and 1341 or 33 USC 1317) or equivalent Illinois or sister-state requirements approved by USEPA pursuant to 33 USC 1311 through 1346 and 1370.

27) Hazardous secondary material that is generated and then transferred to another person for the purpose of remanufacturing is not a solid waste, provided that the following conditions are fulfilled:

BOARD NOTE: The North American Industrial Classification System (NAICS) codes used in this subsection (a)(27) are defined in the NAICS Manual, available from the Office of Management and Budget and incorporated by reference in 35 Ill. Adm. Code 720.111.

A) The hazardous secondary material consists of one or more of the following spent solvents: toluene, xylenes, ethylbenzene, 1,2,4-trimethylbenzene, chlorobenzene, n-hexane, cyclohexane, methyl tert-butyl ether, acetonitrile, chloroform, chloromethane, dichloromethane, methyl isobutyl ketone, N,N-dimethylformamide, tetrahydrofuran, n-butyl alcohol, ethanol, or methanol.

B) The hazardous secondary material originated from using one or more of the solvents listed in subsection (a)(27)(A) in a commercial grade for reacting, extracting, purifying, or blending chemicals (or for rinsing out the process lines associated with these functions) in the pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics

and resins manufacturing (NAICS 325211), or the paints and coatings manufacturing sectors (NAICS 325510).

C) The hazardous secondary material generator sends the hazardous secondary material spent solvents listed in subsection (a)(27)(A) to a remanufacturer in the pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics and resins manufacturing (NAICS 325211), or the paints and coatings manufacturing sectors (NAICS 325510).

D) After remanufacturing one or more of the solvents listed in subsection (a)(27)(A), the use of the remanufactured solvent must be limited to reacting, extracting, purifying, or blending chemicals (or for rinsing out the process lines associated with these functions) in the pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics and resins manufacturing (NAICS 325211), and the paints and coatings manufacturing sectors (NAICS 325510) or to using them as ingredients in a product. These allowed uses correspond to chemical functional uses enumerated in 40 CFR 711.15(b)(4)(i)(C) (Reporting Information to EPA), incorporated by reference in 35 Ill. Adm. Code 720.111, including Industrial Function Category Codes U015 (solvents consumed in a reaction to produce other chemicals) and U030 (solvents that become part of the mixture);

BOARD NOTE: The Board observes that the citation to Toxic Substances Control Act function categories and use of the word "including" to preface specific example Industrial Function Category Codes does not expand the range of permissible uses beyond the express limitations recited in the first segment of this subsection (a)(27)(D) and subsection (a)(27)(E).

E) After remanufacturing one or more of the solvents listed in subsection (a)(27)(i), the use of the remanufactured solvent does not involve cleaning or degreasing oil, grease, or similar material from textiles, glassware, metal surfaces, or other articles. (These disallowed continuing uses correspond to chemical functional uses in Industrial Function Category Code U029 (solvents (for cleaning

and degreasing)) in 40 CFR 711.15(b)(4)(i)(C), incorporated by reference in 35 Ill. Adm. Code 720.111.

F) Both the hazardous secondary material generator and the remanufacturer must fulfill the following requirements:

i) The generator and remanufacturer must notify USEPA Region 5 and the Agency, and update the notification every two years per 35 Ill. Adm. Code 720.142;

ii) The generator and remanufacturer must develop and maintain an up-to-date remanufacturing plan that identifies the information enumerated in subsection (a)(27)(G);

BOARD NOTE: The Board moved corresponding 40 CFR 261.4(a)(27)(vi)(B)(1) through (a)(27)(vi)(B)(1) to appear as subsections (a)(27)(G)(i) through (a)(27)(G)(v) to comport with codification requirements.

iii) The generator and remanufacturer must maintain records of shipments and confirmations of receipts for a period of three years from the dates of the shipments;

iv) The generator and remanufacturer must, prior to remanufacturing, store the hazardous spent solvents in tanks or containers that meet technical standards found in Subparts I and J 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 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 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 Section 721, subparts AA (vents), BB (equipment) and CC (tank storage)."

BOARD NOTE: Subsections (a)(27)(G)(i) through (a)(27)(G)(v) correspond with 40 CFR 261.4(a)(27)(vi)(B)(1) through (a)(27)(vi)(B)(1), moved to this subsection (a)(27)(G) to comport with codification requirements.

b) Solid wastes that are not hazardous wastes. The following solid wastes are not hazardous wastes:

1) Household waste, including household waste that has been collected, transported, stored, treated, disposed of, recovered (e.g., refuse-derived fuel), or reused. "Household waste" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels, and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A resource recovery facility managing municipal solid waste must not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this Part, if the following describe the facility:

A) The facility receives and burns only the following waste:

i) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); or

ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and

B) The facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure

that hazardous wastes are not received at or burned in such facility.

BOARD NOTE: The U.S. Supreme Court determined, in City of Chicago v. Environmental Defense Fund, Inc., 511 U.S. 328, 114 S. Ct. 1588, 128 L. Ed. 2d 302 (1994), that this exclusion and RCRA section 3001(i) (42 USC 6921(i)) do not exclude the ash from facilities covered by this subsection (b)(1) from regulation as a hazardous waste. At 59 Fed. Reg. 29372 (June 7, 1994), USEPA granted facilities managing ash from such facilities that is determined a hazardous waste under Subpart C 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~~4~~) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, except as provided in 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

B) The following wastes generated primarily from processes that support the combustion of coal or other fossil fuels that are co-disposed with the wastes in subsection (b)(4)(A), except as provided by 35 Ill. Adm. Code 726.112 for facilities that burn or process hazardous waste:

i) Coal pile run-off. For purposes of this subsection (b)(4), coal pile run-off means any precipitation that drains off coal piles.

ii) Boiler cleaning solutions. For purposes of this subsection (b)(4), boiler cleaning solutions means water solutions and chemical solutions used to clean the fire-side and waterside of the boiler.

iii) Boiler blowdown. For purposes of this subsection (b)(4), boiler blowdown means water purged from boilers used to generate steam.

iv) Process water treatment and demineralizer regeneration wastes. For purposes of this subsection (b)(4), process water treatment and demineralizer regeneration wastes means sludges, rinses, and spent resins generated from processes to remove dissolved gases, suspended solids, and dissolved chemical salts from combustion system process water.

v) Cooling tower blowdown. For purposes of this subsection (b)(4), cooling tower blowdown means water purged from a closed cycle cooling system. Closed cycle cooling systems include cooling towers, cooling ponds, or spray canals.

vi) Air heater and precipitator washes. For purposes of this subsection (b)(4), air heater and precipitator washes means wastes from cleaning air preheaters and electrostatic precipitators.

vii) Effluents from floor and yard drains and sumps. For purposes of this subsection (b)(4), effluents from floor and yard drains and sumps means wastewaters, such as wash water, collected by or from floor drains, equipment drains, and sumps located inside the power plant building; and wastewaters, such as rain 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 (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) ~~of this Section~~ (so long as they do not fail the test for the toxicity characteristic for any other constituent and do not exhibit any other characteristic):

i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse,

through-the-blue, and shearling;

ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue;

iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, and through-the-blue;

vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries; and

viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.

7) Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock, and overburden from the mining of uranium ore), except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

A) For purposes of this subsection (b)(7), beneficiation of ores and minerals is restricted to the following activities: crushing; grinding; washing; dissolution; crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcining to remove water or carbon dioxide; roasting; autoclaving or chlorination in preparation for leaching (except where the roasting (or autoclaving or chlorination) and leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity concentration; magnetic separation; electrostatic separation; floatation; ion exchange; solvent extraction; electrowinning; precipitation; amalgamation; and heap, dump, vat tank, and in situ leaching.

B) For the purposes of this subsection (b)(7), solid waste from the processing of ores and minerals includes only the following wastes as generated:

i) Slag from primary copper processing;

ii) Slag from primary lead processing;

iii) Red and brown muds from bauxite refining;

iv) Phosphogypsum from phosphoric acid production;

v) Slag from elemental phosphorus production;

vi) Gasifier ash from coal gasification;

vii) Process wastewater from coal gasification;

viii) Calcium sulfate wastewater treatment plant sludge from primary copper processing;

ix) Slag tailings from primary copper processing;

x) Fluorogypsum from hydrofluoric acid production;

xi) Process wastewater from hydrofluoric acid production;

xii) Air pollution control dust or sludge from iron blast furnaces;

xiii) Iron blast furnace slag;

xiv) Treated residue from roasting and leaching of chrome ore;

xv) Process wastewater from primary magnesium processing by the anhydrous process;

xvi) Process wastewater from phosphoric acid production;

xvii) Basic oxygen furnace and open hearth furnace air pollution control dust or sludge from carbon steel production;

xviii) Basic oxygen furnace and open hearth furnace slag from carbon steel production;

xix) Chloride processing waste solids from titanium tetrachloride production; and

xx) Slag from primary zinc production.

C) A residue derived from co-processing mineral processing secondary materials with normal beneficiation raw materials or with normal mineral processing raw materials remains excluded under this subsection (b) if the following conditions are fulfilled:

i) The owner or operator processes at least 50 percent by weight normal beneficiation raw materials or normal mineral processing raw materials; and

ii) The owner or operator legitimately reclaims the secondary

mineral processing materials.

8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

9) Solid waste that consists of discarded arsenical-treated wood or wood products that fails the test for the toxicity characteristic for hazardous waste codes 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 (hazardous waste codes 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;

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) ~~of this Section~~ were disposed of prior to the effective date of the listing (as set forth in that subsection);

iii) The leachate or gas condensate does not exhibit any characteristic of hazardous waste nor is derived from any other listed hazardous waste; and

iv) Discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is subject to regulation under section 307(b) or 402 of the federal Clean Water Act (33 USC 1317(b) or 1342).

B) Leachate or gas condensate derived from K169, K170, K171, K172, K176, K177, K178, or K181 waste will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge. There is one exception: if the surface impoundment is used to temporarily store leachate or gas condensate in response to an emergency situation (e.g., shutdown of wastewater treatment system), provided the impoundment has a double liner, and provided the leachate or gas condensate is removed from the impoundment and continues to be managed in compliance with the conditions of this subsection (b)(15) after the emergency ends.

16) This subsection (b)(16) corresponds with 40 CFR 261.4(b)(16), which USEPA has marked "reserved." This statement maintains structural parity with USEPA regulations.

17) This subsection (b)(17) corresponds with 40 CFR 261.4(b)(17), which pertains exclusively to waste generated by a specific facility outside Illinois. This statement maintains structural parity with USEPA regulations.

18) Solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for disposal are not hazardous wastes from the point of generation provided that all of the following conditions are fulfilled:

A) The solvent-contaminated wipes, when accumulated, stored, and transported, are contained in non-leaking, closed containers that are labeled "Excluded Solvent-Contaminated Wipes". The containers must be able to contain free liquids, should free liquids occur. During accumulation, a container is considered closed when there is complete contact between the fitted lid and the rim, except when it is necessary to add or remove solvent-contaminated wipes. When the container is full, when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container must be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions;

B) The solvent-contaminated wipes may be accumulated by the generator for up to 180 days from the start date of accumulation for each container prior to being sent for disposal;

C) At the point of being transported for disposal, the solvent-contaminated wipes must contain no free liquids, as defined in 35 Ill. Adm. Code 720.110;

D) Free liquids removed from the solvent-contaminated wipes or from the container holding the wipes must be managed according to the applicable regulations found in this Part and 35 Ill. Adm. Code 720, 722 through 728, and 733;

E) Generators must maintain at their site the following documentation:

i) The name and address of the landfill or combustor that is receiving the solvent-contaminated wipes;

ii) The documentation that the 180 day accumulation time limit in 35 Ill. Adm. Code 721.104(b)(18)(B) is being met; and

iii) A description of the process the generator is using to ensure that the solvent-contaminated wipes contain no free liquids at the point of being transported for disposal; and

F) The solvent-contaminated wipes are sent for disposal at one of the following facilities:

i) A municipal solid waste landfill regulated under RCRA Subtitle D regulations: 35 Ill. Adm. Code 810 through 815, including the landfill design criteria of 35 Ill. Adm. Code 811.303 through 811.309, 811.315 through 811.317, and Subpart E of 35 Ill. Adm. Code 811 or 35 Ill. Adm. Code 814.302 and 814.402; 40 CFR 258, including the landfill design criteria of 40 CFR 258.40; or equivalent regulations of a sister state that USEPA has approved pursuant to 42 USC 6943 and 6947; or

ii) A hazardous waste landfill regulated under RCRA Subtitle C regulations: 35 Ill. Adm. Code 724 or 725; 40 CFR 264 or 265; or equivalent regulations of a sister state that USEPA has approved pursuant to 42 USC 6926; or

iii) A municipal waste combustor or other combustion facility regulated under section 129 of the Clean Air Act (42 USC 7429) or equivalent Illinois or sister-state regulations approved by USEPA pursuant to 42 USC 7429; or

iv) A hazardous waste combustor, boiler, or industrial furnace regulated under RCRA Subtitle C regulations: 35 Ill. Adm. Code 724 or 725 or Subpart H of 35 Ill. Adm. Code 726; 40 CFR 264 or 265 or subpart H of 40 CFR 266; or equivalent regulations of a sister state that USEPA has approved pursuant to 42 USC 6926.

c) Hazardous wastes that are exempted from certain regulations. A hazardous waste that is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit, or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728 or to the notification requirements of section 3010 of RCRA (42 USC 6930) until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing or for storage or transportation of product or raw materials.

d) Samples.

1) Except as provided in subsection (d)(2)~~ of this Section~~, a sample of solid waste or a sample of water, soil, or air that is collected for the sole purpose of testing to determine its characteristics or composition is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, and 722 through 728. The sample qualifies when it fulfills one of the following conditions:

A) The sample is being transported to a laboratory for the purpose of

testing;

B) The sample is being transported back to the sample collector after testing;

C) The sample is being stored by the sample collector before transport to a laboratory for testing;

D) The sample is being stored in a laboratory before testing;

E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or

F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).

2) In order to qualify for the exemption in subsection (d)(1)(A) or (d)(1)(B) of this Section, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must do the following:

A) Comply with USDOT, U.S. Postal Service (USPS), or any other applicable shipping requirements; or

B) Comply with the following requirements if the sample collector determines that USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample:

i) Assure that the following information accompanies the sample: The sample collector's name, mailing address, and telephone number; the laboratory's name, mailing address, and telephone number; the quantity of the sample; the date of the shipment; and a description of the sample; and

ii) Package the sample so that it does not leak, spill, or vaporize from its packaging.

3) This exemption does not apply if the laboratory determines that the waste

is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1)~~ of this Section~~.

e) Treatability study samples.

1) Except as is provided in subsection (e)(2)~~ of this Section~~, 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 the Resource Conservation and Recovery Act. Nor are such samples included in the quantity determinations of Section 721.105 and 35 Ill. Adm. Code 722.134(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)~~ of this Section~~ is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that the following conditions are fulfilled:

A) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with non-acute hazardous waste, 1,000 kg of non-acute hazardous waste other than contaminated media, 1 kg of acute hazardous waste, or 2,500 kg of media contaminated with acute hazardous waste for each process being evaluated for each generated waste stream;

B) The mass of each shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with non-acute hazardous waste, or may include 2,500 kg of media contaminated with acute hazardous waste, 1,000 kg of hazardous waste, and 1 kg

of acute hazardous waste;

C) The sample must be packaged so that it does not leak, spill, or vaporize from its packaging during shipment and the requirements of subsection (e)(2)(C)(i) or (e)(2)(C)(ii)~~ of this Section~~ 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)~~ of this Section~~, or has an appropriate RCRA permit or interim status;

E) The generator or sample collector maintains the following records for a period ending three years after completion of the treatability study:

i) Copies of the shipping documents;

ii) A copy of the contract with the facility conducting the treatability study; and

iii) Documentation showing the following: The amount of waste shipped under this exemption; the name, address, and USEPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and whether or not unused samples and residues were returned to the generator; and

F) The generator reports the information required in subsection (e)(2)(E)(iii)~~ of this Section~~ 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)~~ of this Section~~, 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)~~ of this Section~~, subject to the limitations of subsection (e)(3)(C)~~ of this Section~~:

A) In response to requests for authorization to ship, store, and conduct further treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process (e.g., batch versus continuous), the size of the unit undergoing testing (particularly in relation to scale-up considerations), the time or quantity of material required to reach steady-state operating conditions, or test design considerations, such as mass balance calculations.

B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies when the following occurs: There has been an equipment or mechanical failure during the conduct of the treatability study, there is need to verify the results of a previously-conducted treatability study, there is a need to study and analyze alternative techniques within a previously-evaluated treatment process, or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment.

C) The additional quantities allowed and timeframes allowed in subsections (e)(3)(A) and (e)(3)(B)~~ of this Section~~ are subject to all

the provisions in subsections (e)(1) and (e)(2)(B) through (e)(2)(F) ~~of this Section~~. 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) Final Agency determinations pursuant to this subsection (e) may be appealed to the Board.

f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 722 through 726, and 728 or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act (42

USC 6930), provided that the requirements of subsections (f)(1) through (f)(11) ~~of this Section~~ are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11) ~~of this Section~~. Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11) ~~of this Section~~ apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.

1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection (f).

2) The laboratory or testing facility conducting the treatability study has a USEPA identification number.

3) No more than a total of 10,000 kg of "as received" media contaminated with non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, or 250 kg of other "as received" hazardous waste is subject to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.

4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, 1,000 kg of non-acute hazardous wastes other than contaminated media, and 1 kg of acute hazardous waste. This quantity limitation does not include treatment materials (including non-hazardous solid waste) added to "as received" hazardous waste.

5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.

6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.

7) The facility maintains records for three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:

A) The name, address, and USEPA identification number of the generator or sample collector of each waste sample;

B) The date the shipment was received;

C) The quantity of waste accepted;

D) The quantity of "as received" waste in storage each day;

E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;

F) The date the treatability study was concluded;

G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the USEPA identification number.

8) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.

9) The facility prepares and submits a report to the Agency, by March 15 of each year, that includes the following information for the previous calendar year:

A) The name, address, and USEPA identification number of the facility conducting the treatability studies;

B) The types (by process) of treatability studies conducted;

C) The names and addresses of persons for whom studies have been conducted (including their USEPA identification numbers);

D) The total quantity of waste in storage each day;

E) The quantity and types of waste subjected to treatability studies;

F) When each treatability study was conducted; and

G) The final disposition of residues and unused sample from each treatability study.

10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702, 703, and 721 through 728, unless the residues and unused samples are returned to the sample originator under the exemption of subsection (e)~~ of this Section~~.

11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.

g) Dredged material that is not a hazardous waste. Dredged material that is subject to the requirements of a permit that has been issued under section 404 of the Federal Water Pollution Control Act (33 USC 1344) is not a hazardous waste. For the purposes of this subsection (g), the following definitions apply:

"Dredged material" has the meaning ascribed it in 40 CFR 232.2 (Definitions), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

"Permit" means any of the following:

A permit issued by the U.S. Army Corps of Engineers (Army Corps) under section 404 of the Federal Water Pollution Control Act (33 USC 1344);

A permit issued by the Army Corps under section 103 of the

Marine Protection, Research, and Sanctuaries Act of 1972 (33 USC 1413); or

In the case of Army Corps civil works projects, the administrative equivalent of the permits referred to in the preceding two paragraphs of this definition, as provided for in Army Corps regulations (for example, see 33 CFR 336.1, 336.2, and 337.6).

h) Carbon dioxide stream injected for geologic sequestration. Carbon dioxide streams that are captured and transported for purposes of injection into an underground injection well subject to the requirements for Class VI carbon sequestration injection wells, including the requirements in 35 Ill. Adm. Code 704 and 730, are not a hazardous waste, provided the following conditions are met:

1) Transportation of the carbon dioxide stream must be in compliance with U.S. Department of Transportation requirements, including the pipeline safety laws (chapter 601 of subtitle VIII of 49 USC, incorporated by reference in 35 Ill. Adm. Code 720.111) and regulations (49 CFR 190 through 199, incorporated by reference in 35 Ill. Adm. Code 720.111) of the U.S. Department of Transportation, and pipeline safety regulations adopted and administered by a state authority pursuant to a certification under 49 USC 60105, incorporated by reference in 35 Ill. Adm. Code 720.111, and 49 CFR 171 through 180, incorporated by reference in 35 Ill. Adm. Code 720.111, as applicable.

BOARD NOTE: The parenthetical language relating to pipeline transportation does not preclude transportation by air, water, highway, or rail that complies with U.S. Department of Transportation regulations at 49 CFR 171 through 180. For this reason, the Board has added citations of those regulations.

2) Injection of the carbon dioxide stream must 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~~shall~~ 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:

> "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 40 Ill. Reg. _____, effective _____)

Section 721.107 Residues of Hazardous Waste in Empty Containers

a) Applicability of rules.

1) Any hazardous waste remaining in either an empty container or an inner liner removed from an empty container, as defined in subsection (b)~~ of this Section~~, is not subject to regulation under 35 Ill. Adm. Code 702, 703, or 721 through 728, or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act.

2) Any hazardous waste in either a container that is not empty or an inner liner that is removed from a container that is not empty, as defined in subsection (b)~~ of this Section~~, is subject to regulations under 35 Ill. Adm. Code 702, 703, and 721 through 728 and to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act.

b) Definition of "empty":

1) A container or an inner liner removed from a container that has held any hazardous waste, except a waste that is a compressed gas or that is identified as an acute hazardous waste listed in Section 721.131 or 721.133(e), is empty if the conditions of subsections (b)(1)(A) and (b)(1)(B)~~ of this Section~~ exist, subject to the limitations of subsection (b)(1)(C)~~ of this Section~~:

A) All wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping, and aspirating, and

B) No more than 2.5 centimeters (one inch) of residue remain on the bottom of the container or inner liner, or

C) Weight limits.

i) No more than three percent by weight of the total capacity of the container remains in the container or inner liner if the container is less than or equal to 119~~110~~ gallons (450~~416~~ liters) in size; or

ii) No more than 0.3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is greater than 119~~110~~ gallons (450~~416~~ liters) in size.

2) A container that has held a hazardous waste that is a compressed gas is empty when the pressure in the container approaches ambient atmospheric pressure.

3) A container or an inner liner removed from a container that has held an acute hazardous waste listed in Section 721.131 or 721.133(e) is empty if any of the following occurs:

A) The container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;

B) The container or inner liner has been cleaned by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal; or

C) In the case of a container, the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container has been removed.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART D: LISTS OF HAZARDOUS WASTE

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)
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)
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)
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~~wastewaters~~ 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)
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 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	(T)

	requirements of 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)
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	(T)

	titanium dioxide using the chloride-ilmenite process.	
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)~~ of this Section~~ 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: 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. 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.	(T)

For the purposes of this listing, dyes or pigments production is defined in subsection (b)(1)~~ of this Section~~. Subsection (d)~~ of this Section~~ 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)~~ of this Section~~.

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)
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)
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)
	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)

Secondary Lead Production Wastes:

K069	Emission control dust/sludge from secondary lead smelting.	(T)

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)

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)
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, dryers, 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)
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)~~ of this Section~~, "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 K181 hazardous waste listing in subsection (a)~~ of this Section~~, 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) ~~of this Section~~ 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)~~ of this Section~~). If the nonwastewaters are disposed of in landfill units or treated in combustion units as described in subsection (a)~~ of this Section~~, 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)~~ of this Section~~.

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)~~ of this Section~~) 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 reaction and degradation products formed) to conclude that annual mass loadings for the K181 constituents are below the listing levels of subsection (c)~~ of this Section~~. 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)~~ of this Section~~ 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:

A) The generator must determine which K181 waste constituents (see subsection (c)~~ of this Section~~) 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)~~ of this Section~~ and keep the records described in subsection (d)(2)(D)~~ of this Section~~. 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)~~ of this Section~~;

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;

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)~~ of this Section~~;

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 genrator 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)~~ of this Section~~ 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

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)~~ of this Section~~, 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)~~ of this Section~~.

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 722.134 during the interim period, the generator could be subject to an enforcement action for improper hazardous waste management.

(Source: Amended at 40 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)~~ of this Section~~.

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)~~ of this Section~~.

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)~~ of this Section~~, 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 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)~~ of this Section~~ 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)~~ of this Section~~.

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)~~ of this Section~~. Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in subsection (e) or (f)~~ of this Section~~, 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)~~ of this Section~~ 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
P023	107-20-0	Acetaldehyde, chloro-	
P002	591-08-2	Acetamide, N-(aminothioxomethyl)	
P057	640-19-7	Acetamide, 2-fluoro-	
P058	62-74-8	Acetic acid, fluoro-, sodium salt	
P002	591-08-2	1-Acetyl-2-thiourea	

P003	107-02-8	Acrolein	
P070	116-06-3	Aldicarb	
P203	1646-88-4	Aldicarb sulfone	
P004	309-00-2	Aldrin	
P005	107-18-6	Allyl alcohol	
P006	20859-73-8	Aluminum phosphide	(R, T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol	
P008	504-24-5	4-Aminopyridine	
P009	131-74-8	Ammonium picrate	(R)
P119	7803-55-6	Ammonium vanadate	
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium	
P010	7778-39-4	Arsenic acid H_3AsO_4	
P012	1327-53-3	Arsenic oxide As_2O_3	
P011	1303-28-2	Arsenic oxide As_2O_5	
P011	1303-28-2	Arsenic pentoxide	
P012	1327-53-3	Arsenic trioxide	
P038	692-42-2	Arsine, diethyl-	
P036	696-28-6	Arsonous dichloride, phenyl-	
P054	151-56-4	Aziridine	
P067	75-55-8	Aziridine, 2-methyl	
P013	542-62-1	Barium cyanide	
P024	106-47-8	Benzenamine, 4-chloro-	
P077	100-01-6	Benzenamine, 4-nitro-	
P028	100-44-7	Benzene, (chloromethyl)-	
P042	51-43-4	1,2-Benzenediol, 4-(1-hydroxy-2-(methylamino)ethyl) -, (R)-	
P046	122-09-8	Benzeneethanamine, α,α-dimethyl-	
P014	108-98-5	Benzenethiol	
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate	
P188	57-64-7	Benzoic acid, 2-hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo(2,3-b) indol-5-yl methylcarbamate ester (1:1)	

P001	81-81-2*	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations greater than 0.3 percent
P028	100-44-7	Benzyl chloride
P015	7440-41-7	Beryllium powder
P017	598-31-2	Bromoacetone
P018	357-57-3	Brucine
P045	39196-18-6	2-Butanone,3,3-dimethyl-1-(methylthio)-, O-((methylamino)carbonyl) oxime
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide $Ca(CN)_2$
P189	55285-14-8	Carbamic acid, ((dibutylamino)-thio)methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester
P191	644-64-4	Carbamic acid, dimethyl-, 1-((dimethyl-amino)carbonyl) -5-methyl-1H-pyrazol-3-yl ester
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P127	1563-66-2	Carbofuran
P022	75-15-0	Carbon disulfide
P095	75-44-5	Carbonic dichloride
P189	55285-14-8	Carbosulfan
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl)thiourea
P027	542-76-7	3-Chloropropionitrile
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide CuCN
P202	64-00-6	m-Cumenyl methylcarbamate
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P033	506-77-4	Cyanogen chloride

P033	506-77-4	Cyanogen chloride CNCl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P016	542-88-1	Dichloromethyl ether
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P038	692-42-2	Diethylarsine
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P191	644-64-4	Dimetilan
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1α,4α,4aβ,5α,8α,8aβ)-
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1α,4α,4aβ,5β,8β,8aβ)-
P037	60-57-1	2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aα,2β,2aα,3β,6β,6aα,7β,7aα)-
P051	72-20-8*	2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aα,2β,2aβ,3α,6α,6aβ,7β,7aα)-, and metabolites
P044	60-51-5	Dimethoate
P046	122-09-8	α,α-Dimethylphenethylamine
P047	534-52-1*	4,6-Dinitro-o-cresol and salts
P048	51-28-5	2,4-Dinitrophenol
P020	88-85-7	Dinoseb
P085	152-16-9	Diphosphoramide, octamethyl-
P111	107-49-3	Diphosphoric acid, tetraethyl ester
P039	298-04-4	Disulfoton
P049	541-53-7	Dithiobiuret

P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-((methylamino)-carbonyl)oxime	
P050	115-29-7	Endosulfan	
P088	145-73-3	Endothall	
P051	72-20-8	Endrin	
P051	72-20-8	Endrin, and metabolites	
P042	51-43-4	Epinephrine	
P031	460-19-5	Ethanedinitrile	
P194	23135-22-0	Ethanimidothioic acid, 2-(dimethylamino)-N-(((methylamino)carbonyl)oxy)-2-oxo-, methyl ester	
P066	16752-77-5	Ethanimidothioic acid, N-(((methylamino)carbonyl)oxy)-, methyl ester	
P101	107-12-0	Ethyl cyanide	
P054	151-56-4	Ethyleneimine~~Ethylenimine~~	
P097	52-85-7	Famphur	
P056	7782-41-4	Fluorine	
P057	640-19-7	Fluoroacetamide	
P058	62-74-8	Fluoroacetic acid, sodium salt	
P198	23422-53-9	Formetanate hydrochloride	
P197	17702-57-7	Formparanate	
P065	628-86-4	Fulminic acid, mercury (2+) salt	(R, T)
P059	76-44-8	Heptachlor	
P062	757-58-4	Hexaethyl tetraphosphate	
P116	79-19-6	Hydrazinecarbothioamide	
P068	60-34-4	Hydrazine, methyl-	
P063	74-90-8	Hydrocyanic acid	
P063	74-90-8	Hydrogen cyanide	
P096	7803-51-2	Hydrogen phosphide	
P060	465-73-6	Isodrin	
P192	119-38-0	Isolan	
P202	64-00-6	3-Isopropylphenyl-N-methylcarbamate	
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-	

P196	15339-36-3	Manganese, bis(dimethylcarbamodithioato-S,S')-	
P196	15339-36-3	Manganese dimethyldithiocarbamate	
P092	62-38-4	Mercury, (acetato-O)phenyl-	
P065	628-86-4	Mercury fulminate	(R, T)
P082	62-75-9	Methanamine, N-methyl-N-nitroso-	
P064	624-83-9	Methane, isocyanato-	
P016	542-88-1	Methane, oxybis(chloro-	
P112	509-14-8	Methane, tetranitro-	(R)
P118	75-70-7	Methanethiol, trichloro-	
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-(3-(((methylamino)-carbonyl)oxy)phenyl)-, monohydrochloride	
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-(2-methyl-4-(((methylamino)carbonyl)oxy)phenyl)-	
P199	2032-65-7	Methiocarb	
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide	
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	
P066	16752-77-5	Methomyl	
P068	60-34-4	Methyl hydrazine	
P064	624-83-9	Methyl isocyanate	
P069	75-86-5	2-Methyllactonitrile	
P071	298-00-0	Methyl parathion	
P190	1129-41-5	Metolcarb	
P128	315-18-4	Mexacarbate	
P072	86-88-4	α-Naphthylthiourea	
P073	13463-39-3	Nickel carbonyl	
P073	13463-39-3	Nickel carbonyl $Ni(CO)_4$, (T-4)-	
P074	557-19-7	Nickel cyanide	
P074	557-19-7	Nickel cyanide $Ni(CN)_2$	
P075	54-11-5*	Nicotine, and salts	

P076	10102-43-9	Nitric oxide	
P077	100-01-6	p-Nitroaniline	
P078	10102-44-0	Nitrogen dioxide	
P076	10102-43-9	Nitrogen oxide NO	
P078	10102-44-0	Nitrogen oxide NO_2	
P081	55-63-0	Nitroglycerine	(R)
P082	62-75-9	N-Nitrosodimethylamine	
P084	4549-40-0	N-Nitrosomethylvinylamine	
P085	152-16-9	Octamethylpyrophosphoramide	
P087	20816-12-0	Osmium oxide OsO_4, (T-4)-	
P087	20816-12-0	Osmium tetroxide	
P088	145-73-3	7-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic acid	
P194	23135-22-0	Oxamyl	
P089	56-38-2	Parathion	
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-	
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)	
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate	
P048	51-28-5	Phenol, 2,4-dinitro-	
P047	534-52-1*	Phenol, 2-methyl-4,6-dinitro-, and salts	
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate	
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate	
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-	
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt	(R)
P092	62-38-4	Phenylmercury acetate	
P093	103-85-5	Phenylthiourea	
P094	298-02-2	Phorate	
P095	75-44-5	Phosgene	
P096	7803-51-2	Phosphine	
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester	

P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-(2-(ethylthio)ethyl) ester	
P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-((ethylthio)methyl) ester	
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-(2-(methylamino)-2-oxoethyl) ester	
P043	55-91-4	Phosphorofluoridic acid, bis(1-methylethyl)ester	
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester	
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	
P097	52-85-7	Phosphorothioic acid, O-(4-((dimethylamino)sulfonyl)phenyl) O,O-dimethyl ester	
P071	298-00-0	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	
P204	57-47-6	Physostigmine	
P188	57-64-7	Physostigmine salicylate	
P110	78-00-2	Plumbane, tetraethyl-	
P098	151-50-8	Potassium cyanide	
P098	151-50-8	Potassium cyanide KCN	
P099	506-61-6	Potassium silver cyanide	
P201	2631-37-0	Promecarb	
P203	1646-88-4	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-((methylamino)carbonyl) oxime	
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O-((methylamino)carbonyl)oxime	
P101	107-12-0	Propanenitrile	
P027	542-76-7	Propanenitrile, 3-chloro-	
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-	
P081	55-63-0	1,2,3-Propanetriol, trinitrate-	(R)
P017	598-31-2	2-Propanone, 1-bromo-	
P102	107-19-7	Propargyl alcohol	
P003	107-02-8	2-Propenal	
P005	107-18-6	2-Propen-1-ol	
P067	75-55-8	1,2-Propylenimine	

P102	107-19-7	2-Propyn-1-ol	
P008	504-24-5	4-Pyridinamine	
P075	54-11-5*	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)- and salts	
P204	57-47-6	Pyrrolo(2,3-b)indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-	
P114	12039-52-0	Selenious acid, dithallium (1+) salt	
P103	630-10-4	Selenourea	
P104	506-64-9	Silver cyanide	
P104	506-64-9	Silver cyanide AgCN	
P105	26628-22-8	Sodium azide	
P106	143-33-9	Sodium cyanide	
P106	143-33-9	Sodium cyanide NaCN	
P108	57-24-9*	Strychnidin-10-one, and salts	
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-	
P108	57-24-9*	Strychnine and salts	
P115	7446-18-6	Sulfuric acid, dithallium (1+) salt	
P109	3689-24-5	Tetraethyldithiopyrophosphate	
P110	78-00-2	Tetraethyl lead	
P111	107-49-3	Tetraethylpyrophosphate	
P112	509-14-8	Tetranitromethane	(R)
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester	
P113	1314-32-5	Thallic oxide	
P113	1314-32-5	Thallium oxide Tl_2O_3	
P114	12039-52-0	Thallium (I) selenite	
P115	7446-18-6	Thallium (I) sulfate	
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester	
P045	39196-18-4	Thiofanox	
P049	541-53-7	Thioimidodicarbonic diamide $((H_2N)C(S))_2NH$	
P014	108-98-5	Thiophenol	
P116	79-19-6	Thiosemicarbazide	
P026	5344-82-1	Thiourea, (2-chlorophenyl)-	
P072	86-88-4	Thiourea, 1-naphthalenyl-	
P093	103-85-5	Thiourea, phenyl-	
P123	8001-35-2	Toxaphene	

P185	26419-73-8	Tirpate	
P118	75-70-7	Trichloromethanethiol	
P119	7803-55-6	Vanadic acid, ammonium salt	
P120	1314-62-1	Vanadium oxide V_2O_5	
P120	1314-62-1	Vanadium pentoxide	
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-	
P001	81-81-2*	Warfarin, and salts, when present at concentrations greater than 0.3 percent	
P121	557-21-1	Zinc cyanide	
P121	557-21-1	Zinc cyanide $Zn(CN)_2$	
P205	137-30-4	Zinc, bis(dimethylcarbamodithioato-S,S')-	
P122	1314-84-7	Zinc phosphide Zn_3P_2, when present at concentrations greater than 10 percent	(R, T)
P205	137-30-4	Ziram	

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	
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1α,4α,4aβ,5α,8α,8aβ)-	
P005	107-18-6	Allyl alcohol	

P005	107-18-6	2-Propen-1-ol	
P006	20859-73-8	Aluminum phosphide	(R, T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol	
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-	
P008	504-24-5	4-Aminopyridine	
P008	504-24-5	4-Pyridinamine	
P009	131-74-8	Ammonium picrate	(R)
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt	(R)
P010	7778-39-4	Arsenic acid H_3AsO_4	
P011	1303-28-2	Arsenic oxide As_2O_5	
P011	1303-28-2	Arsenic pentoxide	
P012	1327-53-3	Arsenic oxide As_2O_3	
P012	1327-53-3	Arsenic trioxide	
P013	542-62-1	Barium cyanide	
P014	108-98-5	Benzenethiol	
P014	108-98-5	Thiophenol	
P015	7440-41-7	Beryllium powder	
P016	542-88-1	Dichloromethyl ether	
P016	542-88-1	Methane, oxybis(chloro-	
P017	598-31-2	Bromoacetone	
P017	598-31-2	2-Propanone, 1-bromo-	
P018	357-57-3	Brucine	
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-	
P020	88-85-7	Dinoseb	
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-	
P021	592-01-8	Calcium cyanide	
P021	592-01-8	Calcium cyanide $Ca(CN)_2$	
P022	75-15-0	Carbon disulfide	
P023	107-20-0	Acetaldehyde, chloro-	
P023	107-20-0	Chloroacetaldehyde	
P024	106-47-8	Benzenamine, 4-chloro-	
P024	106-47-8	p-Chloroaniline	
P026	5344-82-1	1-(o-Chlorophenyl)thiourea	
P026	5344-82-1	Thiourea, (2-chlorophenyl)-	
P027	542-76-7	3-Chloropropionitrile	
P027	542-76-7	Propanenitrile, 3-chloro-	
P028	100-44-7	Benzene, (chloromethyl)-	
P028	100-44-7	Benzyl chloride	
P029	544-92-3	Copper cyanide	

P029	544-92-3	Copper cyanide CuCN
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P031	460-19-5	Ethanedinitrile
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride CNCl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P036	696-28-6	Arsonous dichloride, phenyl-
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P037	60-57-1	2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aα,2β,2aα,3β,6β,6aα,7β,7aα)-
P038	692-42-2	Arsine, diethyl-
P038	692-42-2	Diethylarsine
P039	298-04-4	Disulfoton
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-(2-(ethylthio)ethyl) ester
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P042	51-43-4	1,2-Benzenediol, 4-(1-hydroxy-2-(methylamino)ethyl)-, (R)-
P042	51-43-4	Epinephrine
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P043	55-91-4	Phosphorofluoridic acid, bis(1-methylethyl)ester
P044	60-51-5	Dimethoate
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-(2-(methylamino)-2-oxoethyl) ester
P045	39196-18-6	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-((methylamino)carbonyl) oxime
P045	39196-18-4	Thiofanox
P046	122-09-8	Benzeneethanamine, α,α-dimethyl-

P046	122-09-8	α,α-Dimethylphenethylamine
P047	534-52-1*	4,6-Dinitro-o-cresol and salts
P047	534-52-1*	Phenol, 2-methyl-4,6-dinitro-, and salts
P048	51-28-5	2,4-Dinitrophenol
P048	51-28-5	Phenol, 2,4-dinitro-
P049	541-53-7	Dithiobiuret
P049	541-53-7	Thioimidodicarbonic diamide $((H_2N)C(S))_2NH$
P050	115-29-7	Endosulfan
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide
P051	72-20-8*	2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aα,2β,2aβ,3α,6α,6aβ,7β,7aα)-, and metabolites
P051	72-20-8	Endrin
P051	72-20-8	Endrin, and metabolites
P054	151-56-4	Aziridine
P054	151-56-4	Ethyleneimine~~Ethylenimine~~
P056	7782-41-4	Fluorine
P057	640-19-7	Acetamide, 2-fluoro-
P057	640-19-7	Fluoroacetamide
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P058	62-74-8	Fluoroacetic acid, sodium salt
P059	76-44-8	Heptachlor
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1α,4α,4aβ,5β,8β,8aβ)-
P060	465-73-6	Isodrin
P062	757-58-4	Hexaethyl tetraphosphate
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester
P063	74-90-8	Hydrocyanic acid
P063	74-90-8	Hydrogen cyanide
P064	624-83-9	Methane, isocyanato-
P064	624-83-9	Methyl isocyanate

P065	628-86-4	Fulminic acid, mercury (2+) salt	(R, T)
P065	628-86-4	Mercury fulminate	(R, T)
P066	16752-77-5	Ethanimidothioic acid, N-(((methylamino)-carbonyl)oxy)-, methyl ester	
P066	16752-77-5	Methomyl	
P067	75-55-8	Aziridine, 2-methyl	
P067	75-55-8	1,2-Propylenimine	
P068	60-34-4	Hydrazine, methyl-	
P068	60-34-4	Methyl hydrazine	
P069	75-86-5	2-Methyllactonitrile	
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-	
P070	116-06-3	Aldicarb	
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O-((methylamino)carbonyl)oxime	
P071	298-00-0	Methyl parathion	
P071	298-00-0	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	
P072	86-88-4	α-Naphthylthiourea	
P072	86-88-4	Thiourea, 1-naphthalenyl-	
P073	13463-39-3	Nickel carbonyl	
P073	13463-39-3	Nickel carbonyl $Ni(CO)_4$, (T-4)-	
P074	557-19-7	Nickel cyanide	
P074	557-19-7	Nickel cyanide $Ni(CN)_2$	
P075	54-11-5*	Nicotine, and salts	
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-	
P082	62-75-9	N-Nitrosodimethylamine	
P084	4549-40-0	N-Nitrosomethylvinylamine	
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-	
P085	152-16-9	Diphosphoramide, octamethyl-	

P085	152-16-9	Octamethylpyrophosphoramide
P087	20816-12-0	Osmium oxide OsO_4, (T-4)-
P087	20816-12-0	Osmium tetroxide
P088	145-73-3	Endothall
P088	145-73-3	7-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic acid
P089	56-38-2	Parathion
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester
P092	62-38-4	Mercury, (acetato-O)phenyl-
P092	62-38-4	Phenylmercury acetate
P093	103-85-5	Phenylthiourea
P093	103-85-5	Thiourea, phenyl-
P094	298-02-2	Phorate
P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-((ethylthio)methyl) ester
P095	75-44-5	Carbonic dichloride
P095	75-44-5	Phosgene
P096	7803-51-2	Hydrogen phosphide
P096	7803-51-2	Phosphine
P097	52-85-7	Famphur
P097	52-85-7	Phosphorothioic acid, O-(4-((dimethylamino)sulfonyl)phenyl) O,O-dimethyl ester
P098	151-50-8	Potassium cyanide
P098	151-50-8	Potassium cyanide KCN
P099	506-61-6	Argentate(1-), bis(cyano-C), potassium
P099	506-61-6	Potassium silver cyanide
P101	107-12-0	Ethyl cyanide
P101	107-12-0	Propanenitrile
P102	107-19-7	Propargyl alcohol
P102	107-19-7	2-Propyn-1-ol
P103	630-10-4	Selenourea
P104	506-64-9	Silver cyanide
P104	506-64-9	Silver cyanide AgCN
P105	26628-22-8	Sodium azide
P106	143-33-9	Sodium cyanide
P106	143-33-9	Sodium cyanide NaCN
P108	57-24-9*	Strychnidin-10-one, and salts

P108	57-24-9*	Strychnine and salts	
P109	3689-24-5	Tetraethyldithiopyrophosphate	
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester	
P110	78-00-2	Plumbane, tetraethyl-	
P110	78-00-2	Tetraethyl lead	
P111	107-49-3	Diphosphoric acid, tetraethyl ester	
P111	107-49-3	Tetraethylpyrophosphate	
P112	509-14-8	Methane, tetranitro-	(R)
P112	509-14-8	Tetranitromethane	(R)
P113	1314-32-5	Thallic oxide	
P113	1314-32-5	Thallium oxide Tl_2O_3	
P114	12039-52-0	Selenious acid, dithallium (1+) salt	
P114	12039-52-0	Thallium (I) selenite	
P115	7446-18-6	Sulfuric acid, dithallium (1+) salt	
P115	7446-18-6	Thallium (I) sulfate	
P116	79-19-6	Hydrazinecarbothioamide	
P116	79-19-6	Thiosemicarbazide	
P118	75-70-7	Methanethiol, trichloro-	
P118	75-70-7	Trichloromethanethiol	
P119	7803-55-6	Ammonium vanadate	
P119	7803-55-6	Vanadic acid, ammonium salt	
P120	1314-62-1	Vanadium oxide V_2O_5	
P120	1314-62-1	Vanadium pentoxide	
P121	557-21-1	Zinc cyanide	
P121	557-21-1	Zinc cyanide $Zn(CN)_2$	
P122	1314-84-7	Zinc phosphide Zn_3P_2, when present at concentrations greater than 10 percent	(R, T)
P123	8001-35-2	Toxaphene	
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate	
P127	1563-66-2	Carbofuran	
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)	
P128	315-18-4	Mexacarbate	
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-((methylamino)-carbonyl)oxime	
P185	26419-73-8	Tirpate	

P188	57-64-7	Benzoic acid, 2-hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo(2,3-b)indol-5-yl methylcarbamate ester (1:1)
P188	57-64-7	Physostigmine salicylate
P189	55285-14-8	Carbamic acid, ((dibutylamino)-thio)methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester
P189	55285-14-8	Carbosulfan
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P190	1129-41-5	Metolcarb
P191	644-64-4	Carbamic acid, dimethyl-, 1-((dimethyl-amino)carbonyl)-5-methyl-1H-pyrazol-3-yl ester
P191	644-64-4	Dimetilan
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester
P192	119-38-0	Isolan
P194	23135-22-0	Ethanimidothioic acid, 2-(dimethylamino)-N-(((methylamino)carbonyl)oxy)-2-oxo-, methyl ester
P194	23135-22-0	Oxamyl
P196	15339-36-3	Manganese, bis(dimethylcarbamodithioato-S,S')-
P196	15339-36-3	Manganese dimethyldithiocarbamate
P197	17702-57-7	Formparanate
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-(2-methyl-4-(((methylamino)carbonyl)oxy)phenyl)-
P198	23422-53-9	Formetanate hydrochloride
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-(3-(((methylamino)-carbonyl)oxy)phenyl)-, monohydrochloride
P199	2032-65-7	Methiocarb
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate

P201	2631-37-0	Promecarb
P202	64-00-6	m-Cumenyl methylcarbamate
P202	64-00-6	3-Isopropylphenyl-N-methylcarbamate
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate
P203	1646-88-4	Aldicarb sulfone
P203	1646-88-4	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-((methylamino)carbonyl) oxime
P204	57-47-6	Physostigmine
P204	57-47-6	Pyrrolo(2,3-b)indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-
P205	137-30-4	Zinc, bis(dimethylcarbamodithioato-S,S')-
P205	137-30-4	Ziram

BOARD NOTE: An asterisk (*) following the CAS number indicates that the CAS number is given for the parent compound only.

f) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in subsections (a) through (d)~~ of this Section~~, 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
U394	30558-43-1	A2213	
U001	75-07-0	Acetaldehyde	(I)
U034	75-87-6	Acetaldehyde, trichloro-	

U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-	
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-	
U240	P 94-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters	
U112	141-78-6	Acetic acid, ethyl ester	(I)
U144	301-04-2	Acetic acid, lead (2+) salt	
U214	563-68-8	Acetic acid, thallium (1+) salt	
See F027	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-	
U002	67-64-1	Acetone	(I)
U003	75-05-8	Acetonitrile	(I, T)
U004	98-86-2	Acetophenone	
U005	53-96-3	2-Acetylaminofluorene	
U006	75-36-5	Acetyl chloride	(C, R, T)
U007	79-06-1	Acrylamide	
U008	79-10-7	Acrylic acid	(I)
U009	107-13-1	Acrylonitrile	
U011	61-82-5	Amitrole	
U012	62-53-3	Aniline	(I, T)
U136	75-60-5	Arsinic acid, dimethyl-	
U014	492-80-8	Auramine	
U015	115-02-6	Azaserine	
U010	50-07-7	Azirino(2',3':3,4)pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8-(((aminocarbonyl)oxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, (1a-S-(1aα,8β,8aα,8bα))-	
U280	101-27-9	Barban	
U278	22781-23-3	Bendiocarb	
U364	22961-82-6	Bendiocarb phenol	
U271	17804-35-2	Benomyl	
U157	56-49-5	Benz(j)aceanthrylene, 1,2-dihydro-3-methyl-	
U016	225-51-4	Benz(c)acridine	
U017	98-87-3	Benzal chloride	
U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-	
U018	56-55-3	Benz(a)anthracene	
U094	57-97-6	Benz(a)anthracene, 7,12-dimethyl-	
U012	62-53-3	Benzenamine	(I, T)

U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis(N,N-dimethyl-	
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride	
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-	
U328	95-53-4	Benzenamine, 2-methyl-	
U353	106-49-0	Benzenamine, 4-methyl-	
U158	101-14-4	Benzenamine, 4,4'-methylenebis(2-chloro-	
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride	
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-	
U019	71-43-2	Benzene	(I, T)
U038	510-15-6	Benzeneacetic acid, 4-chloro-α-(4-chlorophenyl)-α-hydroxy-, ethyl ester	
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-	
U035	305-03-3	Benzenebutanoic acid, 4-(bis(2-chloroethyl)amino)-	
U037	108-90-7	Benzene, chloro-	
U221	25376-45-8	Benzenediamine, ar-methyl-	
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester	
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester	
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester	
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester	
U070	95-50-1	Benzene, 1,2-dichloro-	
U071	541-73-1	Benzene, 1,3-dichloro-	
U072	106-46-7	Benzene, 1,4-dichloro-	
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene)bis(4-chloro-	
U017	98-87-3	Benzene, (dichloromethyl)-	
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl-	(R, T)
U239	1330-20-7	Benzene, dimethyl-	(I)
U201	108-46-3	1,3-Benzenediol	
U127	118-74-1	Benzene, hexachloro-	

U056	110-82-7	Benzene, hexahydro-	(I)
U220	108-88-3	Benzene, methyl-	
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-	
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-	
U055	98-82-8	Benzene, (1-methylethyl)-	(I)
U169	98-95-3	Benzene, nitro-	(I, T)
U183	608-93-5	Benzene, pentachloro-	
U185	82-68-8	Benzene, pentachloronitro-	
U020	98-09-9	Benzenesulfonic acid chloride	(C, R)
U020	98-09-9	Benzenesulfonyl chloride	(C, R)
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-	
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-chloro-	
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-methoxy-	
U023	98-07-7	Benzene, (trichloromethyl)-	(C, R, T)
U234	99-35-4	Benzene, 1,3,5-trinitro-	(R, T)
U021	92-87-5	Benzidene	
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-	
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-	
U090	94-58-6	1,3-Benzodioxole, 5-propyl-	
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate	
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-	
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-	
U064	189-55-9	Benzo(rst)pentaphene	
U248	~~P~~ 81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations of 0.3 percent or less	
U022	50-32-8	Benzo(a)pyrene	
U197	106-51-4	p-Benzoquinone	
U023	98-07-7	Benzotrichloride	(C, R, T)
U085	1464-53-5	2,2'-Bioxirane	(I, T)
U021	92-87-5	(1,1'-Biphenyl)-4,4'-diamine	
U073	91-94-1	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-	

U091	119-90-4	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-	
U095	119-93-7	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-	
U225	75-25-2	Bromoform	
U030	101-55-3	4-Bromophenyl phenyl ether	
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-	
U031	71-36-3	1-Butanol	(I)
U159	78-93-3	2-Butanone	(I, T)
U160	1338-23-4	2-Butanone, peroxide	(R, T)
U053	4170-30-3	2-Butenal	
U074	764-41-0	2-Butene, 1,4-dichloro-	(I, T)
U143	303-34-4	2-Butenoic acid, 2-methyl-, 7-((2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl)-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, (1S-(1α(Z), 7(2S*,3R*), 7aα))-	
U031	71-36-3	n-Butyl alcohol	(I)
U136	75-60-5	Cacodylic acid	
U032	13765-19-0	Calcium chromate	
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester	
U271	17804-35-2	Carbamic acid, (1-((butylamino)carbonyl)-1H-benzimidazol-2-yl)-, methyl ester	
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester	
U238	51-79-6	Carbamic acid, ethyl ester	
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester	
U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl ester	
U409	23564-05-8	Carbamic acid, (1,2-phenylenebis(iminocarbonothioyl))bis-, dimethyl ester	
U097	79-44-7	Carbamic chloride, dimethyl-	
U114	P 111-54-6	Carbamodithioic acid, 1,2-ethanediylbis-, salts and esters	

U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester	
U389	2303-17-5	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester	
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester	
U279	63-25-2	Carbaryl	
U372	10605-21-7	Carbendazim	
U367	1563-38-8	Carbofuran phenol	
U215	6533-73-9	Carbonic acid, dithallium (1+) salt	
U033	353-50-4	Carbonic difluoride	(R, T)
U156	79-22-1	Carbonochloridic acid, methyl ester	(I, T)
U033	353-50-4	Carbon oxyfluoride	(R, T)
U211	56-23-5	Carbon tetrachloride	
U034	75-87-6	Chloral	
U035	305-03-3	Chlorambucil	
U036	57-74-9	Chlordane, α and γ isomers	
U026	494-03-1	Chlornaphazin	
U037	108-90-7	Chlorobenzene	
U038	510-15-6	Chlorobenzilate	
U039	59-50-7	p-Chloro-m-cresol	
U042	110-75-8	2-Chloroethyl vinyl ether	
U044	67-66-3	Chloroform	
U046	107-30-2	Chloromethyl methyl ether	
U047	91-58-7	β-Chloronaphthalene	
U048	95-57-8	o-Chlorophenol	
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride	
U032	13765-19-0	Chromic acid H_2CrO_4, calcium salt	
U050	218-01-9	Chrysene	
U051		Creosote	
U052	1319-77-3	Cresol (Cresylic acid)	
U053	4170-30-3	Crotonaldehyde	
U055	98-82-8	Cumene	(I)
U246	506-68-3	Cyanogen bromide CNBr	
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione	
U056	110-82-7	Cyclohexane	(I)
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1α,2α,3β,4α,5α,6β)-	
U057	108-94-1	Cyclohexanone	(I)

U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	
U058	50-18-0	Cyclophosphamide	
U240	P 94-75-7	2,4-D, salts and esters	
U059	20830-81-3	Daunomycin	
U060	72-54-8	DDD	
U061	50-29-3	DDT	
U062	2303-16-4	Diallate	
U063	53-70-3	Dibenz(a,h)anthracene	
U064	189-55-9	Dibenzo(a,i)pyrene	
U066	96-12-8	1,2-Dibromo-3-chloropropane	
U069	84-74-2	Dibutyl phthalate	
U070	95-50-1	o-Dichlorobenzene	
U071	541-73-1	m-Dichlorobenzene	
U072	106-46-7	p-Dichlorobenzene	
U073	91-94-1	3,3'-Dichlorobenzidine	
U074	764-41-0	1,4-Dichloro-2-butene	(I, T)
U075	75-71-8	Dichlorodifluoromethane	
U078	75-35-4	1,1-Dichloroethylene	
U079	156-60-5	1,2-Dichloroethylene	
U025	111-44-4	Dichloroethyl ether	
U027	108-60-1	Dichloroisopropyl ether	
U024	111-91-1	Dichloromethoxy ethane	
U081	120-83-2	2,4-Dichlorophenol	
U082	87-65-0	2,6-Dichlorophenol	
U084	542-75-6	1,3-Dichloropropene	
U085	1464-53-5	1,2:3,4-Diepoxybutane	(I, T)
U395	5952-26-1	Diethylene glycol, dicarbamate	
U108	123-91-1	1,4-Diethyleneoxide	
U028	117-81-7	Diethylhexyl phthalate	
U086	1615-80-1	N,N’-Diethylhydrazine	
U087	3288-58-2	O,O-Diethyl S-methyl dithiophosphate	
U088	84-66-2	Diethyl phthalate	
U089	56-53-1	Diethylstilbestrol	
U090	94-58-6	Dihydrosafrole	
U091	119-90-4	3,3'-Dimethoxybenzidine	
U092	124-40-3	Dimethylamine	(I)
U093	60-11-7	p-Dimethylaminoazobenzene	
U094	57-97-6	7,12-Dimethylbenz(a)anthracene	

U095	119-93-7	3,3'-Dimethylbenzidine	
U096	80-15-9	α, α-Dimethylbenzylhydroperoxide	(R)
U097	79-44-7	Dimethylcarbamoyl chloride	
U098	57-14-7	1,1-Dimethylhydrazine	
U099	540-73-8	1,2-Dimethylhydrazine	
U101	105-67-9	2,4-Dimethylphenol	
U102	131-11-3	Dimethyl phthalate	
U103	77-78-1	Dimethyl sulfate	
U105	121-14-2	2,4-Dinitrotoluene	
U106	606-20-2	2,6-Dinitrotoluene	
U107	117-84-0	Di-n-octyl phthalate	
U108	123-91-1	1,4-Dioxane	
U109	122-66-7	1,2-Diphenylhydrazine	
U110	142-84-7	Dipropylamine	(I)
U111	621-64-7	Di-n-propylnitrosamine	
U041	106-89-8	Epichlorohydrin	
U001	75-07-0	Ethanal	(I)
U404	121-44-8	Ethanamine, N,N-diethyl-	
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-	
U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-	
U067	106-93-4	Ethane, 1,2-dibromo-	
U076	75-34-3	Ethane, 1,1-dichloro-	
U077	107-06-2	Ethane, 1,2-dichloro-	
U131	67-72-1	Ethane, hexachloro-	
U024	111-91-1	Ethane, 1,1'-(methylenebis(oxy))bis(2-chloro-	
U117	60-29-7	Ethane, 1,1'-oxybis-	(I)
U025	111-44-4	Ethane, 1,1'-oxybis(2-chloro-	
U184	76-01-7	Ethane, pentachloro-	
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-	
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-	
U218	62-55-5	Ethanethioamide	
U226	71-55-6	Ethane, 1,1,1-trichloro-	
U227	79-00-5	Ethane, 1,1,2-trichloro-	
U410	59669-26-0	Ethanimidothioic acid, N,N'-(thiobis((methylimino)carbonyloxy))bis-, dimethyl ester	

U394	30558-43-1	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester	
U359	110-80-5	Ethanol, 2-ethoxy-	
U173	1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-	
U395	5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate	
U004	98-86-2	Ethanone, 1-phenyl-	
U043	75-01-4	Ethene, chloro-	
U042	110-75-8	Ethene, (2-chloroethoxy)-	
U078	75-35-4	Ethene, 1,1-dichloro-	
U079	156-60-5	Ethene, 1,2-dichloro-, (E)-	
U210	127-18-4	Ethene, tetrachloro-	
U228	79-01-6	Ethene, trichloro-	
U112	141-78-6	Ethyl acetate	(I)
U113	140-88-5	Ethyl acrylate	(I)
U238	51-79-6	Ethyl carbamate (urethane)	
U117	60-29-7	Ethyl ether	(I)
U114	P 111-54-6	Ethylenebisdithiocarbamic acid, salts and esters	
U067	106-93-4	Ethylene dibromide	
U077	107-06-2	Ethylene dichloride	
U359	110-80-5	Ethylene glycol monoethyl ether	
U115	75-21-8	Ethylene oxide	(I, T)
U116	96-45-7	Ethylenethiourea	
U076	75-34-3	Ethylidene dichloride	
U118	97-63-2	Ethyl methacrylate	
U119	62-50-0	Ethyl methanesulfonate	
U120	206-44-0	Fluoranthene	
U122	50-00-0	Formaldehyde	
U123	64-18-6	Formic acid	(C, T)
U124	110-00-9	Furan	(I)
U125	98-01-1	2-Furancarboxaldehyde	(I)
U147	108-31-6	2,5-Furandione	
U213	109-99-9	Furan, tetrahydro-	(I)
U125	98-01-1	Furfural	(I)
U124	110-00-9	Furfuran	(I)
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-, D-	

U206	18883-66-4	D-Glucose, 2-deoxy-2-(((methylnitrosoamino)-carbonyl)amino)-	
U126	765-34-4	Glycidylaldehyde	
U163	70-25-7	Guanidine, N-methyl-N'-nitro-N-nitroso-	
U127	118-74-1	Hexachlorobenzene	
U128	87-68-3	Hexachlorobutadiene	
U130	77-47-4	Hexachlorocyclopentadiene	
U131	67-72-1	Hexachloroethane	
U132	70-30-4	Hexachlorophene	
U243	1888-71-7	Hexachloropropene	
U133	302-01-2	Hydrazine	(R, T)
U086	1615-80-1	Hydrazine, 1,2-diethyl-	
U098	57-14-7	Hydrazine, 1,1-dimethyl-	
U099	540-73-8	Hydrazine, 1,2-dimethyl-	
U109	122-66-7	Hydrazine, 1,2-diphenyl-	
U134	7664-39-3	Hydrofluoric acid	(C, T)
U134	7664-39-3	Hydrogen fluoride	(C, T)
U135	7783-06-4	Hydrogen sulfide	
U135	7783-06-4	Hydrogen sulfide H_2S	
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl-	(R)
U116	96-45-7	2-Imidazolidinethione	
U137	193-39-5	Indeno(1,2,3-cd)pyrene	
U190	85-44-9	1,3-Isobenzofurandione	
U140	78-83-1	Isobutyl alcohol	(I, T)
U141	120-58-1	Isosafrole	
U142	143-50-0	Kepone	
U143	303-34-4	Lasiocarpene	
U144	301-04-2	Lead acetate	
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-	
U145	7446-27-7	Lead phosphate	
U146	1335-32-6	Lead subacetate	
U129	58-89-9	Lindane	
U163	70-25-7	MNNG	
U147	108-31-6	Maleic anhydride	
U148	123-33-1	Maleic hydrazide	
U149	109-77-3	Malononitrile	
U150	148-82-3	Melphalan	
U151	7439-97-6	Mercury	
U152	126-98-7	Methacrylonitrile	(I, T)

U092	124-40-3	Methanamine, N-methyl-	(I)
U029	74-83-9	Methane, bromo-	
U045	74-87-3	Methane, chloro-	(I, T)
U046	107-30-2	Methane, chloromethoxy-	
U068	74-95-3	Methane, dibromo-	
U080	75-09-2	Methane, dichloro-	
U075	75-71-8	Methane, dichlorodifluoro-	
U138	74-88-4	Methane, iodo-	
U119	62-50-0	Methanesulfonic acid, ethyl ester	
U211	56-23-5	Methane, tetrachloro-	
U153	74-93-1	Methanethiol	(I, T)
U225	75-25-2	Methane, tribromo-	
U044	67-66-3	Methane, trichloro-	
U121	75-69-4	Methane, trichlorofluoro-	
U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	
U154	67-56-1	Methanol	(I)
U155	91-80-5	Methapyrilene	
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta(cd)pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-	
U247	72-43-5	Methoxychlor	
U154	67-56-1	Methyl alcohol	(I)
U029	74-83-9	Methyl bromide	
U186	504-60-9	1-Methylbutadiene	(I)
U045	74-87-3	Methyl chloride	(I, T)
U156	79-22-1	Methyl chlorocarbonate	(I, T)
U226	71-55-6	Methylchloroform	
U157	56-49-5	3-Methylcholanthrene	
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)	
U068	74-95-3	Methylene bromide	
U080	75-09-2	Methylene chloride	
U159	78-93-3	Methyl ethyl ketone (MEK)	(I, T)
U160	1338-23-4	Methyl ethyl ketone peroxide	(R, T)
U138	74-88-4	Methyl iodide	
U161	108-10-1	Methyl isobutyl ketone	(I)
U162	80-62-6	Methyl methacrylate	(I, T)
U161	108-10-1	4-Methyl-2-pentanone	(I)
U164	56-04-2	Methylthiouracil	

U010	50-07-7	Mitomycin C	
U059	20830-81-3	5,12-Naphthacenedione, 8-acetyl-10-((3-amino-2,3,6-trideoxy-α-L-lyxo-hexapyranosyl)oxyl)-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-	
U167	134-32-7	1-Naphthalenamine	
U168	91-59-8	2-Naphthalenamine	
U026	494-03-1	Naphthaleneamine, N,N'-bis(2-chloroethyl)-	
U165	91-20-3	Naphthalene	
U047	91-58-7	Naphthalene, 2-chloro-	
U166	130-15-4	1,4-Naphthalenedione	
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-((3,3'-dimethyl-(1,1'-biphenyl)-4,4'-diyl)bis(azo)bis(5-amino-4-hydroxy)-, tetrasodium salt	
U279	63-25-2	1-Naphthalenol, methylcarbamate	
U166	130-15-4	1,4-Naphthoquinone	
U167	134-32-7	α-Naphthylamine	
U168	91-59-8	β-Naphthylamine	
U217	10102-45-1	Nitric acid, thallium (1+) salt	
U169	98-95-3	Nitrobenzene	(I, T)
U170	100-02-7	p-Nitrophenol	
U171	79-46-9	2-Nitropropane	(I, T)
U172	924-16-3	N-Nitrosodi-n-butylamine	
U173	1116-54-7	N-Nitrosodiethanolamine	
U174	55-18-5	N-Nitrosodiethylamine	
U176	759-73-9	N-Nitroso-N-ethylurea	
U177	684-93-5	N-Nitroso-N-methylurea	
U178	615-53-2	N-Nitroso-N-methylurethane	
U179	100-75-4	N-Nitrosopiperidine	
U180	930-55-2	N-Nitrosopyrrolidine	
U181	99-55-8	5-Nitro-o-toluidine	
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide	
U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide	
U115	75-21-8	Oxirane	(I, T)
U126	765-34-4	Oxiranecarboxyaldehyde	
U041	106-89-8	Oxirane, (chloromethyl)-	

U182	123-63-7	Paraldehyde	
U183	608-93-5	Pentachlorobenzene	
U184	76-01-7	Pentachloroethane	
U185	82-68-8	Pentachloronitrobenzene (PCNB)	
See F027	87-86-5	Pentachlorophenol	
U161	108-10-1	Pentanol, 4-methyl-	(I)
U186	504-60-9	1,3-Pentadiene	(I)
U187	62-44-2	Phenacetin	
U188	108-95-2	Phenol	
U048	95-57-8	Phenol, 2-chloro-	
U039	59-50-7	Phenol, 4-chloro-3-methyl-	
U081	120-83-2	Phenol, 2,4-dichloro-	
U082	87-65-0	Phenol, 2,6-dichloro-	
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-	
U101	105-67-9	Phenol, 2,4-dimethyl-	
U052	1319-77-3	Phenol, methyl-	
U132	70-30-4	Phenol, 2,2'-methylenebis(3,4,6-trichloro-	
U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methylcarbamate	
U170	100-02-7	Phenol, 4-nitro-	
See F027	87-86-5	Phenol, pentachloro-	
See F027	58-90-2	Phenol, 2,3,4,6-tetrachloro-	
See F027	95-95-4	Phenol, 2,4,5-trichloro-	
See F027	88-06-2	Phenol, 2,4,6-trichloro-	
U150	148-82-3	L-Phenylalanine, 4-(bis(2-chloroethyl)amino)-	
U145	7446-27-7	Phosphoric acid, lead (2+) salt (2:3)	
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester	
U189	1314-80-3	Phosphorus sulfide	(R)
U190	85-44-9	Phthalic anhydride	
U191	109-06-8	2-Picoline	
U179	100-75-4	Piperidine, 1-nitroso-	
U192	23950-58-5	Pronamide	
U194	107-10-8	1-Propanamine	(I, T)
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-	
U110	142-84-7	1-Propanamine, N-propyl-	(I)
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-	

U083	78-87-5	Propane, 1,2-dichloro-	
U149	109-77-3	Propanedinitrile	
U171	79-46-9	Propane, 2-nitro-	(I, T)
U027	108-60-1	Propane, 2,2'-oxybis(2-chloro-	
See F027	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	
U193	1120-71-4	1,3-Propane sultone	
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)	
U140	78-83-1	1-Propanol, 2-methyl-	(I, T)
U002	67-64-1	2-Propanone	(I)
U007	79-06-1	2-Propenamide	
U084	542-75-6	1-Propene, 1,3-dichloro-	
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-	
U009	107-13-1	2-Propenenitrile	
U152	126-98-7	2-Propenenitrile, 2-methyl-	(I, T)
U008	79-10-7	2-Propenoic acid	(I)
U113	140-88-5	2-Propenoic acid, ethyl ester	(I)
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester	
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester	(I, T)
U373	122-42-9	Propham	
U411	114-26-1	Propoxur	
See F027	93-72-1	Propionic acid, 2-(2,4,5-trichlorophenoxy)-	
U194	107-10-8	n-Propylamine	(I, T)
U083	78-87-5	Propylene dichloride	
U387	52888-80-9	Prosulfocarb	
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-	
U196	110-86-1	Pyridine	
U191	109-06-8	Pyridine, 2-methyl-	
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-(bis(2-chloroethyl) amino)-	
U164	56-04-2~~58-04-2~~	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	
U180	930-55-2	Pyrrolidine, 1-nitroso-	
U200	50-55-5	Reserpine	
U201	108-46-3	Resorcinol	
U203	94-59-7	Safrole	
U204	7783-00-8	Selenious acid	

U204	7783-00-8	Selenium dioxide	
U205	7488-56-4	Selenium sulfide	(R, T)
U205	7488-56-4	Selenium sulfide SeS_2	(R, T)
U015	115-02-6	L-Serine, diazoacetate (ester)	
See F027	93-72-1	Silvex (2,4,5-TP)	
U206	18883-66-4	Streptozotocin	
U103	77-78-1	Sulfuric acid, dimethyl ester	
U189	1314-80-3	Sulfur phosphide	(R)
See F027	93-76-5	2,4,5-T	
U207	95-94-3	1,2,4,5-Tetrachlorobenzene	
U208	630-20-6	1,1,1,2-Tetrachloroethane	
U209	79-34-5	1,1,2,2-Tetrachloroethane	
U210	127-18-4	Tetrachloroethylene	
See F027	58-90-2	2,3,4,6-Tetrachlorophenol	
U213	109-99-9	Tetrahydrofuran	(I)
U214	563-68-8	Thallium (I) acetate	
U215	6533-73-9	Thallium (I) carbonate	
U216	7791-12-0	Thallium (I) chloride	
U216	7791-12-0	Thallium chloride TlCl	
U217	10102-45-1	Thallium (I) nitrate	
U218	62-55-5	Thioacetamide	
U410	59669-26-0	Thiodicarb	
U153	74-93-1	Thiomethanol	(I, T)
U244	137-26-8	Thioperoxydicarbonic diamide $((H_2N)C(S))_2S_2$, tetramethyl-	
U409	23564-05-8	Thiophanate-methyl	
U219	62-56-6	Thiourea	
U244	137-26-8	Thiram	
U220	108-88-3	Toluene	
U221	25376-45-8	Toluenediamine	
U223	26471-62-5	Toluene diisocyanate	(R, T)
U328	95-53-4	o-Toluidine	
U353	106-49-0	p-Toluidine	
U222	636-21-5	o-Toluidine hydrochloride	
U389	2303-17-5	Triallate	
U011	61-82-5	1H-1,2,4-Triazol-3-amine	
U227	79-00-5	Ethane, 1,1,2-trichloro-	
U227	79-00-5	1,1,2-Trichloroethane	
U228	79-01-6	Trichloroethylene	

U121	75-69-4	Trichloromonofluoromethane	
See F027	95-95-4	2,4,5-Trichlorophenol	
See F027	88-06-2	2,4,6-Trichlorophenol	
U404	121-44-8	Triethylamine	
U234	99-35-4	1,3,5-Trinitrobenzene	(R, T)
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-	
U235	126-72-7	Tris (2,3-dibromopropyl) phosphate	
U236	72-57-1	Trypan blue	
U237	66-75-1	Uracil mustard	
U176	759-73-9	Urea, N-ethyl-N-nitroso-	
U177	684-93-5	Urea, N-methyl-N-nitroso-	
U043	75-01-4	Vinyl chloride	
U248	~~P~~ 81-81-2	Warfarin, and salts, when present at concentrations of 0.3 percent or less	
U239	1330-20-7	Xylene	(I)
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-((3,4,5-trimethoxybenzoyl)oxy)-, methyl ester, (3β,16β,17α,18β,20α)-	
U249	1314-84-7	Zinc phosphide Zn_3P_2, when present at concentrations of 10 percent or less	

Numerical Listing

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance	Hazard Code
U001	75-07-0	Acetaldehyde	(I)
U001	75-07-0	Ethanal	(I)
U002	67-64-1	Acetone	(I)
U002	67-64-1	2-Propanone	(I)
U003	75-05-8	Acetonitrile	(I, T)
U004	98-86-2	Acetophenone	
U004	98-86-2	Ethanone, 1-phenyl-	
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-	
U005	53-96-3	2-Acetylaminofluorene	
U006	75-36-5	Acetyl chloride	(C, R, T)
U007	79-06-1	Acrylamide	

U007	79-06-1	2-Propenamide	
U008	79-10-7	Acrylic acid	(I)
U008	79-10-7	2-Propenoic acid	(I)
U009	107-13-1	Acrylonitrile	
U009	107-13-1	2-Propenenitrile	
U010	50-07-7	Azirino(2',3':3,4)pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8-(((aminocarbonyl)oxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, (1a-S-(1aα,8β,8aα,8bα))-	
U010	50-07-7	Mitomycin C	
U011	61-82-5	Amitrole	
U011	61-82-5	1H-1,2,4-Triazol-3-amine	
U012	62-53-3	Aniline	(I, T)
U012	62-53-3	Benzenamine	(I, T)
U014	492-80-8	Auramine	
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis(N,N-dimethyl-	
U015	115-02-6	Azaserine	
U015	115-02-6	L-Serine, diazoacetate (ester)	
U016	225-51-4	Benz(c)acridine	
U017	98-87-3	Benzal chloride	
U017	98-87-3	Benzene, (dichloromethyl)-	
U018	56-55-3	Benz(a)anthracene	
U019	71-43-2	Benzene	(I, T)
U020	98-09-9	Benzenesulfonic acid chloride	(C, R)
U020	98-09-9	Benzenesulfonyl chloride	(C, R)
U021	92-87-5	Benzidene	
U021	92-87-5	(1,1'-Biphenyl)-4,4'-diamine	
U022	50-32-8	Benzo(a)pyrene	
U023	98-07-7	Benzene, (trichloromethyl)-	(C, R, T)
U023	98-07-7	Benzotrichloride	(C, R, T)
U024	111-91-1	Dichloromethoxy ethane	
U024	111-91-1	Ethane, 1,1'-(methylenebis(oxy))bis(2-chloro-	
U025	111-44-4	Dichloroethyl ether	
U025	111-44-4	Ethane, 1,1'-oxybis(2-chloro-	
U026	494-03-1	Chlornaphazin	

U026	494-03-1	Naphthaleneamine, N,N'-bis(2-chloroethyl)-	
U027	108-60-1	Dichloroisopropyl ether	
U027	108-60-1	Propane, 2,2'-oxybis(2-chloro-	
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	
U028	117-81-7	Diethylhexyl phthalate	
U029	74-83-9	Methane, bromo-	
U029	74-83-9	Methyl bromide	
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-	
U030	101-55-3	4-Bromophenyl phenyl ether	
U031	71-36-3	1-Butanol	(I)
U031	71-36-3	n-Butyl alcohol	(I)
U032	13765-19-0	Calcium chromate	
U032	13765-19-0	Chromic acid H_2CrO_4, calcium salt	
U033	353-50-4	Carbonic difluoride	(R, T)
U033	353-50-4	Carbon oxyfluoride	(R, T)
U034	75-87-6	Acetaldehyde, trichloro-	
U034	75-87-6	Chloral	
U035	305-03-3	Benzenebutanoic acid, 4-(bis(2-chloroethyl)amino)-	
U035	305-03-3	Chlorambucil	
U036	57-74-9	Chlordane, α and γ isomers	
U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	
U037	108-90-7	Benzene, chloro-	
U037	108-90-7	Chlorobenzene	
U038	510-15-6	Benzeneacetic acid, 4-chloro-α-(4-chlorophenyl)-α-hydroxy-, ethyl ester	
U038	510-15-6	Chlorobenzilate	
U039	59-50-7	p-Chloro-m-cresol	
U039	59-50-7	Phenol, 4-chloro-3-methyl-	
U041	106-89-8	Epichlorohydrin	
U041	106-89-8	Oxirane, (chloromethyl)-	
U042	110-75-8	2-Chloroethyl vinyl ether	
U042	110-75-8	Ethene, (2-chloroethoxy)-	
U043	75-01-4	Ethene, chloro-	
U043	75-01-4	Vinyl chloride	
U044	67-66-3	Chloroform	

U044	67-66-3	Methane, trichloro-	
U045	74-87-3	Methane, chloro-	(I, T)
U045	74-87-3	Methyl chloride	(I, T)
U046	107-30-2	Chloromethyl methyl ether	
U046	107-30-2	Methane, chloromethoxy-	
U047	91-58-7	β-Chloronaphthalene	
U047	91-58-7	Naphthalene, 2-chloro-	
U048	95-57-8	o-Chlorophenol	
U048	95-57-8	Phenol, 2-chloro-	
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride	
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride	
U050	218-01-9	Chrysene	
U051		Creosote	
U052	1319-77-3	Cresol (Cresylic acid)	
U052	1319-77-3	Phenol, methyl-	
U053	4170-30-3	2-Butenal	
U053	4170-30-3	Crotonaldehyde	
U055	98-82-8	Benzene, (1-methylethyl)-	(I)
U055	98-82-8	Cumene	(I)
U056	110-82-7	Benzene, hexahydro-	(I)
U056	110-82-7	Cyclohexane	(I)
U057	108-94-1	Cyclohexanone	(I)
U058	50-18-0	Cyclophosphamide	
U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide	
U059	20830-81-3	Daunomycin	
U059	20830-81-3	5,12-Naphthacenedione, 8-acetyl-10-((3-amino-2,3,6-trideoxy)-α-L-lyxo-hexapyranosyl)oxyl)-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-	
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene)bis(4-chloro-	
U060	72-54-8	DDD	
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-chloro-	
U061	50-29-3	DDT	

U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester	
U062	2303-16-4	Diallate	
U063	53-70-3	Dibenz(a,h)anthracene	
U064	189-55-9	Benzo(rst)pentaphene	
U064	189-55-9	Dibenzo(a,i)pyrene	
U066	96-12-8	1,2-Dibromo-3-chloropropane	
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-	
U067	106-93-4	Ethane, 1,2-dibromo-	
U067	106-93-4	Ethylene dibromide	
U068	74-95-3	Methane, dibromo-	
U068	74-95-3	Methylene bromide	
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester	
U069	84-74-2	Dibutyl phthalate	
U070	95-50-1	Benzene, 1,2-dichloro-	
U070	95-50-1	o-Dichlorobenzene	
U071	541-73-1	Benzene, 1,3-dichloro-	
U071	541-73-1	m-Dichlorobenzene	
U072	106-46-7	Benzene, 1,4-dichloro-	
U072	106-46-7	p-Dichlorobenzene	
U073	91-94-1	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-	
U073	91-94-1	3,3'-Dichlorobenzidine	
U074	764-41-0	2-Butene, 1,4-dichloro-	(I, T)
U074	764-41-0	1,4-Dichloro-2-butene	(I, T)
U075	75-71-8	Dichlorodifluoromethane	
U075	75-71-8	Methane, dichlorodifluoro-	
U076	75-34-3	Ethane, 1,1-dichloro-	
U076	75-34-3	Ethylidene dichloride	
U077	107-06-2	Ethane, 1,2-dichloro-	
U077	107-06-2	Ethylene dichloride	
U078	75-35-4	1,1-Dichloroethylene	
U078	75-35-4	Ethene, 1,1-dichloro-	
U079	156-60-5	1,2-Dichloroethylene	
U079	156-60-5	Ethene, 1,2-dichloro-, (E)-	
U080	75-09-2	Methane, dichloro-	
U080	75-09-2	Methylene chloride	
U081	120-83-2	2,4-Dichlorophenol	

U081	120-83-2	Phenol, 2,4-dichloro-	
U082	87-65-0	2,6-Dichlorophenol	
U082	87-65-0	Phenol, 2,6-dichloro-	
U083	78-87-5	Propane, 1,2-dichloro-	
U083	78-87-5	Propylene dichloride	
U084	542-75-6	1,3-Dichloropropene	
U084	542-75-6	1-Propene, 1,3-dichloro-	
U085	1464-53-5	2,2'-Bioxirane	(I, T)
U085	1464-53-5	1,2:3,4-Diepoxybutane	(I, T)
U086	1615-80-1	N,N'-Diethylhydrazine	
U086	1615-80-1	Hydrazine, 1,2-diethyl-	
U087	3288-58-2	O,O-Diethyl S-methyl dithiophosphate	
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester	
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester	
U088	84-66-2	Diethyl phthalate	
U089	56-53-1	Diethylstilbestrol	
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-	
U090	94-58-6	1,3-Benzodioxole, 5-propyl-	
U090	94-58-6	Dihydrosafrole	
U091	119-90-4	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-	
U091	119-90-4	3,3'-Dimethoxybenzidine	
U092	124-40-3	Dimethylamine	(I)
U092	124-40-3	Methanamine, N-methyl-	(I)
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-	
U093	60-11-7	p-Dimethylaminoazobenzene	
U094	57-97-6	Benz(a)anthracene, 7,12-dimethyl-	
U094	57-97-6	7,12-Dimethylbenz(a)anthracene	
U095	119-93-7	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-	
U095	119-93-7	3,3'-Dimethylbenzidine	
U096	80-15-9	α, α-Dimethylbenzylhydroperoxide	(R)
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl-	(R)
U097	79-44-7	Carbamic chloride, dimethyl-	
U097	79-44-7	Dimethylcarbamoyl chloride	

U098	57-14-7	1,1-Dimethylhydrazine	
U098	57-14-7	Hydrazine, 1,1-dimethyl-	
U099	540-73-8	1,2-Dimethylhydrazine	
U099	540-73-8	Hydrazine, 1,2-dimethyl-	
U101	105-67-9	2,4-Dimethylphenol	
U101	105-67-9	Phenol, 2,4-dimethyl-	
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester	
U102	131-11-3	Dimethyl phthalate	
U103	77-78-1	Dimethyl sulfate	
U103	77-78-1	Sulfuric acid, dimethyl ester	
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-	
U105	121-14-2	2,4-Dinitrotoluene	
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-	
U106	606-20-2	2,6-Dinitrotoluene	
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester	
U107	117-84-0	Di-n-octyl phthalate	
U108	123-91-1	1,4-Diethyleneoxide	
U108	123-91-1	1,4-Dioxane	
U109	122-66-7	1,2-Diphenylhydrazine	
U109	122-66-7	Hydrazine, 1,2-diphenyl-	
U110	142-84-7	Dipropylamine	(I)
U110	142-84-7	1-Propanamine, N-propyl-	(I)
U111	621-64-7	Di-n-propylnitrosamine	
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-	
U112	141-78-6	Acetic acid, ethyl ester	(I)
U112	141-78-6	Ethyl acetate	(I)
U113	140-88-5	Ethyl acrylate	(I)
U113	140-88-5	2-Propenoic acid, ethyl ester	(I)
U114	P 111-54-6	Carbamodithioic acid, 1,2-ethanediylbis-, salts and esters	
U114	P 111-54-6	Ethylenebisdithiocarbamic acid, salts and esters	
U115	75-21-8	Ethylene oxide	(I, T)
U115	75-21-8	Oxirane	(I, T)
U116	96-45-7	Ethylenethiourea	
U116	96-45-7	2-Imidazolidinethione	
U117	60-29-7	Ethane, 1,1'-oxybis-	(I)

U117	60-29-7	Ethyl ether	(I)
U118	97-63-2	Ethyl methacrylate	
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester	
U119	62-50-0	Ethyl methanesulfonate	
U119	62-50-0	Methanesulfonic acid, ethyl ester	
U120	206-44-0	Fluoranthene	
U121	75-69-4	Methane, trichlorofluoro-	
U121	75-69-4	Trichloromonofluoromethane	
U122	50-00-0	Formaldehyde	
U123	64-18-6	Formic acid	(C, T)
U124	110-00-9	Furan	(I)
U124	110-00-9	Furfuran	(I)
U125	98-01-1	2-Furancarboxaldehyde	(I)
U125	98-01-1	Furfural	(I)
U126	765-34-4	Glycidylaldehyde	
U126	765-34-4	Oxiranecarboxyaldehyde	
U127	118-74-1	Benzene, hexachloro-	
U127	118-74-1	Hexachlorobenzene	
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	
U128	87-68-3	Hexachlorobutadiene	
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1α,2α,3β,4α,5α,6β)-	
U129	58-89-9	Lindane	
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	
U130	77-47-4	Hexachlorocyclopentadiene	
U131	67-72-1	Ethane, hexachloro-	
U131	67-72-1	Hexachloroethane	
U132	70-30-4	Hexachlorophene	
U132	70-30-4	Phenol, 2,2'-methylenebis(3,4,6-trichloro-	
U133	302-01-2	Hydrazine	(R, T)
U134	7664-39-3	Hydrofluoric acid	(C, T)
U134	7664-39-3	Hydrogen fluoride	(C, T)
U135	7783-06-4	Hydrogen sulfide	
U135	7783-06-4	Hydrogen sulfide H_2S	
U136	75-60-5	Arsinic acid, dimethyl-	
U136	75-60-5	Cacodylic acid	
U137	193-39-5	Indeno(1,2,3-cd)pyrene	

U138	74-88-4	Methane, iodo-	
U138	74-88-4	Methyl iodide	
U140	78-83-1	Isobutyl alcohol	(I, T)
U140	78-83-1	1-Propanol, 2-methyl-	(I, T)
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-	
U141	120-58-1	Isosafrole	
U142	143-50-0	Kepone	
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta(cd)pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-	
U143	303-34-4	2-Butenoic acid, 2-methyl-, 7-((2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl)-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, (1S-(1α(Z), 7(2S*,3R*), 7aα))-	
U143	303-34-4	Lasiocarpene	
U144	301-04-2	Acetic acid, lead (2+) salt	
U144	301-04-2	Lead acetate	
U145	7446-27-7	Lead phosphate	
U145	7446-27-7	Phosphoric acid, lead (2+) salt (2:3)	
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-	
U146	1335-32-6	Lead subacetate	
U147	108-31-6	2,5-Furandione	
U147	108-31-6	Maleic anhydride	
U148	123-33-1	Maleic hydrazide	
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-	
U149	109-77-3	Malononitrile	
U149	109-77-3	Propanedinitrile	
U150	148-82-3	Melphalan	
U150	148-82-3	L-Phenylalanine, 4-(bis(2-chloroethyl)amino)-	
U151	7439-97-6	Mercury	
U152	126-98-7	Methacrylonitrile	(I, T)
U152	126-98-7	2-Propenenitrile, 2-methyl-	(I, T)
U153	74-93-1	Methanethiol	(I, T)
U153	74-93-1	Thiomethanol	(I, T)
U154	67-56-1	Methanol	(I)
U154	67-56-1	Methyl alcohol	(I)

U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-	
U155	91-80-5	Methapyrilene	
U156	79-22-1	Carbonochloridic acid, methyl ester	(I, T)
U156	79-22-1	Methyl chlorocarbonate	(I, T)
U157	56-49-5	Benz(j)aceanthrylene, 1,2-dihydro-3-methyl-	
U157	56-49-5	3-Methylcholanthrene	
U158	101-14-4	Benzenamine, 4,4'-methylenebis(2-chloro-	
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)	
U159	78-93-3	2-Butanone	(I, T)
U159	78-93-3	Methyl ethyl ketone (MEK)	(I, T)
U160	1338-23-4	2-Butanone, peroxide	(R, T)
U160	1338-23-4	Methyl ethyl ketone peroxide	(R, T)
U161	108-10-1	Methyl isobutyl ketone	(I)
U161	108-10-1	4-Methyl-2-pentanone	(I)
U161	108-10-1	Pentanol, 4-methyl-	(I)
U162	80-62-6	Methyl methacrylate	(I, T)
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester	(I, T)
U163	70-25-7	Guanidine, N-methyl-N'-nitro-N-nitroso-	
U163	70-25-7	MNNG	
U164	56-04-2	Methylthiouracil	
U164	56-04-2~~58-04-2~~	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	
U165	91-20-3	Naphthalene	
U166	130-15-4	1,4-Naphthalenedione	
U166	130-15-4	1,4-Naphthoquinone	
U167	134-32-7	1-Naphthalenamine	
U167	134-32-7	α-Naphthylamine	
U168	91-59-8	2-Naphthalenamine	
U168	91-59-8	β-Naphthylamine	
U169	98-95-3	Benzene, nitro-	(I, T)
U169	98-95-3	Nitrobenzene	(I, T)
U170	100-02-7	p-Nitrophenol	
U170	100-02-7	Phenol, 4-nitro-	
U171	79-46-9	2-Nitropropane	(I, T)
U171	79-46-9	Propane, 2-nitro-	(I, T)
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-	

U172	924-16-3	N-Nitrosodi-n-butylamine	
U173	1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-	
U173	1116-54-7	N-Nitrosodiethanolamine	
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-	
U174	55-18-5	N-Nitrosodiethylamine	
U176	759-73-9	N-Nitroso-N-ethylurea	
U176	759-73-9	Urea, N-ethyl-N-nitroso-	
U177	684-93-5	N-Nitroso-N-methylurea	
U177	684-93-5	Urea, N-methyl-N-nitroso-	
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester	
U178	615-53-2	N-Nitroso-N-methylurethane	
U179	100-75-4	N-Nitrosopiperidine	
U179	100-75-4	Piperidine, 1-nitroso-	
U180	930-55-2	N-Nitrosopyrrolidine	
U180	930-55-2	Pyrrolidine, 1-nitroso-	
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-	
U181	99-55-8	5-Nitro-o-toluidine	
U182	123-63-7	Paraldehyde	
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-	
U183	608-93-5	Benzene, pentachloro-	
U183	608-93-5	Pentachlorobenzene	
U184	76-01-7	Ethane, pentachloro-	
U184	76-01-7	Pentachloroethane	
U185	82-68-8	Benzene, pentachloronitro-	
U185	82-68-8	Pentachloronitrobenzene (PCNB)	
U186	504-60-9	1-Methylbutadiene	(I)
U186	504-60-9	1,3-Pentadiene	(I)
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-	
U187	62-44-2	Phenacetin	
U188	108-95-2	Phenol	
U189	1314-80-3	Phosphorus sulfide	(R)
U189	1314-80-3	Sulfur phosphide	(R)
U190	85-44-9	1,3-Isobenzofurandione	
U190	85-44-9	Phthalic anhydride	
U191	109-06-8	2-Picoline	
U191	109-06-8	Pyridine, 2-methyl-	
U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-	

U192	23950-58-5	Pronamide	
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide	
U193	1120-71-4	1,3-Propane sultone	
U194	107-10-8	1-Propanamine	(I, T)
U194	107-10-8	n-Propylamine	(I, T)
U196	110-86-1	Pyridine	
U197	106-51-4	p-Benzoquinone	
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione	
U200	50-55-5	Reserpine	
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-((3,4,5-trimethoxybenzoyl)oxy)-, methyl ester, (3β,16β,17α,18β,20α)-	
U201	108-46-3	1,3-Benzenediol	
U201	108-46-3	Resorcinol	
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-	
U203	94-59-7	Safrole	
U204	7783-00-8	Selenious acid	
U204	7783-00-8	Selenium dioxide	
U205	7488-56-4	Selenium sulfide	(R, T)
U205	7488-56-4	Selenium sulfide SeS_2	(R, T)
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-, D-	
U206	18883-66-4	D-Glucose, 2-deoxy-2-(((methylnitrosoamino)-carbonyl)amino)-	
U206	18883-66-4	Streptozotocin	
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-	
U207	95-94-3	1,2,4,5-Tetrachlorobenzene	
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-	
U208	630-20-6	1,1,1,2-Tetrachloroethane	
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-	
U209	79-34-5	1,1,2,2-Tetrachloroethane	
U210	127-18-4	Ethene, tetrachloro-	
U210	127-18-4	Tetrachloroethylene	
U211	56-23-5	Carbon tetrachloride	
U211	56-23-5	Methane, tetrachloro-	
U213	109-99-9	Furan, tetrahydro-	(I)

U213	109-99-9	Tetrahydrofuran	(I)
U214	563-68-8	Acetic acid, thallium (1+) salt	
U214	563-68-8	Thallium (I) acetate	
U215	6533-73-9	Carbonic acid, dithallium (1+) salt	
U215	6533-73-9	Thallium (I) carbonate	
U216	7791-12-0	Thallium (I) chloride	
U216	7791-12-0	Thallium chloride TlCl	
U217	10102-45-1	Nitric acid, thallium (1+) salt	
U217	10102-45-1	Thallium (I) nitrate	
U218	62-55-5	Ethanethioamide	
U218	62-55-5	Thioacetamide	
U219	62-56-6	Thiourea	
U220	108-88-3	Benzene, methyl-	
U220	108-88-3	Toluene	
U221	25376-45-8	Benzenediamine, ar-methyl-	
U221	25376-45-8	Toluenediamine	
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride	
U222	636-21-5	o-Toluidine hydrochloride	
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl-	(R, T)
U223	26471-62-5	Toluene diisocyanate	(R, T)
U225	75-25-2	Bromoform	
U225	75-25-2	Methane, tribromo-	
U226	71-55-6	Ethane, 1,1,1-trichloro-	
U226	71-55-6	Methylchloroform	
U227	79-00-5	Ethane, 1,1,2-trichloro-	
U227	79-00-5	1,1,2-Trichloroethane	
U228	79-01-6	Ethene, trichloro-	
U228	79-01-6	Trichloroethylene	
U234	99-35-4	Benzene, 1,3,5-trinitro-	(R, T)
U234	99-35-4	1,3,5-Trinitrobenzene	(R, T)
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)	
U235	126-72-7	Tris(2,3-dibromopropyl) phosphate	
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-((3,3'-dimethyl-(1,1'-biphenyl)-4,4'-diyl)bis(azo)bis(5-amino-4-hydroxy)-, tetrasodium salt	
U236	72-57-1	Trypan blue	

U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-(bis(2-chloroethyl)amino)-	
U237	66-75-1	Uracil mustard	
U238	51-79-6	Carbamic acid, ethyl ester	
U238	51-79-6	Ethyl carbamate (urethane)	
U239	1330-20-7	Benzene, dimethyl-	(I, T)
U239	1330-20-7	Xylene	(I, T)
U240	P 94-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters	
U240	P 94-75-7	2,4-D, salts and esters	
U243	1888-71-7	Hexachloropropene	
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-	
U244	137-26-8	Thioperoxydicarbonic diamide $((H_2N)C(S))_2S_2$, tetramethyl-	
U244	137-26-8	Thiram	
U246	506-68-3	Cyanogen bromide CNBr	
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-methoxy-	
U247	72-43-5	Methoxychlor	
U248	~~P~~ 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	~~P~~ 81-81-2	Warfarin, and salts, when present at concentrations of 0.3 percent or less	
U249	1314-84-7	Zinc phosphide Zn_3P_2, when present at concentrations of 10 percent or less	
U271	17804-35-2	Benomyl	
U271	17804-35-2	Carbamic acid, (1-((butylamino)carbonyl)-1H-benzimidazol-2-yl)-, methyl ester	
U278	22781-23-3	Bendiocarb	
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate	
U279	63-25-2	Carbaryl	
U279	63-25-2	1-Naphthalenol, methylcarbamate	
U280	101-27-9	Barban	
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester	

U328	95-53-4	Benzenamine, 2-methyl-
U328	95-53-4	o-Toluidine
U353	106-49-0	Benzenamine, 4-methyl-
U353	106-49-0	p-Toluidine
U359	110-80-5	Ethanol, 2-ethoxy-
U359	110-80-5	Ethylene glycol monoethyl ether
U364	22961-82-6	Bendiocarb phenol
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-
U367	1563-38-8	Carbofuran phenol
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester
U372	10605-21-7	Carbendazim
U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl ester
U373	122-42-9	Propham
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester
U387	52888-80-9	Prosulfocarb
U389	2303-17-5	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester
U389	2303-17-5	Triallate
U394	30558-43-1	A2213
U394	30558-43-1	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester
U395	5952-26-1	Diethylene glycol, dicarbamate
U395	5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate
U404	121-44-8	Ethanamine, N,N-diethyl-
U404	121-44-8	Triethylamine
U409	23564-05-8	Carbamic acid, (1,2-phenylenebis(iminocarbonothioyl))bis-, dimethyl ester
U409	23564-05-8	Thiophanate-methyl
U410	59669-26-0	Ethanimidothioic acid, N,N'-(thiobis((methylimino)carbonyloxy))bis-, dimethyl ester
U410	59669-26-0	Thiodicarb

U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methylcarbamate
U411	114-26-1	Propoxur

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 721.135 Wood Preserving Wastes

a) Wastes from wood preserving processes at plants that do not resume or initiate use of chlorophenolic preservatives will not meet the listing definition of F032 once the generator has met all of the requirements of subsections (b) and (c)~~ of this Section~~. These wastes may, however, continue to meet another hazardous waste listing description or may exhibit one or more of the hazardous waste characteristics.

b) Generators must either clean or replace all process equipment that may have come into contact with chlorophenolic formulations or constituents thereof, including, but not limited to, treatment cylinders, sumps, tanks, piping systems, drip pads, fork lifts and trams, in a manner that minimizes or eliminates the escape of hazardous waste or constituents, leachate, contaminated drippage or hazardous waste decomposition products to the groundwater, surface water, or atmosphere.

1) Generators must do one of the following:

A) Prepare and follow an equipment cleaning plan and clean equipment in accordance with subsection (b)(2)~~this Section~~; or

B) Prepare and follow an equipment replacement plan and replace equipment in accordance with subsection (b)(3)~~this Section~~; or

C) Document cleaning and replacement in accordance with subsections (b)(2) and (b)(3)~~this Section~~, carried out after termination of use of chlorophenolic preservatives.

2) Cleaning requirements.

A) The generator must prepare and sign a written equipment cleaning plan that describes the following:

i) The equipment to be cleaned;

ii) How the equipment will be cleaned;

iii) The solvent to be used in cleaning;

iv) How solvent rinses will be tested; and

v) How cleaning residues will be disposed of.

B) Equipment must be cleaned as follows:

i) Remove all visible residues from process equipment; and

ii) Rinse process equipment with an appropriate solvent until dioxins and dibenzofurans are not detected in the final solvent rinse.

C) Analytical requirements.

i) Rinses must be tested by using an appropriate method.

ii) "Not detected" means at or below the following lower method calibration limit (MCL): the 2,3,7,8-TCDD-based MCL is 0.01 parts per trillion (ppt), using a sample weight of 1000 g, an IS spiking level of 1 ppt, and a final extraction volume of 10 to 50 µℓ. For other congeners, multiply the values by 1 for TCDF, PeCDD, or PeCDF; by 2.5 for HxCDD, HxCDF, HpCDD, or HpCDF; or by 5 for OCDD or OCDF.

D) The generator must manage all residues from the cleaning process as F032 waste.

3) Replacement requirements.

A) The generator must prepare~~Prepare~~ and sign a written equipment replacement plan that describes the following:

i) The equipment to be replaced;

ii) How the equipment will be replaced; and

iii) How the equipment will be disposed of.

B) The generator must manage the discarded equipment as F032 waste.

4) Documentation requirements. The generator must document~~Document~~ that previous equipment cleaning and replacement was performed in accordance with subsections (b)(2) and (b)(3)~~this Section~~ and that the equipment cleaning and replacement occurred~~ocurred~~ after cessation of use of chlorophenolic preservatives.

c) The generator must maintain the following records documenting the cleaning and replacement as part of the facility's operating record:

1) The name and address of the facility;

2) Formulations previously used and the date on which their use ceased in each process at the plant;

3) Formulations currently used in each process at the plant;

4) The equipment cleaning or replacement plan;

5) The name and address of any persons who conducted the cleaning and replacement;

6) The dates on which cleaning and replacement were accomplished;

7) The dates of sampling and testing;

8) A description of the sample handling and preparation techniques used for extraction, containerization, preservation and chain-of-custody of the samples;

9) A description of the tests performed, the date the tests were performed and

the results of the tests;

10) The name and model numbers of the instruments used in performing the tests;

11) QA/QC documentation; and

12) The following statement signed by the generator or the generator's authorized representative:

I certify under penalty of law that all process equipment required to be cleaned or replaced under 35 Ill. Adm. Code 721.135 was cleaned or replaced as represented in the equipment cleaning and replacement plan and accompanying documentation. I am aware that there are significant penalties for providing false information, including the possibility of fine or imprisonment.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART E: EXCLUSIONS AND EXEMPTIONS

Section 721.138 Exclusion of Comparable Fuel and Syngas Fuel (Repealed)

~~a) Specifications for excluded fuels. Wastes that meet specifications for comparable fuel or syngas fuel under subsection (a)(1) or (a)(2) of this Section, respectively, and the other requirements of this Section, are not solid wastes:~~

~~1) Comparable fuel specifications.~~

~~A) Physical specifications.~~

~~i) Heating value. The heating value must exceed 5,000 Btu/lb (11,500 J/g).~~

~~ii) Viscosity. The viscosity must not exceed 50 cS, as fired.~~

~~B) Constituent specifications. For the compounds listed, the constituent specification levels and minimum required detection limits (where non-detect is the constituent specification) are set~~

~~forth in the table in Appendix Y to this Part.~~

~~2) Synthesis gas fuel specifications. Synthesis gas fuel (i.e., syngas fuel) that is generated from hazardous waste must fulfill the following requirements:~~

~~A) It must have a minimum Btu value of 100 Btu/Scf;~~

~~B) It must contain less than 1 ppmv of total halogen;~~

~~C) It must contain less than 300 ppmv of total nitrogen other than diatomic nitrogen (N_2);~~

~~D) It must contain less than 200 ppmv of hydrogen sulfide; and~~

~~E) It must contain less than 1 ppmv of each hazardous constituent in the target list of constituents listed in Appendix H of this Part.~~

~~3) Blending to meet the specifications.~~

~~A) Hazardous waste shall not be blended to meet the comparable fuel specification under subsection (a)(1) of this Section, except as provided by subsection (a)(3)(B) of this Section.~~

~~B) Blending to meet the viscosity specification. A hazardous waste blended to meet the viscosity specification for comparable fuel must fulfill the following requirements:~~

~~i) As generated, and prior to any blending, manipulation, or processing, the hazardous waste must meet the constituent and heating value specifications of subsections (a)(1)(A)(i) and (a)(1)(B) of this Section;~~

~~ii) The hazardous waste must be blended at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 722.134, 724, 725, or 727; and~~

~~iii) The hazardous waste must not violate the dilution prohibition of subsection (a)(6) of this Section.~~

~~4) Treatment to meet the comparable fuel specifications.~~

~~A) A hazardous waste may be treated to meet the specifications for comparable fuel set forth in subsection (a)(1) of this Section, provided the treatment fulfills the following requirements:~~

~~i) The treatment destroys or removes the constituent listed in the specification or raises the heating value by removing or destroying hazardous constituents or materials;~~

~~ii) The treatment is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 722.134, 724, 725, or 727; and~~

~~iii) The treatment does not violate the dilution prohibition of subsection (a)(6) of this Section.~~

~~B) Residuals resulting from the treatment of a hazardous waste listed in Subpart D of this Part to generate a comparable fuel remain a hazardous waste.~~

~~5) Generation of a syngas fuel.~~

~~A) A syngas fuel can be generated from the processing of hazardous wastes to meet the exclusion specifications of subsection (a)(2) of this Section, provided the processing fulfills the following requirements:~~

~~i) The processing destroys or removes the constituent listed in the specification or raises the heating value by removing or destroying constituents or materials;~~

~~ii) The processing is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 722.134, 724, 725, or 727 or is an exempt recycling unit pursuant to 35 Ill. Adm. Code 721.106(c); and~~

~~iii) The processing does not violate the dilution prohibition of subsection (a)(6) of this Section.~~

~~B) Residuals resulting from the treatment of a hazardous waste listed in Subpart D of this Part to generate a syngas fuel remain a hazardous waste.~~

~~6) Dilution prohibition. A generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility must not in any way dilute a hazardous waste to meet the specifications of subsections (a)(1)(A)(i) or (a)(1)(B) of this Section for comparable fuel, or subsection (a)(2) of this section for Syngas.~~

~~b) Implementation.~~

~~1) General.~~

~~A) Wastes that meet the specifications provided by subsection (a) of this Section for comparable fuel or syngas fuel are excluded from the definition of solid waste provided that the following requirements are met. For purposes of this Section, such materials are called "excluded fuel," the person claiming and qualifying for the exclusion is called the "excluded fuel generator," and the person burning the excluded fuel is called the "excluded fuel burner."~~

~~B) The person who generates the excluded fuel must claim the exclusion by complying with the conditions of this Section and keeping records necessary to document compliance with those conditions.~~

~~2) Notices.~~

~~A) Notice to the Agency.~~

~~i) The generator must submit a one-time notice, except as provided by subsection (b)(2)(A)(iii) of this Section, to the Agency, certifying compliance with the conditions of the exclusion and providing documentation, as required by subsection (b)(2)(C) of this Section;~~

~~BOARD NOTE: This subsection (b)(2)(A)(i) corresponds with 40 CFR 261.38(c)(2)(i)(A) (2009). Due to limitations on the maximum indent levels allowed in the Illinois Administrative Code, the Board found it necessary to move 40 CFR 261.38(c)(2)(i)(A)(1) through (c)(2)(i)(A)(5) to appear as subsections (c)(2)(C)(i) through (c)(2)(C)(v) of this Section.~~

~~ii) If there is a substantive change in the information provided in the one-time notice required under this subsection (b)(2)(A), the generator must submit a revised notification.~~

~~iii) An excluded fuel generator must include an estimate of the average and maximum monthly and annual quantity of material for which an exclusion would be claimed in notices for newly excluded fuel or for revised notices as required by subsection (b)(2)(A)(ii) of this Section.~~

~~B) Public notice. Prior to burning an excluded fuel, the burner must publish in a major newspaper of general circulation, local to the site where the fuel will be burned, a notice entitled "Notification of Burning a Fuel Excluded Under the Resource Conservation and Recovery Act" containing the following information:~~

~~i) The name, address, and USEPA identification number of the generating facility;~~

~~ii) The name and address of the burner and identification of the units that will burn the excluded fuel;~~

~~iii) A brief, general description of the manufacturing, treatment, or other process generating the excluded fuel;~~

~~iv) An estimate of the average and maximum monthly and annual quantity of the excluded fuel to be burned; and~~

~~v) The name and mailing address of the Agency office to which the generator submitted a claim for the exclusion.~~

~~C)~~ ~~The one-time notice required by subsection (b)(2)(A)(i) of this Section must certify compliance with the conditions of the exclusion and provide documentation, as follows:~~

~~i)~~ ~~The name, address, and USEPA identification number of the person or facility claiming the exclusion;~~

~~ii)~~ ~~The applicable USEPA hazardous waste codes for the hazardous waste;~~

~~iii)~~ ~~The name and address of the units that meet the requirements of subsections (b)(3) and (c) of this Section that will burn the excluded fuel;~~

~~iv)~~ ~~An estimate of the average and maximum monthly and annual quantity of material for which an exclusion would be claimed, except as provided by subsection (b)(2)(A)(iii) of this Section; and~~

~~v)~~ ~~The following statement must be signed and submitted by the person claiming the exclusion or its authorized representative:~~

~~Under penalty of criminal and civil prosecution for making or submitting false statements, representations, or omissions, I certify that the requirements of 35 Ill. Adm. Code 721.138 have been met for all waste identified in this notification. Copies of the records and information required by 35 Ill. Adm. Code 721.138(b)(8) are available at the comparable or syngas fuel generator's facility. Based on my inquiry of the individuals immediately responsible for obtaining the information, the information 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.~~

~~BOARD NOTE: Subsections (b)(2)(C)(i) through (c)(2)(C)(v) are derived from 40 CFR 261.138(b)(2)(i)(A)(*1*) through (b)(2)(i)(A)(5), which the Board has codified here to comport with Illinois Administrative Code format requirements.~~

~~3)~~ ~~Burning. The exclusion applies only if the fuel is burned in the following units that also must be subject to federal, State, and local air emission requirements, including all applicable federal hazardous air pollutant emissions requirements implementing section 112 of the Clean Air Act (CAA) (42 USC 7412):~~

~~A)~~ ~~Industrial furnaces, as defined in 35 Ill. Adm. Code 720.110;~~

~~B)~~ ~~Boilers, as defined in 35 Ill. Adm. Code 720.110, that are further defined as follows:~~

~~i)~~ ~~Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or~~

~~ii)~~ ~~Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale;~~

~~C)~~ ~~Hazardous waste incinerators subject to regulation pursuant to Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725 and applicable CAA MACT standards.~~

~~D)~~ ~~Gas turbines used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale.~~

~~4)~~ ~~Fuel analysis plan for generators. The generator of an excluded fuel must develop and follow a written fuel analysis plan that describes the procedures for sampling and analysis of the material to be excluded. The plan must be followed and retained at the site of the generator claiming the exclusion.~~

~~A)~~ ~~At a minimum, the plan must specify the following:~~

~~i)~~ ~~The parameters for which each excluded fuel will be analyzed and the rationale for the selection of those parameters;~~

~~ii)~~ ~~The test methods that will be used to test for these parameters;~~

~~iii)~~ ~~The sampling method that will be used to obtain a representative sample of the excluded fuel to be analyzed;~~

~~iv)~~ ~~The frequency with which the initial analysis of the excluded fuel will be reviewed or repeated to ensure that the analysis is accurate and up to date; and~~

~~v)~~ ~~If process knowledge is used in the determination, any information prepared by the generator in making such determination.~~

~~B)~~ ~~For each analysis, the generator must also document the following:~~

~~i)~~ ~~The dates and times that waste samples were obtained, and the dates the samples were analyzed;~~

~~ii)~~ ~~The names and qualifications of the persons who obtained the samples;~~

~~iii)~~ ~~A description of the temporal and spatial locations of 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 clean-up and sample preparation methods;~~

~~vi)~~ ~~All quantitation limits achieved and all other quality control results for the analysis (including method blanks, duplicate analyses, matrix spikes, etc.), laboratory quality assurance data, and description of any deviations from analytical~~

~~methods written in the plan or from any other activity written in the plan that occurred;~~

~~vii) All laboratory results demonstrating whether the exclusion specifications have been met; and~~

~~viii) All laboratory documentation that supports the analytical results, unless a contract between the claimant and the laboratory provides for the documentation to be maintained by the laboratory for the period specified in subsection (b)(9) of this Section and also provides for the availability of the documentation to the claimant upon request.~~

~~C) A syngas fuel generator must submit for approval, prior to performing sampling, analysis, or any management of an excluded syngas fuel, a fuel analysis plan containing the elements of subsection (b)(4)(A) of this Section to the Agency. The approval of a fuel analysis plan must be stated in writing and received by the facility prior to sampling and analysis to demonstrate the exclusion of a syngas. The approval of the fuel analysis plan may contain such provisions and conditions as the regulatory authority deems appropriate.~~

~~5) Excluded fuel sampling and analysis.~~

~~A) General. For each waste for which an exclusion is claimed under the specifications provided by subsection (a)(1) or (a)(2) of this Section, the generator of the waste must test for all the constituents in Appendix H of this Part, except for those constituents that the generator determines, based on testing or knowledge, should not be present in the fuel. The generator is required to document the basis of each determination that a constituent with an applicable specification should not be present. The generator may not determine that any of the following categories of constituents with a specification in the table in Appendix Y to this Part should not be present:~~

~~i) A constituent that triggered the toxicity characteristic for the constituents that were the basis for listing the secondary~~

~~material as a hazardous waste, or constituents for which there is a treatment standard for the waste code in 35 Ill. Adm. Code 728.140;~~

~~ii) A constituent detected in previous analysis of the waste;~~

~~iii) Constituents introduced into the process that generates the waste; or~~

~~iv) Constituents that are byproducts or side reactions to the process that generates the waste.~~

~~B) Use of process knowledge. For each waste for which the comparable fuel or syngas exclusion is claimed where the generator of the excluded fuel is not the original generator of the hazardous waste, the generator of the comparable or syngas fuel may not use process knowledge pursuant to subsection (b)(5)(A) of this Section and must test to determine that all of the constituent specifications of subsections (a)(1) and (a)(2) of this Section, as applicable, have been met.~~

~~C) The excluded fuel generator may use any reliable analytical method to demonstrate that no constituent of concern is present at concentrations above the specification levels. It is the responsibility of the generator to ensure that the sampling and analysis are unbiased, precise, and representative of the excluded fuel. For the fuel to be eligible for exclusion, a generator must demonstrate the following:~~

~~i) That the 95% upper confidence limit of the mean concentration for each constituent of concern is not above the specification level; and~~

~~ii) That the analyses could have detected the presence of the constituent at or below the specification level.~~

~~D) Nothing in this subsection (b)(5) preempts, overrides, or otherwise negates the provision in 35 Ill. Adm. Code 722.111 that requires any person that generates a solid waste to determine if that waste is~~

~~a hazardous waste.~~

~~E)~~ ~~In an enforcement action, the burden of proof to establish conformance with the exclusion specification must be on the generator claiming the exclusion.~~

~~F)~~ ~~The generator must conduct sampling and analysis in accordance with the fuel its waste analysis plan developed pursuant to subsection (b)(4) of this Section.~~

~~G)~~ ~~Viscosity condition for comparable fuel.~~

~~i)~~ ~~Excluded comparable fuel that has not been blended to meet the kinematic viscosity specification must be analyzed as generated.~~

~~ii)~~ ~~If hazardous waste is blended to meet the kinematic viscosity specification for comparable fuel, the generator must analyze the hazardous waste as generated to ensure that it meets the constituent and heating value specifications of subsection (a)(1) of this Section, and after blending, analyze the fuel again to ensure that the blended fuel meets all comparable fuel specifications.~~

~~BOARD NOTE: The Board found it necessary to combine the text of 40 CFR 261.38(b)(5)(vii)(B)(1) and (b)(5)(vii)(B)(2) together with the text of 40 CFR 261.38(b)(5)(vii)(B) to comport with the maximum indent level allowed by Illinois Administrative Code codification requirements.~~

~~H)~~ ~~Excluded fuel must be retested, at a minimum, annually and must be retested after a process change that could change its chemical or physical properties in a manner that may affect conformance with the specifications.~~

~~BOARD NOTE: Any claim pursuant to this Section must be valid and accurate for all hazardous constituents; a determination not to test for a hazardous constituent will not shield a generator from liability should that~~

~~constituent later be found in the waste above the exclusion specifications.~~

~~6)~~ ~~This subsection (b)(6) corresponds with 40 CFR 261.38(b)(6), which USEPA has marked "reserved." This statement maintains structural parity with the corresponding federal regulations.~~

~~7)~~ ~~Speculative accumulation. Excluded fuel must not be accumulated speculatively, as such is defined in 35 Ill. Adm. Code 721.101(c)(8).~~

~~8)~~ ~~Operating record. The generator must maintain an operating record on site containing the following information:~~

~~A)~~ ~~All information required to be submitted to the implementing authority as part of the notification of the claim:~~

~~i)~~ ~~The owner or operator name, address, and USEPA identification number of the person claiming the exclusion;~~

~~ii)~~ ~~For each excluded fuel, the USEPA hazardous waste codes that would be applicable if the material were discarded; and~~

~~iii)~~ ~~The certification signed by the person claiming the exclusion or his authorized representative;~~

~~B)~~ ~~A brief description of the process that generated the excluded fuel. If the comparable fuel generator is not the generator of the original hazardous waste, provide a brief description of the process that generated the hazardous waste;~~

~~C)~~ ~~The monthly and annual quantities of each fuel claimed to be excluded;~~

~~D)~~ ~~Documentation for any claim that a constituent is not present in the excluded fuel, as required pursuant to subsection (b)(5)(A) of this Section;~~

~~E)~~ ~~The results of all analyses and all detection limits achieved, as required pursuant to subsection (b)(5) of this Section;~~

~~F) If the comparable fuel was generated through treatment or blending, documentation of compliance with the applicable provisions of subsections (a)(3) and (a)(4) of this Section;~~

~~G) If the excluded fuel is to be shipped off-site, a certification from the burner, as required pursuant to subsection (b)(10) of this Section;~~

~~H) The fuel analysis plan and documentation of all sampling and analysis results as required by subsection (b)(4) of this Section; and~~

~~I) If the generator ships excluded fuel off-site for burning, the generator must retain for each shipment the following information on-site:~~

~~i) The name and address of the facility receiving the excluded fuel for burning;~~

~~ii) The quantity of excluded fuel shipped and delivered;~~

~~iii) The date of shipment or delivery;~~

~~iv) A cross-reference to the record of excluded fuel analysis or other information used to make the determination that the excluded fuel meets the specifications, as required pursuant to subsection (b)(5) of this Section; and~~

~~v) A one-time certification by the burner, as required pursuant to subsection (b)(10) of this Section.~~

~~9) Records retention. Records must be maintained for a period of three years.~~

~~10) Burner certification to the generator. Prior to submitting a notification to the Agency, a generator of excluded fuel that intends to ship the excluded fuel off-site for burning must obtain a one-time written, signed statement from the burner that includes the following:~~

~~A)~~ ~~A certification that the excluded fuel will only be burned in an industrial furnace, industrial boiler, utility boiler, or hazardous waste incinerator, as required pursuant to subsection (b)(3) of this Section;~~

~~B)~~ ~~Identification of the name and address of the facility that will burn the excluded fuel; and~~

~~C)~~ ~~A certification that the state in which the burner is located is authorized to exclude wastes as excluded fuel under the provisions of 40 CFR 261.38.~~

~~11)~~ ~~Ineligible waste codes. Wastes that are listed as hazardous waste because of the presence of dioxins or furans, as set out in Appendix G of this Part, are not eligible for these exclusions, and any fuel produced from or otherwise containing these wastes remains a hazardous waste subject to the full RCRA hazardous waste management requirements.~~

~~12)~~ ~~Regulatory status of boiler residues. Burning excluded fuel that was otherwise a hazardous waste listed under Sections 721.131 through 721.133 of this Part does not subject boiler residues, including bottom ash and emission control residues, to regulation as derived from hazardous wastes.~~

~~13)~~ ~~Residues in containers and tank systems upon cessation of operations.~~

~~A)~~ ~~Liquid and accumulated solid residues that remain in a container or tank system for more than 90 days after the container or tank system ceases to be operated for storage or transport of excluded fuel product are subject to regulation under 35 Ill. Adm. Code 702, 703, 722 through 725, 727, and 728.~~

~~B)~~ ~~Liquid and accumulated solid residues that are removed from a container or tank system after the container or tank system ceases to be operated for storage or transport of excluded fuel product are solid wastes subject to regulation as hazardous waste if the waste exhibits a characteristic of hazardous waste under Sections 721.121 through 721.124 or if the fuel were otherwise a hazardous~~

~~waste listed under Sections 721.131 through 721.133 when the exclusion was claimed.~~

~~C)~~ ~~Liquid and accumulated solid residues that are removed from a container or tank system and which do not meet the specifications for exclusion under subsection (a)(1) or (a)(2) of this Section are solid wastes subject to regulation as hazardous waste if either of the following conditions exist with regard to the residues:~~

~~i)~~ ~~The waste exhibits a characteristic of hazardous waste under Sections 721.121 through 721.124; or~~

~~ii)~~ ~~The fuel was otherwise a hazardous waste listed under Sections 721.131 through 721.133. The hazardous waste code for the listed waste applies to these liquid and accumulated solid residues.~~

~~14)~~ ~~Waiver of RCRA closure requirements. Interim status and permitted storage and combustion units, and generator storage units exempt from the permit requirements under 35 Ill. Adm. Code 722.134, are not subject to the closure requirements of 35 Ill. Adm. Code 724, 725, or 727, provided that the storage and combustion unit has been used to manage only hazardous waste that is subsequently excluded under the conditions of this Section, and that afterward will be used only to manage fuel excluded under this Section.~~

~~15)~~ ~~Spills and leaks.~~

~~A)~~ ~~Excluded fuel that is spilled or leaked and that therefore no longer meets the conditions of the exclusion is discarded and must be managed as a hazardous waste if it exhibits a characteristic of hazardous waste under Sections 721.121 through 721.124 or if the fuel were otherwise a hazardous waste listed in Sections 721.131 through 721.133.~~

~~B)~~ ~~For excluded fuel that would have otherwise been a hazardous waste listed in Sections 721.131 through 721.133 and which is spilled or leaked, the USEPA hazardous waste code for the listed waste applies to the spilled or leaked material.~~

~~16) In corresponding 40 CFR 261.38(b)(16), USEPA included the following disclaimer, which the Board quotes in full: "Nothing in this section preempts, overrides, or otherwise negates the provisions in CERCLA Section 103, which establish reporting obligations for releases of hazardous substances, or the Department of Transportation requirements for hazardous materials in 49 CFR parts 171 through 180."~~

~~c) Failure to comply with the conditions of the exclusion. An excluded fuel loses its exclusion if any person managing the fuel fails to comply with the conditions of the exclusion under this Section, and the material must be managed as a hazardous waste from the point of generation. In such situations, USEPA, the Agency, or any person may take enforcement action pursuant to section 31 of the Act [415 ILCS 5/31].~~

~~BOARD NOTE: Corresponding 40 CFR 261.38(c) provides that USEPA or an authorized state may take enforcement action pursuant to section 3008(a) of RCRA (42 USC 6927(a)). In Illinois, Section 31(a) and (d) of the Act [415 ILCS 5/31(a) and (d)] provide that the Agency or any person may pursue an enforcement action for violation of the Act or Board regulations.~~

(Source: Repealed at 40 Ill. Reg. _____, effective _____)

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section 721.270 Applicability

This Subpart I applies to hazardous secondary materials excluded under the remanufacturing exclusion at Section 721.4(a)(27) and stored in containers.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.271 Condition of Containers

If a container holding hazardous secondary material is not in good condition (e.g., the container has severe rusting, apparent structural defects, etc.) or if the container begins to leak, the hazardous secondary material must be transferred from this container to a container that is in good condition or managed in some other way that complies with the requirements of this Part.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.272 Compatibility of Hazardous Secondary Materials with Containers

A container holding hazardous secondary material must be made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous secondary material to be stored, so that the ability of the container to contain the material is not impaired.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.273 Management of Containers

a) A container holding hazardous secondary material must always be closed during storage, except when it is necessary to add or remove the hazardous secondary material.

b) A container holding hazardous secondary material must not be opened, handled, or stored in a manner that may rupture the container or cause it to leak.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.275 Secondary Containment

a) Container storage areas must have a secondary containment system that is designed and operated in accordance with subsection (b).

b) A secondary containment system must be designed and operated as follows:

1) A base must underlie the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed;

2) The base must be sloped or the secondary containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

3) The secondary containment system must have sufficient capacity to contain ten percent of the volume of containers or the volume of the largest container, whichever is greater;

4) Run-on into the secondary containment system must be prevented unless the collection system has sufficient excess capacity in addition to that required in subsection (b)(3) to contain any run-on which might enter the system; and

5) Spilled or leaked material and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the secondary collection system.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.276 Special Requirements for Ignitable or Reactive Hazardous Secondary Material

Containers holding ignitable or reactive hazardous secondary material must be located at least 15 meters (50 feet) from the facility's property line.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.277 Special Requirements for Incompatible Materials

a) Incompatible materials must not be placed in the same container.

b) Hazardous secondary material must not be placed in an unwashed container that previously held an incompatible material.

c) A storage container holding a hazardous secondary material that is incompatible with any other materials stored nearby must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

(Source: Added at 40 Ill. Reg. _____, effective _____)

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: Added at 40 Ill. Reg. _____, effective _____)

SUBPART J: TANK SYSTEMS

Section 721.290 Applicability

a) The requirements of this Subpart J apply to tank systems for storing or treating hazardous secondary material excluded under the remanufacturing exclusion at Section 721.104(a)(27).

b) Tank systems, including sumps, as defined in 35 Ill. Adm. Code 720.110, that serve as part of a secondary containment system to collect or contain releases of hazardous secondary materials are exempted from the requirements in Section 721.293(a).

(Source: Added at 40 Ill. Reg. _____, effective _____)

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;

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, when 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 721.196.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.293 Containment and Detection of Releases

a) The following must be true of a secondary containment system:

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 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

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:

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

pressure actuated shut-off devices, etc.) that are visually inspected for leaks on a daily basis.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.294 General Operating Requirements

a) Hazardous secondary materials or treatment reagents must not be placed in a tank system if the materials or reagents could cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.

b) The remanufacturer or other person that stores or treats the hazardous secondary material must use appropriate controls and practices to prevent spills and overflows from tank or containment systems. These include, at a minimum, the following controls and practices:

1) Spill prevention controls (e.g., check valves, dry disconnect couplings, etc.);

2) Overfill prevention controls (e.g., level sensing devices, high level alarms, automatic feed cutoff, or bypass to a standby tank); and

3) Maintenance of sufficient freeboard in uncovered tanks to prevent overtopping by wave or wind action or by precipitation.

c) The remanufacturer or other person that stores or treats the hazardous secondary material must comply with the requirements of Section 721.196 if a leak or spill occurs in the tank system.

(Source: Added at 40 Ill. Reg. _____, effective _____)

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

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

a) Cessation of use; prevent flow or addition of materials. The remanufacturer or other person that stores or treats the hazardous secondary material must immediately stop the flow of hazardous secondary material into the tank system or secondary containment system and inspect the system to determine the cause of the release.

b) Removal of material from tank system or secondary containment system.

1) If the release was from the tank system, the remanufacturer or other person that stores or treats the hazardous secondary material must, within 24 hours after detection of the leak or, if the remanufacturer or other person that stores or treats the hazardous secondary material demonstrates that it is not possible, at the earliest practicable time, remove as much of the material as is necessary to prevent further release of hazardous secondary material to the environment and to allow inspection and repair of the tank system to be performed.

2) If the material released was to a secondary containment system, all released materials must be removed within 24 hours or in as timely a manner as is possible to prevent harm to human health and the environment.

c) Containment of visible releases to the environment. The remanufacturer or other person that stores or treats the hazardous secondary material must immediately conduct a visual inspection of the release and, based upon that inspection:

1) The remanufacturer must prevent further migration of the leak or spill to soils or surface water; and

2) The remanufacturer must remove, and properly dispose of, any visible contamination of the soil or surface water.

d) Notifications, reports.

1) Any release to the environment, except as provided in subsection (d)(2), must be reported to the Agency and the Administrator of USEPA Region 5 within 24 hours of its detection. If the release has been reported pursuant to 40 CFR 302, that report will satisfy the requirement to notify USEPA, but the release must still be reported to the Agency.

2) A leak or spill of hazardous secondary material is exempted from the requirements of this subsection (d) if the following is true of the leak or spill:

A) The leak or spill is less than or equal to a quantity of one pound; and

B) The leak or spill is immediately contained and cleaned up.

3) Within 30 days after detection of a release to the environment, a report containing the following information must be submitted to the Agency and the Administrator of USEPA Region 5:

A) The likely route of migration of the release;

B) The characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate);

C) The results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within 30 days, these data must be submitted to the Agency and the Administrator of USEPA Region 5 as soon as the results become available;

D) The proximity to downgradient drinking water, surface water, and populated areas; and

E) A description of response actions taken or planned.

e) Provision of secondary containment, repair, or closure.

1) Unless the remanufacturer or other person that stores or treats the hazardous secondary material satisfies the requirements of subsections (e)(2) through (e)(4), the tank system must cease to operate under the remanufacturing exclusion at Section 721.104(a)(27).

2) If the cause of the release was a spill that has not damaged the integrity of the tank system, the remanufacturer or other person that stores or treats the

hazardous secondary material may return the tank system to service as soon as the released material is removed and repairs, if necessary, are made.

3) If the cause of the release was a leak from the primary tank system into the secondary containment system, the primary tank system must be repaired prior to returning the tank system to service.

4) If the source of the release was a leak to the environment from a component of a tank system without secondary containment, the remanufacturer or other person that stores or treats the hazardous secondary material must provide the component of the tank system from which the leak occurred with secondary containment that satisfies the requirements of Section 721.193 before it can be returned to service, unless the source of the leak is an aboveground portion of a tank system that can be inspected visually. If the source is an aboveground component that can be inspected visually, the component must be repaired and may be returned to service without secondary containment as long as the requirements of subsection (f) are satisfied. Additionally, if a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection (e.g., the bottom of an inground or onground tank), the entire component must be provided with secondary containment in accordance with Section 721.193 prior to being returned to use.

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

BOARD NOTE: USEPA stated in note 1 appended to corresponding 40 CFR 261.196 that the Regional Administrator may, on the basis of any information received that there is or has been a release of hazardous secondary material or

hazardous constituents into the environment, issue an order under RCRA section 7003(a) (42 USC 6973(a)) requiring corrective action or such other response as deemed necessary to protect human health or the environment. USEPA stated in note 2 appended to corresponding 40 CFR 261.196 that 40 CFR 302 may require the owner or operator to notify the National Response Center of certain releases.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.297 Termination of Remanufacturing Exclusion

Hazardous secondary material stored in units more than 90 days after the unit ceases to operate under the remanufacturing exclusion at Section 721.4(a)(27) or otherwise ceases to be operated for manufacturing, or for storage of a product or a raw material, then becomes subject to regulation as hazardous waste under 35 Ill. Adm. Code 702, 703, 705, and 721 through 728, as applicable.

(Source: Added at 40 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: Added at 40 Ill. Reg. _____, effective _____)

Section 721.299 Special Requirements for Incompatible Materials

a) Incompatible materials must not be placed together in the same tank system.

b) Hazardous secondary material must not be placed in a tank system that has not been decontaminated and that previously held an incompatible material.

(Source: Added at 40 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: Added at 40 Ill. Reg. _____, effective _____)

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

Section 721.500 Applicability

The requirements of this Subpart M apply to those areas of an entity managing hazardous secondary materials excluded under Section 721.104(a)(23) or (a)(24) where hazardous secondary materials are generated or accumulated on site.

a) A generator of hazardous secondary material, or an intermediate or reclamation facility operating under a solid waste determination under Section 720.131(d), that accumulates 6,000 kg or less of hazardous secondary material at any time must comply with Sections 721.510 and 261.511.

b) A generator of hazardous secondary material, or an intermediate or reclamation facility operating under a solid waste determination under Section 720.131(d) that accumulates more than 6,000 kg of hazardous secondary material at any time must comply with Sections 721.510 and 261.520.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.510 Preparedness and Prevention

a) Maintenance and operation of facility. Facilities generating or accumulating hazardous secondary material must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of

hazardous secondary materials or hazardous secondary material constituents to air, soil, or surface water that could threaten human health or the environment.

b) Required equipment. All facilities generating or accumulating hazardous secondary material must be equipped with the following, unless none of the hazards posed by hazardous secondary material handled at the facility could require a particular kind of equipment specified below:

1) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

2) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;

3) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

4) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

c) Testing and maintenance of equipment. All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

d) Access to communications or alarm system.

1) Whenever hazardous secondary material is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under subsection (b).

2) If there is ever just one employee on the premises while the facility is operating, he or she must have immediate access to a device, such as a

telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under subsection (b).

e) Required aisle space. The hazardous secondary material generator or intermediate or reclamation facility operating under a solid waste determination under 35 Ill. Adm. Code 720.131(d) must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

f) Arrangements with local authorities.

1) The hazardous secondary material generator or an intermediate or reclamation facility operating under a solid waste determination under 35 Ill. Adm. Code 720.131(d) must attempt to make the following arrangements, as appropriate for the type of waste handled at the facility and the potential need for the services of these organizations:

A) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous secondary material handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes;

B) When more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;

C) Agreements with state emergency response teams, emergency response contractors, and equipment suppliers; and

D) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses that could result from fires, explosions, or releases at the facility.

2) When state or local authorities decline to enter into arrangements under this subsection (f), the hazardous secondary material generator or an intermediate or reclamation facility operating under a solid waste determination under 35 Ill. Adm. Code 720.131(d) must document the refusal in the operating record.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.511 Emergency Procedures for Facilities Generating or Accumulating 6000 kg or Less 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 6,000 kg or less of hazardous secondary material must comply with the following requirements:

a) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (d). This employee is the emergency coordinator.

b) The generator or intermediate or reclamation facility operating under a verified recycler variance under 35 Ill. Adm. Code 720.131(d) must post the following information next to the telephone:

1) The name and telephone number of the emergency coordinator;

2) Location of fire extinguishers and spill control material, and, if present, fire alarm; and

3) The telephone number of the fire department, unless the facility has a direct alarm.

c) The generator or an intermediate or reclamation facility operating under a verified recycler variance under 35 Ill. Adm. Code 720.131(d) must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

d) The emergency coordinator or his or her designee must respond to any emergencies that arise. The applicable responses are as follows:

1) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;

2) In the event of a spill, contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil;

3) In the event of a fire, explosion, or other release that could threaten human health outside the facility or when the generator or an intermediate or reclamation facility operating under a solid waste determination under 35 Ill. Adm. Code 720.131(d) has knowledge that a spill has reached surface water, the generator or an intermediate or reclamation facility operating under a solid waste determination under 35 Ill. Adm. Code 720.131(d) must immediately notify the National Response Center (using their 24-hour toll free number 800-424-8802). The report must include the following information:

A) The name, address, and USEPA identification number of the facility;

B) The date, time, and type of incident (e.g., spill or fire);

C) The quantity and type of hazardous waste involved in the incident;

D) The extent of injuries, if any; and

E) The estimated quantity and disposition of recovered materials, if any.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.520 Contingency Planning and Emergency Procedures for Facilities Generating or Accumulating More Than 6000 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:

a) Purpose and implementation of contingency plan.

1) Each generator or an intermediate or reclamation facility operating under a solid waste 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 solid waste 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.

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. When 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

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.

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 that 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-

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.

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.

(Source: Added at 40 Ill. Reg. _____, effective _____)

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section 721.930 Applicability

The regulations in this Subpart AA apply to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or stream stripping operations that manage hazardous secondary materials excluded under the remanufacturing exclusion at Section 721.104(a)(27) with organic concentrations of at least 10 ppmw (parts per million by weight), unless the process vents are equipped with operating air emission controls in accordance with the requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.931 Definitions

As used in this Subpart AA, all terms not defined in this Section will have the meaning given them in the Resource Conservation and Recovery Act 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.

"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 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.

"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.

"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: Added at 40 Ill. Reg. _____, effective _____)

Section 721.932 Standards: Process Vents

a) The remanufacturer or other person that stores or treats hazardous secondary materials in hazardous secondary material management units with process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations managing hazardous secondary material with organic concentrations of at least 10 ppmw must either:

1) Reduce total organic emissions from all affected process vents at the facility below 1.4 kg/h (3 lb/h) and 2.8 Mg/yr (3.1 tons/yr); or

2) Reduce, by use of a control device, total organic emissions from all affected process vents at the facility by 95 weight percent.

b) If the remanufacturer or other person that stores or treats the hazardous secondary material installs a closed-vent system and control device to comply with the provisions of subsection (a) the closed-vent system and control device must meet the requirements of Section 721.933.

c) Determinations of vent emissions and emission reductions or total organic compound concentrations achieved by add-on control devices may be based on engineering calculations or performance tests. If performance tests are used to determine vent emissions, emission reductions, or total organic compound concentrations achieved by add-on control devices, the performance tests must conform with the requirements of Section 721.934(c).

d) When a remanufacturer or other person that stores or treats the hazardous secondary material and the Agency do not agree on determinations of vent emissions or emission reductions or total organic compound concentrations achieved by add-on control devices based on engineering calculations, the procedures in Section 721.934(c) must be used to resolve the disagreement. The Agency must state any disagreement on a determination of vent emissions or emission reductions in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.

(Source: Added at 40 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.

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).

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 mol of offgas is based on combustion at 25° C

and 760 mmHg, 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 (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 mmHg. 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:

28.8 = Constant;

31.7 = Constant; and

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:

8.706 = Constant;
0.7084 = Constant; and
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 ° C or ±0.5° 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 ° C or ±0.5° 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.

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 ° C or ±0.5° 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 ° C or ±0.5° 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.

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.

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 detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background.

B) After initial leak detection monitoring required in subsection (l)(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 (l)(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 (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.

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 days after the emission is detected, except as provided for in subsection (l)(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

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

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: Added at 40 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.

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 shall be conducted for at least one hour under the conditions that exist when the hazardous secondary material management unit is 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.

$$E_{2sd}\left\{\sum_{i=1}^{n} C_i MW_i\right\}[0.0416][10^{-6}]$$

Where:

E_h = Total organic mass flow rate, kg/h;
E_{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 mmHg);
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;
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/m^3 (@293° K and 760 mmHg);
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);
F_h = Total organic mass flow rate for the process vent, kg/h;
H = Total annual hours of operations for the affected unit (h).

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)(F)) 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 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:

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 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 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:

A) annually; or

B) 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: Added at 40 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 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 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.

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," 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)(G) 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.

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 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 of 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:

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)(ii), 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)(ii).

D) For a boiler or process heater, period when either of the following occurs:

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 concentration level established as a requirement of subsection (b)(4)(C)(vi).

I) 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 closedvent system component stating why the closed-vent system component is unsafe to monitor, and the plan for monitoring each closed-vent system component.

10) When each leak is detected as specified in Section 721.933(l), 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.

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: Added at 40 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 721.4(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: 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 soruce performance standards and national emission standards for hazardous air pollutants pursuant to 415 ILCS 5/39.5.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.951 Definitions

As used in this this Subpart BB, all terms will have the meaning given them in Section 721.931; section 1004 of the federal Resource Conservation and Recovery Act (42 USC 6903), incorporated by reference in 35 Ill. Adm. Code 720.111, and 35 Ill. Adm. Code 720 through 726.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.952 Standards: Pumps in Light Liquid Service

a) Monitoring.

1) Each pump in light liquid service must be monitored monthly to detect leaks by the methods specified in Section 721.963(b), except as provided in subsections (d), (e), and (f).

2) Each pump in light liquid service must be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal.

b) Leaks.

1) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

2) If there are indications of liquids dripping from the pump seal, a leak is detected.

c) Repairs.

1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 721.959.

2) A first attempt at repair (e.g., tightening the packing gland) must be made no later than five calendar days after each leak is detected.

d) Each pump equipped with a dual mechanical seal system that includes a barrier fluid system is exempt from the requirements of subsection (a), provided the following requirements are met:

1) Each dual mechanical seal system must be as follows:

A) Operated with the barrier fluid at a pressure that is at all times greater than the pump stuffing box pressure; or

B) Equipped with a barrier fluid degassing reservoir that is connected by a closed-vent system to a control device that complies with the requirements of Section 721.960; or

C) Equipped with a system that purges the barrier fluid into a hazardous secondary material stream with no detectable emissions to the atmosphere.

2) The barrier fluid system must not be a hazardous secondary material with organic concentrations 10 percent or greater by weight.

3) Each barrier fluid system must be equipped with a sensor that will detect failure of the seal system, the barrier fluid system, or both.

4) Each pump must be checked by visual inspection, each calendar week, for indications of liquids dripping from the pump seals.

5) Alarms.

A) Each sensor as described in subsection (d)(3) must be checked daily or be equipped with an audible alarm that must be checked monthly to ensure that it is functioning properly.

B) The remanufacturer or other person that stores or treats the hazardous secondary material must determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.

6) Leaks.

A) If there are indications of liquids dripping from the pump seal or the sensor indicates failure of the seal system, the barrier fluid system, or both based on the criterion determined in subsection (d)(5)(B), a leak is detected.

B) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 721.959.

C) A first attempt at repair (e.g., relapping the seal) must be made no later than five calendar days after each leak is detected.

e) Any pump that is designated, as described in Section 721.964(g)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of subsections (a), (c), and (d) if the pump meets the following requirements:

1) Must have no externally actuated shaft penetrating the pump housing.

2) Must operate with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background as measured by the methods specified in Section 721.963(c).

3) Must be tested for compliance with subsection (e)(2) initially upon designation, annually, and at other times as requested by the Agency. The Agency must request any compliance testing at times other than annually in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.

f) If any pump is equipped with a closed-vent system capable of capturing and transporting any leakage from the seal or seals to a control device that complies

with the requirements of Section 721.960, it is exempt from the requirements of subsections (a) through (e).

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.953 Standards: Compressors

a) Each compressor must be equipped with a seal system that includes a barrier fluid system and that prevents leakage of total organic emissions to the atmosphere, except as provided in subsections (h) and (i).

b) Each compressor seal system as required in subsection (a) must be:

1) Operated with the barrier fluid at a pressure that is at all times greater than the compressor stuffing box pressure; or

2) Equipped with a barrier fluid system that is connected by a closed-vent system to a control device that complies with the requirements of Section 721.960; or

3) Equipped with a system that purges the barrier fluid into a hazardous secondary material stream with no detectable emissions to atmosphere.

c) The barrier fluid must not be a hazardous secondary material with organic concentrations 10 percent or greater by weight.

d) Each barrier fluid system, as described in subsections (a) through (c), must be equipped with a sensor that will detect failure of the seal system, barrier fluid system, or both.

e) Inspections.

1) Each sensor as required in subsection (d) must be checked daily or must be equipped with an audible alarm that must be checked monthly to ensure that it is functioning properly unless the compressor is located within the boundary of an unmanned plant site, in which case the sensor must be checked daily.

2) The remanufacturer or other person that stores or treats the hazardous secondary material must determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.

f) If the sensor indicates failure of the seal system, the barrier fluid system, or both based on the criterion determined under subsection (e)(2), a leak is detected.

g) Repairs.

1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 721.959.

2) A first attempt at repair (e.g., tightening the packing gland) must be made no later than five calendar days after each leak is detected.

h) A compressor is exempt from the requirements of subsections (a) and (b) if it is equipped with a closed-vent system capable of capturing and transporting any leakage from the seal to a control device that complies with the requirements of Section 721.960, except as provided in subsection (i).

i) Any compressor that is designated, as described in Section 721.964(g)(2), for no detectable emissions as indicated by an instrument reading of less than 500 ppm above background is exempt from the requirements of subsections (a) through (h) if the compressor:

1) Is determined to be operating with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in Section 721.963(c).

2) Is tested for compliance with subsection (i)(1) initially upon designation, annually, and at other times as requested by the Agency. The Agency must request any compliance testing at times other than annually in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.954 Standards: Pressure Relief Devices in Gas/Vapor Service

a) Except during pressure releases, each pressure relief device in gas/vapor service must be operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in Section 721.963(c).

b) Actions following pressure release.

1) After each pressure release, the pressure relief device must be returned to a condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as soon as practicable, but no later than five calendar days after each pressure release, except as provided in Section 721.959.

2) No later than five calendar days after the pressure release, the pressure relief device must be monitored to confirm the condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in Section 721.963(c).

c) Any pressure relief device that is equipped with a closed-vent system capable of capturing and transporting leakage from the pressure relief device to a control device as described in Section 721.960 is exempt from the requirements of subsections (a) and (b).

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.955 Standards: Sampling Connection Systems

a) Each sampling connection system must be equipped with a closed-purge, closed-loop, or closed-vent system. This system must collect the sample purge for return to the process or for routing to the appropriate treatment system. Gases displaced during filling of the sample container are not required to be collected or captured.

b) Each closed-purge, closed-loop, or closed-vent system as required in subsection (a) must meet one of the following requirements:

1) It must return the purged process fluid directly to the process line;

2) It must collect and recycle the purged process fluid; or

3) It must be designed and operated to capture and transport all the purged process fluid to a material management unit that complies with the applicable requirements of Sections 721.984 through 264.986 or a control device that complies with the requirements of Section 721.960.

c) In-situ sampling systems and sampling systems without purges are exempt from the requirements of subsections (a) and (b).

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.956 Standards: Open-Ended Valves or Lines

a) Equipment.

1) Each open-ended valve or line must be equipped with a cap, blind flange, plug, or a second valve.

2) The cap, blind flange, plug, or second valve must seal the open end at all times except during operations requiring hazardous secondary material stream flow through the open-ended valve or line.

b) Each open-ended valve or line equipped with a second valve must be operated in a manner such that the valve on the hazardous secondary material stream end is closed before the second valve is closed.

c) When a double block and bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves but must comply with subsection (a) at all other times.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.957 Standards: Valves in Gas/Vapor Service or in Light Liquid Service

a) Each valve in gas/vapor or light liquid service must be monitored monthly to detect leaks by the methods specified in Section 721.963(b) and must comply

with subsections (b) through (e), except as provided in subsections (f), (g), and (h) and Sections 721.961 and 721.962.

b) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

c) Monitoring Frequency.

1) Any valve for which a leak is not detected for two successive months may be monitored the first month of every succeeding quarter, beginning with the next quarter, until a leak is detected.

2) If a leak is detected, the valve must be monitored monthly until a leak is not detected for two successive months,

d) Leak repair.

1) When a leak is detected, it must be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, except as provided in Section 721.959.

2) A first attempt at repair must be made no later than five calendar days after each leak is detected.

e) First attempts at repair include, but are not limited to, the following best practices where practicable:

1) Tightening of bonnet bolts.

2) Replacement of bonnet bolts.

3) Tightening of packing gland nuts.

4) Injection of lubricant into lubricated packing.

f) Any valve that is designated, as described in Section 721.964(g)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of subsection (a) if the valve:

1) Has no external actuating mechanism in contact with the hazardous secondary material stream.

2) Is operated with emissions less than 500 ppm above background as determined by the method specified in Section 721.963(c).

3) Is tested for compliance with subsection (f)(2) initially upon designation, annually, and at other times as requested by the Agency. The Agency must request any compliance testing at times other than annually in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.

g) Any valve that is designated, as described in Section 721.964(h)(1), as an unsafe-to-monitor valve is exempt from the requirements of subsection (a) if both of the following conditions are fulfilled:

1) The remanufacturer or other person that stores or treats the hazardous secondary material determines that the valve is unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with subsection (a); and

2) The remanufacturer or other person that stores or treats the hazardous secondary material adheres to a written plan that requires monitoring of the valve as frequently as practicable during safe-to-monitor times.

h) Any valve that is designated, as described in Section 721.964(h)(2), as a difficult-to-monitor valve is exempt from the requirements of subsection (a) if all of the following conditions are fulfilled:

1) The remanufacturer or other person that stores or treats the hazardous secondary material determines that the valve cannot be monitored without elevating the monitoring personnel more than two meters above a support surface;

2) The hazardous secondary material management unit within which the valve is located was in operation before January 13, 2015; and

3) The owner or operator of the valve follows a written plan that requires monitoring of the valve at least once per calendar year.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.958 Standards: Pumps and Valves in Heavy Liquid Service, Pressure Relief Devices in Light Liquid or Heavy Liquid Service, and Flanges and Other Connectors

a) Pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service, and flanges and other connectors must be monitored within five days by the method specified in Section 721.963(b) if evidence of a potential leak is found by visual, audible, olfactory, or any other detection method.

b) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

c) Repairs.

1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 721.959.

2) The first attempt at repair must be made no later than five calendar days after each leak is detected.

d) First attempts at repair include, but are not limited to, the best practices described under Section 721.957(e).

e) Any connector that is inaccessible or which is ceramic or ceramic-lined (e.g., porcelain, glass, or glass-lined) is exempt from the monitoring requirements of subsection (a) and from the recordkeeping requirements of Section 721.964.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.959 Standards: Delay of Repair

a) Delay of repair of equipment for which leaks have been detected will be allowed if the repair is technically infeasible without a hazardous secondary material management unit shutdown. In such a case, repair of this equipment must occur before the end of the next hazardous secondary material management unit shutdown.

b) Delay of repair of equipment for which leaks have been detected will be allowed for equipment that is isolated from the hazardous secondary material management unit and that does not continue to contain or contact hazardous secondary material with organic concentrations at least 10 percent by weight.

c) Delay of repair for valves will be allowed if:

1) The remanufacturer or other person that stores or treats the hazardous secondary material determines that emissions of purged material resulting from immediate repair are greater than the emissions likely to result from delay of repair.

2) When repair procedures are effected, the purged material is collected and destroyed or recovered in a control device complying with Section 721.960.

d) Delay of repair for pumps will be allowed if both of the following conditions are fulfilled:

1) Repair requires the use of a dual mechanical seal system that includes a barrier fluid system; and

2) Repair is completed as soon as practicable, but not later than six months after the leak was detected.

e) Delay of repair beyond a hazardous secondary material management unit shutdown will be allowed for a valve if valve assembly replacement is necessary during the hazardous secondary material management unit shutdown, valve assembly supplies have been depleted, and valve assembly supplies had been sufficiently stocked before the supplies were depleted. Delay of repair beyond the next hazardous secondary material management unit shutdown will not be allowed unless the next hazardous secondary material management unit shutdown occurs sooner than six months after the first hazardous secondary material management unit shutdown.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.960 Standards: Closed-Vent Systems and Control Devices

a) The remanufacturer or other person that stores or treats the hazardous secondary material in a hazardous secondary material management 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 that begins operation after 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 amendment, 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

the hazardous secondary material must keep a copy of the implementation schedule at the facility.

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: Added at 40 Ill. Reg. _____, effective _____)

Section 721.961 Alternative Standards for Valves in Gas/Vapor Service or in Light Liquid Service: Percentage of Valves Allowed to Leak

a) A remanufacturer or other person that stores or treats the hazardous secondary material subject to the requirements of Section 721.957 may elect to have all valves within a hazardous secondary material management unit comply with an alternative standard that allows no greater than two percent of the valves to leak.

b) The following requirements must be met if a remanufacturer or other person that stores or treats the hazardous secondary material decides to comply with the alternative standard of allowing two percent of valves to leak:

1) A performance test, as specified in subsection (c), must be conducted initially upon designation, annually, and at other times requested by the Agency in writing to the remanufacturer or other persons that stores or treats the hazardous secondary material; and

2) If a valve leak is detected, it must be repaired in accordance with Section 721.957(d) and (e).

c) Performance tests must be conducted in the following manner:

1) All valves subject to the requirements in Section 721.957 within the hazardous secondary material management unit must be monitored within one week by the methods specified in Section 721.963(b).

2) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

3) The leak percentage must be determined by dividing the number of valves subject to the requirements in Section 721.957 for which leaks are detected by the total number of valves subject to the requirements in Section 721.957 within the hazardous secondary material management unit.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.962 Alternative Standards for Valves in Gas/Vapor Service or in Light Liquid Service: Skip Period Leak Detection and Repair

a) A remanufacturer or other person that stores or treats the hazardous secondary material subject to the requirements of Section 721.957 may elect for all valves within a hazardous secondary material management unit to comply with one of the alternative work practices specified in subsections (b)(2) and (b)(3).

b) Reduced Monitoring.

1) A remanufacturer or other person that stores or treats the hazardous secondary material must comply with the requirements for valves, as described in Section 721.957, except as described in subsections (b)(2) and (b)(3).

2) After two consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than two percent, a remanufacturer or other person that stores or treats the hazardous secondary material may begin to skip one of the quarterly leak detection periods (i.e., monitor for leaks once every six months) for the valves subject to the requirements in Section 721.957.

3) After five consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than two percent, a remanufacturer or other person that stores or treats the hazardous secondary material may begin to skip three of the quarterly leak detection periods (i.e., monitor for leaks once every year) for the valves subject to the requirements in Section 721.957.

4) If the percentage of valves leaking is greater than two percent, the remanufacturer or other person that stores or treats the hazardous secondary material must monitor monthly in compliance with the requirements in Section 721.957, but may again elect to use this Section after meeting the requirements of Section 721.957(c)(1).

(Source: Added at 40 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.

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) must apply.

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;

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.

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: Added at 40 Ill. Reg. _____, effective _____)

Section 721.964 Recordkeeping Requirements

a) Lumping Units.

1) 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 recordkeeping requirements of this Section.

2) A remanufacturer or other person that stores or treats the hazardous secondary material in more than one hazardous secondary material management unit subject to the provisions of this Subpart BB 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) Remanufacturers and other persons that store or treat the hazardous secondary material must record and keep the following information at the facility:

1) For each piece of equipment to which this Subpart BB applies:

A) The equipment identification number and hazardous secondary material management unit identification.

B) The approximate locations within the facility (e.g., identify the hazardous secondary material management unit on a facility plot plan).

C) The type of equipment (e.g., a pump or pipeline valve).

D) The percent-by-weight total organics in the hazardous secondary material stream at the equipment.

E) The hazardous secondary material state at the equipment (e.g., gas/vapor or liquid).

F) A method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").

2) For facilities that comply with the provisions of Section 721.933(a)(2), an implementation schedule, as specified in Section 721.933(a)(2).

3) When a remanufacturer or other person that stores or treats the hazardous secondary material chooses to use test data to demonstrate the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan, as specified in Section 721.935(b)(3).

4) Documentation of compliance with Section 721.960, including the detailed design documentation or performance test results specified in Section 721.935(b)(4).

c) When each leak is detected, as specified in Sections 721.952, 721.953, 721.957, and 721.958, the following requirements apply:

1) A weatherproof and readily visible identification, marked with the equipment identification number, the date evidence of a potential leak was found in accordance with Section 721.958(a), and the date the leak was detected, must be attached to the leaking equipment.

2) The identification on equipment, except on a valve, may be removed after it has been repaired.

3) The identification on a valve may be removed after it has been monitored for two successive months as specified in Section 721.957(c) and no leak has been detected during those two months.

d) When each leak is detected, as specified in Sections 721.952, 721.953, 721.957, and 721.958, the following information must be recorded in an inspection log and must be kept at the facility:

1) The instrument and operator identification numbers and the equipment identification number.

2) The date evidence of a potential leak was found in accordance with Section 721.958(a).

3) The date the leak was detected and the dates of each attempt to repair the leak.

4) Repair methods applied in each attempt to repair the leak.

5) "Above 10,000" if the maximum instrument reading measured by the methods specified in Section 721.963(b) after each repair attempt is equal to or greater than 10,000 ppm.

6) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.

7) Documentation supporting the delay of repair of a valve in compliance with Section 721.959(c).

8) The signature of the remanufacturer or other person that stores or treats the hazardous secondary material (or designate) whose decision it was that repair could not be effected without a hazardous secondary material management unit shutdown.

9) The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days.

10) The date of successful repair of the leak.

e) Design documentation and monitoring, operating, and inspection information for each closed-vent system and control device required to comply with the provisions of Section 721.960 must be recorded and kept up-to-date at the facility, as specified in Section 721.935(c). Design documentation is specified in Section 721.935(c)(1) and (c)(2) and monitoring, operating, and inspection information in Section 721.935(c)(3) through (c)(8).

f) 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 in writing the appropriate recordkeeping requirements.

g) The following information pertaining to all equipment subject to the requirements in Sections 721.952 through 721.960 must be recorded in a log that is kept at the facility:

1) A list of identification numbers for equipment (except welded fittings) subject to the requirements of this Subpart BB.

2) List of Equipment.

A) A list of identification numbers for equipment that the remanufacturer or other person that stores or treats the hazardous secondary material elects to designate for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, under the provisions of Sections 721.952(e), 721.953(i), and 721.957(f).

B) The designation of this equipment as subject to the requirements of Sections 721.952(e), 721.953(i), or 721.957(f) must be signed by the remanufacturer or other person that stores or treats the hazardous secondary material.

3) A list of equipment identification numbers for pressure relief devices required to comply with Section 721.954(a).

4) Compliance Tests.

A) The dates of each compliance test required in Sections 721.952(e), 721.953(i), 721.954, and 721.957(f).

B) The background level measured during each compliance test.

C) The maximum instrument reading measured at the equipment during each compliance test.

5) A list of identification numbers for equipment in vacuum service.

6) Identification, either by list or location (area or group) of equipment that contains or contacts hazardous secondary material with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year.

h) The following information pertaining to all valves subject to the requirements of Section 721.957(g) and (h) must be recorded in a log that is kept at the facility:

1) A list of identification numbers for valves that are designated as unsafe to monitor, an explanation for each valve stating why the valve is unsafe to monitor, and the plan for monitoring each valve.

2) A list of identification numbers for valves that are designated as difficult to monitor, an explanation for each valve stating why the valve is difficult to monitor, and the planned schedule for monitoring each valve.

i) The following information must be recorded in a log that is kept at the facility for valves complying with Section 721.962:

1) A schedule of monitoring.

2) The percent of valves found leaking during each monitoring period.

j) The following information must be recorded in a log that is kept at in the facility:

1) Criteria required in Sections 721.952(d)(5)(B) and 721.953(e)(2) and an explanation of the design criteria.

2) Any changes to these criteria and the reasons for the changes.

k) The following information must be recorded in a log that is kept at the facility for use in determining exemptions, as provided in the applicability Sections of this Subpart BB and other specific Subparts:

1) An analysis determining the design capacity of the hazardous secondary material management unit.

2) A statement listing the hazardous secondary material influent to and effluent from each hazardous secondary material management unit subject to the requirements in Sections 721.952 through 721.960 and an analysis determining whether these hazardous secondary materials are heavy liquids.

3) An up-to-date analysis and the supporting information and data used to determine whether equipment is subject to the requirements in Sections 721.952 through 721.960. The record must include supporting documentation as required by Section 721.963(d)(3) when application of

the knowledge of the nature of the hazardous secondary material stream or the process by which it was produced is used. If the remanufacturer or other person that stores or treats the hazardous secondary material takes any action (e.g., changing the process that produced the material) that could result in an increase in the total organic content of the material contained in or contacted by equipment determined not to be subject to the requirements in Sections 721.952 through 721.960, then a new determination is required.

l) Records of the equipment leak information required by subsection (d) and the operating information required by subsection (e) need be kept only three years.

m) The remanufacturer or other person that stores or treats the hazardous secondary material at a facility with equipment that is subject to this Subpart BB and to regulations 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), incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to determine compliance with this Subpart BB either by documentation pursuant to Section 721.964, or by documentation of compliance with the regulations in 40 CFR 60, 61, or 63 pursuant to the relevant provisions of the regulations in 40 CFR 60, 61, or 63. The documentation of compliance under regulations in 40 CFR 60, 61, or 63 must be kept with or made readily available at the facility.

BOARD NOTE: 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 soruce performance standards and national emission standards for hazardous air pollutants pursuant to 415 ILCS 5/39.5.

(Source: Added at 40 Ill. Reg. _____, effective _____)

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS AND CONTAINERS

Section 721.980 Applicability

The regulations in this Subpart CC apply to tanks and containers that contain hazardous secondary materials excluded under the remanufacturing exclusion at Section 721.4(a)(27),

unless the tanks and containers are equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean Air Act regulations codified 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.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.981 Definitions

As used in this this Subpart CC, all terms not defined in this Section will have the meaning given to them in section 1004 of the federal Resource Conservation and Recovery Act (42 USC 6903), incorporated by reference in 35 Ill. Adm. Code 720.111, and 35 Ill. Adm. Code 720 through 726.

"Average volatile organic concentration" or "average VO concentration" means the mass-weighted average volatile organic concentration of a hazardous secondary material as determined in accordance with the requirements of Section 721.984.

"Closure device" means a cap, hatch, lid, plug, seal, valve, or other type of fitting that blocks an opening in a cover such that when the device is secured in the closed position it prevents or reduces air pollutant emissions to the atmosphere. Closure devices include devices that are detachable from the cover (e.g., a sampling port cap), manually operated (e.g., a hinged access lid or hatch), or automatically operated (e.g., a spring-loaded pressure relief valve).

"Continuous seal" means a seal that forms a continuous closure that completely covers the space between the edge of the floating roof and the wall of a tank. A continuous seal may be a vapor-mounted seal, liquid-mounted seal, or metallic shoe seal. A continuous seal may be constructed of fastened segments so as to form a continuous seal.

"Cover" means a device that provides a continuous barrier over the hazardous secondary material managed in a unit to prevent or reduce air pollutant emissions to the atmosphere. A cover may have openings (such as access hatches, sampling ports, gauge wells) that are necessary for operation, inspection, maintenance, and repair of the unit on which the cover is used. A cover may be a separate piece of equipment that can be detached and removed from the unit or a cover may be formed by structural features permanently integrated into the design of the unit.

"Empty hazardous secondary material container" means any of the following:

A container from which all hazardous secondary materials have been removed that can be removed using the practices commonly employed to remove materials from that type of container (e.g., pouring, pumping, or aspirating), and no more than 2.5 centimeters (one inch) of residue remain on the bottom of the container or inner liner;

A container that is less than or equal to 119 gallons (450 liters) in size and no more than three percent by weight of the total capacity of the container remains in the container or inner liner; or

A container that is greater than 119 (450 liters) gallons in size and no more than 0.3 percent by weight of the total capacity of the container remains in the container or inner liner.

"Enclosure" means a structure that surrounds a tank or container, captures organic vapors emitted from the tank or container, and vents the captured vapors through a closed-vent system to a control device.

"External floating roof" means a pontoon-type or double-deck type cover that rests on the surface of the material managed in a tank with no fixed roof.

"Fixed roof" means a cover that is mounted on a unit in a stationary position and does not move with fluctuations in the level of the material managed in the unit.

"Floating membrane cover" means a cover consisting of a synthetic flexible membrane material that rests upon and is supported by the hazardous secondary material being managed in a surface impoundment.

"Floating roof" means a cover consisting of a double deck, pontoon single deck, or internal floating cover which rests upon and is supported by the material being contained, and is equipped with a continuous seal.

"Hard-piping" means pipe or tubing that is manufactured and properly installed in accordance with relevant standards and good engineering practices.

"In light material service" means the container is used to manage a material for which both of the following conditions apply: The vapor pressure of one or more of the organic constituents in the material is greater than 0.3 kilopascals (kPa) at 20° C; and the total concentration of the pure organic constituents having a vapor pressure greater than 0.3 kPa at 20° C is equal to or greater than 20 percent by weight.

"Internal floating roof" means a cover that rests or floats on the material surface (but not necessarily in complete contact with it) inside a tank that has a fixed roof.

"Liquid-mounted seal" means a foam or liquid-filled primary seal mounted in contact with the hazardous secondary material between the tank wall and the floating roof continuously around the circumference of the tank.

"Malfunction" means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

"Material determination" means performing all applicable procedures in accordance with the requirements of Section 721.984 to determine whether a hazardous secondary material meets standards specified in this Subpart CC. Examples of a material determination include performing the procedures in accordance with the requirements of Section 721.984 to determine the average VO concentration of a hazardous secondary material at the point of material origination; the average VO concentration of a hazardous secondary material at the point of material treatment and comparing the results to the exit concentration limit specified for the process used to treat the hazardous secondary material; the organic reduction efficiency and the organic biodegradation efficiency for a biological process used to treat a hazardous secondary material and comparing the results to the applicable standards; or the maximum volatile organic vapor pressure for a hazardous secondary material in a tank and comparing the results to the applicable standards.

"Maximum organic vapor pressure" means the sum of the individual organic constituent partial pressures exerted by the material contained in a tank, at the maximum vapor pressure-causing conditions (i.e., temperature, agitation, pH effects of combining materials, etc.) reasonably expected to occur in the tank. For

the purpose of this Subpart CC, maximum organic vapor pressure is determined using the procedures specified in Section 721.984(c).

"Metallic shoe seal" means a continuous seal that is constructed of metal sheets which are held vertically against the wall of the tank by springs, weighted levers, or other mechanisms and is connected to the floating roof by braces or other means. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

"No detectable organic emissions" means no escape of organics to the atmosphere as determined using the procedure specified in Section 721.984(d).

"Point of material origination" means as follows:

If the remanufacturer or other person that stores or treats the hazardous secondary material is the generator of the hazardous secondary material, the point of material origination means the point at which a material produced by a system, process, or material management unit is determined to be a hazardous secondary material excluded under Section 721.104(a)(27).

BOARD NOTE: Where the person that stores or treats the hazardous secondary material is the generator of the hazardous secondary material, "point of material origination" is being used in a manner similar to the use of the term "point of generation" in air standards established under authority of the federal Clean Air Act in 40 CFR 60 (Standards of Performance for New Stationary Sources), 61 (National Emission Standards for Hazardous Air Pollutants), and 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), each incorporated by reference in 35 Ill. Adm. Code 720.111.

Where the remanufacturer or other person that stores or treats the hazardous secondary material is not the generator of the hazardous secondary material, point of material origination means the point where the remanufacturer or other person that stores or treats the hazardous secondary material accepts delivery or takes possession of the hazardous secondary material.

"Safety device" means a closure device such as a pressure relief valve, frangible disc, fusible plug, or any other type of device that functions exclusively to prevent physical damage or permanent deformation to a unit or its air emission control equipment by venting gases or vapors directly to the atmosphere during unsafe conditions resulting from an unplanned, accidental, or emergency event. For the purpose of this Subpart CC, a safety device is not used for routine venting of gases or vapors from the vapor headspace underneath a cover such as during filling of the unit or to adjust the pressure in this vapor headspace in response to normal daily diurnal ambient temperature fluctuations. A safety device is designed to remain in a closed position during normal operations and open only when the internal pressure, or another relevant parameter, exceeds the device threshold setting applicable to the air emission control equipment as determined by the remanufacturer or other person that stores or treats the hazardous secondary material based on manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials.

"Single-seal system" means a floating roof having one continuous seal. This seal may be vapor-mounted, liquid-mounted, or a metallic shoe seal.

"Vapor-mounted seal" means a continuous seal that is mounted such that there is a vapor space between the hazardous secondary material in the unit and the bottom of the seal.

"Volatile organic concentration" or "VO concentration" means the fraction by weight of the volatile organic compounds contained in a hazardous secondary material expressed in terms of parts per million (ppmw) as determined by direct measurement or by knowledge of the material in accordance with the requirements of Section 721.984. For the purpose of determining the VO concentration of a hazardous secondary material, organic compounds with a Henry's law constant value of at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25° C must be included.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.982 Standards: General

a) This Section applies to the management of hazardous secondary material in tanks and containers subject to this Subpart CC.

b) The remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from each hazardous secondary material management unit in accordance with standards specified in Sections 721.984 through 721.987, as applicable to the hazardous secondary material management unit, except as provided for in subsection (c).

c) A tank or container is exempt from standards specified in Sections 721.984 through 721.987, as applicable, provided that the hazardous secondary material management unit is a tank or container for which all hazardous secondary material entering the unit has an average VO concentration at the point of material origination of less than 500 parts per million by weight (ppmw). The average VO concentration must be determined using the procedures specified in Section 721.983(a). The remanufacturer or other person that stores or treats the hazardous secondary material must review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the hazardous secondary material streams entering the unit.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 721.983 Material Determination Procedures

a) Material determination procedure to determine average volatile organic (VO) concentration of a hazardous secondary material at the point of material origination.

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 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 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 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/m^3) at 25º 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 25º 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 25º 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}) obtained in writing from 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/m^3) at 25º 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.

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 (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:

$$\overline{C} = \frac{1}{Q_T} \times \sum_{i=1}^{n} Q_i \times C_i$$

Where:

C = Average VO concentration of the hazardous secondary material at the point of material

origination on a mass-weighted basis, in 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, in kg/hr.

Q_T = Total mass quantity of hazardous secondary material during the averaging period, in kg/hr.

C_i = Measured VO concentration of material determination "i" in ppmw, 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))

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/m^3) 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 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 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 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 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

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: Added at 40 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 that air emission control.

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 m^3 but less than 151 m^3, the maximum organic vapor pressure limit for the tank is 27.6 kPa.

iii) For a tank design capacity less than 75 m^3, 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 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.

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 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 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 (l).

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 closedvent 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:

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.

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 remanufacture 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 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).

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:

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 (cm^2) 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 cm^2 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.

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.

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.

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)(A)(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:

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 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.

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), 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 subsection (f).

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.

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 these activities 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, 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.

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 or 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 to "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 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).

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) In the case when 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.

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) In the case when 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, 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: Added at 40 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 that 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 m^3 and less than or equal to 0.46 m^3, 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 m^3 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).

C) For a container having a design capacity greater than 0.46 m^3 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. Factors to be considered in selecting the construction materials 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) When 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) When 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.

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) In the case when 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 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 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) When 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) When 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 (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 m^3 or greater, that 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).

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) In the case when the container is filled to the intended final level in one continuous operation, the remanufacture 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) In the case when 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) In the case when 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 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 such activities 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.

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 remanufacture 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) When 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) In the case when 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 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 that 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 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:

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 Unis Pressure-Vacuum Test) in appendix A (Test Methods) to 40 CFR 60, incorporated by 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 750 Pascals within five minutes after it is pressurized to a minimum of 4,500 Pascals, then the container is determined to be vapor-tight.

(Source: Added at 40 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) In the case when 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 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

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 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 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;

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 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: Added at 40 Ill. Reg. _____, effective _____)

Section 721.988 Inspection and Monitoring Requirements

a) The remanufacturer or other person that stores or treats the hazardous secondary material must inspect and monitor air emission control equipment used to comply with this Subpart CC in accordance with the applicable requirements specified in Sections 721.984 through 261.987.

b) The remanufacture or other person that stores or treats the hazardous secondary material must develop and implement a written plan and schedule to perform the inspections and monitoring required by subsection (a). The remanufacturer or other person that stores or treats the hazardous secondary material must keep the plan and schedule at the facility.

(Source: Added at 40 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 261.987 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:

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.

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).

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 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 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 closedvent 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 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: Added at 40 Ill. Reg. _____, effective _____)

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-Propenamide	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-(amino-methyl)-	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 ~~U119~~

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 ~~U018~~
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

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_2CrO_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 difuoride	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

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(dimethylcarbamodithioato-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

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-lyxo-hexopyranosyl)oxy)-7,8,9,10-tetrahydro-6,8,11-trihydroxy-l-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

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-, (1aα,2β,2aα,3β,6β,6aα,7β,7aα)-	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

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

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 $((H_2N)C(S))_2NH$	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-, (1aα,2β,2aβ,3α,6α,6aβ,7β,7aα)-,	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

Ethylene oxide	Oxirane	75-21-8	U115
Ethylenethiourea	2-Imidazolidinethione	96-45-7	U116
Ethylidine 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, 2,3,4,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1aα,1bβ,2α,5α,5aβ,6β,6aα)-	1024-57-3	
Heptachlor epoxide (α, β, and γ isomers)			
Heptachlorodibenzofurans			
Heptachlorodibenzo-p-dioxins			
Hexachlorobenzene	Benzene, hexachloro-	118-74-1	U127

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_2S	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-, (1α,4α,4aβ,5β,8β,8aβ)-,	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,4,5,5,5a,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-l-yl ester, (1S-(1-α(Z),7(2S*,3R*),7aα))-	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

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-, 1α,2α,3β,4α,5α,6β)-	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 dimethyldithiocarbamate	Manganese, bis(dimethylcarbamodithioato-S,S')-,	15339-36-3	P196
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

Methyl iodide	Methane, iodo-	74-88-4	U138
Methyl isocyanate	Methane, isocyanato-	624-83-9	P064
2-Methyllactonitrile	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-(1aα,8β,8aα,8bα))-,	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-pyrrolidinyl)-, (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

Nitrobenzene	Benzene, nitro-	98-95-3	U169 ~~P078~~
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-Nitrosonornicotine	Pyridine, 3-(1-nitroso-2-pyrrolidinyl)-, (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	
Octamethylpyrophosphoramide	Diphosphoramide, octamethyl-	152-16-9	P085
Osmium tetroxide	Osmium oxide OsO_4, (T-4)	20816-12-0	P087

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.			

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-thioxo-	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, (3β,16β,17α,18β,20α)-,	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

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

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-phyenylenebis(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	

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	Benzeneamine, 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(l-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_2O_5	1314-62-1	P120
Vernolate	Carbamothioc acid, dipropyl-, S-propyl ester	1929-77-7	
Vinyl chloride	Ethene, chloro-	75-01-4	U043

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 40 Ill. Reg. _____, effective _____)

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 ~~721.102(a)(2)(B) or~~ 721.104(a)(17), (a)(23), (a)(24), or (a)(27)~~(a)(25)~~)	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
Commercial chemical products listed in Section 721.133	Yes	Yes	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). The terms "spent materials," "sludges," "by-products," "scrap metal," and "processed scrap metal" are defined in Section 721.101.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

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

3)

Section Numbers:	Proposed Actions:
722.132	Amendment
722.158	Amendment

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

5) A Complete Description of Subjects and Issues Involved: The amendments to Part 722 are a single segment of the docket R16-7 rulemaking that also affects 35 Ill. Adm. Code 703, 720, 721, 724, 725, 726, 727, 728, and 733, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R16-7 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 is stated in the Notice of Adopted Amendments for 35 Ill. Adm. Code 703. 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 722 make corrections suggested by USEPA based on review of the Illinois rules for the purpose of authorization of the Illinois RCRA Subtitle C program.

Tables appear in the Board's opinion and order of March 3, 2016 in docket R16-7 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the March 3, 2016 opinion and order in docket R16-7.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

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

9) Does this rulemaking contain incorporations by reference? No

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

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

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R16-7 and be addressed to:

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

Please direct inquiries to the following person and reference docket R16-7:

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 that generate, transport, treat, store, or dispose of hazardous waste. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].

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

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

14) Regulatory Agenda on which this rulemaking was summarized: December 4, 2015; 39 Ill. Reg. 15637-39

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 722
STANDARDS APPLICABLE TO
GENERATORS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section
722.110 Purpose, Scope, and Applicability
722.111 Hazardous Waste Determination
722.112 USEPA Identification Numbers
722.113 Electronic Reporting

SUBPART B: THE MANIFEST

Section
722.120 General Requirements
722.121 Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests
722.122 Number of Copies
722.123 Use of the Manifest
722.124 Use of the Electronic Manifest
722.125 Electronic Manifest Signatures
722.127 Waste Minimization Certification

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section
722.130 Packaging
722.131 Labeling
722.132 Marking
722.133 Placarding
722.134 Accumulation Time

SUBPART D: RECORDKEEPING AND REPORTING

Section
722.140 Recordkeeping
722.141 Annual Reporting
722.142 Exception Reporting
722.143 Additional Reporting
722.144 Special Requirements for Generators of between 100 and 1,000 kilograms per month

SUBPART E: EXPORTS OF HAZARDOUS WASTE

Section
722.150 Applicability
722.151 Definitions
722.152 General Requirements
722.153 Notification of Intent to Export
722.154 Special Manifest Requirements
722.155 Exception Report
722.156 Annual Reports
722.157 Recordkeeping
722.158 International Agreements

SUBPART F: IMPORTS OF HAZARDOUS WASTE

Section
722.160 Imports of Hazardous Waste

SUBPART G: FARMERS

Section
722.170 Farmers

SUBPART H: TRANS-BOUNDARY SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE OECD

Section
722.180 Applicability
722.181 Definitions
722.182 General Conditions
722.183 Notification and Consent

722.184 Movement Document
722.185 Contracts
722.186 Provisions Relating to Recognized Traders
722.187 Reporting and Recordkeeping
722.189 OECD Waste Lists

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

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

722.APPENDIX A Hazardous Waste Manifest

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

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24,

1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989; amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg. 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 603, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17950, effective September 28, 1998; amended in R00-5 at 24 Ill. Reg. 1136, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9822, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5105, effective June 20, 2000; amended in R05-2 at 29 Ill. Reg. 6312, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3138, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 871, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11927, effective July 14, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18817, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17888, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8773, effective June 4, 2012; amended in R13-15 at 37 Ill. Reg. 17763, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1700, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. _____, effective _____.

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section 722.132 Marking

a) Before transporting or offering hazardous waste for transportation off-site, a generator must mark each package of hazardous waste in accordance with the applicable USDOT regulations on hazardous materials under 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b);

b) Marking small containers.
Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must mark each container of 119 gallons (450 liters) ~~(110~~

~~gallons)~~ or less that is used in such transportation with the following words and information displayed in accordance with the requirements of 49 CFR 172.304 (Marking Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b):

HAZARDOUS WASTE – Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.

Generator's Name and Address _____.

Generator's USEPA Identification Number _____.

Manifest Tracking Number _____.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART E: EXPORTS OF HAZARDOUS WASTE

Section 722.158 International Agreements

a) Any person that exports or imports waste hazardous under U.S. national procedures, as defined in Section 722.181, to or from any of the designated member countries of the Organisation for Economic Co-operation and Development (OECD), as listed in subsection (a)(1) ~~of this Section~~, for purposes of recovery is subject to the requirements of Subpart H of this Part. The requirements of Subparts E and F of this Part do not apply where Subpart H of this Part applies.

1) For the purposes of this Subpart E, the designated OECD countries are Australia, Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States.

2) Only for the purposes of Subpart E of this Part, Canada and Mexico are considered OECD member countries.

BOARD NOTE: USEPA used identical language in 40 CFR 262.10(d), corresponding 262.58(a), and 262.80(a) to define when a waste is considered hazardous under U.S. national procedures. The Board has chosen to create the term "waste hazardous under U.S. national procedures"; add a definition in Section 722.181, the centralized listing of definitions for Subpart H of this Part; and replace USEPA's defining language in this subsection (a) with a cross-reference to the definition in Section 722.181.

b) Any person that exports hazardous waste to or imports hazardous waste from any designated OECD member country for purposes other than recovery (e.g., incineration, disposal, etc.), Mexico (for any purpose), or Canada (for any purpose) remains subject to the requirements of Subparts E and F of this Part, and that person is not subject to the requirements of Subpart H of this Part.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

2) Code Citation: 35 Ill. Adm. Code 724

3)

Section Numbers:	Proposed Actions:
724.171	Amendment
724.194	Amendment
724.244	Amendment
724.245	Amendment
724.414	Amendment
724.670	Amendment
724.671	Amendment
724.933	Amendment
724.934	Amendment
724.935	Amendment
724.936	Amendment
724.981	Amendment
724.982	Amendment
724.986	Amendment
724.1101	Amendment
724.1102	Amendment

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

5) A Complete Description of Subjects and Issues Involved: The amendments to Part 724 are a single segment of the docket R16-7 rulemaking that also affects 35 Ill. Adm. Code 703, 720, 721, 722, 725, 726, 727, 728, and 733, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R16-7 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 is stated in the Notice of Adopted Amendments for 35 Ill. Adm. Code 703. 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 724 are corrections and clarifying amendments that are not directly derived from the instant federal amendments. This includes correction of an error, at the request of Joint Committee on Administrative Rules (JCAR) staff, that the Board was to have completed in a prior rulemaking. This also includes corrections

submitted by USEPA as a result of review of the rules for the purpose of authorization of the Illinois RCRA Subtitle C program.

Tables appear in the Board's opinion and order of March 3, 2016 in docket R16-7 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the March 3, 2016 opinion and order in docket R16-7.

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 JCAR.

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? No

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

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

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R16-7 and be addressed to:

John T. Therriault, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.

Chicago IL 60601

Please direct inquiries to the following person and reference docket R16-7:

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 that generate, transport, treat, store, or dispose of hazardous waste. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].

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

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

14) Regulatory Agenda on which this rulemaking was summarized: December 4, 2015, 39 Ill. Reg. 15637-39

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 724
STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section
724.101 Purpose, Scope, and Applicability
724.103 Relationship to Interim Status Standards
724.104 Electronic Reporting

SUBPART B: GENERAL FACILITY STANDARDS

Section
724.110 Applicability
724.111 USEPA Identification Number
724.112 Required Notices
724.113 General Waste Analysis
724.114 Security
724.115 General Inspection Requirements
724.116 Personnel Training
724.117 General Requirements for Ignitable, Reactive, or Incompatible Wastes
724.118 Location Standards
724.119 Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

Section
724.130 Applicability
724.131 Design and Operation of Facility
724.132 Required Equipment
724.133 Testing and Maintenance of Equipment
724.134 Access to Communications or Alarm System
724.135 Required Aisle Space

724.137 Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

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

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

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

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

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

724.201 Corrective Action for Solid Waste Management Units

SUBPART G: CLOSURE AND POST-CLOSURE CARE

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

SUBPART H: FINANCIAL REQUIREMENTS

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

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

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

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

SUBPART J: TANK SYSTEMS

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

SUBPART K: SURFACE IMPOUNDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART L: WASTE PILES

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

SUBPART M: LAND TREATMENT

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

SUBPART N: LANDFILLS

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

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

SUBPART O: INCINERATORS

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

SUBPART S: SPECIAL PROVISIONS FOR CLEANUP

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

SUBPART W: DRIP PADS

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

724.674 Inspections
724.675 Closure

SUBPART X: MISCELLANEOUS UNITS

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

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

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

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

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

724.964 Recordkeeping Requirements
724.965 Reporting Requirements

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

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

SUBPART DD: CONTAINMENT BUILDINGS

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

SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

Section
724.1200 Applicability
724.1201 Design and Operating Standards
724.1202 Closure and Post-Closure Care

724.APPENDIX A Recordkeeping Instructions
724.APPENDIX B EPA Report Form and Instructions (Repealed)
724.APPENDIX D Cochran's Approximation to the Behrens-Fisher Student's T-Test
724.APPENDIX E Examples of Potentially Incompatible Waste
724.APPENDIX I Groundwater Monitoring List

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11244, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 636, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2186, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9437, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1146, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9833, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5115, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6635, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3725, effective February 14, 2003; amended in R05-8 at 29 Ill. Reg. 6009, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6365, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3196, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 893, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12365, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1106, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18873, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17965, effective October 14, 2011; amended in R13-15 at 37 Ill. Reg. 17773, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1724, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. _____, effective _____.

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section 724.171 Use of Manifest System

a) Receipt of manifested hazardous waste.

1) If a facility receives hazardous waste accompanied by a manifest, the owner, operator, or its agent must sign and date the manifest, as indicated in subsection (a)(2)~~ of this Section~~, to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space.

2) If a facility receives a hazardous waste shipment accompanied by a manifest, the owner, operator, or its agent must do the following:

A) The owner, operator, or agent must sign and date, by hand, each copy of the manifest;

B) The owner, operator, or agent must note any discrepancies (as defined in Section 724.172~~725.172~~) on each copy of the manifest;

C) The owner, operator, or agent must immediately give the transporter at least one copy of the manifest;

D) The owner, operator, or agent must send a copy (Page 3) of the manifest to the generator within 30 days after delivery;

E) Within 30 days after delivery, the owner, operator, or agent must send the top copy (Page 1) of the manifest to the e-Manifest System for purposes of data entry and processing. In lieu of mailing this paper copy to the e-Manifest System operator, the owner or operator may transmit to the e-Manifest System operator an image file of Page 1 of the manifest, or both a data string file and the image file corresponding to Page 1 of the manifest. Any data or image files transmitted to USEPA under this subsection (a) must be submitted in data file and image file formats that are acceptable to USEPA and that are supported by USEPA's

electronic reporting requirements and by the e-Manifest System; and

F) The owner, operator, or agent must retain at the facility a copy of each manifest for at least three years after the date of delivery.

3) If a facility receives hazardous waste imported from a foreign source, the receiving facility must mail a copy of the manifest and documentation confirming USEPA's consent to the import of hazardous waste to the following address within 30 days after delivery: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460.

b) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste that is accompanied by a shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator's certification, and signatures), the owner or operator, or the owner or operator's agent, must do the following:

1) It must sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

2) It must note any significant discrepancies (as defined in Section 724.172(a)) in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;

BOARD NOTE: The Board does not intend that the owner or operator of a facility whose procedures under Section 724.113(c) include waste analysis must perform that analysis before signing the shipping paper and giving it to the transporter. Section 724.172(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.

3) It must immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

4) The owner or operator must send a copy of the signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery) to the generator within 30 days after the delivery; and

BOARD NOTE: Section 722.123(c) requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).

5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.

c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of 35 Ill. Adm. Code 722.

BOARD NOTE: The provisions of 35 Ill. Adm. Code 722.134 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of Section 722.134 only apply to owners or operators that are shipping hazardous waste that they generated at that facility.

d) Within three working days after the receipt of a shipment subject to Subpart H of 35 Ill. Adm. Code 722, the owner or operator of a facility must provide a copy of the movement document bearing all required signatures to the exporter; to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; to the Bureau of Land, Division of Land Pollution Control, Illinois Environmental Protection Agency, P.O. Box 19276, Springfield, IL 62794-9276; and to competent authorities of all other concerned countries. The original copy of the movement document must be maintained at the facility for at least three years from the date of signature.

e) A facility must determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under its state hazardous waste program. A facility must also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to that state.

f) Legal equivalence to paper manifests. E-Manifests that are obtained, completed, transmitted in accordance with 35 Ill. Adm. Code 722.120(a)(3), and used in accordance with this Section in lieu of the paper manifest form are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in 35 Ill. Adm. Code 720 through 728 to obtain, complete, sign, provide, use, or retain a manifest.

1) Any requirement in 35 Ill. Adm. Code 720 through 728 for the owner or operator of a facility to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 35 Ill. Adm. Code 722.125.

2) Any requirement in 35 Ill. Adm. Code 720 through 728 to give, provide, send, forward, or to return to another person a copy of the manifest is satisfied when a copy of an e-Manifest is transmitted to the other person.

3) Any requirement in 35 Ill. Adm. Code 720 through 728 for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an e-Manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the hazardous waste shipment.

4) Any requirement in 35 Ill. Adm. Code 720 through 728 for an owner or operator to keep or retain a copy of each manifest is satisfied by the retention of the facility's e-Manifest copies in its account on the e-Manifest System, provided that such copies are readily available for viewing and production if requested by any USEPA or Agency inspector.

5) No owner or operator may be held liable for the inability to produce an e-Manifest for inspection under this Section if the owner or operator can demonstrate that the inability to produce the e-Manifest is due exclusively to a technical difficulty with the e-Manifest System for which the owner or operator bears no responsibility.

g) An owner or operator may participate in the e-Manifest System either by accessing the e-Manifest System from the owner's or operator's electronic equipment, or by accessing the e-Manifest System from portable equipment

brought to the owner's or operator's site by the transporter that delivers the waste shipment to the facility.

h) Special procedures applicable to replacement manifests. If a facility receives hazardous waste that is accompanied by a paper replacement manifest for a manifest that was originated electronically, the following procedures apply to the delivery of the hazardous waste by the final transporter:

1) Upon delivery of the hazardous waste to the designated facility, the owner or operator must sign and date each copy of the paper replacement manifest by hand in Item 20 (Designated Facility Certification of Receipt) and note any discrepancies in Item 18 (Discrepancy Indication Space) of the paper replacement manifest;

2) The owner or operator of the facility must give back to the final transporter one copy of the paper replacement manifest;

3) Within 30 days after delivery of the hazardous waste to the designated facility, the owner or operator of the facility must send one signed and dated copy of the paper replacement manifest to the generator and send an additional signed and dated copy of the paper replacement manifest to the e-Manifest System; and

4) The owner or operator of the facility must retain at the facility one copy of the paper replacement manifest for at least three years after the date of delivery.

i) Special procedures applicable to electronic signature methods undergoing tests. If an owner or operator using an e-Manifest signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, the owner or operator must also sign with an ink signature the facility's certification of receipt or discrepancies on the printed copy of the manifest provided by the transporter. Upon executing its ink signature on this printed copy, the owner or operator must retain this original copy among its records for at least three years after the date of delivery of the waste.

j) Imposition of user fee for e-Manifest use. An owner or operator that is a user of the e-Manifest System may be assessed a user fee by USEPA for the origination

or processing of each e-Manifest. An owner or operator may also be assessed a user fee by USEPA for the collection and processing of paper manifest copies that owners or operators must submit to the e-Manifest System operator under subsection ~~724.171~~(a)(2)(E). USEPA has stated that it would maintain and update from time-to-time the current schedule of e-Manifest System user fees, which will be determined based on current and projected e-Manifest System costs and level of use of the e-Manifest System. USEPA has said that it would publish the current schedule of e-Manifest user fees as an appendix to 40 CFR 262.

k) E-Manifest signatures. E-Manifest signatures must meet the criteria described in 35 Ill. Adm. Code 722.125.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section 724.194 Concentration Limits

a) The Agency must specify in the facility permit concentration limits in the groundwater for hazardous constituents established under Section 724.193. The following must be true of the concentration of a hazardous constituent:

1) It must not exceed the background level of that constituent in the groundwater at the time that limit is specified in the permit; or

2) For any of the constituents listed in Table 1, it must not exceed the respective value given in that Table if the background level of the constituent is below the value given in Table 1; or

3) It must not exceed an alternative limit established by the Agency under subsection (b)~~ of this Section~~.

TABLE 1 − MAXIMUM CONCENTRATION OF CONSTITUENTS FOR GROUNDWATER PROTECTION

Constituent	Maximum Concentration (mg/ℓ)
Arsenic (CAS No. 7440-38-2)	0.05
Barium (CAS No. 7440-39-3)	1.0

Cadmium (CAS No. 7440-43-9)	0.01
Chromium (CAS No. 7440-47-3)	0.05
Lead (CAS No. 7439-92-1)	0.05
Mercury (CAS No. 7439-97-6)	0.002
Selenium(CAS No. 7782-49-2)	0.01
Silver (CAS No. 7440-22-4)	0.05
Endrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,endo-1,4:5,8-dimethanonaphthalene) (CAS No. 72-20-8)	0.0002
Lindane (1,2,3,4,5,6-hexachlorocyclohexane, gamma isomer) (CAS No. 58-89-9)	0.004
Methoxychlor (1,1,1-Trichloro-2,2-bis(p-methoxyphenyl)ethane) (CAS No. 72-43-5)~~(1,1,1-Trichloro-2,2'-bis-(p-methoxyphenyl)ethane)~~	0.1
Toxaphene ($C_{10}H_{10}Cl_6$, Technical chlorinated camphene, 67-69 percent chlorine) (CAS No. 8001-35-2)	0.005
2,4-D (2,4-Dichlorophenoxyacetic acid) (CAS No. 94-75-7)	0.1
2,4,5-TP (Silvex) (2,4,5-Trichlorophenoxy-propionic acid) (CAS No. 93-72-1)	0.01

b) The Agency must establish an alternative concentration limit for a hazardous constituent if it finds that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the alternative concentration limit is not exceeded. In establishing alternate concentration limits, the Agency must consider the following factors:

1) Potential adverse effects on groundwater quality, considering the following:

A) The physical and chemical characteristics of the waste in the regulated unit, including its potential for migration;

B) The hydrogeological characteristics of the facility and surrounding land;

C) The quantity of groundwater and the direction of groundwater flow;

D) The proximity and withdrawal rates of groundwater users;

E) The current and future uses of groundwater in the area;

F) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;

G) The potential for health risks caused by human exposure to waste constituents;

H) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;

I) The persistence and permanence of the potential adverse effects; and

2) Potential adverse effects on hydraulically-connected surface-water quality, considering the following:

A) The volume and physical and chemical characteristics of the waste in the regulated unit;

B) The hydrogeological characteristics of the facility and surrounding land;

C) The quantity and quality of groundwater and the direction of groundwater flow;

D) The patterns of rainfall in the region;

E) The proximity of the regulated unit to surface waters;

F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;

G) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface-water quality;

H) The potential for health risks caused by human exposure to waste constituents;

I) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

J) The persistence and permanence of the potential adverse effects.

c) In making any determination under subsection (b)~~ of this Section~~ about the use of groundwater in the area around the facility, the Agency must consider any identification of underground sources of drinking water and exempted aquifers made under 35 Ill. Adm. Code 704.123.

d) The Agency must make specific written findings in setting any alternate concentration limits under subsection (b)~~ of this Section~~.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART H: FINANCIAL REQUIREMENTS

Section 724.244 Cost Estimate for Post-Closure Care

a) The owner or operator of a disposal surface impoundment, disposal miscellaneous unit, land treatment unit, or landfill unit or the owner or operator of a surface impoundment or waste pile required under Sections 724.328 or 724.358 to prepare a contingent closure and post-closure plan must have a defined written estimate, in current dollars, of the annual cost of post-closure monitoring and maintenance of the facility in accordance with the applicable post-closure regulations in Sections 724.217 through 724.220, 724.328, 724.358, 724.380, 724.410, and 724.703~~724.603~~.

1) The post-closure cost estimate must be based on the costs to the owner or operator of hiring a third party to conduct post-closure care 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 Section 724.241(d)).

2) The post-closure cost estimate is calculated by multiplying the annual post-closure cost estimate by the number of years of post-closure care required under Section 724.217.

b) During the active life of the facility, the owner or operator must adjust the post-closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instruments used to comply with Section 724.245. For owners or operators using the financial test or corporate guarantee, the post-closure cost estimate must be updated for inflation within 30 days after the close of the firm's fiscal year and before the submission of updated information to the Agency, as specified in Section 724.245(f)(5). The adjustment may be made by recalculating the post-closure cost estimate in current dollars or by using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product, as published by the U.S. Department of Commerce in its Survey of Current Business, 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 post-closure cost estimate by the inflation factor. The result is the adjusted post-closure cost estimate.

2) Subsequent adjustments are made by multiplying the latest adjusted post-closure cost estimate by the latest inflation factor.

c) During the active life of the facility the owner or operator must revise the post-closure cost estimate within 30 days after the Agency has approved a request to modify the post-closure plan if the change in the post-closure plan increases the cost of post-closure care. The revised post-closure cost estimate must be adjusted for inflation, as specified in Section 724.244(b).

d) The owner or operator must keep the following at the facility during the operating life of the facility: The latest post-closure cost estimate prepared in accordance with Section 724.244(a) and (c) and, when this estimate has been adjusted in accordance with Section 724.244(b), the latest adjusted post-closure cost estimate.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 724.245 Financial Assurance for Post-Closure Care

An owner or operator of a hazardous waste management unit subject to the requirements of Section 724.244 must establish financial assurance for post-closure care in accordance with the approved post-closure plan for the facility 60 days prior to the initial receipt of hazardous waste or the effective date of the regulation, whichever is later. The owner or operator must choose from among the following options:

a) Post-closure trust fund.

1) An owner or operator may satisfy the requirements of this Section by establishing a post-closure trust fund that conforms to the requirements of this subsection (a) and submitting an original, signed duplicate of the trust agreement to the Agency. An owner or operator of a new facility must submit the original, signed duplicate of the trust agreement to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. 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 that specified in Section 724.251 and the trust agreement accompanied by a formal certification of acknowledgment (as specified in Section 724.251). Schedule A of the trust agreement must be updated within 60 days after a change in the amount of the current post-closure cost estimate covered by the agreement.

3) Payments into the trust fund must be made annually by the owner or operator over the term of the initial RCRA permit or over the remaining operating life of the facility as estimated in the closure plan, whichever period is shorter; this period is hereafter referred to as the "pay-in period." The payments into the post-closure trust fund must be made as follows:

A) For a new facility, the first payment must be made before the initial receipt of hazardous waste for disposal. A receipt from the trustee for this payment must be submitted by the owner or operator to the Agency before this initial receipt of hazardous waste. The first payment must be at least equal to the current post-closure cost estimate, except as provided in subsection (g)~~ of this Section~~, 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 amount of each subsequent payment must be determined by the following formula:

$$\text{Next Payment} = \frac{(CE - CV)}{Y}$$

Where:

CE = the current closure cost estimate
CV = the current value of the trust fund
Y = the number of years remaining in the pay-in period

B) If an owner or operator establishes a trust fund, as specified in 35 Ill. Adm. Code 725.245(a), and the value of that trust fund is less than the current post-closure cost estimate when a permit is awarded for the facility, the amount of the current post-closure cost estimate still to be paid into the trust fund must be paid in over the pay-in period as defined in subsection (a)(3)~~ of this Section~~. Payments must continue to be made no later than 30 days after each anniversary date of the first payment made pursuant to 35 Ill. Adm. Code 725. The amount of each payment must be determined by the following formula:

$$\text{Next Payment} = \frac{(CE - CV)}{Y}$$

Where:

CE = the current closure cost estimate
CV = the current value of the trust fund
Y = the number of years remaining in the pay-in period

4) The owner or operator may accelerate payments into the trust fund or may deposit the full amount of the current post-closure 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 (a)(3)~~ of this Section~~.

5) If the owner or operator establishes a post-closure trust fund after having used one or more alternative mechanisms specified in this Section or in 35 Ill. Adm. Code 725.245, its first payment must be in at least the amount that the fund would contain if the trust fund were established initially and annual payments made according to specifications of this subsection (a) and 35 Ill. Adm. Code 725.245, as applicable.

6) After the pay-in period is completed, whenever the current post-closure cost estimate changes during the operating life of the facility, 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 post-closure cost estimate, or obtain other financial assurance, as specified in this Section, to cover the difference.

7) During the operating life of the facility, if the value of the trust fund is greater than the total amount of the current post-closure cost estimate, the owner or operator may submit a written request to the Agency for release of the amount in excess of the current post-closure cost estimate.

8) If an owner or operator substitutes other financial assurance as specified in this Section for all or part of the trust fund, it may submit a written request to the Agency for release of the amount in excess of the current post-closure cost estimate covered by the trust fund.

9) Within 60 days after receiving a request from the owner or operator for release of funds, as specified in subsection (a)(7) or (a)(8)~~ of this Section~~, the Agency must instruct the trustee to release to the owner or operator such funds as the Agency specifies in writing.

10) During the period of post-closure care, the Agency must approve a release of funds if the owner or operator demonstrates to the Agency that the value of the trust fund exceeds the remaining cost of post-closure care.

11) An owner or operator or any other person authorized to perform post-closure care may request reimbursement for post-closure care expenditures by submitting itemized bills to the Agency. Within 60 days after receiving

bills for post-closure activities, the Agency must instruct the trustee to make requirements in those amounts that the Agency specifies in writing if the Agency determines that the post-closure care expenditures are in accordance with the approved post-closure plan or otherwise justified. If the Agency does not instruct the trustee to make such reimbursements, the Agency must provide the owner or operator with a detailed written statement of reasons.

12) The Agency must agree to termination of the trust when either of the following occurs:

A) An owner or operator substitutes alternative financial assurance, as specified in 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 post-closure trust fund.

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. An owner or operator of a new facility must submit the bond to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The bond must be effective before this initial receipt 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/.

2) The wording of the surety bond must be that specified in Section 724.251.

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 as follows:

A) An original, signed duplicate of the trust agreement must be submitted 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 by these regulations:

i) Payments into the trust fund, as specified in subsection (a) ~~of this Section~~;

ii) Updating of Schedule A of the trust agreement (as specified in Section 724.251) to show current post-closure cost estimates;

iii) Annual valuations, as required by the trust agreement; and

iv) Notices of nonpayment, as required by the trust agreement.

4) The bond must guarantee that the owner or operator will do one of the following:

A) Fund the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility;

B) Fund the standby trust fund in an amount equal to the penal sum within 15 days after an order to begin closure is issued by the Board or a U.S. district court or other court of competent jurisdiction; or

C) Provide alternative financial assurance as specified in this Section, 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.

5) 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.

6) The penal sum of the bond must be in an amount at least equal to the current post-closure cost estimate, except as provided in subsection (g)~~ of this Section~~.

7) Whenever the current post-closure 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 post-closure cost estimate and submit evidence of such increase to the Agency or obtain other financial assurance, as specified in this Section, to cover the increase. Whenever the current post-closure cost estimate decreases, the penal sum may be reduced to the amount of the current post-closure 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 beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidence by the return receipts.

9) The owner or operator may cancel the bond if the Agency has given prior written consent based on its receipt of evidence of alternative financial assurance, as specified in this Section.

c) Surety bond guaranteeing performance of post-closure care.

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 (c) and submitting the bond to the Agency. An owner or operator of a new facility must submit the bond to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The bond must be effective before this initial receipt 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/.

2) The wording of the surety bond must be that specified in Section 724.251.

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 must meet the requirements specified in subsection (a)~~ of this Section~~, except as follows:

A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; 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 (as specified in Section 724.251) to show current post-closure cost estimates;

iii) Annual valuations, as required by the trust agreement; and

iv) Notices of nonpayment, as required by the trust agreement.

4) The bond must guarantee that the owner or operator will do either of the following:

A) Perform final post-closure care in accordance with the post-closure plan and other requirements of the permit for the facility; or

B) Provide alternative financial assurance, as specified in this Section, 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.

5) 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 final judicial determination or Board order finding that the owner or operator has failed to perform post-closure care in accordance with the approved post-closure plan and other permit requirements, under the terms of the bond the surety will perform post-closure care in accordance with post-closure plan and other permit requirements or will deposit the amount of the penal sum into the standby trust fund.

6) The penal sum of the bond must be in an amount at least equal to the current post-closure cost estimate.

7) Whenever the current post-closure cost estimate increases to an amount greater than the penal sum during the operating life of the facility, 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 post-closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance, as specified in this Section. Whenever the current closure cost estimate decreases during the operating life of the facility, the penal sum may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.

8) During the period of post-closure care, the Agency must approve a decrease in the penal sum if the owner or operator demonstrates to the Agency that the amount exceeds the remaining cost of post-closure care.

9) 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 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.

10) The owner or operator may cancel the bond if the Agency has given prior written consent. The Agency must provide such written consent when either of the following occurs:

A) An owner or operator substitutes alternative financial assurance as specified in 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~~.

11) The surety will not be liable for deficiencies in the performance of post-closure care by the owner or operator after the Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i)~~ of this Section~~.

d) Post-closure 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 (d) and submitting the letter to the Agency. An owner or operator of a new facility must submit the letter of credit to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The letter of credit must be effective before this initial receipt of hazardous waste. 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 that specified in Section 724.251.

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 must 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 as follows:

A) An original, signed duplicate of the trust agreement must be

submitted 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 by these regulations:

i) Payments into the trust fund, as specified in subsection (a) ~~of this Section~~;

ii) Updating of Schedule A of the trust agreement (as specified in Section 724.251) to show current post-closure cost estimates;

iii) Annual valuations, as required by the trust agreement; and

iv) Notices of nonpayment, as required by the trust agreement.

4) The letter or credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date and providing the following information: the USEPA identification number, name and address of the facility, and the amount of funds assured for post-closure care of the facility by the letter of credit.

5) The letter of credit must be irrevocable and 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 post-closure cost estimate, except as provided in subsection (g) ~~of this Section~~.

7) Whenever the current post-closure cost estimate increases to an amount greater than the amount of the credit during the operating life of the facility, the owner or operator, within 60 days after the increase, must

either cause the amount of the credit to be increased so that it at least equals the current post-closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current post-closure cost estimate decreases during the operating life of the facility, the amount of the credit may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.

8) During the period of post-closure care, the Agency must approve a decrease in the amount of the letter of credit if the owner or operator demonstrates to the Agency that the amount exceeds the remaining cost of post-closure care.

9) Following a final judicial determination or Board order finding that the owner or operator has failed to perform post-closure care in accordance with the approved post-closure plan and other permit requirements, the Agency may draw on the letter of credit.

10) If the owner or operator does not establish alternative financial assurance, as specified in this Section, and obtain written approval of such alternative 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 must 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 must draw on the letter of credit if the owner or operator has failed to provide alternative financial assurance, as specified in this Section, and obtain written approval of such assurance from the Agency.

11) The Agency must return the letter of credit to the issuing institution for termination when either of the following occurs:

A) An owner or operator substitutes alternative financial assurance, as specified in 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~~.

e) Post-closure insurance.

1) An owner or operator may satisfy the requirements of this Section by obtaining post-closure insurance that conforms to the requirements of this subsection (e) and submitting a certificate of such insurance to the Agency. An owner or operator of a new facility must submit the certificate of insurance to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The insurance must be effective before this initial receipt of hazardous waste. At a minimum, the insurer must be licensed to transact the business of insurance or be 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 that specified in Section 724.251.

3) The post-closure insurance policy must be issued for a face amount at least equal to the current post-closure cost estimate, except as provided in subsection (g)~~ 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.

4) The post-closure insurance policy must guarantee that funds will be available to provide post-closure care of facility whenever the post-closure period begins. The policy must also guarantee that, once post-closure care 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.

5) An owner or operator or any other person authorized to perform post-closure care may request reimbursement for post-closure care expenditures by submitting itemized bills to the Agency. Within 60 days after receiving bills for post-closure activities, the Agency must instruct the insurer to make reimbursement in such amounts as the Agency specifies in writing if the Agency determines that the post-closure care expenditures are in accordance with the approved post-closure plan or otherwise justified. If the Agency does not instruct the insurer to make such reimbursements, the Agency must provide the owner or operator with a detailed written

statement of reasons.

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 (e)(11)~~ of this Section~~. Failure to pay the premium, without substitution of alternative financial assurance as specified in this Section, will constitute a significant violation of these regulations, warranting such remedy as the Board may impose pursuant to the Environmental Protection Act [415 ILCS 5]. 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 nonpayment of the premium, rather than upon the date of expiration.

7) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.

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 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 the 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 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 one of the following occurs:

A) The Agency deems the facility abandoned;

B) The permit is terminated or revoked or a new permit is denied;

C) Closure is ordered by the Board or a U.S. district court or other court of competent jurisdiction;

D) The owner or operator is named as debtor in a voluntary or

involuntary proceeding under 11 USC (Bankruptcy); or

E) The premium due is paid.

9) Whenever the current post-closure cost estimate increases to an amount greater than the face amount of the policy during the life of the facility, 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 post-closure cost estimate and submit evidence of such increase to the Agency or obtain other financial assurance, as specified in this Section, to cover the increase. Whenever the current post-closure cost estimate decreases during the operating life of the facility, the face amount may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.

10) Commencing on the date that liability to make payments pursuant to the policy accrues, the insurer must thereafter annually increase the face amount of the policy. Such increase must be equivalent to the face amount of the policy, less any payments made, multiplied by an amount equivalent to 85 percent of the most recent investment rate or of the equivalent coupon-issue yield announced by the U.S. Treasury for 26-week Treasury securities.

11) 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:

A) An owner or operator substitutes alternative financial assurance, as specified in 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~~.

f) Financial test and corporate guarantee for post-closure care.

1) An owner or operator may satisfy the requirements of this Section by demonstrating that it passes a financial test as specified in this subsection (f). To pass this test the owner or operator must meet the criteria of either subsection (f)(1)(A) or (f)(1)(B)~~ of this Section~~:

A) The owner or operator must have 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;

ii) Net working capital and tangible net worth each at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates;

iii) Tangible net worth of at least $10 million; and

iv) Assets in the United States amounting to at least 90 percent of its total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.

B) The owner or operator must have 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 closure and post-closure cost estimates and 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 its total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.

2) The phrase "current closure and post-closure cost estimates," as used in

subsection (f)(1)~~ of this Section~~, refers to the cost estimates required to be shown in subsections 1 through 4 of the letter from the owner's or operator's chief financial officer (see Section 724.251). The phrase "current plugging and abandonment cost estimates," as used in subsection (f)(1)~~ of this Section~~, refers to the cost estimates required to be shown in subsections 1 through 4 of the letter from the owner's or operator's chief financial officer (see 35 Ill. Adm. Code 704.240).

3) To demonstrate that it meets this test, 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 in Section 724.251;

B) 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

C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating the following:

i) 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

ii) In connection with that procedure, no matters came to the accountant's attention that caused the accountant to believe that the specified data should be adjusted.

4) An owner or operator of a new facility must submit the items specified in subsection (f)(3)~~ of this Section~~ to the Agency at least 60 days before the date on which hazardous waste is first received for disposal.

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 meets the requirements of subsection (f)(1)~~ of this Section~~, the owner or operator must send notice to the Agency of intent to establish alternative financial assurance, as specified in this Section. 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 alternative financial assurance within 120 days after the end of such fiscal year.

7) Based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (f)(1)~~ of this Section~~, the Agency may require reports of financial condition at any time from the owner or operator in addition to those specified in subsection (f)(3)~~ 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 (f)(1)~~ of this Section~~, the owner or operator must provide alternative financial assurance, as specified in this Section, within 30 days after notification of such a finding.

8) 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 (f)(3)(B)~~ of this Section~~). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency must evaluate other qualifications on an individual basis. The owner or operator must provide alternative financial assurance, as specified in this Section, within 30 days after notification of the disallowance.

9) During the period of post-closure care, the Agency must approve a decrease in the current post-closure cost estimate for which this test demonstrates financial assurance if the owner or operator demonstrates to the Agency that the amount of the cost estimate exceeds the remaining cost of post-closure care.

10) The owner or operator is no longer required to submit the items specified in subsection (f)(3)~~ of this Section~~ when either of the following occurs:

A) An owner or operator substitutes alternative financial assurance, as specified in 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~~.

11) 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 direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor must meet the requirements for owners or operators in subsections (f)(1) through (f)(9), and must comply with the terms of the corporate guarantee. The wording of the corporate guarantee must be that specified in Section 724.251. A certified copy of the corporate guarantee must accompany the items sent to the Agency, as specified in 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, 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 corporate guarantee must provide as follows:

A) That if the owner or operator fails to perform post-closure care of a facility covered by the corporate guarantee in accordance with the post-closure plan and other permit requirements whenever required to do so, the guarantor will do so or establish a trust fund as specified in subsection (a)~~ of this Section~~ in the name of the owner or operator.

B) That the corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the

Agency, as evidenced by the return receipts.

C) That if the owner or operator fails to provide alternative financial assurance as specified in this Section and obtain the written approval of such alternative 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 will provide such alternative financial assurance in the name of the owner or operator.

g) 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. These mechanisms are limited to trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit and insurance. The mechanisms must be as specified in subsections (a), (b), (d), and (e) ~~of this Section~~, respectively, except that it is the combination of mechanisms, rather than the single mechanism, that must provide financial assurance for an amount at least equal to the current post-closure cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, it may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms. The Agency may use any or all of the mechanisms to provide for post-closure care of the facility.

h) Use of a financial mechanism for multiple facilities. An owner or operator may use a financial assurance mechanism specified in this Section to meet 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, name, address, and the amount of funds for post-closure care assured by the mechanism. 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. The amount of funds available to the Agency must be sufficient to close all of the owner or operator's facilities. In directing funds available through the mechanism for post-closure care of any of the facilities covered by the mechanism, the Agency may direct only the amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

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 the post-closure care period has been completed for a hazardous waste disposal unit in accordance with the approved plan, the Agency must notify the owner or operator that it is no longer required to maintain financial assurance for post-closure care of that unit, unless the Agency determines that post-closure care has not been in accordance with the approved post-closure plan. The Agency must provide the owner or operator a detailed written statement of any such determination that post-closure care has not been in accordance with the approved post-closure plan.

j) Appeal. The following Agency actions are deemed to be permit modifications or refusals to modify for purposes of appeal to the Board (35 Ill. Adm. Code 702.184(e)(3)):

1) An increase in or a refusal to decrease the amount of a bond, letter of credit, or insurance;

2) Requiring alternative assurance upon a finding that an owner or operator or parent corporation no longer meets a financial test.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART N: LANDFILLS

Section 724.414 Special Requirements for Bulk and Containerized Liquids

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

b) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095B (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

c) Containers holding free liquids must not be placed in a landfill unless the following is true:

1) All free-standing liquid fulfills one of the following:

A) It has been removed by decanting or other methods;

B) It has been mixed with sorbent or solidified so that free-standing liquid is no longer observed; or

C) It has been otherwise eliminated; or

2) The container is very small, such as an ampule; or

3) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or

4) The container is a lab pack, as defined in Section 724.416, and is disposed of in accordance with Section 724.416.

d) Sorbents used to treat free liquids to be disposed of in landfills must be nonbiodegradable. Nonbiodegradable sorbents are the following: materials listed or described in subsection (d)(1)~~ of this Section~~; materials that pass one of the tests in subsection (d)(2)~~(e)(2) of this Section~~; or materials that are determined by the Board to be nonbiodegradable through the adjusted standard procedure of 35 Ill. Adm. Code 104.

1) Nonbiodegradable sorbents are the following:

A) Inorganic minerals, other inorganic materials, and elemental carbon (e.g., aluminosilicates (clays, smectites, Fuller's earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, micas (illite), vermiculites, zeolites, etc.), calcium carbonate (organic free limestone), oxides/hydroxides (alumina, lime, silica (sand), diatomaceous earth, etc.), perlite (volcanic glass), expanded volcanic rock, volcanic ash, cement kiln dust, fly ash, rice hull ash, activated charcoal (activated carbon), etc.); or

B) High molecular weight synthetic polymers (e.g., polyethylene, high density polyethylene (HDPE), polypropylene, polystrene, polyurethane, polyacrylate, polynorborene, polyisobutylene,

ground synthetic rubber, cross-linked allylstrene and tertiary butyl copolymers, etc.). This does not include polymers derived from biological material or polymers specifically designed to be degradable; or

C) Mixtures of these nonbiodegradable materials.

2) Tests for nonbiodegradable sorbents are the following:

A) The sorbent material is determined to be nonbiodegradable under ASTM Method G21-70 (1984a) (Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi), incorporated by reference in 35 Ill. Adm. Code 720.111(a);

B) The sorbent material is determined to be nonbiodegradable under ASTM Method G22-76 (1984b) (Standard Practice for Determining Resistance of Plastics to Bacteria), incorporated by reference in 35 Ill. Adm. Code 720.111(a); or

C) The sorbent material is determined to be non-biodegradable under OECD Guideline for Testing of Chemicals, Method 301B (CO_2 Evolution (Modified Sturm Test)), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

e) The placement of any liquid that is not a hazardous waste in a hazardous waste landfill is prohibited (35 Ill. Adm. Code 729.311), unless the Board finds that the owner or operator has demonstrated the following in a petition for an adjusted standard pursuant to Section 28.1 of the Act [415 ILCS 5/28.1] and 35 Ill. Adm. Code 101 and 104:

1) The only reasonably available alternative to the placement in a hazardous waste landfill is placement in a landfill or unlined surface impoundment, whether or not permitted or operating under interim status, that contains or which may reasonably be anticipated to contain hazardous waste; and

2) Placement in the hazardous waste landfill will not present a risk of contamination of any "underground source of drinking water" (as that term is defined in 35 Ill. Adm. Code 702.110).

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART W: DRIP PADS

Section 724.670 Applicability

a) The requirements of this Subpart W apply to owners and operators of facilities that use new or existing drip pads to convey treated wood drippage, precipitation or surface water run-on to an associated collection system.

1) "Existing drip pads" are the following:

A) Those constructed before December 6, 1990; and

B) Those for which the owner or operator had a design and had entered into binding financial or other agreements for construction prior to December 6, 1990.

2) All other drip pads are "new drip pads."

3) The requirements at Section 724.673(b)(3) to install a leak collection system applies only to those drip pads that were constructed after December 24, 1992 except for those constructed after December 24, 1992 for which the owner or operator had a design and has entered into binding financial or other agreements for construction prior to December 24, 1992.

b) The owner or operator of any drip pad that is inside or under a structure that provides protection from precipitation so that neither run-off nor run-on is generated is not subject to regulation under Section 724.673(e)~~724.672(e)~~ or (f).

c) The requirements of this subsection (c) are not applicable to the management of infrequent and incidental drippage in storage yards provided that the owner or operator maintains and complies with a written contingency plan that describes how the owner or operator will respond immediately to the discharge of infrequent and incidental drippage. At a minimum, the contingency plan must describe how the owner or operator will do the following:

1) Clean up the drippage;

2) Document the clean-up of the drippage;

3) Retain documentation regarding the clean-up for three years; and

4) Manage the contaminated media in a manner consistent with State and federal regulations.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 724.671 Assessment of Existing Drip Pad Integrity

a) For each existing drip pad, the owner or operator must evaluate the drip pad and determine whether it meets all of the requirements of this Subpart W, except the requirements for liners and leak detection systems of Section 724.673(b). No later than June 6, 1991, the owner or operator must obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by a qualified Professional Engineer that attests to the results of the evaluation. The assessment must be reviewed, updated, and re-certified annually until all upgrades, repairs or modifications necessary to achieve compliance with all the standards of Section 724.673 are complete. The evaluation must document the extent to which the drip pad meets each of the design and operating standards of Section 724.673, except the standards for liners and leak detection systems, specified in Section 724.673(b).

b) The owner or operator must develop a written plan for upgrading, repairing, and modifying the drip pad to meet the requirements of Section 724.673(b) and submit the plan to the Agency no later than two years before the date that all repairs, upgrades and modifications will be complete. This written plan must describe all changes to be made to the drip pad in sufficient detail to document compliance with all the requirements of Section 724.673. The plan must be reviewed and certified by a qualified Professional Engineer.

c) Upon completion of all upgrades, repairs, and modifications, the owner or operator must submit to the Agency, the as-built drawings for the drip pad, together with a certification by a qualified Professional Engineer attesting that the drip pad conforms to the drawings.

d) If the drip pad is found to be leaking or unfit for use, the owner or operator must comply with the provisions of Section 724.673(m)~~724.672(m)~~ or close the drip

pad in accordance with Section 724.675.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section 724.933 Standards: Closed-Vent Systems and Control Devices

a) Compliance Required.

1) Owners or operators of closed-vent systems and control devices used to comply with provisions of this Part must comply with the provisions of this Section.

2) Implementation Schedule.

A) The owner or operator of an existing facility that cannot install a closed-vent system and control device to comply with the provisions of this Subpart AA on the effective date that the facility becomes subject to the provisions of this Subpart AA 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 AA for installation and startup.

B) Any unit that began operation after December 21, 1990 and which was subject to the provisions of this Subpart AA when operation began 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.

C) The owner or operator of any facility in existence on the effective date of a statutory or regulatory amendment that renders the facility subject to this Subpart AA must comply with all requirements of this Subpart AA as soon as practicable, but no later than 30 months after the effective date of the amendment. When control equipment required by this Subpart AA cannot be

installed and begin operation by the effective date of the amendment, 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 AA. The owner or operator must enter the implementation schedule in the operating record or in a permanent, readily available file located at the facility.

D) An owner or operator of a facility or unit that becomes newly subject to the requirements of this Subpart AA after December 8, 1997, due to an action other than those described in subsection (a)(2)(C) of this Section, must comply with all applicable requirements immediately (i.e., the facility or unit must have control devices installed and operating on the date the facility or unit becomes subject to this Subpart AA; the 30-month implementation schedule does not apply).

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 724.932(a)(1) for all affected process vents is attained at an efficiency less than 95 weight percent.

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 and not in 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)~~ of this Section~~, 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)~~ of this Section~~.

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 and 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 and the flare is nonassisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e)(2)~~ of this Section~~.

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)~~ of this Section~~, less than 18.3 m/s (60 ft/s), except as provided in subsections (d)(4)(B) and (d)(4)(C)~~ of this Section~~.

B) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3)~~ of this Section~~, 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).

C) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3)~~ of this Section~~, less than the velocity, V, as determined by the method specified in subsection (e)(4)~~ of this Section~~, 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, as determined by the method specified in subsection (e)(5)~~ of this Section~~.

6) A flare used to comply with this Section must be steam-assisted, air-assisted, or nonassisted.

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(b), 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 Reference Method 22.

2) The net heating value of the gas being combusted in a flare must be calculated using the following equation:

$$H_T = K \times \sum_{i=1}^{n} C_i \times H_i$$

Where:

H_T = the net heating value of the sample in 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~~1~~ mole is 20°C

K = 1.74×-10^{-7} (1/ppm)(g mol/scm)(MJ/kcal) where the standard temperature for (g mol/scm) is 20°C

~~ΣX_i = the sum of the values of X for each component i, from i=1 to n~~

C_i = the concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 (Measurement of Gaseous Organic Compound Emissions by Gas Chromatography) in appendix A to 40 CFR 60 (Test Methods), and for carbon monoxide, by ASTM D 1946-90 (Standard Practice for Analysis of Reformed Gas by Gas Chromatography), each incorporated by reference in 35 Ill. Adm. Code 720.111(a)

H_i = the net heat of combustion of sample component i, kcal/gmol at 25° C and 760 mm Hg. The heats of combustion must be

determined using ASTM D 2382-88 (Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method)), incorporated by reference in 35 Ill. Adm. Code 720.111(a), 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), incorporated by reference in 35 Ill. Adm. Code 720.111(b), 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)~~ of this Section~~ must be determined by the following equation:

$$\log_{10}(V_{max}) = \frac{H_T + 28.8}{31.7}$$

Where:

~~$\log_{10}$ = logarithm to the base 10~~
H_T = the net heating value as determined in subsection (e)(2)~~ of this Section~~.

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:

H_T = the net heating value as determined in subsection (e)(2)~~ of this Section~~.

f) The owner or operator 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 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 follows:

A) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must have accuracy of ±1 percent of the temperature being monitored in °C or ±0.5°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 °C or ±0.5° 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.

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 °C or ±0.5°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 parameters that indicate good combustion operating practices are being used.

F) For a condenser, either of the following:

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 °C or ±0.5°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 of the following:

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.

3) Inspect the readings from each monitoring device required by subsections (f)(1) and (f)(2) ~~of this Section~~ 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) An owner or operator 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 724.935(b)(4)(C)(vi).

h) An owner or operator 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 724.935(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 724.935(b)(4)(C)(vii).

i) An alternative operational or process parameter may be monitored if the operator demonstrates that the parameter will ensure that the control device is operated in conformance with these standards and the control device's design specifications.

j) An owner or operator of 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 methods specified at Section 724.934(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 owner or operator 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) ~~of this Section~~ 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 owner or operator on or before the date that the system becomes subject to this Section. The owner or operator must monitor the closed-vent system components and connections using the procedures specified in Section 724.934(b) to demonstrate that the closed-vent system operates with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background.

B) After initial leak detection monitoring required in subsection (l)(1)(A) ~~of this Section~~, the owner or operator 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 owner or operator must monitor a component or connection using the procedures specified in Section 724.934(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 (l)(1)(B)(i)~~ of this Section~~ must be monitored annually and at other times as requested by the Regional Administrator, except as provided for in subsection (o)~~ of this Section~~, using the procedures specified in Section 724.934(b) to demonstrate that the components or connections operate with no detectable emissions.

C) In the event that a defect or leak is detected, the owner or operator must repair the defect or leak in accordance with the requirements of subsection (l)(3)~~ of this Section~~.

D) The owner or operator must maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 724.935.

2) Each closed-vent system that is used to comply with subsection (k)(2)~~ of this Section~~ must be inspected and monitored in accordance with the following requirements:

A) The closed-vent system must be visually inspected by the owner or operator 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 owner or operator 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 owner or operator must perform the inspections at least once every year.

C) In the event that a defect or leak is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (l)(3)~~ of this Section~~.

D) The owner or operator must maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 724.935.

3) The owner or operator 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 days after the emission is detected, except as provided for in subsection (l)(3)(C)~~ of this Section~~.

B) A first attempt at repair must be made no later than five 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 owner or operator 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 owner or operator must maintain a record of the defect repair in accordance with the requirements specified in Section 724.935.

m) A closed-vent system or control device used to comply with provisions of this Subpart AA must be operated at all times when emissions may be vented to it.

n) The owner or operator using a carbon adsorption system to control air pollutant emissions must document that all carbon removed that is a hazardous waste and that is removed from the control device is managed in one of the following manners, regardless of the volatile organic concentration of the carbon:

1) It is 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; or

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

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 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), each incorporated by reference in 35 Ill. Adm. Code 720.111(b).

2) It is incinerated in a hazardous waste incinerator for which the owner or operator has done either of the following:

A) The owner or operator 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) The owner or operator has certified compliance in accordance with interim status requirements of Subpart O of 35 Ill. Adm. Code 725.

3) It is burned in a boiler or industrial furnace for which the owner or operator has done either of the following:

A) The owner or operator 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) The owner or operator 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 724.935(c)(9), as unsafe to monitor are exempt from the requirements of subsection (l)(1)(B)(ii) ~~of this Section~~ if both of the following conditions are fulfilled:

1) The owner or operator of the closed-vent system has determined 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) ~~of this Section~~; and

2) The owner or operator of the 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) ~~of this Section~~ as frequently as practicable during safe-to-monitor times.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 724.934 Test Methods and Procedures

a) Each owner or operator subject to the provisions of this Subpart AA must comply with the test methods and procedures requirements provided in this Section

b) When a closed-vent system is tested for compliance with no detectable emissions, as required in Section 724.933(l), 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(b).

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 background level must be determined as set forth in Reference Method 21.

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 724.932(a) and with the total organic compound concentration limit of Section 724.933(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(b), 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(b), 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 conducted for at least one hour under the conditions that exist when the hazardous waste management unit is 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 applies. The average must be computed on a time-weighed basis.

D) Total organic mass flow rates must be determined by the following equation:

i) For a source using Reference Method 18:

$$E_h = Q_{2sd} + \left(\sum_{i=1}^{n} C_i \ x \ MW_i \right) \ x \ 0.0416 \ x \ 10^{-6}$$

Where:

E_h	=	The total organic mass flow rate, kg/h
Q_{2sd}	=	The volumetric flow rate of gases entering or exiting control device, dscm/h, as determined by Reference Method 2
N	=	The number of organic compounds in the vent gas
C_i	=	The organic concentration in ppm, dry basis, of compound i in the vent gas, as determined by Reference Method 18
MW_i	=	The molecular weight of organic compound I in the vent gas, kg/kg-mol
0.0416	=	The conversion factor for molar volume, kg-mol/m^3, at 293 K and 760 mmHg
10^{-6}	=	The conversion factor from ppm.

ii) For a source using Reference Method 25A:

$$E_h = Q \times C \times MW \times 01.0416 \times 10^{-6}$$

Where:

E_h	=	The total organic mass flow rate, kg/h
Q	=	The volumetric flow rate of gases entering or exiting control device, dscm/h, as determined by Reference Method 2
C	=	The organic concentration in ppm, dry basis, of compound i in the vent gas, as determined by Reference Method 25A
MW	=	The molecular weight of propane, 44 kg/kg-mol
0.0416	=	The conversion factor for molar volume, kg-mol/m^3, at 293 K and 760 mmHg
10^{-6}	=	The conversion factor from ppm.

E) The annual total organic emission rate must be determined by the following equation:

$$A = F \times H$$

Where:

A	=	total organic emission rate, kg/y
F	=	the total organic mass flow rate, kg/h, as calculated in subsection (c)(1)(D) ~~of this Section~~
H	=	the total annual hours of operation for the affected unit.

F) Total organic emissions from all affected process vents at the facility must be determined by summing the hourly total organic mass emissions rates (F as determined in subsection (c)(1)(D) ~~of this Section~~) and by summing the annual total organic mass emission rates (A as determined in subsection (c)(1)(E) ~~of this Section~~) for all affected process vents at the facility.

2) The owner or operator must record such process information as is necessary to determine the conditions of the performance tests.

Operations during periods of startup, shutdown, and malfunction do not constitute representative conditions for the purpose of a performance test.

3) The owner or operator of an affected facility must provide, or cause to be provided, performance testing facilities as follows:

A) Sampling ports adequate for the test methods specified in subsection (c)(1)~~ of this Section~~.

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 owner or operator's control, compliance may, upon the Agency's approval, be determined using the average of the results of the two other runs.

d) To show that a process vent associated with a hazardous waste distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation is not subject to the requirements of this Subpart AA, the owner or operator must make an initial determination that the time-weighted, annual average total organic concentration of the waste managed by the waste management unit is less than 10 ppmw using one of the following two methods:

1) Direct measurement of the organic concentration of the waste using the following procedures:

A) The owner or operator must take a minimum of four grab samples of waste for each wastestream managed in the affected unit under process conditions expected to cause the maximum waste organic concentration.

B) For waste generated onsite, the grab samples must be collected at a point before the waste is exposed to the atmosphere, such as in an enclosed pipe or other closed system that is used to transfer the waste after generation to the first affected distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation. For waste generated offsite, the grab samples must be collected at the inlet to the first waste management unit that receives the waste provided the waste has been transferred to the facility in a closed system such as a tank truck and the waste is not diluted or mixed with other waste.

C) Each sample must be analyzed and the total organic concentration of the sample must be computed using Method 9060A (Total Organic Carbon) of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA 530/SW-846, incorporated by reference under 35 Ill. Adm. Code 720.111(a), or analyzed for its individual constituents.

D) The arithmetic mean of the results of the analyses of the four samples apply for each wastestream managed in the unit in determining the time-weighted, annual average total organic concentration of the waste. The time-weighted average is to be calculated using the annual quantity of each waste stream processed and the mean organic concentration of each wastestream managed in the unit.

2) Using knowledge of the waste to determine that its total organic concentration is less than 10 ppmw. Documentation of the waste determination is required. Examples of documentation that must be used to support a determination under this subsection (d)(2) include the following:

A) Production process information documenting that no organic compounds are used;

B) Information that the waste 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 wastestream having a total organic content less than 10 ppmw; or

C) Prior speciation analysis results on the same wastestream where it is also documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.

e) The determination that a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation that manages hazardous wastes that have 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 waste is first managed in a waste management unit, whichever is later; and either of the following:

2) For continuously generated waste, annually; or

3) Whenever there is a change in the waste being managed or a change in the process that generates or treats the waste.

f) When an owner or operator 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 waste with organic concentrations of at least 10 ppmw based on knowledge of the waste, direct measurement may be used to resolve the dispute, as specified in subsection (d)(1)~~ of this Section~~.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 724.935 Recordkeeping Requirements

a) Compliance Required.

1) Each owner or operator subject to the provisions of this Subpart AA must comply with the recordkeeping requirements of this Section.

2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart AA may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.

b) Owners and operators must record the following information in the facility operating record:

1) For facilities that comply with the provisions of Section 724.933(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 in the facility operating record 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 724.932, 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 waste management units on a facility plot plan).

B) Information and data supporting determination 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 waste management unit is operating at the highest load or capacity level reasonably expected to occur. If the owner or operator takes any action (e.g., managing a waste of different composition or increasing operating hours of affected waste 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 an owner or operator 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. The test plan must include the following:

A) A description of how it is determined that the planned test is going to be conducted when the hazardous waste 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;and

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.

4) Documentation of compliance with Section 724.933 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 724.933(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," 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 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) ~~of this Section~~ 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.

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.

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 724.933(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 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 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 would be operating at the highest load or capacity level reasonably expected to occur.

E) A statement signed and dated by the owner or operator 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 724.932(a) is achieved at an efficiency less than 95 weight percent or the total organic emission limits of Section 724.932(a) for affected process vents at the facility are 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 in the facility operating record. The information must include the following:

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 724.933(f)(1) and (f)(2).

3) Monitoring, operating and inspection information required by Section 724.933(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, any 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, any 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)~~ of this Section~~.

C) For a catalytic vapor incinerator, any period when:

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)(ii)~~ of this Section~~; or

ii) Temperature difference across the catalyst bed is less than 80% of the design average temperature difference established as a requirement of subsection (b)(4)(C)(ii)~~ of this Section~~.

D) For a boiler or process heater, any period when either of the following occurs:

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)~~ of this Section~~; 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)~~ of this Section~~.

E) For a flare, period when the pilot flame is not ignited.

F) For a condenser that complies with Section 724.933(f)(2)(F)(i), any 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) ~~of this Section~~.

G) For a condenser that complies with Section 724.933(f)(2)(F)(ii), any period when 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) ~~of this Section~~.

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) ~~of this Section~~.

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 complies with Section 724.933(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 concentration level established as a requirement of subsection (b)(4)(C)(vi) ~~of this Section~~.

I) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and complies with Section 724.933(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) ~~of this Section~~.

5) Explanation for each period recorded under subsection (c)(4) ~~of this Section~~ 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 724.933(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 724.933(h)(1), a log that records the following:

A) Date and time when control device is monitored for carbon breakthrough and the monitoring device reading; and

B) Date when existing carbon in the control device is replaced with fresh carbon.

8) Date of each control device startup and shutdown.

9) An owner or operator designating any components of a closed-vent system as unsafe to monitor pursuant to Section 724.933(o) must record in a log that is kept in the facility operating record the identification of closed-vent system components that are designated as unsafe to monitor in accordance with the requirements of Section 724.933(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.

10) When each leak is detected, as specified in Section 724.933(l), 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) of appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35

Ill. Adm. Code 720.111(b), 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 owner or operator 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) ~~of this Section~~ must be kept at least three years following the date of each occurrence, measurement, corrective action, or record.

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.

f) Up-to-date information and data used to determine whether or not a process vent is subject to the requirements in Section 724.932, including supporting documentation as required by Section 724.934(d)(2), when application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced is used, must be recorded in a log that is kept in the facility operating record.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 724.936 Reporting Requirements

a) A semiannual report must be submitted by owners and operators subject to the requirements of this Subpart AA to the Agency by dates specified in the RCRA permit. The report must include the following information:

1) The USEPA identification number (35 Ill. Adm. Code 722.112), name, and address of the facility.

2) For each month during the semiannual reporting period the following:

A) Dates when the control device did the following:

i) Exceeded or operated outside of the design specifications, as defined in Section 724.935(c)(4); and

ii) Such exceedances were not corrected within 24 hours, or that a flare operated with visible emissions, as defined by Reference Method 22 monitoring;

B) The duration and cause of each exceedance or visible emissions; and

C) Any corrective measures taken.

b) If during the semiannual reporting period, the control device does not exceed or operate outside of the design specifications, as defined in Section 724.935(c)(4), for more than 24 hours or a flare does not operate with visible emissions, as defined in Section 724.933(d), a report to the Agency is not required.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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

Section 724.981 Definitions

As used in this Subpart CC, all terms will have the meaning given to them in 35 Ill. Adm. Code 725.981; section 1004 of the federal Resource Conservation and Recovery Act (42 USC 6903), incorporated by reference in 35 Ill. Adm. Code 720.111; and 35 Ill. Adm. Code 720 through 726~~728~~.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 724.982 Standards: General

a) This Section applies to the management of hazardous waste in tanks, surface impoundments, and containers subject to this Subpart CC.

b) The owner or operator must control air pollutant emissions from each waste management unit in accordance with the standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit, except as provided for in subsection (c)~~ of this Section~~.

c) A tank, surface impoundment, or container is exempt from standards specified in Sections 724.984 through 724.987, as applicable, provided that all hazardous waste placed in the waste management unit is one of the following:

1) A tank, surface impoundment, or container for which all hazardous waste entering the unit has an average VO concentration at the point of waste origination of less than 500 parts per million by weight (ppmw). The average VO concentration must be determined by the procedures specified in Section 724.983(a). The owner or operator must review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the hazardous waste streams entering the unit.

2) A tank, surface impoundment, or container for which the organic content of all the hazardous waste entering the waste management unit has been reduced by an organic destruction or removal process that achieves any one of the following conditions:

A) The process removes or destroys the organics contained in the hazardous waste to a level such that the average VO concentration of the hazardous waste at the point of waste treatment is less than the exit concentration limit (C_t) established for the process. The average VO concentration of the hazardous waste at the point of waste treatment and the exit concentration limit for the process must be determined using the procedures specified in Section 724.983(b).

B) The process removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction

efficiency (R) for the process is equal to or greater than 95 percent, and the average VO concentration of the hazardous waste at the point of waste treatment is less than 100 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste treatment must be determined using the procedures specified in Section 724.983(b).

C) The process removes or destroys the organics contained in the hazardous waste to such a level that the actual organic mass removal rate (MR) for the process is equal to or greater than the required organic mass removal rate (RMR) established for the process. The required organic mass removal rate and the actual organic mass removal rate for the process must be determined using the procedures specified in Section 724.983(b).

D) The process is a biological process that destroys or degrades the organics contained in the hazardous waste so that either of the following conditions are met:

i) The organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the organic biodegradation efficiency (R_{bio}) for the process is equal to or greater than 95 percent. The organic reduction efficiency and the organic biodegradation efficiency for the process must be determined using the procedures specified in Section 724.983(b).

ii) The total actual organic mass biodegradation rate (MR_{bio}) for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate (RMR). The required organic mass removal rate and the actual organic mass biodegradation rate for the process must be determined using the procedures specified in Section 724.983(b).

E) The process removes or destroys the organics contained in the hazardous waste and meets all of the following conditions:

i) From the point of waste origination through the point where the hazardous waste enters the treatment process, the hazardous waste is continuously managed in waste management units that use air emission controls in accordance with the standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit.

ii) From the point of waste origination through the point where the hazardous waste enters the treatment process, any transfer of the hazardous waste is accomplished through continuous hard-piping or other closed system transfer that does not allow exposure of the waste to the atmosphere.

BOARD NOTE: The USEPA considers a drain system that meets the requirements of federal subpart RR of 40 CFR 63 (National Emission Standards for Individual Drain Systems) to be a closed system.

iii) The average VO concentration of the hazardous waste at the point of waste treatment is less than the lowest average VO concentration at the point of waste origination, determined for each of the individual hazardous waste streams entering the process or 500 ppmw, whichever value is lower. The average VO concentration of each individual hazardous waste stream at the point of waste origination must be determined using the procedures specified in Section 724.983(a). The average VO concentration of the hazardous waste at the point of waste treatment must be determined using the procedures specified in Section 724.983(b).

F) A process that removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent and the owner or operator certifies that the average VO concentration at the point of waste origination for each of the individual waste streams entering the process is less than 10,000

ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste origination must be determined using the procedures specified in Section 724.983(b) and Section 724.983(a), respectively.

G) A hazardous waste incinerator for which either of the following conditions is true:

i) The owner or operator 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

ii) The owner or operator has designed and operates the incinerator in accordance with the interim status requirements of Subpart O of 35 Ill. Adm. Code 725.

H) A boiler or industrial furnace for which either of the following conditions is true:

i) The owner or operator 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

ii) The owner or operator has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of Subpart O of 35 Ill. Adm. Code 725.

I) For the purpose of determining the performance of an organic destruction or removal process in accordance with the conditions in each of subsections (c)(2)(A) through (c)(2)(F)~~ of this Section~~, the owner or operator must account for VO concentrations determined to be below the limit of detection of the analytical method by using the following VO concentration:

i) If 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), is used for the analysis, one-

half the blank value determined in Section 4.4 of the method or a value of 25 ppmw, whichever is less.

ii) If any other analytical method is used, one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25° C.

3) A tank or surface impoundment used for biological treatment of hazardous waste in accordance with the requirements of subsection (c)(2)(D)~~ of this Section~~.

4) A tank, surface impoundment, or container for which all hazardous waste placed in the unit fulfills either of the following conditions:

A) It meets the numerical concentration limits for organic hazardous constituents, applicable to the hazardous waste, as specified in Table T to 35 Ill. Adm. Code 728; or

B) The organic hazardous constituents in the waste have been treated by the treatment technology established by USEPA for the waste, as set forth in 35 Ill. Adm. Code 728.142(a), or have been removed or destroyed by an equivalent method of treatment approved by the Agency pursuant to 35 Ill. Adm. Code 728.142(b).

5) A tank used for bulk feed of hazardous waste to a waste incinerator and all of the following conditions are met:

A) The tank is located inside an enclosure vented to a control device that is designed and operated in accordance with all applicable requirements specified under federal subpart FF of 40 CFR 61 (National Emission Standard for Benzene Waste Operations), incorporated by reference in 35 Ill. Adm. Code 720.111(b), for a facility at which the total annual benzene quantity from the facility waste is equal to or greater than 10 megagrams (11 tons) per year;

B) The enclosure and control device serving the tank were installed and began operation prior to November 25, 1996; and

C) The enclosure is 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" under appendix B to 40 CFR 52.741 (VOM Measurement Techniques for Capture Efficiency), incorporated by reference in 35 Ill. Adm. Code 720.111(b). 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 or electrical equipment; or to direct air flow into the enclosure. The owner or operator must perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T − Criteria for and Verification of a Permanent or Temporary Total Enclosure" annually.

d) The Agency may at any time perform or request that the owner or operator perform a waste determination for a hazardous waste managed in a tank, surface impoundment, or container that is exempted from using air emission controls under the provisions of this Section, as follows:

1) The waste determination for average VO concentration of a hazardous waste at the point of waste origination must be performed using direct measurement in accordance with the applicable requirements of Section 724.983(a). The waste determination for a hazardous waste at the point of waste treatment must be performed in accordance with the applicable requirements of Section 724.983(b).

2) In performing a waste determination pursuant to subsection (d)(1)~~ of this Section~~, the sample preparation and analysis must be conducted as follows:

A) In accordance with the method used by the owner or operator to perform the waste analysis, except in the case specified in subsection (d)(2)(B)~~ of this Section~~.

B) If the Agency determines that the method used by the owner or operator was not appropriate for the hazardous waste managed in

the tank, surface impoundment, or container, then the Agency may choose an appropriate method.

3) Where the owner or operator is requested to perform the waste determination, the Agency may elect to have an authorized representative observe the collection of the hazardous waste samples used for the analysis.

4) Where the results of the waste determination performed or requested by the Agency do not agree with the results of a waste determination performed by the owner or operator using knowledge of the waste, then the results of the waste determination performed in accordance with the requirements of subsection (d)(1)~~ of this Section~~ must be used to establish compliance with the requirements of this Subpart CC.

5) Where the owner or operator has used an averaging period greater than one hour for determining the average VO concentration of a hazardous waste at the point of waste origination, the Agency may elect to establish compliance with this Subpart CC by performing or requesting that the owner or operator perform a waste determination using direct measurement based on waste samples collected within a one-hour period, as follows:

A) The average VO concentration of the hazardous waste at the point of waste origination must be determined by direct measurement in accordance with the requirements of Section 724.983(a).

B) Results of the waste determination performed or requested by the Agency showing that the average VO concentration of the hazardous waste at the point of waste origination is equal to or greater than 500 ppmw must constitute noncompliance with this Subpart CC, except in a case as provided for in subsection (d)(5)(C)~~ of this Section~~.

C) Where the average VO concentration of the hazardous waste at the point of waste origination previously has been determined by the owner or operator using an averaging period greater than one hour to be less than 500 ppmw but because of normal operating process variations the VO concentration of the hazardous waste determined

by direct measurement for any given one-hour period may be equal to or greater than 500 ppmw, information that was used by the owner or operator to determine the average VO concentration of the hazardous waste (e.g., test results, measurements, calculations, and other documentation) and recorded in the facility records in accordance with the requirements of Section 724.983(a) and Section 724.989 must be considered by the Agency together with the results of the waste determination performed or requested by the Agency in establishing compliance with this Subpart CC.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 724.986 Standards: Containers

a) The provisions of this Section apply to the control of air pollutant emissions from containers for which Section 724.982(b) references the use of this Section for such air emission control.

b) General requirements.

1) The owner or operator must control air pollutant emissions from each container subject to this Section in accordance with the following requirements, as applicable to the container, except when the special provisions for waste stabilization processes specified in subsection (b)(2) ~~of this Section~~ apply to the container.

A) For a container having a design capacity greater than 0.1 m^3 (26 gal) and less than or equal to 0.46 m^3 (120 gal), the owner or operator must control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) ~~of this Section~~.

B) For a container having a design capacity greater than 0.46 m^3 (120 gal) that is not in light material service, the owner or operator must control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) ~~of this Section~~.

C) For a container having a design capacity greater than 0.46 m^3 (120

gal) that is in light material service, the owner or operator must control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in subsection (d)~~ of this Section~~.

2) When a container having a design capacity greater than 0.1 m^3 (26 gal) is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator must control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in subsection (e) of this Section at those times during the waste stabilization process when the hazardous waste in the container is exposed to the atmosphere.

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 USDOT regulations on packaging hazardous materials for transportation, as specified in subsection (f)~~ of this Section~~.

B) A container equipped with a cover and closure devices that form a continuous barrier over the container openings so 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 waste in the container so that no hazardous waste 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)~~ of this Section~~ 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 waste to the atmosphere and to maintain the equipment integrity for as long as it is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of contact with the hazardous waste 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 waste is in a container using Container Level 1 controls, the owner or operator 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 waste or other material to the container, as follows:

i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator 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) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator 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 waste from the container, as follows:

i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), 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) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator 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 waste. Examples of such activities 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 owner or operator 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 that 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 emissions when the device is secured in the closed position. The settings at which the device opens must be established so 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 owner or operator 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 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator of containers using Container Level 1 controls must inspect the containers and their covers and closure devices, as follows:

A) In the case when a hazardous waste already is in the container at the time the owner or operator 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., it does not meet the conditions for an empty container, as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator 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 on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest, as set forth in the appendix to 40 CFR 262 (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), incorporated by reference in 35 Ill. Adm. Code 720.111(b)

(USEPA Forms 8700-22 and 8700-22A), as required under Section 724.171. If a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (c)(4)(C)~~ of this Section~~.

B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator 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 owner or operator must repair the defect in accordance with the requirements of subsection (c)(4)(C)~~ of this Section~~.

C) When a defect is detected for the container, cover, or closure devices, the owner or operator 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 waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

5) The owner or operator must maintain at the facility a copy of the procedure used to determine that containers with capacity of 0.46 m^3 (120 gal) or greater that do not meet applicable USDOT regulations, as specified in subsection (f)~~ of this Section~~, are not managing hazardous waste 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)~~ of this Section~~.

B) A container that operates with no detectable organic emissions, as

defined in 35 Ill. Adm. Code 725.981, and determined in accordance with the procedure specified in subsection (g)~~ of this Section~~.

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 Using Pressure-Vacuum Test) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b), in accordance with the procedure specified in subsection (h)~~ of this Section~~.

2) Transfer of hazardous waste 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 waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that the USEPA considers to meet the requirements of this subsection (d)(2) 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 waste is filled and subsequently purging the transfer line before removing it from the container opening.

3) Whenever a hazardous waste is in a container using Container Level 2 controls, the owner or operator 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 waste or other material to the container, as follows:

i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator 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) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon whichever of the following conditions occurs first: 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.

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container, as follows:

i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), 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) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator 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 waste. Examples of such activities 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 owner or operator 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 that 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 so 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 owner or operator 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 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator of containers using Container Level 2 controls must inspect the containers and their covers and closure devices, as follows:

A) In the case when a hazardous waste already is in the container at the time the owner or operator 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., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator 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 on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest, in the appendix to 40 CFR 262 (Uniform Hazardous Waste Manifest and Instructions (USEPA Forms 8700-22 and 8700-22A and Their Instructions)), as required under Section 724.171. If a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (d)(4)(C)~~ of this Section~~.

B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator 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 owner or operator must repair the defect in accordance with the requirements of subsection (d)(4)(C)~~ of this Section~~.

C) When a defect is detected for the container, cover, or closure devices, the owner or operator 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 waste must be removed from the container and the container must not be used to manage hazardous waste 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)~~ of this Section~~.

B) A container that is vented inside an enclosure that 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)~~ of this Section~~.

2) The owner or operator must meet the following requirements, as applicable to the type of air emission control equipment selected by the owner or operator:

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" under appendix B to 40 CFR 52.741 (VOM Measurement Techniques for Capture Efficiency), incorporated by reference in 35 Ill. Adm. Code 720.111(b). 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 owner or operator must perform the verification procedure for the enclosure, as specified in Section 5.0 to "Procedure T – Criteria for and Verification of a Permanent or 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 724.987.

3) Safety devices, as defined in 35 Ill. Adm. Code 725.981, 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)~~ of this Section~~.

4) Owners and operators 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 724.987.

5) Owners and operators that use Container Level 3 controls in accordance with the provisions of this Subpart CC must prepare and maintain the records specified in Section 724.989(d).

6) The transfer of hazardous waste into or out of a container using Container Level 3 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that USEPA considers to meet the requirements of this subsection (e)(6) include using any one of the following: the use of a submerged-fill pipe or other submerged-fill method to load liquids into the container; the use of a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or the use of a fitted opening in the top of a container through which the hazardous waste 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)~~ of this Section~~, containers must be used that meet the applicable USDOT regulations on packaging hazardous materials for transportation, as follows:

1) The container meets the applicable requirements specified by USDOT in 49 CFR 178 (Specifications for Packaging), or 49 CFR 179 (Specifications for Tank Cars), each incorporated by reference in 35 Ill. Adm. Code 720.111(b).

2) Hazardous waste is managed in the container in accordance with the applicable requirements specified by USDOT in subpart B of 49 CFR 107 (Exemptions), 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), 49 CFR 173 (Shippers – General Requirements for Shipments and Packages), and 49 CFR 180

(Continuing Qualification and Maintenance of Packagings), each incorporated by reference in 35 Ill. Adm. Code 720.111(b).

3) For the purpose of complying with this Subpart CC, no exceptions to the 49 CFR 178 or 179 regulations are allowed, except as provided for in subsection (f)(4)~~ of this Section~~.

4) For a lab pack that is managed in accordance with the USDOT requirements of 49 CFR 178 (Specifications for Packagings), for the purpose of complying with this Subpart CC, an owner or operator may comply with the exceptions for combination packagings specified by USDOT in 49 CFR 173.12(b) (Exceptions for Shipments of Waste Materials), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

g) To determine compliance with the no detectable organic emissions requirement of subsection (d)(1)(B)~~ of this Section~~, the procedure specified in Section 724.983(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 following: 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 wastes 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 for the purpose of complying with subsection (d)(1)(C)~~ of this Section~~.

1) The test must be performed in accordance with Reference Method 27.

2) A pressure measurement device must be used that has a precision of ± 2.5

mm (0.098 in) 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 750 Pascals (0.11 psig) within five minutes after it is pressurized to a minimum of 4,500 Pascals (0.65 psig), then the container is determined to be vapor-tight.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART DD: CONTAINMENT BUILDINGS

Section 724.1101 Design and Operating Standards

a) All containment buildings must comply with the following design and operating standards:

1) The containment building must be completely enclosed with a floor, walls, and a roof to prevent exposure to the elements (e.g., precipitation, wind, run on) and to assure containment of managed wastes.

2) The floor and containment walls of the unit, including the secondary containment system if required under subsection (b)~~ of this Section~~, must be designed and constructed of materials of sufficient strength and thickness to support themselves, the waste contents, and any personnel and heavy equipment that operate within the unit, and to prevent failure due to pressure gradients, settlement, compression, or uplift, physical contact with the hazardous wastes to which they are exposed; climatic conditions; and the stresses of daily operation, including the movement of heavy equipment within the unit and contact of such equipment with containment walls. The unit must be designed so that it has sufficient structural strength to prevent collapse or other failure. All surfaces to be in contact with hazardous wastes must be chemically compatible with those wastes. The containment building must meet the structural integrity requirements established by professional organizations generally recognized by the industry such as the American Concrete Institute (ACI) and the American Society of Testing Materials (ASTM). If appropriate to the nature of the waste management operation to take place in the unit, an exception to the

structural strength requirement may be made for light-weight doors and windows that meet the following criteria:

A) They provide an effective barrier against fugitive dust emissions under subsection (c)(1)(C)~~ of this Section~~; and

B) The unit is designed and operated in a fashion that assures that wastes will not actually come in contact with these openings.

3) Incompatible hazardous wastes or treatment reagents must not be placed in the unit or its secondary containment system if they could cause the unit or secondary containment system to leak, corrode, or otherwise fail.

4) A containment building must have a primary barrier designed to withstand the movement of personnel, waste, and handling equipment in the unit during the operating life of the unit and appropriate for the physical and chemical characteristics of the waste to be managed.

b) For a containment building used to manage hazardous wastes containing free liquids or treated with free liquids (the presence of which is determined by the paint filter test, a visual examination, or other appropriate means), the owner or operator must include the following:

1) A primary barrier designed and constructed of materials to prevent the migration of hazardous constituents into the barrier (e.g., a geomembrane covered by a concrete wear surface).

2) A liquid collection and removal system to minimize the accumulation of liquid on the primary barrier of the containment building, as follows:

A) The primary barrier must be sloped to drain liquids to the associated collection system; and

B) Liquids and waste must be collected and removed to minimize hydraulic head on the containment system at the earliest practicable time.

3) A secondary containment system including a secondary barrier designed and constructed to prevent migration of hazardous constituents into the

barrier, and a leak detection system that is capable of detecting failure of the primary barrier and collecting accumulated hazardous wastes and liquids at the earliest practicable time.

A) The requirements of the leak detection component of the secondary containment system are satisfied by installation of a system that is, at a minimum, as follows:

i) It is constructed with a bottom slope of 1 percent or more; and

ii) It is constructed of a granular drainage material with a hydraulic conductivity of 1×10^{-2} cm/sec or more and a thickness of 12 inches (30.5 cm) or more, or constructed of synthetic or geonet drainage materials with a transmissivity of 3×10^{-5} m^2/sec or more.

B) If treatment is to be conducted in the building, an area in which such treatment will be conducted must be designed to prevent the release of liquids, wet materials, or liquid aerosols to other portions of the building.

C) The secondary containment system must be constructed of materials that are chemically resistant to the waste and liquids managed in the containment building and of sufficient strength and thickness to prevent collapse under the pressure exerted by overlaying materials and by any equipment used in the containment building. (Containment buildings can serve as secondary containment systems for tanks placed within the building under certain conditions. A containment building can serve as an external liner system for a tank, provided it meets the requirements of Section 724.193(e)(1). In addition, the containment building must meet the requirements of Section 724.193(b) and Sections 724.193(c)(1) and (c)(2) to be an acceptable secondary containment system for a tank.)

4) For existing units other than 90-day generator units, USEPA may delay the secondary containment requirement for up to two years, based on a demonstration by the owner or operator that the unit substantially meets

the standards of this Subpart DD. In making this demonstration, the owner or operator must have done the following:

A) Provided written notice to USEPA of their request by November 16, 1992. This notification must have described the unit and its operating practices with specific reference to the performance of existing systems, and specific plans for retrofitting the unit with secondary containment;

B) Responded to any comments from USEPA on these plans within 30 days; and

C) Fulfilled the terms of the revised plans, if such plans are approved by USEPA.

c) An owner or operator of a containment building must do the following:

1) It must use controls and practice to ensure containment of the hazardous waste within the unit, and at a minimum:

A) Maintain the primary barrier to be free of significant cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be release from the primary barrier;

B) Maintain the level of the stored or treated hazardous waste within the containment walls of the unit so that the height of any containment wall is not exceeded;

C) Take measures to prevent the tracking of hazardous waste out of the unit by personnel or by equipment used in handling the waste. An area must be designated to decontaminate equipment and any rinsate must be collected and properly managed; and

D) Take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visible emissions (see 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(b). In

addition, all associated particulate collection devices (e.g., fabric filter, electrostatic precipitator, etc.) must be operated and maintained with sound air pollution control practices (see 40 CFR 60 for guidance). This state of no visible emissions must be maintained effectively at all times during routine operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.

BOARD NOTE: At 40 CFR 264.1101(c)(1)(iv) (2005), USEPA cites "40 CFR part 60, subpart 292." At 57 Fed. Reg. 37217 (Aug. 18, 1992), USEPA repeats this citation in the preamble discussion of adoption of the rules. No such provision exists in the Code of Federal Regulations. While 40 CFR 60.292 of the federal regulations pertains to control of fugitive dust emissions, that provision is limited in its application to glass melting furnaces. The Board has chosen to use the general citation: "40 CFR 60."

2) It must obtain and keep on site a certification by a qualified Professional Engineer that the containment building design meets the requirements of subsections (a) through (c)~~ of this Section~~.

3) Throughout the active life of the containment building, if the owner or operator detects a condition that could lead to or has caused a release of hazardous waste, it must repair the condition promptly, in accordance with the following procedures:

A) Upon detection of a condition that has led to a release of hazardous wastes (e.g., upon detection of leakage from the primary barrier) the owner or operator must do the following:

i) Enter a record of the discovery in the facility operating record;

ii) Immediately remove the portion of the containment building affected by the condition from service;

iii) Determine what steps must be taken to repair the containment building, remove any leakage from the secondary collection system, and establish a schedule for

accomplishing the cleanup and repairs; and

iv) Within seven days after the discovery of the condition, notify the Agency in writing of the condition, and within 14 working days, provide a written notice to the Agency with a description of the steps taken to repair the containment building, and the schedule for accomplishing the work.

B) The Agency must review the information submitted, make a determination in accordance with Section 34 of the Act, regarding whether the containment building must be removed from service completely or partially until repairs and cleanup are complete, and notify the owner or operator of the determination and the underlying rationale in writing.

C) Upon completing all repairs and cleanup the owner and operator must notify the Agency in writing and provide a verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with subsection (c)(3)(A)(iv)~~ of this Section~~.

4) It must inspect and record in the facility's operating record, at least once every seven days, data gathered from monitoring and leak detection equipment, as well as the containment building and the area immediately surrounding the containment building, to detect signs of releases of hazardous waste.~~.~~

d) For a containment building that contains both areas with and without secondary containment, the owner or operator must do the following:

1) Design and operate each area in accordance with the requirements enumerated in subsections (a) through (c)~~ of this Section~~;

2) Take measures to prevent the release of liquids or wet materials into areas without secondary containment; and

3) Maintain in the facility's operating log a written description of the operating procedures used to maintain the integrity of areas without

secondary containment.

e) Notwithstanding any other provision of this Subpart DD, the Agency must, in writing, allow the use of alternatives to the requirements for secondary containment for a permitted containment building where the Agency has determined that the facility owner or operator has adequately demonstrated that the only free liquids in the unit are limited amounts of dust suppression liquids required to meet occupational health and safety requirements, and where containment of managed wastes and liquids can be assured without a secondary containment system.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 724.1102 Closure and Post-Closure Care

a) At closure of a containment building, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless 35 Ill. Adm. Code 721.103(e) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for containment buildings must meet all of the requirements specified in Subparts G and H of of this Part~~35 Ill. Adm. Code 739~~.

b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in subsection (a)~~ of this Section~~, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, he must close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (Section~~35 Ill. Adm. Code~~ 724.310). In addition, for the purposes of closure, post-closure, and financial responsibility, such a containment building is then considered to be a landfill, and the owner or operator must meet all the requirements for landfills specified in Subparts G and H of this Part~~35 Ill. Adm. Code 739~~.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

2) Code Citation: 35 Ill. Adm. Code 725

3)

Section Numbers:	Proposed Actions:
725.173	Amendment
725.440	Amendment
725.502	Amendment
725.933	Amendment
725.934	Amendment
725.935	Amendment
725.952	Amendment
725.964	Amendment
725.983	Amendment
725.984	Amendment
725.985	Amendment
725.987	Amendment
725.1101	Amendment

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

5) A Complete Description of Subjects and Issues Involved: The amendments to Part 725 are a single segment of the docket R16-7 rulemaking that also affects 35 Ill. Adm. Code 703, 720, 721, 722, 724, 726, 727, 728, and 733, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R16-7 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 is stated in the Notice of Adopted Amendments for 35 Ill. Adm. Code 703. 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 725 are corrections and clarifying amendments that are not directly derived from the instant federal amendments. This includes corrections submitted by USEPA as a result of review of the rules for the purpose of authorization of the Illinois RCRA Subtitle C program.

Tables appear in the Board's opinion and order of March 3, 2016 in docket R16-7 that list numerous corrections and amendments that are not based on current federal amendments.

The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the March 3, 2016 opinion and order in docket R16-7.

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

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

9) Does this rulemaking contain incorporations by reference? No

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

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

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R16-7 and be addressed to:

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

Please direct inquiries to the following person and reference docket R16-7:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Michael J. McCambridge
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100 W. Randolph 11-500
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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 that generate, transport, treat, store, or dispose of hazardous waste. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].

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

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

14) Regulatory Agenda on which this rulemaking was summarized: December 4, 2015; 39 Ill. Reg. 15637-39

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 725
INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

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

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg.

2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11078, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 369, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17620, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1850, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9168, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1076, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9575, effective June 20, 2000; amended in R03-7 at 27 Ill. Reg. 4187, effective February 14, 2003; amended in R05-8 at 29 Ill. Reg. 6028, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6389, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3460, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1031, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12566, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1155, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18890, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 18052, effective October 14, 2011; amended in R13-15 at 37 Ill. Reg. 17811, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1746, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. _____, effective _____.

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

Section 725.173 Operating Record

a) The owner or operator must keep a written operating record at the facility.

b) The following information must be recorded as it becomes available and maintained in the operating record for three years unless otherwise provided as follows:

1) A description and the quantity of each hazardous waste received and the methods and dates of its treatment, storage, or disposal at the facility, as required by Appendix A to this Part. This information must be maintained in the operating record until closure of the facility;

2) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities the location and quantity of each hazardous waste must be recorded on a map or diagram that shows each cell or disposal area. For all facilities this information must include cross-references to manifest document numbers if the waste was accompanied by a manifest. This information must be maintained in the operating record until closure of the facility;

BOARD NOTE: See Sections 725.219, 725.379, and 725.409 for related requirements.

3) Records and results of waste analysis, waste determinations, and trial tests performed, as specified in Sections 725.113, 725.300, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475, 725.502, 725.934, 725.963, and 725.984 and 35 Ill. Adm. Code 728.104(a) and 728.107;

4) Summary reports and details of all incidents that require implementing the contingency plan, as specified in Section 725.156(j);

5) Records and results of inspections, as required by Section 725.115(d) (except these data need be kept only three years);

6) Monitoring, testing, or analytical data, where required by Subpart F of this Part or Sections 725.119, 725.194, 725.291, 725.293, 725.295, 725.324, 725.326, 725.355, 725.360, 725.376, 725.378, 725.380(d)(1), 725.402, 725.404, 725.447, 725.477, 725.934(c) through (f), 725.935, 725.963(d) through (i), 725.964, and 725.983~~725.1083~~ through 725.990. Maintain in the operating record for three years, except for records and results pertaining to groundwater monitoring and cleanup, and response action

plans for surface impoundments, waste piles, and landfills, which must be maintained in the operating record until closure of the facility;

BOARD NOTE: As required by Section 725.194, monitoring data at disposal facilities must be kept throughout the post-closure period.

7) All closure cost estimates under Section 725.242 and, for disposal facilities, all post-closure cost estimates under Section 725.244 must be maintained in the operating record until closure of the facility;

8) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension of the effective date of any land disposal restriction granted pursuant to 35 Ill. Adm. Code 728.105, a petition pursuant to 35 Ill. Adm. Code 728.106, or a certification under 35 Ill. Adm. Code 728.108 and the applicable notice required of a generator under 35 Ill. Adm. Code 728.107(a). All of this information must be maintained in the operating record until closure of the facility;

9) For an off-site treatment facility, a copy of the notice and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

10) For an on-site treatment facility, the information contained in the notice (except the manifest number) and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

11) For an off-site land disposal facility, a copy of the notice and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107 or 728.108;

12) For an on-site land disposal facility, the information contained in the notice required of the generator or owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107, except for the manifest number, and the certification and demonstration, if applicable, required under 35 Ill. Adm. Code 728.107 or 728.108;

13) For an off-site storage facility, a copy of the notice and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

14) For an on-site storage facility, the information contained in the notice (except the manifest number) and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108; and

15) Monitoring, testing or analytical data, and corrective action, where required by Sections 725.190 and 725.193(d)(2) and (d)(5), and the certification, as required by Section 725.296(f)~~725.196(f)~~, must be maintained in the operating record until closure of the facility.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART O: INCINERATORS

Section 725.440 Applicability

a) The regulations in this Subpart O apply to owners or operators of hazardous waste incinerators (as defined in 35 Ill. Adm. Code 720.110), except as 35 Ill. Adm. Code 724.101 provides otherwise.

b) Integration of the MACT standards.

1) Except as provided by subsections (b)(2) and (b)(3)~~ of this Section~~, the standards of this Part no longer apply when an owner or operator demonstrates compliance with the maximum achievable control technology (MACT) requirements 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), by conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance, under 40 CFR 63.1207(j) and 63.1210(d)~~63.1210(b)~~, documenting compliance with the requirements of subpart EEE of 40 CFR 63.

2) The MACT standards of subpart EEE of 40 CFR 63 do not replace the closure requirements of Section 724.451 or the applicable requirements of

Subparts A through H, BB, and CC of this Part.

3) Section 725.445, generally prohibiting burning of hazardous waste during startup and shutdown, remains in effect if the owner or operator elects to comply with 35 Ill. Adm. Code 703.320(b)(1)(A) to minimize emissions of toxic compounds from startup and shutdown.

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. Sections 9.1 and 39.5 of the Environmental Protection Act [415 ILCS 5/9.1 and 39.5] make the federal MACT standards directly applicable to entities in Illinois and authorize the Agency to issue permits based on the federal standards.

c) An owner or operator of an incinerator that burns hazardous waste is exempt from all of the requirements of this Subpart O, except Section 725.451 (Closure), provided that the owner or operator has documented, in writing, that the waste would not reasonably be expected to contain any of the hazardous constituents listed in Appendix H to 35 Ill. Adm. Code 721 and such documentation is retained at the facility, if the waste to be burned is one of the following:

1) It 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) It 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;

3) It is a hazardous waste solely because it possesses the characteristic of ignitability, corrosivity, or both, as determined by the tests for characteristics of hazardous wastes under Subpart C of 35 Ill. Adm. Code 721; or

4) It is a hazardous waste solely because it possesses the reactivity characteristics described by 35 Ill. Adm. Code 721.123(a)(1), (a)(2), (a)(3), (a)(6), (a)(7), or (a)(8) and will not be burned when other hazardous wastes are present in the combustion zone.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART Q: CHEMICAL, PHYSICAL, AND BIOLOGICAL TREATMENT

Section 725.502 Waste Analysis and Trial Tests

a) In addition to the waste analysis required by Section 725.113(b)~~ of this Section~~ applies whenever either of the following conditions exist:

1) A hazardous waste that is substantially different from waste previously treated in a treatment process or equipment at the facility is to be treated in that process or equipment;~~,~~ or

2) A substantially different process from any previously used at the facility is to be used to chemically treat hazardous waste.

b) To show that this proposed treatment will meet all applicable requirements of Section 725.501(a) and (b), the owner or operator must, before treating the different waste or using the different process or equipment:

1) Conduct waste analyses and trial treatment tests (e.g., bench scale or pilot plant scale tests);~~,~~ or

2) Obtain written, documented information on similar treatment of similar waste under similar operating conditions.

BOARD NOTE: As required by Section 725.113, the waste analysis plan must include analyses needed to comply with Sections 725.505 and 725.506. As required by Section 725.173, the owner or operator must place the results from each waste analysis and trial test, or the documented information, in the operating record of the facility.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section 725.933 Standards: Closed-Vent Systems and Control Devices

a) Compliance Required.

1) Owners or operators of closed-vent systems and control devices used to comply with provisions of this Part must comply with the provisions of this Section.

2) Implementation Schedule.

A) The owner or operator of an existing facility that cannot install a closed-vent system and control device to comply with the provisions of this Subpart AA on the effective date that the facility becomes subject to the provisions of this Subpart AA 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 AA for installation and startup.

B) Any unit that begins operation after December 21, 1990, and which is subject to the provisions of this Subpart AA 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.

C) The owner or operator of any facility in existence on the effective date of a statutory or regulatory amendment that renders the facility subject to this Subpart AA must comply with all requirements of this Subpart AA as soon as practicable but no later than 30 months after the effective date of the amendment. When control equipment required by this Subpart AA cannot be installed and begin operation by the effective date of the amendment, 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 AA. The owner or operator must enter the implementation schedule in the

operating record or in a permanent, readily available file located at the facility.

D) An owner or operator of a facility or unit that becomes newly subject to the requirements of this Subpart AA after December 8, 1997, due to an action other than those described in subsection (a)(2)(iii) ~~of this Section~~ must comply with all applicable requirements immediately (i.e., the facility or unit must have control devices installed and operating on the date the facility or unit becomes subject to this Subpart AA; the 30-month implementation schedule does not apply).

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 725.932(a)(1) for all affected process vents is attained at an efficiency less than 95 weight percent.

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 degrees Celsius (°C). If a boiler or process heater is used as the control device, then the vent stream must be introduced into the flame combustion 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) ~~of this Section~~ 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)~~(f)(2)(c) of this Section~~.

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 nonassisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e)(2)~~ of this Section~~.

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)~~ of this Section~~, less than 18.3 m/s (60 ft/s), except as provided in subsections (d)(4)(B) and (d)(4)(C)~~ of this Section~~.

B) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3)~~ of this Section~~, 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).

C) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3)~~ of this Section~~, less than the velocity, V 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, as determined by the method specified in subsection (e)(5)~~ of this Section~~.

6) A flare used to comply with this Section must be steam-assisted, air-assisted, or nonassisted.

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(b), 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 Reference Method 22.

2) The net heating value of the gas being combusted in a flare must be calculated using the following equation:

$$H_T = K \times \sum_{i=1}^{n} C_i \times H_i$$

Where:

H_T = the net heating value of the sample in 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 1 mole is 20° C

K = 1.74×10^{-7} (1/ppm) (g mol/scm) (MJ/kcal) where the standard temperature for (g mol/scm) is 20° C

ΣX_i = the sum of the values of X for each component i, from i=1 to n

C_i = the concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 (Measurement of Gaseous Organic Compound Emissions by Gas Chromatography) in appendix A to 40 CFR 60 (Test Methods), and for carbon monoxide, by ASTM D 1946-90 (Standard Practice for Analysis of Reformed Gas by Gas Chromatography), each incorporated by reference in 35 Ill. Adm. Code 720.111

H_i = ~~is~~ the net heat of combustion of sample component i, kcal/gmol at 25° C and 760 mm Hg. The heats of combustion must be determined using ASTM D 2382-88 (Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method)), incorporated by reference in 35 Ill. Adm. Code 720.111(a), 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), incorporated by reference in 35 Ill. Adm. Code 720.111(b), as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

4) The maximum allowed velocity in m/s, V for a flare complying with subsection (d)(4)(C) ~~of this Section~~ must be determined by the following equation:

$$\log_{10}(V_{\max}) = \frac{H_T + 28.8}{31.7}$$

Where:

$\log_{10}$ = logarithm to the base 10
H_T = the net heating value as determined in subsection (e)(2) ~~of this Section~~.

5) The maximum allowed velocity in m/s, V, for an air-assisted flare must be determined by the following equation:

$$V = 8.706 + 0.7084 H_T$$

Where:

H_T = the net heating value as determined in subsection (e)(2) ~~of this Section~~.

f) The owner or operator 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 being combined with other vent streams.

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 accuracy of ±1 percent of the temperature being monitored in ° C or ±0.5° 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 ° C or ±0.5° 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.

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 ° C or ±0.5° 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 parameters that indicate good combustion operating practices are being used.

F) For a condenser, either of the following:

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 degrees Celsius (° C) or ±0.5° 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, such as a fixed-bed carbon adsorber that regenerates the carbon bed directly in the control device, either of the following:

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.

3) Inspect the readings from each monitoring device required by subsections (f)(1) and (f)(2)~~ of this Section~~ 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) An owner or operator 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 725.935(b)(4)(C)(vi).

h) An owner or operator 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 725.935(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 725.935(b)(4)(C)(vii).

i) An owner or operator of 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.

j) 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 methods specified at Section 725.934(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.

k) The owner or operator 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 (j)(1) ~~of this Section~~ 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 owner or operator on or before the date that the system becomes subject to this Section. The owner or operator must monitor the closed-vent system components and connections using the procedures specified in Section 725.934(b) to demonstrate that the closed-vent system operates with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background.

B) After initial leak detection monitoring required in subsection (k)(1)(A) ~~of this Section~~, the owner or operator 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 owner or operator must monitor a component or connection using the procedures specified in Section 725.934(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 (k)(1)(B)(i) ~~of this Section~~ must be monitored annually and at other times as requested by the Agency, except as provided for in subsection (n) ~~of~~

~~this Section~~, using the procedures specified in Section 725.934(b) to demonstrate that the components or connections operate with no detectable emissions.

C) In the event that a defect or leak is detected, the owner or operator must repair the defect or leak in accordance with the requirements of subsection (k)(3)~~ of this Section~~.

D) The owner or operator must maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 725.935.

2) Each closed-vent system that is used to comply with subsection (j)(2)~~ of this Section~~ must be inspected and monitored in accordance with the following requirements:

A) The closed-vent system must be visually inspected by the owner or operator 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 owner or operator 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 owner or operator must perform the inspections at least once every year.

C) In the event that a defect or leak is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (k)(3)~~ of this Section~~.

D) The owner or operator must maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 725.935.

3) The owner or operator 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

days after the emission is detected, except as provided for in subsection (k)(3)(C)~~ of this Section~~.

B) A first attempt at repair must be made no later than five 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 owner or operator 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 owner or operator must maintain a record of the defect repair in accordance with the requirements specified in Section 725.935.

l) A closed-vent system or control device used to comply with provisions of this Subpart AA must be operated at all times when emissions may be vented to it.

m) The owner or operator using a carbon adsorption system to control air pollutant emissions must document that all carbon removed that is a hazardous waste and that is removed from the control device is managed in one of the following manners, regardless of the volatile organic concentration of the carbon:

1) It is 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 35 Ill. Adm. Code 724; or

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 35 Ill. Adm. Code 724; or

C) The unit is equipped with and operating air emission controls in accordance with a federal national emission standard for hazardous air pollutants under 40 CFR 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(b).

2) It is incinerated in a hazardous waste incinerator for which the owner or operator has done either of the following:

A) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart O of 35 Ill. Adm. Code 724; or

B) The owner or operator has designed and operates the incinerator in accordance with the interim status requirements of Subpart O of this Part.

3) It is burned in a boiler or industrial furnace for which the owner or operator has done either of the following:

A) The owner or operator 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) The owner or operator 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.

n) Any components of a closed-vent system that are designated, as described in Section 725.935(c)(9), as unsafe to monitor are exempt from the requirements of subsection (k)(1)(B)(ii)~~ of this Section~~ if both of the following conditions are fulfilled:

1) The owner or operator of the closed-vent system has determined 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 (k)(1)(B)(ii)~~ of this Section~~; and

2) The owner or operator of the closed-vent system adheres to a written plan that requires monitoring the closed-vent system components using the

procedure specified in subsection (k)(1)(B)(ii) ~~of this Section~~ as frequently as practicable during safe-to-monitor times.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 725.934 Test Methods and Procedures

a) Each owner or operator subject to the provisions of this Subpart AA must comply with the test methods and procedures requirements provided in this Section.

b) When a closed-vent system is tested for compliance with no detectable emissions, as required in Section 725.933(k), 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(b).

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.

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 725.932(a) and with the total organic compound concentration limit of Section 725.933(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(b), for velocity and volumetric flow rate.

B) Reference Method 18 (Measurement of Gaseous Organic Compound Emissions by Gas Chromatography) or 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(b), for organic content. If Reference Method 25A is used, the organic hazardous air pollutant (HAP) used as the calibration gas must be the single HAP that represents 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 conducted for at least 1 hour under the conditions that exist when the hazardous waste management unit is 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 applies. 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 a source utilizing Reference Method 18:

$$E_h = Q_{2sd} \times \left(\sum_{i=1}^{n} C_i \times MW_i \right) \times 0.0416 \times 10^{-6}$$

Where:

E_h	=	The total organic mass flow rate, kg/h~~;~~
Q_{2sd}	=	The volumetric flow rate of gases entering or exiting control device, dscm/h, as determined by Reference Method 2
n	=	The number of organic compounds in the vent gas
C_i	=	The organic concentration in ppm, dry basis, of compound i in the vent gas, as determined by Reference Method 18
MW_i	=	The molecular weight of organic compound i in the vent gas, kg/kg-mol
0.0416	=	The conversion factor for molar volume, kg-mol/m^3, at 293 K and 760 mmHg
10^{-6}	=	The conversion factor from ppm.

ii) For a source utilizing Reference Method 25A:

$$E_h = Q \times C \times MW \times 0.0416 \times 10^{-6}$$

Where:

E_h	=	The total organic mass flow rate, kg/h
Q	=	The volumetric flow rate of gases entering or exiting control device, dscm/h, as determined by Reference Method 2
C	=	The organic concentration in ppm, dry basis, of compound i in the vent gas, as determined by Reference Method 25A
MW	=	The molecular weight of propane, 44 kg/kg-

mol

0.0416 = The conversion factor for molar volume, kg-mol/m^3, at 293 K and 760 mmHg

10^{-6} = The conversion factor from ppm.

E) The annual total organic emission rate must be determined by the following equation:

$$A = F \times H$$

Where:

A = total organic emission rate, kg/y

F = the total organic mass flow rate, kg/h, as calculated in subsection (c)(1)(D)~~ of this Section~~

H = the total annual hours of operation for the affected unit.

F) Total organic emissions from all affected process vents at the facility must be determined by summing the hourly total organic mass emissions rates (F, as determined in subsection (c)(1)(D)~~ of this Section~~) and by summing the annual total organic mass emission rates (A, as determined in subsection (c)(1)(E)~~ of this Section~~) for all affected process vents at the facility.

2) The owner or operator must record such process information as is necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown and malfunction do not constitute representative conditions for the purpose of a performance test.

3) The owner or operator of an affected facility must provide, or cause to be provided, performance testing facilities as follows:

A) Sampling ports adequate for the test methods specified in subsection (c)(1)~~ of this Section~~.

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 owner or operator's control, compliance may, upon the Agency's approval, be determined using the average of the results of the two other runs.

d) To show that a process vent associated with a hazardous waste distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation is not subject to the requirements of this Subpart AA, the owner or operator must make an initial determination that the time-weighted, annual average total organic concentration of the waste managed by the waste management unit is less than 10 ppmw using one of the following two methods:

1) Direct measurement of the organic concentration of the waste using the following procedures:

A) The owner or operator must take a minimum of four grab samples of waste for each wastestream managed in the affected unit under process conditions expected to cause the maximum waste organic concentration.

B) For waste generated onsite, the grab samples must be collected at a point before the waste is exposed to the atmosphere, such as in an enclosed pipe or other closed system that is used to transfer the waste after generation to the first affected distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation. For waste generated offsite, the grab samples must be collected at the inlet to the first waste management unit that receives the waste provided the waste has been transferred to the facility in a closed system such as a tank truck and the waste is not diluted or mixed with other waste.

C) Each sample must be analyzed and the total organic concentration

of the sample must be computed using Method 9060A (Total Organic Carbon) of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference under 35 Ill. Adm. Code 720.111(a), or analyzed for its individual constituents.

D) The arithmetic mean of the results of the analyses of the four samples apply for each wastestream managed in the unit in determining the time-weighted, annual average total organic concentration of the waste. The time-weighted average is to be calculated using the annual quantity of each waste stream processed and the mean organic concentration of each wastestream managed in the unit.

2) Using knowledge of the waste to determine that its total organic concentration is less than 10 ppmw. Documentation of the waste determination is required. Examples of documentation that must be used to support a determination under this subsection (d)(2) include the following:

A) Production process information documenting that no organic compounds are used;

B) Information that the waste 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 wastestream having a total organic content less than 10 ppmw; or

C) Prior speciation analysis results on the same wastestream where it is documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.

e) The determination that distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes 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 waste is first managed in a waste

management unit, whichever is later; and

2) For continuously generated waste, annually; or

3) Whenever there is a change in the waste being managed or a change in the process that generates or treats the waste.

f) When an owner or operator 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 waste with organic concentrations of at least 10 ppmw based on knowledge of the waste, the dispute may be resolved using direct measurement, as specified in subsection (d)(1)~~ of this Section~~.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 725.935 Recordkeeping Requirements

a) Compliance Required.

1) Each owner or operator subject to the provisions of this Subpart AA must comply with the recordkeeping requirements of this Section.

2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart AA may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.

b) Owners and operators must record the following information in the facility operating record:

1) For facilities that comply with the provisions of Section 725.933(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 in the facility operating record by the effective date that the facility becomes subject to the provisions of this Subpart.

2) Up-to-date documentation of compliance with the process vent standards in Section 725.932, 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 waste management units on a facility plot plan).

B) Information and data supporting determination 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 waste management unit is operating at the highest load or capacity level reasonably expected to occur. If the owner or operator takes any action (e.g., managing a waste of different composition or increasing operating hours of affected waste 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 an owner or operator chooses to use test date to determine the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan. The test plan must include the following:

A) A description of how it is determined that the planned test is going to be conducted when the hazardous waste 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; and

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.

4) Documentation of compliance with Section 725.933 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 725.933(j);

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," 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 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.

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.

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

E) A statement signed and dated by the owner or operator 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 725.932(a) is achieved at an efficiency less than 95 weight percent or the total organic emission limits of Section 725.932(a) for affected process vents at the facility are 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; and

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 in the facility operating record. The information must include the following:

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 725.933(f)(1) and (f)(2);

3) Monitoring, operating and inspection information required by Section 725.933(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, any 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 percent or greater, any 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)~~ of this Section~~.

C) For a catalytic vapor incinerator, any 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)(ii) ~~of this Section~~; 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)(ii) ~~of this Section~~.

D) For a boiler or process heater, any period when either of the following occurs:

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) ~~of this Section~~; 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) ~~of this Section~~.

E) For a flare, period when the pilot flame is not ignited.

F) For a condenser that complies with Section 725.933(f)(2)(F)(i), any 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) ~~of this Section~~.

G) For a condenser that complies with Section 725.933(f)(2)(F)(ii), any 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) ~~of this Section~~; 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)~~ of this Section~~.

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 that complies with Section 725.933(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 concentration level established as a requirement of subsection (b)(4)(C)(vi)~~ of this Section~~.

I) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and that complies with Section 725.933(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)~~ of this Section~~;

5) Explanation for each period recorded under subsection (c)(4)~~ of this Section~~ of the cause for control device operating parameter exceeding the design value and the measures implemented to correct the control device operation;

6) For carbon adsorption systems operated subject to requirements specified in Section 725.933(g) or (h)(2), any date when existing carbon in the control device is replaced with fresh carbon;

7) For carbon adsorption systems operated subject to requirements specified in Section 725.933(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) An owner or operator designating any components of a closed-vent system as unsafe to monitor pursuant to Section 725.933(n) must record in a log that is kept in the facility operating record the identification of closed-vent system components that are designated as unsafe to monitor in accordance with the requirements of Section 725.933(n), 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; and

10) When each leak is detected as specified in Section 725.933(k), 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) of appendix A to 40 CFR 60 Test Methods, incorporated by reference in 35 Ill. Adm. Code 720.111(b), after it is successfully repaired or determined to be nonrepairable; and

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 owner or operator 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.~~; and~~

d) Records of the monitoring, operating and inspection information required by subsections (c)(3) through (c)(10)~~ of this Section~~ must be maintained by the owner or operator for at least three years following the date of each occurrence, measurement, corrective action, or record.

e) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser or carbon adsorption system, monitoring and inspection information indicating proper operation and maintenance of the control device must be recorded in the facility operating record.

f) Up-to-date information and data used to determine whether or not a process vent is subject to the requirements in Section 725.932, including supporting documentation as required by Section 725.934(d)(2), when application of the knowledge of the nature of the hazardous waste stream or the process by which it was produced is used, must be recorded in a log that is kept in the facility operating record.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section 725.952 Standards: Pumps in Light Liquid Service

a) Monitoring.

1) Each pump in light liquid service must be monitored monthly to detect leaks by the methods specified in Section 725.963(b), except as provided in subsections (d), (e), and (f)~~ of this Section~~.

2) Each pump in light liquid service must be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal.

b) Leaks.

1) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

2) If there are indications of liquids dripping from the pump seal, a leak is detected.

c) Repairs.

1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 725.959.

2) A first attempt at repair (e.g., tightening the packing gland) must be made no later than 5 calendar days after each leak is detected.

d) Each pump equipped with a dual mechanical seal system that includes a barrier fluid system is exempt from the requirements of subsection (a)~~ of this Section~~, provided the following requirements are met:

1) Each dual mechanical seal system must be as follows:

A) Operated with the barrier fluid at a pressure that is at all times greater than the pump stuffing box pressures;

B) Equipped with a barrier fluid degassing reservoir that is connected by a closed-vent system to a control device that complies with the requirements of Section 725.960; or

C) Equipped with a system that purges the barrier fluid into a hazardous wastestream with no detectable emissions to the atmosphere;

2) The barrier fluid system must not be a hazardous waste with organic concentrations 10 percent or greater by weight;

3) Each barrier fluid system must be equipped with a sensor that will detect

failure of the seal system, the barrier fluid system, or both;

4) Each pump must be checked by visual inspection, each calendar week, for indications of liquids dripping from the pump seals;

5) Alarms.

A) Each sensor, as described in subsection (d)(3)~~ of this Section~~, must be checked daily or be equipped with an audible alarm that must be checked monthly to ensure that it is functioning properly.

B) The owner or operator must determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both; and

6) Leaks.

A) If there are indications of liquids dripping from the pump seal or the sensor indicates failure of the seal system, the barrier fluid system, or both, based on the criterion determined in subsection (d)(5)(B)~~ of this Section~~, a leak is detected.

B) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 725.959.

C) A first attempt at repair (e.g., relapping the seal) must be made no later than five calendar days after each leak is detected.

e) Any pump that is designated, as described in Section 725.964(g)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of subsections (a), (c), and (d)~~ of this Section~~, if the pump meets the following requirements:

1) Must have no externally actuated shaft penetrating the pump housing;

2) Must operate with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background as measured by the methods specified in Section 725.963(c); and

3) Must be tested for compliance with subsection (e)(2)~~ of this Section~~, initially upon designation, annually and at other times as specified by the Agency~~ pursuant to Section 725.950(e)~~.

f) If any pump is equipped with a closed-vent system capable of capturing and transporting any leakage from the seal or seals to a control device that complies with the requirements of Section 725.960, it is exempt from the requirements of subsections (a) through (e)~~ of this Section~~.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 725.964 Recordkeeping Requirements

a) Lumping Units.

1) Each owner or operator subject to the provisions of this Subpart BB must comply with the recordkeeping requirements of this Section.

2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart BB may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.

b) Owners and operators must record the following information in the facility operating record:

1) For each piece of equipment to which this Subpart BB applies, the following:

A) Equipment identification number and hazardous waste management unit identification;

B) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan);

C) Type of equipment (e.g., a pump or pipeline valve);

D) Percent-by-weight total organics in the hazardous wastestream at the equipment;

E) Hazardous waste state at the equipment (e.g., gas/vapor or liquid); and

F) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals");

2) For facilities that comply with the provisions of Section 725.933(a)(2), an implementation schedule, as specified in that Section;

3) Where an owner or operator chooses to use test data to demonstrate the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan, as specified in Section 725.935(b)(3); and

4) Documentation of compliance with Section 725.960, including the detailed design documentation or performance test results specified in Section 725.935(b)(4).

c) When each leak is detected, as specified in Section 725.952, 725.953, 725.957, or 725.958, the following requirements apply:

1) A weatherproof and readily visible identification, marked with the equipment identification number, the date evidence of a potential leak was found in accordance with Section 725.958(a), and the date the leak was detected, must be attached to the leaking equipment;

2) The identification on equipment except on a valve, may be removed after it has been repaired; and

3) The identification on a valve may be removed after it has been monitored for two successive months as specified in Section 725.957(c) and no leak has been detected during those two months.

d) When each leak is detected, as specified in Sections 725.952, 725.953, 725.957, or 725.958, the following information must be recorded in an inspection log and must be kept in the facility operating record:

1) The instrument and operator identification numbers and the equipment identification number;

2) The date evidence of a potential leak was found in accordance with Section 725.958(a);

3) The date the leak was detected and the dates of each attempt to repair the leak;

4) Repair methods applied in each attempt to repair the leak;

5) "Above 10,000," if the maximum instrument reading measured by the methods specified in Section 725.963(b) after each repair attempt is equal to or greater than 10,000 ppm;

6) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak;

7) Documentation supporting the delay of repair of a valve in compliance with Section 725.959(c);

8) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a hazardous waste management unit shutdown;

9) The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days; and

10) The date of successful repair of the leak.

e) Design documentation and monitoring, operating, and inspection information for each closed-vent system and control device required to comply with the provisions of Section 725.960 must be recorded and kept up-to-date in the facility operating record as specified in Section 725.935(c)(1) and (c)(2), and monitoring, operating and inspection information in Section 725.935(c)(3) through (c)(8).

f) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system,

monitoring and inspection information indicating proper operation and maintenance of the control device must be recorded in the facility operating record.

g) The following information pertaining to all equipment subject to the requirements in Sections 725.952 through 725.960 must be recorded in a log that is kept in the facility operating record:

1) A list of identification numbers for equipment (except welded fittings) subject to the requirements of this Subpart BB.

2) List of Equipment.

A) A list of identification numbers for equipment that the owner or operator elects to designate for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, under the provisions of Sections 725.952(e), 725.953(i), and 725.957(f).

B) The designation of this equipment as subject to the requirements of Section 725.952(e), 725.953(i), or 725.957(f) must be signed by the owner or operator.

3) A list of equipment identification numbers for pressure relief devices required to comply with Section 725.954(a).

4) Compliance tests.

A) The dates of each compliance test required in Sections 725.952(e), 725.953(i), 725.954, and 725.957(f).

B) The background level measured during each compliance test.

C) The maximum instrument reading measured at the equipment during each compliance test.

5) A list of identification numbers for equipment in vacuum service.

6) Identification, either by list or location (area or group) of equipment that

contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per year.

h) The following information pertaining to all valves subject to the requirements of Section 725.957(g) and (h) must be recorded in a log that is kept in the facility operating record:

1) A list of identification numbers for valves that are designated as unsafe to monitor, an explanation for each valve stating why the valve is unsafe to monitor, and the plan for monitoring each valve; and

2) A list of identification numbers for valves that are designated as difficult to monitor, an explanation for each valve stating why the valve is difficult to monitor, and the planned schedule for monitoring each valve.

i) The following information must be recorded in the facility operating record for valves complying with Section 725.962:

1) A schedule of monitoring; and

2) The percent of valves found leaking during each monitoring period.

j) The following information must be recorded in a log that is kept in the facility operating record:

1) Criteria required in Sections 725.952(d)(5)(B) and 725.953(e)(2) and an explanation of the criteria; and

2) Any changes to these criteria and the reasons for the changes.

k) The following information must be recorded in a log that is kept in the facility operating record for use in determining exemptions, as provided in Section 725.950 and other specific Subparts:

1) An analysis determining the design capacity of the hazardous waste management unit;

2) A statement listing the hazardous waste influent to and effluent from each hazardous waste management unit subject to the requirements in Sections

725.952 through ~~Section~~ 725.960 and an analysis determining whether these hazardous wastes are heavy liquids; and

3) An up-to-date analysis and the supporting information and data used to determine whether or not equipment is subject to the requirements in Sections 725.952 through 725.960. The record must include supporting documentation, as required by Section 725.963(d)(3), when application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced is used. If the owner or operator takes any action (e.g., changing the process that produced the waste) that could result in an increase in the total organic content of the waste contained in or contacted by equipment determined not to be subject to the requirements in Sections 725.952 through 725.960, then a new determination is required.

l) Records of the equipment leak information required by subsection (d) ~~of this Section~~ and the operating information required by subsection (e) ~~of this Section~~ need be kept only three years.

m) The owner or operator of any facility with equipment that is subject to this Subpart and to federal regulations at 40 CFR 60, 61, or 63 may elect to determine compliance with this Subpart BB by documentation of compliance either pursuant to Section 725.964 or by documentation of compliance with the regulations at 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), pursuant to the relevant provisions of 40 CFR 60, 61, or 63, each incorporated by reference in 35 Ill. Adm. Code 720.111(b). The documentation of compliance under the regulation at 40 CFR 60, 61, or 63 must be kept with or made readily available with the facility operating record.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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

Section 725.983 Standards: General

a) This Section applies to the management of hazardous waste in tanks, surface

impoundments, and containers subject to this Subpart CC.

b) The owner or operator must control air pollutant emissions from each hazardous waste management unit in accordance with the standards specified in Sections 725.985 through 725.988, as applicable to the hazardous waste management unit, except as provided for in subsection (c)~~ of this Section~~.

c) A tank, surface impoundment, or container is exempted from standards specified in Sections 725.985 through 725.988, provided that all hazardous waste placed in the waste management unit is one of the following:

1) A tank, surface impoundment, or container for which all hazardous waste entering the unit has an average VO concentration at the point of waste origination of less than 500 parts per million by weight (ppmw). The average VO concentration must be determined by the procedures specified in Section 725.984(a). The owner or operator must review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the hazardous waste streams entering the unit;

2) A tank, surface impoundment, or container for which the organic content of all the hazardous waste entering the waste management unit has been reduced by an organic destruction or removal process that achieves any one of the following conditions:

A) The process removes or destroys the organics contained in the hazardous waste to such a level that the average VO concentration of the hazardous waste at the point of waste treatment is less than the exit concentration limit (C_t) established for the process. The average VO concentration of the hazardous waste at the point of waste treatment and the exit concentration limit for the process must be determined using the procedures specified in Section 725.984(b);

B) The process removes or destroys the organics contained in the hazardous waste to such a level that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the average VO concentration of the hazardous waste at the point of waste treatment is less than 100 ppmw. The organic

reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste treatment must be determined using the procedures specified in Section 725.984(b);

C) The process removes or destroys the organics contained in the hazardous waste to such a level that the actual organic mass removal rate (MR) for the process is equal to or greater than the required organic mass removal rate (RMR) established for the process. The required organic mass removal rate and the actual organic mass removal rate for the process must be determined using the procedures specified in Section 725.984(b);

D) The process is a biological process that destroys or degrades the organics contained in the hazardous waste so that either of the following conditions is met:

i) The organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the organic biodegradation efficiency (R_{bio}) for the process is equal to or greater than 95 percent. The organic reduction efficiency and the organic biodegradation efficiency for the process must be determined using the procedures specified in Section 725.984(b); and

ii) The total actual organic mass biodegradation rate (MR_{bio}) for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate (RMR). The required organic mass removal rate and the actual organic mass biodegradation rate for the process must be determined using the procedures specified in Section 725.984(b);

E) The process is one that removes or destroys the organics contained in the hazardous waste and meets all of the following conditions:

i) From the point of waste origination through the point where the hazardous waste enters the treatment process, the hazardous waste is continuously managed in waste

management units that use air emission controls in accordance with the standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit;

ii) From the point of waste origination through the point where the hazardous waste enters the treatment process, any transfer of the hazardous waste is accomplished through continuous hard-piping or other closed system transfer that does not allow exposure of the waste to the atmosphere;

BOARD NOTE: The USEPA considers a drain system that meets the requirements of federal subpart RR of 40 CFR 63(National Emission Standards for Individual Drain Systems) to be a closed system.

iii) The average VO concentration of the hazardous waste at the point of waste treatment is less than the lowest average VO concentration at the point of waste origination determined for each of the individual hazardous waste streams entering the process or 500 ppmw, whichever value is lower. The average VO concentration of each individual hazardous waste stream at the point of waste origination must be determined using the procedures specified in Section 725.984(a). The average VO concentration of the hazardous waste at the point of waste treatment must be determined using the procedures specified in Section 725.984(b);

F) A process that removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent and the owner or operator certifies that the average VO concentration at the point of waste origination for each of the individual waste streams entering the process is less than 10,000 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste origination must be determined using the procedures

specified in Sections 725.984(b)~~Section 724.983(b)~~ and 725.984(a)~~Section 724.983(a)~~, respectively;

G) A hazardous waste incinerator for which either of the following conditions is true:

i) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart O of 35 Ill. Adm. Code 724; or

ii) The owner or operator has designed and operates the incinerator in accordance with the interim status requirements of Subpart O of this Part;

H) A boiler or industrial furnace for which either of the following conditions is true:

i) The owner or operator 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

ii) The owner or operator has designed and operates the industrial furnace or incinerator in accordance with the interim status requirements of Subpart H of 35 Ill. Adm. Code 726; and

I) For the purpose of determining the performance of an organic destruction or removal process in accordance with the conditions in each of subsections (c)(2)(A) through (c)(2)(F)~~ of this Section~~, the owner or operator must account for VO concentrations determined to be below the limit of detection of the analytical method by using the following VO concentration:

i) If 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), is used for the analysis, one-half the blank value determined in the method at Section 4.4 of Reference Method 25D or a value of 25 ppmw,

whichever is less; and

ii) If any other analytical method is used, one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the -liquid-phase (0.1 Y/X) (which can also be expressed as 1.8 x 10^{-6} atmospheres/gram-mole/m^3) at 25° C;

3) A tank or surface impoundment used for biological treatment of hazardous waste in accordance with the requirements of subsection (c)(2)(D)~~ of this Section~~;

4) A tank, surface impoundment, or container for which all hazardous waste placed in the unit fulfills either of the following two conditions:

A) It meets the numerical concentration limits for organic hazardous constituents, applicable to the hazardous waste, as specified in Table T to 35 Ill. Adm. Code 728; or

B) The organic hazardous constituents in the waste have been treated by the treatment technology established by USEPA for the waste, as set forth in 35 Ill. Adm. Code 728.142(a), or treated by an equivalent method of treatment approved by the Agency pursuant to 35 Ill. Adm. Code 728.142(b); or

5) A tank used for bulk feed of hazardous waste to a waste incinerator, and all of the following conditions are met:

A) The tank is located inside an enclosure vented to a control device that is designed and operated in accordance with all applicable requirements specified under federal subpart FF of 40 CFR 61(National Emission Standards for Benzene Waste Operations), incorporated by reference in 35 Ill. Adm. Code 720.111(b), for a facility at which the total annual benzene quantity from the facility waste is equal to or greater than 10 megagrams (11 tons) per year;

B) The enclosure and control device serving the tank were installed

and began operation prior to November 25, 1996; and

C) The enclosure is 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" under appendix B to 40 CFR 52.741 (VOM Measurement Techniques for Capture Efficiency), incorporated by reference in 35 Ill. Adm. Code 720.111(b). 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 or electrical equipment; or to direct air flow into the enclosure. The owner or operator must perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T – Criteria for and Verification of a Permanent or Temporary Total Enclosure" annually.

d) The Agency may at any time perform or request that the owner or operator perform a waste determination for a hazardous waste managed in a tank, surface impoundment, or container that is exempted from using air emission controls under the provisions of this Section as follows:

1) The waste determination for average VO concentration of a hazardous waste at the point of waste origination must be performed using direct measurement in accordance with the applicable requirements of Section 725.984(a). The waste determination for a hazardous waste at the point of waste treatment must be performed in accordance with the applicable requirements of Section 725.984(b);

2) In performing a waste determination pursuant to subsection (d)(1)~~ of this Section~~, the sample preparation and analysis must be conducted as follows:

A) In accordance with the method used by the owner or operator to perform the waste analysis, except in the case specified in subsection (d)(2)(B)~~ of this Section~~; and

B) If the Agency determines that the method used by the owner or operator was not appropriate for the hazardous waste managed in the tank, surface impoundment, or container, then the Agency may

choose an appropriate method;

3) Where the owner or operator is requested to perform the waste determination, the Agency may elect to have an authorized representative observe the collection of the hazardous waste samples used for the analysis;

4) Where the results of the waste determination performed or requested by the Agency do not agree with the results of a waste determination performed by the owner or operator using knowledge of the waste, then the results of the waste determination performed in accordance with the requirements of subsection (d)(1)~~ of this Section~~ must be used to establish compliance with the requirements of this Subpart CC; and

5) Where the owner or operator has used an averaging period greater than one hour for determining the average VO concentration of a hazardous waste at the point of waste origination, the Agency may elect to establish compliance with this Subpart CC by performing or requesting that the owner or operator perform a waste determination using direct measurement, based on waste samples collected within a 1-hour period, as follows:

A) The average VO concentration of the hazardous waste at the point of waste origination must be determined by direct measurement in accordance with the requirements of Section 725.984(a);

B) Results of the waste determination performed or requested by the Agency showing that the average VO concentration of the hazardous waste at the point of waste origination is equal to or greater than 500 ppmw must constitute noncompliance with this Subpart CC, except in a case as provided for in subsection (d)(5)(C)~~(d)(4)(C) of this Section~~; and

C) Where the average VO concentration of the hazardous waste at the point of waste origination previously has been determined by the owner or operator using an averaging period greater than one hour to be less than 500 ppmw but because of normal operating process variations the VO concentration of the hazardous waste determined by direct measurement for any given 1-hour period may be equal

to or greater than 500 ppmw, information that was used by the owner or operator to determine the average VO concentration of the hazardous waste (e.g., test results, measurements, calculations, and other documentation) and recorded in the facility records in accordance with the requirements of Sections 725.984(a) and 725.990 must be considered by the Agency together with the results of the waste determination performed or requested by the Agency in establishing compliance with this Subpart CC.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 725.984 Waste Determination Procedures

a) Waste determination procedure for volatile organic (VO) concentration of a hazardous waste at the point of waste origination.

1) An owner or operator must determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(1) from using air emission controls in accordance with standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit.

A) An owner or operator must make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the hazardous waste stream is placed in a waste management unit exempted under the provisions of Section 725.983(c)(1) from using air emission controls. Thereafter, an owner or operator must make an initial determination of the average VO concentration of the waste stream for each averaging period that a hazardous waste is managed in the unit.

B) An owner or operator must perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal to or greater than the VO concentration limits specified in Section 725.983(c)(1).

2) For a waste determination that is required by subsection (a)(1)~~ of this Section~~, the average VO concentration of a hazardous waste at the point of waste origination must be determined using either direct measurement, as specified in subsection (a)(3)~~ of this Section~~, or by knowledge of the waste, as specified in subsection (a)(4)~~ of this Section~~.

3) Direct measurement to determine average VO concentration of a hazardous waste at the point of waste origination.

A) Identification. The owner or operator must identify and record the point of waste origination for the hazardous waste.

B) Sampling. Samples of the hazardous waste stream must be collected at the point of waste origination in such a manner that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.

i) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.

ii) A sufficient number of samples, but no fewer than four samples, must be collected for a hazardous waste determination. All of the samples for a given waste determination must be collected within a one-hour period. The average of the four or more sample results constitutes a waste determination for the waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or process generating the hazardous waste stream. Examples

of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.

iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste stream are collected so that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in Reference Method 25D (Determination of the Volatile Organic Concentration of Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

iv) Sufficient information, as specified in the "site sampling plan" required under subsection (a)(3)(B)(iii) ~~of this Section~~, must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the source or process generating the hazardous waste represented by the samples.

C) Analysis. Each collected sample must be prepared and analyzed in accordance with Reference Method 25D in appendix A to 40 CFR 60 for the total concentration of volatile organic constituents or using one or more methods when the individual organic compound concentrations are identified and summed and the summed waste concentration accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25° C (77° F). At the owner's or operator's discretion, the owner or operator may adjust test data

measured by any appropriate method to discount any contribution to the total volatile organic concentration that is a result of including a compound with a Henry's law constant value of less than 0.1 Y/X at 25° C (77° F). To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied by the constituent-specific adjustment factor (f_{m25D}). If the owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25° C contained in the waste. Constituent-specific adjustment factors (f_{m25D}) can be obtained in writing from the Agency ~~by contacting the USEPA, Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711~~. Other test methods may be used if they meet the requirements in subsection (a)(3)(C)(i) or (a)(3)(C)(ii) ~~of this Section~~ and provided the requirement is met to reflect all organic compounds in the waste with Henry's law constant values greater than or equal to 0.1 Y/X (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25° C.

i) Any USEPA standard method that has been validated in accordance with appendix D to 40 CFR 63 (Alternative Validation Procedure for EPA Waste and Wastewater Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or

ii) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or 5.3, and the corresponding calculations in Section 6.1 or 6.3, of Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b). The data are acceptable if they meet the criteria specified in Section 6.1.5 or 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other sections of Method 301 are not required.

D) Calculations

i) The average VO concentration ($\overline{C}$) on a mass-weighted basis must be calculated by using the results for all waste determinations conducted in accordance with subsections (a)(3)(B) and (a)(3)(C) ~~of this Section~~ and the following equation:

$$\overline{C} = \frac{1}{Q_T} \times \sum_{i=1}^{n} \left(Q_i \times C_i \right)$$

Where:

$\overline{C}$ = Average VO concentration of the hazardous waste at the point of waste origination on a mass-weighted basis, in ppmw

i = Individual waste determination "i" of the hazardous waste

n = Total number of waste determinations of the hazardous waste conducted for the averaging period (not to exceed one year)

Q_i = Mass quantity of the hazardous waste stream represented by C_i, in kg/hr

Q_T = Total mass quantity of the hazardous waste during the averaging period, in kg/hr

C_i = Measured VO concentration of waste determination "i," as determined in accordance with subsection (a)(3)(C) ~~of this Section~~ (i.e., the average of the four or more samples specified in subsection (a)(3)(B)(ii) ~~of this Section~~), in ppmw.

ii) For the purpose of determining C_i, for individual waste samples analyzed in accordance with subsection (a)(3)(C) ~~of this Section~~, the owner or operator must account for VO concentrations determined to be below the limit of detection of the analytical method by using the VO concentration determined according to subsection (a)(3)(G) ~~of this Section~~.

E) Provided that the test method is appropriate for the waste as required under subsection (a)(3)(C)~~ of this Section~~, the Agency must determine compliance based on the test method used by the owner or operator as recorded pursuant to Section 725.990(f)(1).

F) The quality assurance program elements required under subsections (a)(3)(C)(vi) and (a)(3)(C)(vii)~~ of this Section~~ are as follows:

i) Documentation of site-specific procedures to minimize the loss of compounds due to volatilization, biodegradation, reaction, or sorption during the sample collection, storage, preparation, introduction, and analysis steps.

ii) Measurement of the overall accuracy and precision of the specific procedures.

BOARD NOTE: Subsections (a)(3)(F)(i) and (a)(3)(F)(ii) are derived from 40 CFR 265.984(a)(3)(iii)(F)(1), (a)(3)(iii)(F)(2), (a)(3)(iii)(G)(1), and (a)(3)(iii)(G)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

G) VO concentrations below the limit of detection must be considered to be as follows:

i) If Reference Method 25D is used for the analysis, the VO concentration must be considered to be one-half the blank value determined in the method at Section 4.4 of Reference Method 25D.

ii) If any other analytical method is used, the VO concentration must be considered to be one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8 x 10^{-6} atmospheres/gram-mole/m3) at 25°

C.

BOARD NOTE: Subsections (a)(3)(G)(i) and (a)(3)(G)(ii) are derived from 40 CFR 265.984(a)(3)(iv)(A)(1) and (a)(3)(iv)(A)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

4) Use of owner or operator knowledge to determine average VO concentration of a hazardous waste at the point of waste origination.

A) Documentation must be prepared that presents the information used as the basis for the owner's or operator's knowledge of the hazardous waste stream's average VO concentration. Examples of information that may be used as the basis for knowledge include the following: material balances for the source or process generating the hazardous waste stream; constituent-specific chemical test data for the hazardous waste stream from previous testing that are still applicable to the current waste stream; previous test data for other locations managing the same type of waste stream; or other knowledge based on information included in manifests, shipping papers, or waste certification notices.

B) If test data are used as the basis for knowledge, then the owner or operator must document the test method, sampling protocol, and the means by which sampling variability and analytical variability are accounted for in the determination of the average VO concentration. For example, an owner or operator may use organic concentration test data for the hazardous waste stream that are validated in accordance with Method 301 as the basis for knowledge of the waste.

C) An owner or operator using chemical constituent-specific concentration test data as the basis for knowledge of the hazardous waste may adjust the test data to the corresponding average VO concentration value that would have been obtained had the waste samples been analyzed using Reference Method 25D. To adjust these data, the measured concentration for each individual chemical constituent contained in the waste is multiplied by the appropriate constituent-specific adjustment factor (f_{m25D}).

D) In the event that the Agency and the owner or operator disagree on a determination of the average VO concentration for a hazardous waste stream using knowledge, then the results from a determination of average VO concentration using direct measurement, as specified in subsection (a)(3)~~ of this Section~~, must be used to establish compliance with the applicable requirements of this Subpart CC. The Agency may perform or request that the owner or operator perform this determination using direct measurement. The owner or operator may choose one or more appropriate methods to analyze each collected sample in accordance with the requirements of subsection (a)(3)(C)~~ of this Section~~.

b) Waste determination procedures for treated hazardous waste.

1) An owner or operator must perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(2)(A) through (c)(2)(F) from using air emission controls in accordance with the standards specified in Sections 725.985 through 725.988, as applicable to the waste management unit.

A) An owner or operator must make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the treated waste stream is placed in the waste management unit exempt under Section 725.983(c)(2), (c)(3), or (c)(4) from using air emission controls. Thereafter, an owner or operator must update the information used for the waste determination at least once every 12 months following the date of the initial waste determination.

B) An owner or operator must perform a new waste determination whenever changes to the process generating or treating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to such a level that the applicable treatment conditions specified in Section 725.983(c)(2), (c)(3), or (c)(4) are not achieved.

2) The owner or operator must designate and record the specific provision in Section 725.983(c)(2) under which the waste determination is being performed. The waste determination for the treated hazardous waste must be performed using the applicable procedures specified in subsections (b)(3) through (b)(9)~~ of this Section~~.

3) Procedure to determine the average VO concentration of a hazardous waste at the point of waste treatment.

A) Identification. The owner or operator must identify and record the point of waste treatment for the hazardous waste.

B) Sampling. Samples of the hazardous waste stream must be collected at the point of waste treatment in such a manner that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.

i) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.

ii) A sufficient number of samples, but no fewer than four samples, must be collected and analyzed for a hazardous waste determination. All of the samples for a given waste determination must be collected within a one-hour period. The average of the four or more sample results constitutes a waste determination for the hazardous waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the process generating or treating the hazardous waste stream. Examples of such normal variations are seasonal variations

in waste quantity or fluctuations in ambient temperature.

iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste stream are collected so that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sample collection and handling procedures for a total organic constituent concentration may be found in Reference Method 25D.

iv) Sufficient information, as specified in the "site sampling plan" required under subsection (a)(3)(B)(iii) ~~of this Section~~, must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the process treating the hazardous waste represented by the samples.

C) Analysis. Each collected sample must be prepared and analyzed in accordance with Reference Method 25D for the total concentration of volatile organic constituents or using one or more methods when the individual organic compound concentrations are identified and summed, and the summed waste concentration accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25° C (75° F). When the owner or operator is making a waste determination for a treated hazardous waste that is to be compared to an average VO concentration at the point of waste origination or the point of waste entry to the treatment system, to determine if the conditions of 35 Ill. Adm. Code 724.982(c)(2)(A) through (c)(2)(F) or Section 725.983(c)(2)(A) through (c)(2)(F) are met, then the waste samples must be prepared and analyzed using the same method or methods as were used in making the initial waste determinations at the point

of waste origination or at the point of entry to the treatment system. At the owner's or operator's discretion, the owner or operator may adjust test data obtained by any appropriate method to discount any contribution to the total volatile organic concentration that is a result of including a compound with a Henry's law constant value less than 0.1 Y/X at 25° C. To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied by the constituent-specific adjustment factor (f_{m25D}). If the owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25° C contained in the waste. Constituent-specific adjustment factors (f_{m25D}) can be obtained in writing from the Agency~~by contacting the USEPA, Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711~~. Other test methods may be used if they meet the requirements in subsection (a)(3)(C)(i) or (a)(3)(C)(ii)~~ of this Section~~ and provided the requirement is met to reflect all organic compounds in the waste with Henry's law constant values greater than or equal to 0.1 Y/X (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25° C.

i) Any USEPA standard method that has been validated in accordance with appendix D to 40 CFR 63, incorporated by reference in 35 Ill. Adm. Code 720.111(b); or

ii) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or 5.3, and the corresponding calculations in Section 6.1 or 6.3, of Method 301 in appendix A to 40 CFR 63, incorporated by reference in 35 Ill. Adm. Code 720.111(b). The data are acceptable if they meet the criteria specified in Section 6.1.5 or 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other sections of Method 301 are not required.

D) Calculations. The average VO concentration ($\overline{C}$) on a mass-

weighted basis must be calculated by using the results for all samples analyzed in accordance with subsection (b)(3)(C)~~ of this Section~~ and the following equation:

$$\overline{C} = \frac{1}{Q_T} \times \sum_{i=1}^{n} \left(Q_i \times C_i \right)$$

Where:

$\overline{C}$ = Average VO concentration of the hazardous waste at the point of waste treatment on a mass-weighted basis, in ppmw

i = Individual determination "i" of the hazardous waste

n = Total number of waste determinations of the hazardous waste collected for the averaging period (not to exceed one year)

Q_i = Mass quantity of the hazardous waste stream represented by C_i in kg/hr

Q_T = Total mass quantity of hazardous waste during the averaging period, in kg/hr

C_i = Measured VO concentration of waste determinations "i," as determined in accordance with the requirements of subsection (b)(3)(C)~~ of this Section~~ (i.e., the average of the four or more samples specified in subsection (b)(3)(B)(ii)~~ of this Section~~), in ppmw.

E) Provided that the test method is appropriate for the waste as required under subsection (b)(3)(C)~~ of this Section~~, compliance must be determined based on the test method used by the owner or operator as recorded pursuant to Section 725.990(f)(1).

4) Procedure to determine the exit concentration limit (C_t) for a treated hazardous waste.

A) The point of waste origination for each hazardous waste treated by the process at the same time must be identified.

B) If a single hazardous waste stream is identified in subsection (b)(4)(A) ~~of this Section~~, then the exit concentration limit (C_t) must be 500 ppmw.

C) If more than one hazardous waste stream is identified in subsection (b)(4)(A) ~~of this Section~~, then the average VO concentration of each hazardous waste stream at the point of waste origination must be determined in accordance with the requirements of subsection (a) ~~of this Section~~. The exit concentration limit (C_t) must be calculated by using the results determined for each individual hazardous waste stream and the following equation:

$$C_t = \frac{\sum_{x=1}^{m}\left(Q_x \times \overline{C}_x\right) + \sum_{y=1}^{n}\left(Q_y \times 500\,ppmw\right)}{\sum_{x=1}^{m} Q_x + \sum_{y=1}^{n} Q_y}$$

Where:

C_t = Exit concentration limit for treated hazardous waste, in ppmw

x = Individual hazardous waste stream "x" that has an average VO concentration less than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a) ~~of this Section~~

y = Individual hazardous waste stream "y" that has an average VO concentration equal to or greater than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a) ~~of this Section~~

m = Total number of "x" hazardous waste streams treated by process

n = Total number of "y" hazardous waste streams treated by process

Q_x = Annual mass quantity of hazardous waste stream "x," in kg/yr

Q_y = Annual mass quantity of hazardous waste stream "y," in kg/yr

$\overline{C}_x$ = Average VO concentration of hazardous waste stream "x" at the point of waste origination, as determined in accordance with the requirements of subsection (a)~~ of this Section~~, in ppmw.

5) Procedure to determine the organic reduction efficiency (R) for a treated hazardous waste

A) The organic reduction efficiency (R) for a treatment process must be determined based on results for a minimum of three consecutive runs.

B) All hazardous waste streams entering the process and all hazardous waste streams exiting the treatment process must be identified. The owner or operator must prepare a sampling plan for measuring these streams that accurately reflects the retention time of the hazardous waste in the process.

C) For each run, information must be determined for each hazardous waste stream identified in subsection (b)(5)(B)~~ of this Section~~, using the following procedures:

i) The mass quantity of each hazardous waste stream entering the process (Q_b) and the mass quantity of each hazardous waste stream exiting the process (Q_a) must be determined; and

ii) The average VO concentration at the point of waste origination of each hazardous waste stream entering the process (C_b) during the run must be determined in accordance with the requirements of subsection (a)(3)~~ of this Section~~. The average VO concentration at the point of waste treatment of each hazardous waste stream exiting the process (C_a) during the run must be determined in accordance with the requirements of subsection (b)(3)~~ of this Section~~.

D) The waste volatile organic mass flow entering the process (E_b) and the waste volatile organic mass flow exiting the process (E_a) must

be calculated by using the results determined in accordance with subsection (b)(5)(C)~~ of this Section~~ and the following equations:

$$E_b = \frac{1}{10^6}\sum_{j=1}^{m}\left(Q_{bj} \times \overline{C_{bj}}\right)$$

$$E_a = \frac{1}{10^6}\sum_{j=1}^{m}\left(Q_{aj} \times \overline{C_{aj}}\right)$$

Where:

E_a = Waste volatile organic mass flow exiting the process, in kg/hr
E_b = Waste volatile organic mass flow entering the process, in kg/hr
m = Total number of runs (at least 3)
j = Individual run "j"
Q_{bj} = Mass quantity of hazardous waste entering the process during run "j," in kg/hr
Q_{aj} = Average mass quantity of waste exiting the process during run "j," in kg/hr
$\overline{C_{aj}}$ = Average VO concentration of hazardous waste exiting the process during run "j," as determined in accordance with the requirements of subsection (b)(3)~~ of this Section~~, in ppmw
$\overline{C_{bj}}$ = Average VO concentration of hazardous waste entering the process during run "j," as determined in accordance with the requirements of subsection ~~725.984~~(a)(3)~~ of this Section~~, in ppmw.

E) The organic reduction efficiency of the process must be calculated by using the results determined in accordance with subsection (b)(5)(D)~~ of this Section~~ and the following equation:

$$R = \frac{E_b - E_a}{E_b} \times 100\%$$

Where:

R = Organic reduction efficiency, in percent
E_b = Waste volatile organic mass flow entering the process as determined in accordance with the requirements of subsection (b)(5)(D) ~~of this Section~~, in kg/hr
E_a = Waste volatile organic mass flow exiting the process as determined in accordance with the requirements of subsection (b)(5)(D) ~~of this Section~~, in kg/hr.

6) Procedure to determine the organic biodegradation efficiency (R_{bio}) for a treated hazardous waste

A) The fraction of organics biodegraded (F_{bio}) must be determined using the procedure specified in appendix C to 40 CFR 63 (Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

B) The organic biodegradation efficiency (R_{bio}) must be calculated by using the following equation:

$$R_{bio} = F_{bio} \times 100\%$$

Where:

R_{bio} = Organic biodegradation efficiency, in percent
F_{bio} = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(6)(A) ~~of this Section~~.

7) Procedure to determine the required organic mass removal rate (RMR) for a treated hazardous waste

A) All of the hazardous waste streams entering the treatment process must be identified.

B) The average VO concentration of the hazardous waste stream at the point of waste origination must be determined in accordance

with the requirements of subsection (a)~~ of this Section~~.

C) For each individual hazardous waste stream that has an average volatile organic concentration equal to or greater than 500 ppmw at the point of waste origination, the average volumetric flow rate of hazardous waste and the density of the hazardous waste stream at the point of waste origination must be determined.

D) The required organic mass removal rate (RMR) for the hazardous waste must be calculated by using the average VO concentration, average volumetric flow rate, and density determined for each individual hazardous waste stream, and the following equation:

$$RMR = \sum_{y=1}^{n} \left[V_y \times k_y \times \frac{\left(\overline{C}_y - 500\,ppmw\right)}{10^6} \right]$$

Where:

RMR = Required organic mass removal rate, in kg/hr

y = Individual hazardous waste stream "y" that has an average volatile organic (VO) concentration equal to or greater than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a)~~ of this Section~~

n = Total number of "y" hazardous waste streams treated by process

V_y = Average volumetric flow rate of hazardous waste stream "y" at the point of waste origination, in m^3/hr

k_y = Density of hazardous waste stream "y," in kg/m^3

$\overline{C}_y$ = Average VO concentration of hazardous waste stream "y" at the point of waste origination, as determined in accordance with the requirements of subsection (a)~~ of this Section~~, in ppmw.

8) Procedure to determine the actual organic mass removal rate (MR) for a treated hazardous waste

A) The actual organic mass removal rate (MR) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.

B) The waste volatile organic mass flow entering the process (E_b) and the waste volatile organic mass flow exiting the process (E_a) must be determined in accordance with the requirements of subsection (b)(5)(D)~~ of this Section~~.

C) The actual organic mass removal rate (MR) must be calculated by using the mass flow rate determined in accordance with the requirements of subsection (b)(8)(B)~~ of this Section~~ and the following equation:

$$MR = E_b - E_a$$

Where:

MR = Actual organic mass removal rate, in kg/hr
E_b = Waste volatile organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(5)(D)~~ of this Section~~, in kg/hr
E_a = Waste volatile organic mass flow exiting the process, as determined in accordance with the requirements of subsection (b)(5)(D)~~ of this Section~~, in kg/hr.

9) Procedure to determine the actual organic mass biodegradation rate (MR_{bio}) for a treated hazardous waste.

A) The actual organic mass biodegradation rate (MR_{bio}) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.

B) The waste organic mass flow entering the process (E_b) must be determined in accordance with the requirements of subsection (b)(5)(D)~~ of this Section~~.

C) The fraction of organic biodegraded (F_{bio}) must be determined using the procedure specified in appendix C to 40 CFR 63 (Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

D) The actual organic mass biodegradation rate (MR_{bio}) must be calculated by using the mass flow rates and fraction of organic biodegraded, as determined in accordance with the requirements of subsections (b)(9)(B) and (b)(9)(C)~~ of this Section~~, respectively, and the following equation:

$$MR_{bio} = E_b \times F_{bio}$$

Where:

MR_{bio} = Actual organic mass biodegradation rate, in kg/hr

E_b = Waste organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(5)(D)~~ of this Section~~, in kg/hr

F_{bio} = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(9)(C)~~ of this Section~~.

c) Procedure to determine the maximum organic vapor pressure of a hazardous waste in a tank.

1) An owner or operator must determine the maximum organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 controls in accordance with standards specified in Section 725.985(c).

2) An owner or operator must use either direct measurement, as specified in subsection (c)(3)~~ of this Section~~, or knowledge of the waste, as specified by subsection (c)(4)~~ of this Section~~, to determine the maximum organic vapor pressure that is representative of the hazardous waste composition stored or treated in the tank.

3) Direct measurement to determine the maximum organic vapor pressure of a hazardous waste.

A) Sampling. A sufficient number of samples must be collected to be representative of the waste contained in the tank. All samples must be conducted and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste are collected so that a minimum loss of organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of acceptable sample collection and handling procedures may be found in Reference Method 25D.

B) Analysis. Any appropriate one of the following methods may be used to analyze the samples and compute the maximum organic vapor pressure of the hazardous waste:

i) Reference Method 25E (Determination of Vapor Phase Organic Concentration in Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b);

ii) Methods described in API publication 2517 (Evaporative Loss from External Floating-Roof Tanks), incorporated by reference in 35 Ill. Adm. Code 720.111(a);

iii) Methods obtained from standard reference texts;

iv) ASTM Method D 2879-92 (Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope), incorporated by reference in 35 Ill. Adm. Code 720.111(a); or

v) Any other method approved by the Agency.

4) Use of knowledge to determine the maximum organic vapor pressure of the hazardous waste. Documentation must be prepared and recorded that presents the information used as the basis for the owner's or operator's knowledge that the maximum organic vapor pressure of the hazardous waste is less than the maximum vapor pressure limit listed in Section 725.985(b)(1)(A) for the applicable tank design capacity category. An example of information that may be used is documentation that the hazardous waste is generated by a process for which at other locations it previously has been determined by direct measurement that the waste maximum organic vapor pressure is less than the maximum vapor pressure limit for the appropriate tank design capacity category.

d) The procedure for determining no detectable organic emissions for the purpose of complying with this Subpart CC is as follows:

1) The test must be conducted in accordance with the procedures specified in Reference Method 21 (Determination of Volatile Organic Compound Leaks) of appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b). Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the cover and associated closure devices must be checked. Potential leak interfaces that are associated with covers and closure devices include, but are not limited to, any of the following: the interface of the cover and its foundation mounting, the periphery of any opening on the cover and its associated closure device, and the sealing seat interface on a spring-loaded pressure relief valve.

2) The test must be performed when the unit contains a hazardous waste having an organic concentration representative of the range of concentrations for the hazardous waste expected to be managed in the unit. During the test, the cover and closure devices must be secured in the closed position.

3) The detection instrument must meet the performance criteria of Reference Method 21, except the instrument response factor criteria in Section 3.1.2(a) of Reference Method 21 must be for the average composition of the organic constituents in the hazardous waste placed in the waste management unit, not for each individual organic constituent.

4) The detection instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.

5) Calibration gases must be as follows:

A) Zero air (less than 10 ppmv hydrocarbon in air), and

B) A mixture of methane or n-hexane in air at a concentration of approximately, but less than, 10,000 ppmv methane or n-hexane.

6) The background level must be determined according to the procedures in Reference Method 21.

7) Each potential leak interface must be checked by traversing the instrument probe around the potential leak interface as close to the interface as possible, as described in Reference Method 21. In the case when the configuration of the cover or closure device prevents a complete traverse of the interface, all accessible portions of the interface must be sampled. In the case when 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)~~ of this Section~~. 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 40 Ill. Reg. _____, effective _____)

Section 725.985 Standards: Tanks

a) The provisions of this Section apply to the control of air pollutant emissions from tanks for which Section 725.983(b) references the use of this Section for such air emission control.

b) The owner or operator 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 waste that meets all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C)~~ of this Section~~, the owner or operator must control air pollutant emissions from the tank in accordance with the Tank Level 1 controls specified in subsection (c)~~ of this Section~~ or the Tank Level 2 controls specified in subsection (d)~~ of this Section~~.

A) The hazardous waste 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 m^3 (5333 ft^3 or 39,887 gal), the maximum organic vapor pressure limit for the tank is 5.2 kPa (0.75 psia or 39 mmHg);

ii) For a tank design capacity equal to or greater than 75 m^3 (2649 ft^3 or 19,810 gal) but less than 151 m^3 (5333 ft^3 or 39,887 gal), the maximum organic vapor pressure limit for the tank is 27.6 kPa (4.0 psia or 207 mmHg); or

iii) For a tank design capacity less than 75 m^3 (2649 ft^3or 19,810 gal), the maximum organic vapor pressure limit for the tank is 76.6 kPa (11.1 psia or 574 mmHg).

B) The hazardous waste in the tank is not heated by the owner or operator to a temperature that is greater than the temperature at which the maximum organic vapor pressure of the hazardous waste

is determined for the purpose of complying with subsection (b)(1)(A)~~ of this Section~~.

C) The hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process, as defined in Section 725.981.

2) For a tank that manages hazardous waste that does not meet all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C)~~ of this Section~~, the owner or operator must control air pollutant emissions from the tank by using Tank Level 2 controls in accordance with the requirements of subsection (d)~~ of this Section~~. Examples of tanks required to use Tank Level 2 controls include the following: a tank used for a waste stabilization process and a tank for which the hazardous waste 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)~~ of this Section~~.

c) An owner or operator 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 owner or operator must determine the maximum organic vapor pressure for a hazardous waste to be managed in the tank using Tank Level 1 controls before the first time the hazardous waste is placed in the tank. The maximum organic vapor pressure must be determined using the procedures specified in Section 725.984(c). Thereafter, the owner or operator must perform a new determination whenever changes to the hazardous waste 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)~~ of this Section~~, 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

waste 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 such a manner 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.

C) Either of the following must be true of each opening in the fixed roof and of any manifold system associated with the fixed roof must be either:

i) The opening or manifold system is equipped with a closure device designed to operate so 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) The opening or manifold system is 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 it must be operating whenever hazardous waste is managed in the tank, except as provided for in subsection (c)(2)(E).

D) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and which 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 the following: organic vapor permeability; the effects of any contact with the hazardous waste 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.

E) The control device operated pursuant to subsection (c)(2)(C) ~~of this Section~~ needs not remove or destroy organics in the vent stream under the following conditions:

i) During periods when it is necessary to provide access to the tank for performing the activities of subsection (c)(2)(E)(ii) ~~of this Section~~, 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 owner or operator must promptly secure the closure device in the closed position or reinstall the cover, as applicable, and resume operation of the control device; and

ii) During periods of routine inspection, maintenance, or other activities needed for normal operations, and for the removal of accumulated sludge or other residues from the bottom of the tank.

BOARD NOTE: Subsections (c)(2)(E)(i) and (c)(2)(E)(ii) are derived from 40 CFR 265.985(c)(2)(iii)(B)(1) and (c)(2)(iii)(B)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

3) Whenever a hazardous waste 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 owner or operator 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 that 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 so that the device remains in the closed position whenever the tank internal pressure is within the internal pressure operating range determined by the owner or operator 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 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator 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 owner or operator 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 owner or operator 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 owner or operator must perform the inspections at least once every year, except under the special conditions provided for in subsection (l)~~ of this Section~~.

C) In the event that a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (k)~~ of this Section~~.

D) The owner or operator must maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

d) An owner or operator 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)~~ of this Section~~;

2) A tank equipped with an external floating roof in accordance with the requirements specified in subsection (f)~~ of this Section~~;

3) A tank vented through a closed-vent system to a control device in accordance with the requirements specified in subsection (g)~~ of this Section~~;

4) A pressure tank designed and operated in accordance with the requirements specified in subsection (h)~~ of this Section~~; 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)~~ of this Section~~.

e) The owner or operator that 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)~~ of this Section~~.

1) The tank must be equipped with a fixed roof and an internal floating roof

in accordance with the following requirements:

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 725.981; 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; and

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.

2) The owner or operator 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; and

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 owner or operator 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 owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, the following: when the internal floating roof is not floating on the surface of the liquid inside the tank; when liquid has accumulated on top of the internal floating roof; when any portion of the roof seals have detached from the roof rim; when holes, tears, or other openings are visible in the seal fabric; when the gaskets no longer close off the hazardous waste surface from the atmosphere; or when the slotted membrane has more than 10 percent open area;

B) The owner or operator must inspect the internal floating roof components as follows, except as provided in subsection (e)(3)(C) ~~of this Section~~:

i) 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) 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 once every 10 years;

C) As an alternative to performing the inspections specified in subsection (e)(3)(B)~~ of this Section~~ for an internal floating roof equipped with two continuous seals mounted one above the other, the owner or operator may 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)~~ of this Section~~, the owner or operator 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 owner or operator 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 owner or operator 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)~~ of this Section~~; and

ii) When a visual inspection is not planned and the owner or operator 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 Regional Administrator at least seven calendar days before refilling the tank;

E) In the event that a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (k)~~ of this Section~~; and

F) The owner or operator must maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

4) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any tank complying with the requirements of this subsection (e).

f) The owner or operator that controls air pollutant emissions from a tank using an external floating roof must meet the requirements specified in subsections (f)(1) through (f)(3)~~ of this Section~~.

1) The owner or operator must design the external floating roof in accordance with the following requirements:

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 Section 725.981. The total area of the gaps between the tank wall and the primary seal must not exceed 212 square centimeters (cm^2) per meter (10.0 in^2 per foot) of tank diameter, and the width of any portion of these gaps must not exceed 3.8 centimeters (cm)

(1.5 inches). 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 centimeters (24 inches) 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 cm^2 per meter (1.0 in^2 per foot) of tank diameter, and the width of any portion of these gaps must not exceed 1.3 cm (0.5 inch); and

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;

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 that closes off the liquid surface from the atmosphere; and

ix) Each gauge hatch and each sample well must be equipped with a gasketed cover.

2) The owner or operator 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;

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; and

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 owner or operator must inspect the external floating roof in accordance with the procedures specified as follows:

A) The owner or operator must measure the external floating roof seal gaps in accordance with the following requirements:

i) The owner or operator 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;

ii) The owner or operator 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 waste for a period of one year or more, subsequent introduction of hazardous waste into the tank must be considered an initial operation for the purposes of subsections (f)(3)(A)(i) and (f)(3)(A)(ii)~~ of this Section~~;

iv) The owner or operator must determine the total surface area of gaps in the primary seal and in the secondary seal individually using the procedure set forth in subsection (f)(3)(D)~~ of this Section~~;

v) In the event that the seal gap measurements do not conform

to the specifications in subsection (f)(1)(B)~~ of this Section~~, the owner or operator must repair the defect in accordance with the requirements of subsection (k)~~ of this Section~~; and

vi) The owner or operator must maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b);

B) The owner or operator must visually inspect the external floating roof in accordance with the following requirements:

i) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to any of the following: 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 owner or operator 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 owner or operator must perform the inspections at least once every year except for the special conditions provided for in subsection (l)~~ of this Section~~;

iii) In the event that a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (k)~~ of this Section~~; and

iv) The owner or operator must maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b);

C) Prior to each inspection required by subsection (f)(3)(A) or (f)(3)(B)~~ of this Section~~, the owner or operator 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 owner or operator 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)~~ of this Section~~, written notification must be prepared and sent by the owner or operator 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 owner or operator 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)~~ of this Section~~; and

iii) When a visual inspection is not planned and the owner or operator 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 Regional Administrator at least seven calendar days before refilling the tank;

D) Procedure for determining gaps in the primary seal and in the secondary seal for the purposes of subsection (f)(3)(A)(iv)~~ of this Section~~:

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 (¼-inch) 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; and

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)~~ of this Section~~; and

BOARD NOTE: Subsections (f)(3)(D)(i) through (f)(3)(D)(iv) are derived from 40 CFR 265.1085(f)(3)(i)(D)(1) through (f)(3)(i)(D)(4), which the Board has codified here to comport with Illinois Administrative Code format requirements.

4) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any tank complying with the requirements of this subsection (f).

g) The owner or operator that 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)~~ of this Section~~.

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 so 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 waste 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 the following: 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; and

D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.

2) Whenever a hazardous waste 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 such activities 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 owner or operator must promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank; and

ii) To remove accumulated sludge or other residues from the bottom of a tank; and

B) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

3) The owner or operator 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 owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to any of the following: 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 owner or operator in accordance with the procedures specified in Section 725.988;

C) The owner or operator 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 owner or operator must perform the inspections at least once every year except for the special conditions provided for in subsection (l)~~ of this Section~~;

D) In the event that a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (k)~~ of this Section~~; and

E) The owner or operator must maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

h) The owner or operator that 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;

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 725.984(d); and

3) Whenever a hazardous waste is in the tank, the tank must be operated as a closed-vent system that does not vent to the atmosphere, except under either of the following two conditions:

A) The tank does not need to be operated as a closed-vent system at those times when the opening of a safety device, as defined in Section 725.981, is required to avoid an unsafe condition; and

B) The tank does not need to be operated as a closed-vent system at those times when the 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 725.988~~724.987~~.

i) The owner or operator that controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device

must meet the requirements specified in subsections (i)(1) through (i)(4)~~ of this Section~~.

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" under appendix B to 40 CFR 52.741 (VOM Measurement Techniques for Capture Efficiency), incorporated by reference in 35 Ill. Adm. Code 720.111(b). 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 owner or operator must perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T – Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually;

2) The enclosure must be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance with the standards for either a vapor incinerator, boiler, or process heater specified in Section 725.988;

3) Safety devices, as defined in Section 725.981, 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)~~ of this Section~~; and

4) The owner or operator must inspect and monitor the closed-vent system and control device, as specified in Section 725.988.

j) The owner or operator must transfer hazardous waste to a tank subject to this Section in accordance with the following requirements:

1) Transfer of hazardous waste, except as provided in subsection (j)(2)~~ of this Section~~, to the tank from another tank subject to this Section or from a surface impoundment subject to Section 725.986 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the hazardous waste 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(b); and

2) The requirements of subsection (j)(1)~~ of this Section~~ do not apply when transferring a hazardous waste to the tank under any of the following conditions:

A) The hazardous waste meets the average VO concentration conditions specified in Section 725.983(c)(1) at the point of waste origination;

B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 725.983(c)(2); and

C) The hazardous waste meets the requirements of Section 725.983(c)(4).

k) The owner or operator 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)~~ of this Section~~ as follows:

1) The owner or operator 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)~~ of this Section~~; and

2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator 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 waste normally managed in the tank. In this case, the owner or operator must repair the defect the next time the process or unit that is generating the hazardous waste 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) Where inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions, then the owner or operator 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; and

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; and

2) In the case when a tank is buried partially or entirely underground, an owner or operator is required to inspect and monitor, as required by the applicable provisions of this 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 40 Ill. Reg. _____, effective _____)

Section 725.987 Standards: Containers

a) The provisions of this Section apply to the control of air pollutant emissions from containers for which Section 725.983(b) references the use of this Section for those ~~such~~ air emission control.

b) General requirements

1) The owner or operator must control air pollutant emissions from each container subject to this Section in accordance with the following requirements, as applicable to the container, except when the following special provisions for waste stabilization processes specified in subsection (b)(2) ~~of this Section~~ apply to the container:

A) For a container having a design capacity greater than 0.1 m^3 (26 gal) and less than or equal to 0.46 m^3 (120 gal), the owner or operator must control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c)~~ of this Section~~;

B) For a container having a design capacity greater than 0.46 m^3 (120 gal) that is not in light material service, the owner or operator must control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c)~~ of this Section~~; and

C) For a container having a design capacity greater than 0.46 m^3 (120 gal) that is in light material service, the owner or operator must control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in subsection (d)~~ of this Section~~.

2) When a container having a design capacity greater than 0.1 m^3 (26 gal) is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator must control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in subsection (e)~~ of this Section~~ at those times during the waste stabilization process when the hazardous waste in the container is exposed to the atmosphere.

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 USDOT regulations on packaging hazardous materials for transportation, as specified in subsection (f)~~ of this Section~~;

B) A container equipped with a cover and closure devices that form a continuous barrier over the container openings so 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); and

C) An open-top container in which an organic-vapor suppressing barrier is placed on or over the hazardous waste in the container so that no hazardous waste 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) ~~of this Section~~ 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 waste to the atmosphere and to maintain the equipment integrity for as long as it is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of contact with the hazardous waste 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 waste is in a container using Container Level 1 controls, the owner or operator 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 waste or other material to the container, as follows:

i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator 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; and

ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator 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 waste from the container as follows:

i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), 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); and

ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator 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 waste. Examples of such activities 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 owner or operator 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 that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the container internal pressure in accordance with the design specifications of the container. 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 so 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 owner or operator 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; and

E) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator of containers using Container Level 1 controls must inspect the containers and their covers and closure devices as follows:

A) In the case when a hazardous waste already is in the container at the time the owner or operator 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., it does not meet the conditions for an empty container as specified in 35 Ill.

Adm. Code 721.107(b)), the owner or operator 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 on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest, as set forth in the appendix to 40 CFR 262 (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), incorporated by reference in 35 Ill. Adm. Code 720.111(b), as required under Section 725.171. If a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (c)(4)(C) ~~of this Section~~;

B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator 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 owner or operator must repair the defect in accordance with the requirements of subsection (c)(4)(C) ~~of this Section~~; and

C) When a defect is detected in the container, cover, or closure devices, the owner or operator 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 waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

5) The owner or operator must maintain at the facility a copy of the procedure used to determine that containers with capacity of 0.46 m^3 (120

gal) or greater which do not meet applicable USDOT regulations, as specified in subsection (f)~~ of this Section~~, are not managing hazardous waste 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)~~ of this Section~~;

B) A container that operates with no detectable organic emissions, as defined in Section 725.981, and determined in accordance with the procedure specified in subsection (g)~~ of this Section~~; and

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 Using Pressure-Vacuum Test) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b), in accordance with the procedure specified in subsection (h)~~ of this Section~~.

2) Transfer of hazardous waste into or out of a container using Container Level 2 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive or other hazardous materials. Examples of container loading procedures that the USEPA considers to meet the requirements of this subsection (d)(2) 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 waste is filled and subsequently purging the transfer line before removing it from the container opening.

3) Whenever a hazardous waste is in a container using Container Level 2 controls, the owner or operator 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 waste or other material to the container, as follows:

i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator 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; and

ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator 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 waste from the container as follows:

i) For the purpose of meeting the requirements of this Section, an empty container as defined in 35 Ill. Adm. Code 721.107(b) 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); and

ii) In the case when discrete quantities or batches of material are removed from the container but the container does not

meet the conditions to be an empty container as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator 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 waste. Examples of such activities 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 owner or operator 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 that 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 so 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 owner or operator 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; and

E) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator of containers using Container Level 2 controls must inspect the containers and their covers and closure devices as follows:

A) In the case when a hazardous waste already is in the container at the time the owner or operator 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., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator 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 on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest, in the appendix to 40 CFR 262 (Uniform Hazardous Waste Manifest and Instructions (USEPA Forms 8700-22 and 8700-22A and Their Instructions)), as required under Section 725.171. If a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (d)(4)(C)~~ of this Section~~;

B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator 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 owner or operator must repair the defect in accordance with the

requirements of subsection (d)(4)(C)~~ of this Section~~; and

C) When a defect is detected in the container, cover, or closure devices, the owner or operator 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 waste must be removed from the container and the container must not be used to manage hazardous waste 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)~~ of this Section~~; or

B) A container that is vented inside an enclosure that 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)~~ of this Section~~.

2) The owner or operator must meet the following requirements, as applicable to the type of air emission control equipment selected by the owner or operator:

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" under appendix B to 40 CFR 52.741 (VOM Measurement Techniques for Capture Efficiency), incorporated by reference in 35 Ill. Adm. Code 720.111(b). 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 owner or operator must perform the

verification procedure for the enclosure, as specified in Section 5.0 to "Procedure T – Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually; and

B) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.

3) Safety devices, as defined in Section 725.981, 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) ~~of this Section~~.

4) Owners and operators 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 725.988.

5) Owners and operators that use Container Level 3 controls in accordance with the provisions of this Subpart CC must prepare and maintain the records specified in Section 725.990(d).

6) The transfer of hazardous waste into or out of a container using Container Level 3 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that USEPA considers to meet the requirements of this subsection (e)(6) include using any one of the following: the use of a submerged-fill pipe or other submerged-fill method to load liquids into the container; the use of a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or the use of a fitted opening in the top of a container through which the hazardous waste 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) ~~of this Section~~, containers must be used that meet the applicable USDOT regulations on packaging hazardous materials for transportation as follows:

1) The container meets the applicable requirements specified by USDOT in 49 CFR 178 (Specifications for Packaging), or 49 CFR 179 (Specifications for Tank Cars), each incorporated by reference in 35 Ill. Adm. Code 720.111(b);

2) Hazardous waste is managed in the container in accordance with the applicable requirements specified by USDOT in subpart B of 49 CFR 107 (Exemptions), 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), 49 CFR 173(Shippers – General Requirements for Shipments and Packages), and 49 CFR 180(Continuing Qualification and Maintenance of Packagings), each incorporated by reference in 35 Ill. Adm. Code 720.111(b);

3) For the purpose of complying with this Subpart CC, no exceptions to the federal 49 CFR 178 or 179 regulations are allowed, except as provided for in subsection (f)(4)~~ of this Section~~; and

4) For a lab pack that is managed in accordance with the USDOT requirements of 49 CFR 178 (Specifications for Packagings) for the purpose of complying with this Subpart CC, an owner or operator may comply with the exceptions for combination packagings specified by USDOT in 49 CFR 173.12(b) (Exceptions for Shipments of Waste Materials), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

g) To determine compliance with the no detectable organic emissions requirements of subsection (d)(1)(B)~~ of this Section~~, the procedure specified in Section 725.984(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 wastes 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) The procedure for determining a container to be vapor-tight using Reference Method 27 for the purpose of complying with subsection (d)(1)(C) ~~of this Section~~ is as follows:

1) The test must be performed in accordance with Reference Method 27;

2) A pressure measurement device must be used that has a precision of ±2.5 mm (0.10 inch) water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness; and

3) If the test results determined by Reference Method 27 indicate that the container sustains a pressure change less than or equal to 750 Pascals (0.11 psig) within five minutes after it is pressurized to a minimum of 4,500 Pascals (0.65 psig), then the container is determined to be vapor-tight.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART DD: CONTAINMENT BUILDINGS

Section 725.1101 Design and Operating Standards

a) All containment buildings must comply with the following design and operating standards:

1) The containment building must be completely enclosed with a floor, walls, and a roof to prevent exposure to the elements (e.g. precipitation, wind, run on) and to assure containment of managed wastes;

2) The floor and containment walls of the unit, including the secondary containment system if required under subsection (b) ~~of this Section~~, must be designed and constructed of materials of sufficient strength and thickness to support themselves, the waste contents, and any personnel and heavy equipment that operate within the unit, and to prevent failure due to

pressure gradients, settlement, compression, or uplift, physical contact with the hazardous wastes to which they are exposed; climatic conditions; and the stresses of daily operation, including the movement of heavy equipment within the unit and contact of such equipment with containment walls. The unit must be designed so that it has sufficient structural strength to prevent collapse or other failure. All surfaces to be in contact with hazardous wastes must be chemically compatible with those wastes. The containment building must meet the structural integrity requirements established by professional organizations generally recognized by the industry such as the American Concrete Institute (ACI) and the American Society of Testing Materials (ASTM). If appropriate to the nature of the waste management operation to take place in the unit, an exception to the structural strength requirement may be made for light-weight doors and windows that meet these criteria:

A) They provide an effective barrier against fugitive dust emissions under subsection (c)(1)(D)~~ of this Section~~; and

B) The unit is designed and operated in a fashion that assures that wastes will not actually come in contact with these openings;

3) Incompatible hazardous wastes or treatment reagents must not be placed in the unit or its secondary containment system if they could cause the unit or secondary containment system to leak, corrode, or otherwise fail; and

4) A containment building must have a primary barrier designed to withstand the movement of personnel, waste, and handling equipment in the unit during the operating life of the unit and appropriate for the physical and chemical characteristics of the waste to be managed.

b) For a containment building used to manage hazardous wastes containing free liquids or treated with free liquids (the presence of which is determined by the paint filter test, a visual examination, or other appropriate means), the owner or operator must include the following design features:

1) A primary barrier designed and constructed of materials to prevent the migration of hazardous constituents into the barrier (e.g., a geomembrane covered by a concrete wear surface).

2) A liquid collection and removal system to minimize the accumulation of liquid on the primary barrier of the containment building:

A) The primary barrier must be sloped to drain liquids to the associated collection system; and

B) Liquids and waste must be collected and removed to minimize hydraulic head on the containment system at the earliest practicable time.

3) A secondary containment system including a secondary barrier designed and constructed to prevent migration of hazardous constituents into the barrier, and a leak detection system that is capable of detecting failure of the primary barrier and collecting accumulated hazardous wastes and liquids at the earliest practicable time.

A) The requirements of the leak detection component of the secondary containment system are satisfied by installation of a system that is, at a minimum, as follows:

i) It is constructed with a bottom slope of 1 percent or more; and

ii) It is constructed of a granular drainage material with a hydraulic conductivity of 1×10^{-2} cm/sec or more and a thickness of 12 inches (30.5 cm) or more, or constructed of synthetic or geonet drainage materials with a transmissivity of 3×10^{-5} m^2/sec or more.

B) If treatment is to be conducted in the building, an area in which such treatment will be conducted must be designed to prevent the release of liquids, wet materials, or liquid aerosols to other portions of the building.

C) The secondary containment system must be constructed of materials that are chemically resistant to the waste and liquids managed in the containment building and of sufficient strength and thickness to prevent collapse under the pressure exerted by overlaying materials and by any equipment used in the

containment building. (Containment buildings can serve as secondary containment systems for tanks placed within the building under certain conditions. A containment building can serve as an external liner system for a tank, provided it meets the requirements of Section 725.293(e)(1). In addition, the containment building must meet the requirements of subsections 725.293(b) and (c) to be an acceptable secondary containment system for a tank.)

4) For existing units other than 90-day generator units, USEPA may delay the secondary containment requirement for up to two years, based on a demonstration by the owner or operator that the unit substantially meets the standards of this Subpart DD. In making this demonstration, the owner or operator must do each of the following:

A) Provide written notice to USEPA of their request by November 16, 1992. This notification must describe the unit and its operating practices with specific reference to the performance of existing systems, and specific plans for retrofitting the unit with secondary containment;

B) Respond to any comments from USEPA on these plans within 30 days; and

C) Fulfill the terms of the revised plans, if such plans are approved by USEPA.

c) Owners or operators of all containment buildings must do each of the following:

1) It must use controls and practice to ensure containment of the hazardous waste within the unit, and at a minimum do each of the following:

A) It must maintain the primary barrier to be free of significant cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the primary barrier;

B) It must maintain the level of the stored or treated hazardous waste within the containment walls of the unit so that the height of any containment wall is not exceeded;

C) It must take measures to prevent the tracking of hazardous waste out of the unit by personnel or by equipment used in handling the waste. An area must be designated to decontaminate equipment and any rinsate must be collected and properly managed; and

D) It must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visible emissions (see 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(b)). In addition, all associated particulate collection devices (e.g., fabric filter, electrostatic precipitator) must be operated and maintained with sound air pollution control practices (see 40 CFR 60 for guidance). This state of no visible emissions must be maintained effectively at all times during routine operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit;

BOARD NOTE: At 40 CFR 264.1101(c)(1)(iv), USEPA cites "40 CFR part 60, subpart 292." At 57 Fed. Reg. 37217 (August 18, 1992), USEPA repeats this citation in the preamble discussion of adoption of the rules. No such provision exists in the Code of Federal Regulations. While 40 CFR 60.292 of the federal regulations pertains to control of fugitive dust emissions, that provision is limited in its application to glass melting furnaces. The Board has chosen to use the general citation: "40 CFR 60."

2) It must obtain and keep on-site a certification by a qualified Professional Engineer that the containment building design meets the requirements of subsections (a) through (c)~~ of this Section~~;

3) Throughout the active life of the containment building, if the owner or operator detects a condition that could lead to or has caused a release of hazardous waste, it must repair the condition promptly, in accordance with the following procedures:

A) Upon detection of a condition that has caused to a release of

hazardous wastes (e.g., upon detection of leakage from the primary barrier) the owner or operator must do the following:

i) Enter a record of the discovery in the facility operating record;

ii) Immediately remove the portion of the containment building affected by the condition from service;

iii) Determine what steps must be taken to repair the containment building, remove any leakage from the secondary collection system, and establish a schedule for accomplishing the cleanup and repairs; and

iv) Within seven days after the discovery of the condition, notify the Agency in writing of the condition, and within 14 working days, provide a written notice to the Agency with a description of the steps taken to repair the containment building, and the schedule for accomplishing the work;

B) The Agency must review the information submitted, make a determination regarding whether the containment building must be removed from service completely or partially until repairs and cleanup are complete, and notify the owner or operator of the determination and the underlying rationale in writing; and

C) Upon completing all repairs and cleanup the owner and operator must notify the Agency in writing and provide a verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with subsection (c)(3)(A)(iv)~~ of this Section~~; and

4) It must inspect and record in the facility's operating record at least once every seven days data gathered from monitoring and leak detection equipment as well as the containment building and the area immediately surrounding the containment building to detect signs of releases of hazardous waste.

d) For a containment building that contains areas both with and without secondary containment, the owner or operator must do the following:

1) Design and operate each area in accordance with the requirements enumerated in subsections (a) through (c)~~ of this Section~~;

2) Take measures to prevent the release of liquids or wet materials into areas without secondary containment; and

3) Maintain in the facility's operating log a written description of the operating procedures used to maintain the integrity of areas without secondary containment.

e) Notwithstanding any other provision of this Subpart DD, the Agency must, in writing, allow the use of alternatives to the requirements for secondary containment for a permitted containment building where the Agency has determined that the facility owner or operator has adequately demonstrated that the only free liquids in the unit are limited amounts of dust suppression liquids required to meet occupational health and safety requirements, and where containment of managed wastes and liquids can be assured without a secondary containment system.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities

2) Code Citation: 35 Ill. Adm. Code 726

3)

Section Numbers:	Proposed Actions:
726.202	Amendment
726.203	Amendment
726.212	Amendment
726.Appendix G	Amendment
726.Table A	Amendment

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

5) A Complete Description of Subjects and Issues Involved: The amendments to Part 726 are a single segment of the docket R16-7 rulemaking that also affects 35 Ill. Adm. Code 703, 720, 721, 722, 724, 725, 727, 728, and 733, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R16-7 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 is stated in the Notice of Adopted Amendments for 35 Ill. Adm. Code 703. A comprehensive description is contained in the Board's opinion and order of March 3, 2016, proposing amendments in docket R16-7, which opinion and order is available from the address below.

Specifically, the amendments to Part 726 are corrections and clarifying amendments that are not directly derived from the instant federal amendments. This includes corrections submitted by USEPA as a result of review of the rules for the purpose of authorization of the Illinois RCRA Subtitle C program.

Tables appear in the Board's opinion and order of March 3, 2016 in docket R16-7 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the March 3, 2016 opinion and order in docket R16-7.

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

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

9) Does this rulemaking contain incorporations by reference? No

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

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

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R16-7 and be addressed to:

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

Please direct inquiries to the following person and reference docket R16-7:

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 that generate, transport, treat, store, or dispose of hazardous waste. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].

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

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

14) Regulatory Agenda on which this rulemaking was summarized: December 4, 2015, 39 Ill. Reg. 15637-39

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 726
STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

SUBPART A: GENERAL

Section
726.102 Electronic Reporting

SUBPART C: RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING DISPOSAL

Section
726.120 Applicability
726.121 Standards Applicable to Generators and Transporters of Materials Used in a Manner that Constitutes Disposal
726.122 Standards Applicable to Storers, Who Are Not the Ultimate Users, of Materials that Are To Be Used in a manner that Constitutes Disposal
726.123 Standards Applicable to Users of Materials that Are Used in a Manner that Constitutes Disposal

SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

Section
726.130 Applicability (Repealed)
726.131 Prohibitions (Repealed)
726.132 Standards applicable to generators of hazardous waste fuel (Repealed)
726.133 Standards applicable to transporters of hazardous waste fuel (Repealed)
726.134 Standards applicable to marketers of hazardous waste fuel (Repealed)
726.135 Standards applicable to burners of hazardous waste fuel (Repealed)
726.136 Conditional exemption for spent materials and by-products exhibiting a characteristic of hazardous waste (Repealed)

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY

Section
726.140 Applicability (Repealed)
726.141 Prohibitions (Repealed)
726.142 Standards applicable to generators of used oil burned for energy recovery (Repealed)
726.143 Standards applicable to marketers of used oil burned for energy recovery (Repealed)
726.144 Standards applicable to burners of used oil burned for energy recovery (Repealed)

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL RECOVERY

Section
726.170 Applicability and Requirements

SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

Section
726.180 Applicability and Requirements

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

Section
726.200 Applicability
726.201 Management Prior to Burning
726.202 Permit Standards for Burners
726.203 Interim Status Standards for Burners
726.204 Standards to Control Organic Emissions
726.205 Standards to Control PM
726.206 Standards to Control Metals Emissions
726.207 Standards to Control HCl and Chlorine Gas Emissions
726.208 Small Quantity On-Site Burner Exemption
726.209 Low Risk Waste Exemption
726.210 Waiver of DRE Trial Burn for Boilers
726.211 Standards for Direct Transfer
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POLLUTION CONTROL BOARD

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

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in R94-7 at 18 Ill. Reg. 12500, effective July 29, 1994; amended in R95-4/R95-6 at 19 Ill. Reg. 10006, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11263, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 754, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 18042, effective September 28, 1998; amended in R99-15 at 23 Ill. Reg. 9482, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9853, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6667, effective April 22, 2002; amended in

R03-7 at 27 Ill. Reg. 4200, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12916, effective July 17, 2003; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3700, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1096, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12741, effective July 14, 2008; amended in R11-2/R11-16 at 35 Ill. Reg. 18117, effective October 14, 2011; amended in R13-5 at 37 Ill. Reg. 3249, effective March 4, 2013; amended in R13-15 at 37 Ill. Reg. 17888, effective October 24, 2013; amended in R16-7 at 40 Ill. Reg. _____, effective _____.

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

Section 726.202 Permit Standards for Burners

a) Applicability.

1) General. An owner or operator of a BIF that burns hazardous waste and which does not operate under interim status must comply with the requirements of this Section and 35 Ill. Adm. Code 703.208 and 703.232, unless exempt pursuant to the small quantity burner exemption of Section 726.208.

2) Applicability of 35 Ill. Adm. Code 724 standards. An owner or operator of a BIF that burns hazardous waste is subject to the following provisions of 35 Ill. Adm. Code 724, except as provided otherwise by this Subpart H:

A) In Subpart A (General), 35 Ill. Adm. Code 724.104;

B) In Subpart B (General facility standards), 35 Ill. Adm. Code 724.111 through 724.118;

C) In Subpart C (Preparedness and prevention), 35 Ill. Adm. Code 724.131 through 724.137;

D) In Subpart D (Contingency plan and emergency procedures), 35 Ill. Adm. Code 724.151 through 724.156;

E) In Subpart E (Manifest system, recordkeeping and reporting), the applicable provisions of 35 Ill. Adm. Code 724.171 through 724.177;

F) In Subpart F (Releases from Solid Waste Management Units), 35 Ill. Adm. Code 724.190 and 724.201;

G) In Subpart G (Closure and post-closure), 35 Ill. Adm. Code 724.211 through 724.215;

H) In Subpart H (Financial requirements), 35 Ill. Adm. Code 724.241, 724.242, 724.243, and 724.247 through 724.251, except that the State of Illinois and the federal government are exempt from the requirements of Subpart H of 35 Ill. Adm. Code 724; and

I) Subpart BB (Air emission standards for equipment leaks), except 35 Ill. Adm. Code 724.950(a).

b) Hazardous waste analysis.

1) The owner or operator must provide an analysis of the hazardous waste that quantifies the concentration of any constituent identified in Appendix H of 35 Ill. Adm. Code 721 that is reasonably expected to be in the waste. Such constituents must be identified and quantified if present, at levels detectable by using appropriate analytical methods. The constituents listed in Appendix H of 35 Ill. Adm. Code 721 that are excluded from this analysis must be identified and the basis for their exclusion explained. This analysis must provide all information required by this Subpart H and 35 Ill. Adm. Code 703.208 and 703.232 and must enable the Agency to prescribe such permit conditions as are necessary to adequately protect human health and the environment. Such analysis must be included as a portion of the Part B permit application, or, for facilities operating under the interim status standards of this Subpart H, as a portion of the trial burn plan that may be submitted before the Part B application pursuant to provisions of 35 Ill. Adm. Code 703.232(g), as well as any other analysis required by the Agency. The owner or operator of a BIF not operating under the interim status standards must provide the information required by 35 Ill. Adm. Code 703.208 and 703.232 in the Part B application to the greatest extent possible.

2) Throughout normal operation, the owner or operator must conduct sampling and analysis as necessary to ensure that the hazardous waste,

other fuels, and industrial furnace feedstocks fired into the BIF are within the physical and chemical composition limits specified in the permit.

c) Emissions standards. An owner or operator must comply with emissions standards provided by Sections 726.204 through 726.207.

d) Permits.

1) The owner or operator must burn only hazardous wastes specified in the facility permit and only under the operating conditions specified pursuant to subsection (e)~~ of this Section~~, except in approved trial burns under the conditions specified in 35 Ill. Adm. Code 703.232.

2) Hazardous wastes not specified in the permit must not be burned until operating conditions have been specified under a new permit or permit modification, as applicable. Operating requirements for new wastes must be based on either trial burn results or alternative data included with Part B of a permit application pursuant to 35 Ill. Adm. Code 703.208.

3) BIFs operating under the interim status standards of Section 726.203 are permitted pursuant to procedures provided by 35 Ill. Adm. Code 703.232(g).

4) A permit for a new BIF (those BIFs not operating under the interim status standards) must establish appropriate conditions for each of the applicable requirements of this Section, including but not limited to allowable hazardous waste firing rates and operating conditions necessary to meet the requirements of subsection (e)~~ of this Section~~, in order to comply with the following standards:

A) For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the device to a point of operational readiness to conduct a trial burn, not to exceed a duration of 720 hours operating time when burning hazardous waste, the operating requirements must be those most likely to ensure compliance with the emission standards of Sections 726.204 through 726.207, based on the Agency's engineering judgment. If the applicant is seeking a waiver from a trial burn to

demonstrate conformance with a particular emission standard, the operating requirements during this initial period of operation must include those specified by the applicable provisions of Section 726.204, Section 726.205, Section 726.206, or Section 726.207. The Agency must extend the duration of this period for up to 720 additional hours when good cause for the extension is demonstrated by the applicant.

B) For the duration of the trial burn, the operating requirements must be sufficient to demonstrate compliance with the emissions standards of Sections 726.204 through 726.207 and must be in accordance with the approved trial burn plan;

C) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation, submission of the trial burn results by the applicant, review of the trial burn results, and modification of the facility permit by the Agency to reflect the trial burn results, the operating requirements must be those most likely to ensure compliance with the emission standards Sections 726.204 through 726.207 based on the Agency's engineering judgment.

D) For the remaining duration of the permit, the operating requirements must be those demonstrated in a trial burn or by alternative data specified in 35 Ill. Adm. Code 703.208, as sufficient to ensure compliance with the emissions standards of Sections 726.204 through 726.207.

e) Operating requirements.

1) General. A BIF burning hazardous waste must be operated in accordance with the operating requirements specified in the permit at all times when there is hazardous waste in the unit.

2) Requirements to ensure compliance with the organic emissions standards.

A) DRE (destruction or removal efficiency) standard. Operating conditions must be specified in either of the following ways: on a case-by-case basis for each hazardous waste burned, which

conditions must be demonstrated (in a trial burn or by alternative data, as specified in 35 Ill. Adm. Code 703.208) to be sufficient to comply with the DRE performance standard of Section 726.204(a), or as special operating requirements provided by Section 726.204(a)(4) for the waiver of the DRE trial burn. When the DRE trial burn is not waived pursuant to Section 726.204(a)(4), each set of operating requirements must specify the composition of the hazardous waste (including acceptable variations in the physical and chemical properties of the hazardous waste that will not affect compliance with the DRE performance standard) to which the operating requirements apply. For each such hazardous waste, the permit must specify acceptable operating limits including, but not limited to, the following conditions, as appropriate:

i) Feed rate of hazardous waste and other fuels measured and specified as prescribed in subsection (e)(6) ~~of this Section~~;

ii) Minimum and maximum device production rate when producing normal product expressed in appropriate units, measured and specified as prescribed in subsection (e)(6) ~~of this Section~~;

iii) Appropriate controls of the hazardous waste firing system;

iv) Allowable variation in BIF system design or operating procedures;

v) Minimum combustion gas temperature measured at a location indicative of combustion chamber temperature, measured, and specified as prescribed in subsection (e)(6) ~~of this Section~~;

vi) An appropriate indicator of combustion gas velocity, measured and specified as prescribed in subsection (e)(6) ~~of this Section~~, unless documentation is provided pursuant to 35 Ill. Adm. Code 703.232 demonstrating adequate combustion gas residence time; and

vii) Such other operating requirements as are necessary to

ensure that the DRE performance standard of Section 726.204(a) is met.

B) CO and hydrocarbon (HC) standards. The permit must incorporate a CO limit and, as appropriate, a HC limit as provided by Section 726.204(b), (c), (d), (e), and (f). The permit limits must be specified as follows:

i) When complying with the CO standard of Section 726.204(b)(1), the permit limit is 100 ppmv;

ii) When complying with the alternative CO standard pursuant to Section 726.204(c), the permit limit for CO is based on the trial burn and is established as the average over all valid runs of the highest hourly rolling average CO level of each run; and, the permit limit for HC is 20 ppmv (as defined in Section 726.204(c)(1)), except as provided in Section 726.204(f); or

iii) When complying with the alternative HC limit for industrial furnaces pursuant to Section 726.204(f), the permit limit for HC and CO is the baseline level when hazardous waste is not burned as specified by that subsection.

C) Start-up and shut-down. During start-up and shut-down of the BIF, hazardous waste (except waste fed solely as an ingredient under the Tier I (or adjusted Tier I) feed rate screening limits for metals and chloride/chlorine, and except low risk waste exempt from the trial burn requirements pursuant to Sections 726.204(a)(5), 726.205, 726.206, and 726.207) must not be fed into the device, unless the device is operating within the conditions of operation specified in the permit.

3) Requirements to ensure conformance with the particulate matter (PM) standard.

A) Except as provided in subsections (e)(3)(B) and (e)(3)(C) ~~of this Section~~, the permit must specify the following operating

requirements to ensure conformance with the PM standard specified in Section 726.205:

i) Total ash feed rate to the device from hazardous waste, other fuels, and industrial furnace feedstocks, measured and specified as prescribed in subsection (e)(6)~~ of this Section~~;

ii) Maximum device production rate when producing normal product expressed in appropriate units, and measured and specified as prescribed in subsection (e)(6)~~ of this Section~~;

iii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any air pollution control system (APCS);

iv) Allowable variation in BIF system design including any APCS or operating procedures; and

v) Such other operating requirements as are necessary to ensure that the PM standard in Section 726.205(a) is met.

B) Permit conditions to ensure conformance with the PM standard must not be provided for facilities exempt from the PM standard pursuant to Section 726.205(b);

C) For cement kilns and light-weight aggregate kilns, permit conditions to ensure compliance with the PM standard must not limit the ash content of hazardous waste or other feed materials.

4) Requirements to ensure conformance with the metals emissions standard.

A) For conformance with the Tier I (or adjusted Tier I) metals feed rate screening limits of Section 726.206(b) or (e), the permit must specify the following operating requirements:

i) Total feed rate of each metal in hazardous waste, other fuels and industrial furnace feedstocks measured and specified pursuant to provisions of subsection (e)(6)~~ of this Section~~;

ii) Total feed rate of hazardous waste measured and specified as prescribed in subsection (e)(6)~~ of this Section~~; and

iii) A sampling and metals analysis program for the hazardous waste, other fuels and industrial furnace feedstocks;

B) For conformance with the Tier II metals emission rate screening limits pursuant to Section 726.206(c) and the Tier III metals controls pursuant to Section 726.206(d), the permit must specify the following operating requirements:

i) Maximum emission rate for each metal specified as the average emission rate during the trial burn;

ii) Feed rate of total hazardous waste and pumpable hazardous waste, each measured and specified as prescribed in subsection (e)(6)(A)~~ of this Section~~;

iii) Feed rate of each metal in the following feedstreams, measured and specified as prescribed in subsections (e)(6)~~ of this Section~~: total feed streams; total hazardous waste feed; and total pumpable hazardous waste feed;

BOARD NOTE: The Board has combined the text of 40 CFR 266.102(e)(4)(ii)(C)(*l*) and (e)(4)(ii)(C)(*2*) into this subsection (e)(4)(B)(iii) to comport with Illinois Administrative Code codification requirements.

iv) Total feed rate of chlorine and chloride in total feed streams measured and specified as prescribed in subsection (e)(6)~~ of this Section~~;

v) Maximum combustion gas temperature measured at a location indicative of combustion chamber temperature, and measured and specified as prescribed in subsection (e)(6)~~ of this Section~~;

vi) Maximum flue gas temperature at the inlet to the PM APCS

measured and specified as prescribed in subsection (e)(6) ~~of this Section~~;

vii) Maximum device production rate when producing normal product expressed in appropriate units and measured and specified as prescribed in subsection (e)(6) ~~of this Section~~;

viii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCS;

ix) Allowable variation in BIF system design including any APCS or operating procedures; and

x) Such other operating requirements as are necessary to ensure that the metals standards pursuant to Section 726.206(c) or (d) are met.

C) For conformance with an alternative implementation approach approved by the Agency pursuant to Section 726.206(f), the permit must specify the following operating requirements:

i) Maximum emission rate for each metal specified as the average emission rate during the trial burn;

ii) Feed rate of total hazardous waste and pumpable hazardous waste, each measured and specified as prescribed in subsection (e)(6)(A) ~~of this Section~~;

iii) Feed rate of each metal in the following feedstreams, measured and specified as prescribed in subsection (e)(6) ~~of this Section~~: total hazardous waste feed; and total pumpable hazardous waste feed;

BOARD NOTE: The Board has combined the text of 40 CFR 266.102(e)(4)(iii)(C)(*1*) and (e)(4)(iii)(C)(*2*) into this subsection (e)(4)(C)(iii) to comport with Illinois Administrative Code codification requirements.

iv) Total feed rate of chlorine and chloride in total feed streams

measured and specified prescribed in subsection (e)(6)~~ of this Section~~;

v) Maximum combustion gas temperature measured at a location indicative of combustion chamber temperature, and measured and specified as prescribed in subsection (e)(6)~~ of this Section~~;

vi) Maximum flue gas temperature at the inlet to the PM APCS measured and specified as prescribed in subsection (e)(6)~~ of this Section~~;

vii) Maximum device production rate when producing normal product expressed in appropriate units and measured and specified as prescribed in subsection (e)(6)~~ of this Section~~;

viii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCS;

ix) Allowable variation in BIF system design including any APCS or operating procedures; and

x) Such other operating requirements as are necessary to ensure that the metals standards pursuant to Section 726.206(c) or (d) are met.

5) Requirements to ensure conformance with the HCl and chlorine gas standards.

A) For conformance with the Tier I total chlorine and chloride feed rate screening limits of Section 726.207(b)(1), the permit must specify the following operating requirements:

i) Feed rate of total chlorine and chloride in hazardous waste, other fuels and industrial furnace feedstocks measured and specified as prescribed in subsection (e)(6)~~ of this Section~~;

ii) Feed rate of total hazardous waste measured and specified as prescribed in subsection (e)(6)~~ of this Section~~; and

iii) A sampling and analysis program for total chlorine and chloride for the hazardous waste, other fuels and industrial furnace feedstocks;

B) For conformance with the Tier II HCl and chlorine gas emission rate screening limits pursuant to Section 726.207(b)(2) and the Tier III HCl and chlorine gas controls pursuant to Section 726.207(c), the permit must specify the following operating requirements:

i) Maximum emission rate for HCl and for chlorine gas specified as the average emission rate during the trial burn;

ii) Feed rate of total hazardous waste measured and specified as prescribed in subsection (e)(6) ~~of this Section~~;

iii) Total feed rate of chlorine and chloride in total feed streams, measured and specified as prescribed in subsection (e)(6) ~~of this Section~~;

iv) Maximum device production rate when producing normal product expressed in appropriate units, measured and specified as prescribed in subsection (e)(6) ~~of this Section~~;

v) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCS;

vi) Allowable variation in BIF system design including any APCS or operating procedures; and

vii) Such other operating requirements as are necessary to ensure that the HCl and chlorine gas standards pursuant to Section 726.207(b)(2) or (c) are met.

6) Measuring parameters and establishing limits based on trial burn data.

A) General requirements. As specified in subsections (e)(2) through (e)(5) ~~of this Section~~, each operating parameter must be measured, and permit limits on the parameter must be established, according

to either of the following procedures:

i) Instantaneous limits. A parameter is measured and recorded on an instantaneous basis (i.e., the value that occurs at any time) and the permit limit specified as the time-weighted average during all valid runs of the trial burn; or

ii) Hourly rolling average. The limit for a parameter must be established and continuously monitored on an hourly rolling average basis, as defined in Section 726.200(i). The permit limit for the parameter must be established based on trial burn data as the average over all valid test runs of the highest hourly rolling average value for each run.

BOARD NOTE: The Board has combined the text of 40 CFR 266.102(e)(6)(i)(B)(*1*)~~266.100(e)(6)(i)(B)(*1*)~~ and (e)(6)(i)(B)(*2*) into this subsection (e)(6)(A)(ii) and moved the text of 40 CFR 266.102(e)(6)(i)(B)(*1*)(*i*) ~~266.100(e)(6)(i)(B)(*1*)(*i*)~~ and (e)(6)(i)(B)(*1*)(*ii*) to appear as definitions of "continuous monitor" and "hourly rolling average," respectively, in Section 726.200(i) to comport with Illinois Administrative Code codification requirements.

B) Rolling average limits for carcinogenic metals and lead. Feed rate limits for the carcinogenic metals (as defined in Section 726.200(i)) and lead must be established either on an hourly rolling average basis, as prescribed by subsection (e)(6)(A)~~ of this Section~~, or on (up to) a 24 hour rolling average basis. If the owner or operator elects to use an average period from 2 to 24 hours, the following requirements apply:

i) The feed rate of each metal must be limited at any time to ten times the feed rate that would be allowed on an hourly rolling average basis;

ii) The continuous monitor must meet the specifications of "continuous monitor," "rolling average for the selected

averaging period," and "one hour block average" as defined in Section 726.200(i); and

BOARD NOTE: The Board has moved the text of 40 CFR 266.102(e)(6)(ii)(B)(*1*)~~266.100(e)(6)(ii)(B)(*1*)~~ and (e)(6)(ii)(B)(*2*) to appear as definitions in Section 726.200(i) to comport with Illinois Administrative Code codification requirements.

iii) The permit limit for the feed rate of each metal must be established based on trial burn data as the average over all valid test runs of the highest hourly rolling average feed rate for each run.

C) Feed rate limits for metals, total chlorine and chloride, and ash. Feed rate limits for metals, total chlorine and chloride, and ash are established and monitored by knowing the concentration of the substance (i.e., metals, chloride/chlorine and ash) in each feedstream and the flow rate of the feedstream. To monitor the feed rate of these substances, the flow rate of each feedstream must be monitored pursuant to the continuous monitoring requirements of subsections (e)(6)(A) and (e)(6)(B)~~ of this Section~~.

D) Conduct of trial burn testing.

i) If compliance with all applicable emissions standards of Sections 726.204 through 726.207 is not demonstrated simultaneously during a set of test runs, the operating conditions of additional test runs required to demonstrate compliance with remaining emissions standards must be as close as possible to the original operating conditions.

ii) Prior to obtaining test data for purposes of demonstrating compliance with the emissions standards of Sections 726.204 through 726.207 or establishing limits on operating parameters pursuant to this Section, the unit must operate under trial burn conditions for a sufficient period to reach steady-state operations. However, industrial furnaces that recycle collected PM back into the furnace and that

comply with an alternative implementation approach for metals pursuant to Section 726.206(f) need not reach steady state conditions with respect to the flow of metals in the system prior to beginning compliance testing for metals emissions.

iii) Trial burn data on the level of an operating parameter for which a limit must be established in the permit must be obtained during emissions sampling for the pollutants (i.e., metals, PM, HCl/chlorine gas, organic compounds) for which the parameter must be established as specified by this subsection (e).

7) General requirements.

A) Fugitive emissions. Fugitive emissions must be controlled in one of the following ways:

i) By keeping the combustion zone totally sealed against fugitive emissions;

ii) By maintaining the combustion zone pressure lower than atmospheric pressure; or

iii) By an alternative means of control demonstrated (with Part B of the permit application) to provide fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.

B) Automatic waste feed cutoff. A BIF must be operated with a functioning system that automatically cuts off the hazardous waste feed when operating conditions deviate from those established pursuant to this Section. In addition, the following requirements apply:

i) The permit limit for (the indicator of) minimum combustion chamber temperature must be maintained while hazardous waste or hazardous waste residues remain in the combustion chamber;

ii) Exhaust gases must be ducted to the APCS operated in accordance with the permit requirements while hazardous waste or hazardous waste residues remain in the combustion chamber; and

iii) Operating parameters for which permit limits are established must continue to be monitored during the cutoff, and the hazardous waste feed must not be restarted until the levels of those parameters comply with the permit limits. For parameters that are monitored on an instantaneous basis, the Agency must establish a minimum period of time after a waste feed cutoff during which the parameter must not exceed the permit limit before the hazardous waste feed is restarted.

C) Changes. A BIF must cease burning hazardous waste when combustion properties or feed rates of the hazardous waste, other fuels or industrial furnace feedstocks, or the BIF design or operating conditions deviate from the limits as specified in the permit.

8) Monitoring and Inspections.

A) The owner or operator must monitor and record the following, at a minimum, while burning hazardous waste:

i) If specified by the permit, feed rates and composition of hazardous waste, other fuels, and industrial furnace feedstocks and feed rates of ash, metals, and total chlorine and chloride;

ii) If specified by the permit, CO, HCs, and oxygen on a continuous basis at a common point in the BIF downstream of the combustion zone and prior to release of stack gases to the atmosphere in accordance with operating requirements specified in subsection (e)(2)(B)~~ of this Section~~. CO, HC, and oxygen monitors must be installed, operated, and maintained in accordance with methods

specified in Appendix I of this Part; and

iii) Upon the request of the Agency, sampling and analysis of the hazardous waste (and other fuels and industrial furnace feedstocks as appropriate), residues, and exhaust emissions must be conducted to verify that the operating requirements established in the permit achieve the applicable standards of Sections 726.204, 726.205, 726.206, and 726.207.

B) All monitors must record data in units corresponding to the permit limit unless otherwise specified in the permit.

C) The BIF and associated equipment (pumps, valves, pipes, fuel storage tanks, etc.) must be subjected to thorough visual inspection when it contains hazardous waste, at least daily for leaks, spills, fugitive emissions, and signs of tampering.

D) The automatic hazardous waste feed cutoff system and associated alarms must be tested at least once every seven days when hazardous waste is burned to verify operability, unless the applicant demonstrates to the Agency that weekly inspections will unduly restrict or upset operations and that less frequent inspections will be adequate. At a minimum, operational testing must be conducted at least once every 30 days.

E) These monitoring and inspection data must be recorded and the records must be placed in the operating record required by 35 Ill. Adm. Code 724.173.

9) Direct transfer to the burner. If hazardous waste is directly transferred from a transport vehicle to a BIF without the use of a storage unit, the owner and operator must comply with Section 726.211.

10) Recordkeeping. The owner or operator must maintain in the operating record of the facility all information and data required by this Section for five years.

11) Closure. At closure, the owner or operator must remove all hazardous waste and hazardous waste residues (including, but not limited to, ash,

scrubber waters, and scrubber sludges) from the BIF.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 726.203 Interim Status Standards for Burners

a) Purpose, scope, and applicability.

1) General.

A) The purpose of this Section is to establish minimum national standards for owners and operators of "existing" BIFs that burn hazardous waste where such standards define the acceptable management of hazardous waste during the period of interim status. The standards of this Section apply to owners and operators of existing facilities until either a permit is issued under Section 726.202(d) or until closure responsibilities identified in this Section are fulfilled.

B) "Existing" or "in existence" means a BIF for which the owner or operator filed a certification of precompliance with USEPA pursuant to federal 40 CFR 266.103(b); provided, however, that USEPA has not determined that the certification is invalid.

C) If a BIF is located at a facility that already has a RCRA permit or interim status, then the owner or operator must comply with the applicable regulations dealing with permit modifications in 35 Ill. Adm. Code 703.280 or changes in interim status in 35 Ill. Adm. Code 703.155.

2) Exemptions. The requirements of this Section do not apply to hazardous waste and facilities exempt under Section 726.200(b) or 726.208.

3) Prohibition on burning dioxin-listed wastes. The following hazardous waste listed for dioxin and hazardous waste derived from any of these wastes must not be burned in a BIF operating under interim status: USEPA hazardous waste numbers F020, F021, F022, F023, F026, and F027.

4) Applicability of 35 Ill. Adm. Code 725 standards. An owner or operator of a BIF that burns hazardous waste and which is operating under interim status is subject to the following provisions of 35 Ill. Adm. Code 725, except as provided otherwise by this Section:

A) In Subpart A of 35 Ill. Adm. Code 725 (General), 35 Ill. Adm. Code 725.104;

B) In Subpart B of 35 Ill. Adm. Code 725 (General facility standards), 35 Ill. Adm. Code 725.111 through 725.117;

C) In Subpart C of 35 Ill. Adm. Code 725 (Preparedness and prevention), 35 Ill. Adm. Code 725.131 through 725.137;

D) In Subpart D of 35 Ill. Adm. Code 725 (Contingency plan and emergency procedures), 35 Ill. Adm. Code 725.151 through 725.156;

E) In Subpart E of 35 Ill. Adm. Code 725 (Manifest system, recordkeeping and reporting), 35 Ill. Adm. Code 725.171 through 725.177, except that 35 Ill. Adm. Code 725.171, 725.172 and 725.176 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources;

F) In Subpart G of 35 Ill. Adm. Code 725 (Closure and post-closure), 35 Ill. Adm. Code 725.211 through 725.215;

G) In Subpart H of 35 Ill. Adm. Code 725 (Financial requirements), 35 Ill. Adm. Code 725.241, 725.242, 725.243, and 725.247 through 725.250, except that the State of Illinois and the federal government are exempt from the requirements of Subpart H of 35 Ill. Adm. Code 725; and

H) In Subpart BB of 35 Ill. Adm. Code 725 (Air emission standards for equipment leaks), except 35 Ill. Adm. Code 725.950(a).

5) Special requirements for furnaces. The following controls apply during interim status to industrial furnaces (e.g., kilns, cupolas) that feed hazardous waste for a purpose other than solely as an ingredient (see

subsection (a)(5)(B)~~ of this Section~~) at any location other than the hot end where products are normally discharged or where fuels are normally fired:

A) Controls.

i) The hazardous waste must be fed at a location where combustion gas temperature is at least 1800°F;

ii) The owner or operator must determine that adequate oxygen is present in combustion gases to combust organic constituents in the waste and retain documentation of such determination in the facility record;

iii) For cement kiln systems, the hazardous waste must be fed into the kiln; and

iv) The HC controls of Section 726.204(f) or subsection (c)(5)~~ of this Section~~ apply upon certification of compliance under subsection (c)~~ of this Section~~, irrespective of the CO level achieved during the compliance test.

B) Burning hazardous waste solely as an ingredient. A hazardous waste is burned for a purpose other than "solely as an ingredient" if it meets either of the following criteria:

i) The hazardous waste has a total concentration of nonmetal compounds listed in Appendix H of 35 Ill. Adm. Code 721, exceeding 500 ppm by weight, as fired and so is considered to be burned for destruction. The concentration of nonmetal compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys nonmetal constituents. Blending for dilution to meet the 500 ppm limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the facility record; or

ii) The hazardous waste has a heating value of 5,000 Btu/lb or more, as fired, and so is considered to be burned as fuel. The heating value of a waste as-generated may be reduced

to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending to augment the heating value to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly blended must be retained in the facility record.

6) Restrictions on burning hazardous waste that is not a fuel. Prior to certification of compliance under subsection (c)~~ of this Section~~, an owner or operator must not feed hazardous waste that has a heating value less than 5000 Btu/lb, as generated, (except that the heating value of a waste as-generated may be increased to above the 5,000 Btu/lb limit by bona fide treatment; however blending to augment the heating value to meet the 5,000 Btu/lb limit is prohibited and records must be kept to document that impermissible blending has not occurred) in a BIF, except that the following may occur:

A) Hazardous waste may be burned solely as an ingredient;

B) Hazardous waste may be burned for purposes of compliance testing (or testing prior to compliance testing) for a total period of time not to exceed 720 hours;

C) Such waste may be burned if the Agency has documentation to show that the following was true prior to August 21, 1991:

i) The BIF was operating under the interim status standards for incinerators or thermal treatment units, Subparts O or P of 35 Ill. Adm. Code 725;

ii) The BIF met the interim status eligibility requirements under 35 Ill. Adm. Code 703.153 for Subparts O or P of 35 Ill. Adm. Code 725; and

iii) Hazardous waste with a heating value less than 5,000 Btu/lb was burned prior to that date; or

D) Such waste may be burned in a halogen acid furnace if the waste was burned as an excluded ingredient under 35 Ill. Adm. Code 721.102(e) prior to February 21, 1991, and documentation is kept on file supporting this claim.

7) Direct transfer to the burner. If hazardous waste is directly transferred from a transport vehicle to a BIF without the use of a storage unit, the owner or operator must comply with Section 726.211.

b) Certification of precompliance. This subsection (b) corresponds with 40 CFR 266.103(b), under which USEPA required certain owners and operators to file a certification of precompliance by August 21, 1991. No similar filing with the Agency was required, so the Board did not incorporate the federal filing requirement into the Illinois regulations. This statement maintains structural parity with the federal regulations.

c) Certification of compliance. The owner or operator must conduct emissions testing to document compliance with the emissions standards of Sections 726.204(b) through (e), 726.205, 726.206, and 726.207 and subsection (a)(5)(A)(iv) ~~of this Section~~ under the procedures prescribed by this subsection (c), except under extensions of time provided by subsection (c)(7) ~~of this Section~~. Based on the compliance test, the owner or operator must submit to the Agency, on or before August 21, 1992, a complete and accurate "certification of compliance" (under subsection (c)(4) ~~of this Section~~) with those emission standards establishing limits on the operating parameters specified in subsection (c)(1) ~~of this Section~~.

1) Limits on operating conditions. The owner or operator must establish limits on the following parameters based on operations during the compliance test (under procedures prescribed in subsection (c)(4)(D) ~~of this Section~~) or as otherwise specified and include these limits with the certification of compliance. The BIF must be operated in accordance with these operating limits and the applicable emissions standards of Sections 726.204(b) through (e), 726.205, 726.206, and 726.207 and subsection (a)(5)(A)(iv) ~~of this Section~~ at all times when there is hazardous waste in the unit.

A) Feed rate of total hazardous waste and (unless complying the Tier I

or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e)), pumpable hazardous waste;

B) Feed rate of each metal in the following feedstreams:

i) Total feedstreams, except that industrial furnaces which must comply with the alternative metals implementation approach under subsection (c)(3)(B)~~ of this Section~~ must specify limits on the concentration of each metal in collected PM in lieu of feed rate limits for total feedstreams; and facilities that comply with Tier I or Adjusted Tier I metals feed rate screening limits may set their operating limits at the metal feed rate screening limits determined under Section~~subsection~~ 726.206(b) or (e)~~ of this Section~~;

BOARD NOTE: Federal subsections 266.103(c)(1)(ii)(A)(*1*) and (c)(1)(ii)(A)(2) are condensed into subsection (c)(1)(B)(i).

ii) Total hazardous waste feed (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e)); and

iii) Total pumpable hazardous waste feed (unless complying with Tier I or Adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e));

C) Total feed rate of total chlorine and chloride in total feed streams, except that facilities that comply with Tier I or Adjusted Tier I feed rate screening limits may set their operating limits at the total chlorine and chloride feed rate screening limits determined under Section 726.207(b)(1) or (e);

D) Total feed rate of ash in total feed streams, except that the ash feed rate for cement kilns and light-weight aggregate kilns is not limited;

E) CO concentration, and where required, HC concentration in stack

gas. When complying with the CO controls of Section 726.204(b), the CO limit is 100 ppmv, and when complying with the HC controls of Section 726.204(c), the HC limit is 20 ppmv. When complying with the CO controls of Section 726.204(c), the CO limit is established based on the compliance test;

F) Maximum production rate of the device in appropriate units when producing normal product unless complying with Tier I or Adjusted Tier I feed rate screening limits for chlorine under Section 726.207(b)(1) or (e) and for all metals under Section 726.206(b)~~726.207(b)~~ or (e), and the uncontrolled particulate emissions do not exceed the standard under Section 726.205;

G) Maximum combustion chamber temperature where the temperature measurement is as close to the combustion zone as possible and is upstream of any quench water injection, (unless complying with the Tier I adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e));

H) Maximum flue gas temperature entering a PM control device (unless complying with Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b) or (e));

I) For systems using wet scrubbers, including wet ionizing scrubbers (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)):

i) Minimum liquid to flue gas ratio;

ii) Minimum scrubber blowdown from the system or maximum suspended solids content of scrubber water; and

iii) Minimum pH level of the scrubber water;

J) For systems using venturi scrubbers, the minimum differential gas

pressure across the venturi (unless complying the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e));

K) For systems using dry scrubbers (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)):

i) Minimum caustic feed rate; and

ii) Maximum flue gas flow rate;

L) For systems using wet ionizing scrubbers or electrostatic precipitators (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)):

i) Minimum electrical power in kVA to the precipitator plates; and

ii) Maximum flue gas flow rate;

M) For systems using fabric filters (baghouses), the minimum pressure drop (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)).

2) Prior notice of compliance testing. At least 30 days prior to the compliance testing required by subsection (c)(3)~~ of this Section~~, the owner or operator must notify the Agency and submit the following information:

A) General facility information including:

i) USEPA facility ID number;

ii) Facility name, contact person, telephone number, and address;

iii) Person responsible for conducting compliance test, including company name, address, and telephone number, and a statement of qualifications;

iv) Planned date of the compliance test;

B) Specific information on each device to be tested, including the following:

i) A Description of BIF;

ii) A scaled plot plan showing the entire facility and location of the BIF;

iii) A description of the APCS;

iv) Identification of the continuous emission monitors that are installed, including the following: CO monitor; Oxygen monitor; HC monitor, specifying the minimum temperature of the system, and, if the temperature is less than 150º C, an explanation of why a heated system is not used (see subsection (c)(5)~~ of this Section~~) and a brief description of the sample gas conditioning system;

BOARD NOTE: The Board has combined the text of 40 CFR 266.103(c)(2)(ii)(D)(*1*) through (c)(2)(ii)(D)(*3*) into this subsection (c)(2)(B)(iv) to comport with Illinois Administrative Code codification requirements.

v) Indication of whether the stack is shared with another device that will be in operation during the compliance test; and

vi) Other information useful to an understanding of the system design or operation; and

C) Information on the testing planned, including a complete copy of the test protocol and QA/QC plan, and a summary description for each test providing the following information at a minimum:

i) Purpose of the test (e.g., demonstrate compliance with emissions of PM); and

ii) Planned operating conditions, including levels for each pertinent parameter specified in subsection (c)(1)~~ of this Section~~.

3) Compliance testing.

A) General. Compliance testing must be conducted under conditions for which the owner or operator has submitted a certification of precompliance under subsection (b)~~ of this Section~~ and under conditions established in the notification of compliance testing required by subsection (c)(2)~~ of this Section~~. The owner or operator may seek approval on a case-by-case basis to use compliance test data from one unit in lieu of testing a similar on-site unit. To support the request, the owner or operator must provide a comparison of the hazardous waste burned and other feedstreams, and the design, operation, and maintenance of both the tested unit and the similar unit. The Agency must provide a written approval to use compliance test data in lieu of testing a similar unit if the Agency finds that the hazardous wastes, devices and the operating conditions are sufficiently similar, and the data from the other compliance test is adequate to meet the requirements of this subsection (c).

B) Special requirements for industrial furnaces that recycle collected PM. Owners and operators of industrial furnaces that recycle back into the furnace PM from the APCS must comply with one of the following procedures for testing to determine compliance with the metals standards of Section 726.206(c) or (d):

i) The special testing requirements prescribed in "Alternative Method for Implementing Metals Controls" in Appendix I to this Part;

ii) Stack emissions testing for a minimum of six hours each day while hazardous waste is burned during interim status. The testing must be conducted when burning normal hazardous waste for that day at normal feed rates for that day and when the APCS is operated under normal conditions. During interim status, hazardous waste analysis for metals content must be sufficient for the owner or operator to determine if changes in metals content affect the ability of the unit to meet the metals emissions standards established under Section 726.206(c) or (d). Under this option, operating limits (under subsection (c)(1) ~~of this Section~~) must be established during compliance testing under this subsection (c)(3) only on the following parameters: feed rate of total hazardous waste; total feed rate of total chlorine and chloride in total feed streams; total feed rate of ash in total feed streams, except that the ash feed rate for cement kilns and light-weight aggregate kilns is not limited; CO concentration, and where required, HC concentration in stack gas; and maximum production rate of the device in appropriate units when producing normal product; or

BOARD NOTE: The Board has combined the text of 40 CFR 266.103(c)(3)(ii)(B)(*1*) through (c)(3)(ii)(B)(*5*) into this subsection (c)(3)(B)(ii) to comport with Illinois Administrative Code codification requirements.

iii) Conduct compliance testing to determine compliance with the metals standards to establish limits on the operating parameters of subsection (c)(1) ~~of this Section~~ only after the kiln system has been conditioned to enable it to reach equilibrium with respect to metals fed into the system and metals emissions. During conditioning, hazardous waste and raw materials having the same metals content as will be fed during the compliance test must be fed at the feed rates that will be fed during the compliance test.

C) Conduct of compliance testing.

i) If compliance with all applicable emissions standards of Sections 726.204 through 726.207 is not demonstrated simultaneously during a set of test runs, the operating conditions of additional test runs required to demonstrate compliance with remaining emissions standards must be as close as possible to the original operating conditions.

ii) Prior to obtaining test data for purposes of demonstrating compliance with the applicable emissions standards of Sections 726.204 through 726.207 or establishing limits on operating parameters under this Section, the facility must operate under compliance test conditions for a sufficient period to reach steady-state operations. Industrial furnaces that recycle collected PM back into the furnace and that comply with subsection (c)(3)(B)(i) or (c)(3)(B)(ii) ~~of this Section~~, however, need not reach steady state conditions with respect to the flow of metals in the system prior to beginning compliance testing for metals.

iii) Compliance test data on the level of an operating parameter for which a limit must be established in the certification of compliance must be obtained during emissions sampling for the pollutants (i.e., metals, PM, HCl/chlorine gas, organic compounds) for which the parameter must be established as specified by subsection (c)(1) ~~of this Section~~.

4) Certification of compliance. Within 90 days of completing compliance testing, the owner or operator must certify to the Agency compliance with the emissions standards of Sections 726.204(b), (c) and (e); 726.205; 726.206; 726.207; and subsection (a)(5)(A)(iv) ~~of this Section~~. The certification of compliance must include the following information:

A) General facility and testing information, including the following:

i) USEPA facility ID number;

ii) Facility name, contact person, telephone number, and address;

iii) Person responsible for conducting compliance testing, including company name, address, and telephone number, and a statement of qualifications;

iv) Dates of each compliance test;

v) Description of BIF tested;

vi) Person responsible for QA/QC, title and telephone number, and statement that procedures prescribed in the QA/QC plan submitted under Section 726.203(c)(2)(C) have been followed, or a description of any changes and an explanation of why changes were necessary;

vii) Description of any changes in the unit configuration prior to or during testing that would alter any of the information submitted in the prior notice of compliance testing under subsection (c)(2)~~ of this Section~~ and an explanation of why the changes were necessary;

viii) Description of any changes in the planned test conditions prior to or during the testing that alter any of the information submitted in the prior notice of compliance testing under subsection (c)(2)~~ of this Section~~ and an explanation of why the changes were necessary; and

ix) The complete report on results of emissions testing.

B) Specific information on each test, including the following:

i) Purposes of test (e.g., demonstrate conformance with the emissions limits for PM, metals, HCl, chlorine gas, and CO);

ii) Summary of test results for each run and for each test including the following information: date of run; duration of run; time-weighted average and highest hourly rolling average CO level for each run and for the test; highest

hourly rolling average HC level, if HC monitoring is required for each run and for the test; if dioxin and furan testing is required under Section 726.204(e), time-weighted average emissions for each run and for the test of chlorinated dioxin and furan emissions, and the predicted maximum annual average ground level concentration of the toxicity equivalency factor (defined in Section 726.200(i)); time-weighted average PM emissions for each run and for the test; time-weighted average HCl and chlorine gas emissions for each run and for the test; time-weighted average emissions for the metals subject to regulation under Section 726.206 for each run and for the test; and QA/QC results.

BOARD NOTE: The Board has combined the text of 40 CFR 266.103(c)(4)(ii)(B)(*1*) through (c)(4)(ii)(B)(*9*) into this subsection (c)(4)(B)(ii) to comport with Illinois Administrative Code codification requirements.

C) Comparison of the actual emissions during each test with the emissions limits prescribed by Sections 726.204(b), (c), and (e); 726.205; 726.206; and 726.207 and established for the facility in the certification of precompliance under subsection (b)~~ of this Section~~.

D) Determination of operating limits based on all valid runs of the compliance test for each applicable parameter listed in subsection (c)(1)~~ of this Section~~ using one of the following procedures:

i) Instantaneous limits. A parameter must be measured and recorded on an instantaneous basis (i.e., the value that occurs at any time) and the operating limit specified as the time-weighted average during all runs of the compliance test.

ii) Hourly rolling average basis. The limit for a parameter must be established and continuously monitored on an hourly rolling average basis, as defined in Section 726.200(i). The operating limit for the parameter must be

established based on compliance test data as the average over all test runs of the highest hourly rolling average value for each run.

BOARD NOTE: The Board has combined the text of 40 CFR 266.103(c)(4)(iv)(B)(*1*) and (c)(4)(iv)(B)(*2*) into this subsection (c)(4)(D)(ii) and moved the text of 40 CFR 226.103(c)(4)(iv)(B)(*1*)(*i*) and (c)(4)(iv)(B)(*1*)(*ii*) to appear as definitions in Section 726.200(i) to comport with Illinois Administrative Code codification requirements.

iii) Rolling average limits for carcinogenic metals (as defined in Section 726.200(i)) and lead. Feed rate limits for the carcinogenic metals and lead must be established either on an hourly rolling average basis as prescribed by subsection (c)(4)(D)(ii)~~ of this Section~~ or on (up to) a 24 hour rolling average basis. If the owner or operator elects to use an averaging period from two to 24 hours the following must occur: the feed rate of each metal must be limited at any time to ten times the feed rate that would be allowed on a hourly rolling average basis; the operating limit for the feed rate of each metal must be established based on compliance test data as the average over all test runs of the highest hourly rolling average feed rate for each run; and the continuous monitor and the rolling average for the selected averaging period are as defined in Section 726.200(i).

BOARD NOTE: The Board has combined the text of 40 CFR~~C.F.R.~~ 266.103(c)(4)(iv)(C)(*1*) through~~and~~ (c)(4)(iv)(C)(*3*) ~~are condensed~~ into subsection (c)(4)(D)(iii) and moved the text of 40 CFR 266.103(c)(4)(iv)(C)(*2*)(*i*) and (c)(4)(iv)(C)(*2*)(*ii*) to appear as definitions in Section 726.200(i)~~(c)(b)(C)(iii)~~ to comport with Illinois Administrative Code codification requirements.

iv) Feed rate limits for metals, total chlorine and chloride, and ash. Feed rate limits for metals, total chlorine and chloride, and ash are established and monitored by knowing the concentration of the substance (i.e., metals,

chloride/chlorine, and ash) in each feedstream and the flow rate of the feedstream. To monitor the feed rate of these substances, the flow rate of each feedstream must be monitored under the continuous monitoring requirements of subsections (c)(4)(D)(i) through (c)(4)(D)(iii)~~ of this Section~~.

E) Certification of compliance statement. The following statement must accompany the certification of compliance:

"I certify under penalty of law that this information was prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information and supporting documentation. Copies of all emissions tests, dispersion modeling results, and other information used to determine conformance with the requirements of 35 Ill. Adm. Code 726.203(c) are available at the facility and can be obtained from the facility contact person listed above. Based on my inquiry of the person or persons who manage the facility, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I also acknowledge that the operating limits established pursuant to 35 Ill. Adm. Code 726.203(c)(4)(D) are enforceable limits at which the facility can legally operate during interim status until a revised certification of compliance is submitted."

5) Special requirements for HC monitoring systems. When an owner or operator is required to comply with the HC controls provided by Section 726.204(c) or subsection (a)(5)(A)(iv)~~ of this Section~~, a conditioned gas monitoring system may be used in conformance with specifications provided in Appendix I to this Part provided that the owner or operator submits a certification of compliance without using extensions of time

provided by subsection (c)(7)~~ of this Section~~.

6) Special operating requirements for industrial furnaces that recycle collected PM. Owners and operators of industrial furnaces that recycle back into the furnace PM from the APCS must do the following:

A) When complying with the requirements of subsection (c)(3)(B)(i)~~ of this Section~~, comply with the operating requirements prescribed in "Alternative Method to Implement the Metals Controls" in Appendix I to this Part; and

B) When complying with the requirements of subsection (c)(3)(B)(ii)~~ of this Section~~, comply with the operating requirements prescribed by that subsection.

7) Extensions of time.

A) If the owner or operator does not submit a complete certification of compliance for all of the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 by August 21, 1992, the owner or operator must do the following:

i) Stop burning hazardous waste and begin closure activities under subsection (l)~~ of this Section~~ for the hazardous waste portion of the facility;

ii) Limit hazardous waste burning only for purposes of compliance testing (and pretesting to prepare for compliance testing) a total period of 720 hours for the period of time beginning August 21, 1992, submit a notification to the Agency by August 21, 1992 stating that the facility is operating under restricted interim status and intends to resume burning hazardous waste, and submit a complete certification of compliance by August 23, 1993; or

iii) Obtain a case-by-case extension of time under subsection (c)(7)(B)~~ of this Section~~.

B) Case-by-case extensions of time. See Section 726.219.

BOARD NOTE: The Board moved the text of 40 CFR 266.103(c)(7)(ii) to appear as Section 726.219 to comport with Illinois Administrative Code codification requirements.

8) Revised certification of compliance. The owner or operator may submit at any time a revised certification of compliance (recertification of compliance) under the following procedures:

A) Prior to submittal of a revised certification of compliance, hazardous waste must not be burned for more than a total of 720 hours under operating conditions that exceed those established under a current certification of compliance, and such burning must be conducted only for purposes of determining whether the facility can operate under revised conditions and continue to meet the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207;

B) At least 30 days prior to first burning hazardous waste under operating conditions that exceed those established under a current certification of compliance, the owner or operator must notify the Agency and submit the following information:

i) USEPA facility ID number, and facility name, contact person, telephone number, and address;

ii) Operating conditions that the owner or operator is seeking to revise and description of the changes in facility design or operation that prompted the need to seek to revise the operating conditions;

iii) A determination that, when operating under the revised operating conditions, the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 are not likely to be exceeded. To document this determination, the owner or operator must submit the applicable information required under subsection (b)(2)~~ of this Section~~; and

iv) Complete emissions testing protocol for any pretesting and for a new compliance test to determine compliance with the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 when operating under revised operating conditions. The protocol must include a schedule of pre-testing and compliance testing. If the owner or operator revises the scheduled date for the compliance test, the owner or operator must notify the Agency in writing at least 30 days prior to the revised date of the compliance test;

C) Conduct a compliance test under the revised operating conditions and the protocol submitted to the Agency to determine compliance with the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207; and

D) Submit a revised certification of compliance under subsection (c)(4)~~ of this Section~~.

d) Periodic Recertifications. The owner or operator must conduct compliance testing and submit to the Agency a recertification of compliance under provisions of subsection (c)~~ of this Section~~ within five years from submitting the previous certification or recertification. If the owner or operator seeks to recertify compliance under new operating conditions, the owner or operator must comply with the requirements of subsection (c)(8)~~ of this Section~~.

e) Noncompliance with certification schedule. If the owner or operator does not comply with the interim status compliance schedule provided by subsections (b), (c), and (d)~~ of this Section~~, hazardous waste burning must terminate on the date that the deadline is missed, closure activities must begin under subsection (l)~~ of this Section~~, and hazardous waste burning must not resume except under an operating permit issued under 35 Ill. Adm. Code 703.232. For purposes of compliance with the closure provisions of subsection (l)~~ of this Section~~ and 35 Ill. Adm. Code 725.212(d)(2) and 725.213, the BIF has received "the known final volume of hazardous waste" on the date the deadline is missed.

f) Start-up and shut-down. Hazardous waste (except waste fed solely as an ingredient under the Tier I (or adjusted Tier I) feed rate screening limits for metals and chloride/chlorine) must not be fed into the device during start-up and shut-

down of the BIF, unless the device is operating within the conditions of operation specified in the certification of compliance.

g) Automatic waste feed cutoff. During the compliance test required by subsection (c)(3)~~ of this Section~~ and upon certification of compliance under subsection (c)~~ of this Section~~, a BIF must be operated with a functioning system that automatically cuts off the hazardous waste feed when the applicable operating conditions specified in subsections (c)(1)(A) and (c)(1)(E) through (c)(1)(M)~~ of this Section~~ deviate from those established in the certification of compliance. In addition, the following must occur:

1) To minimize emissions of organic compounds, the minimum combustion chamber temperature (or the indicator of combustion chamber temperature) that occurred during the compliance test must be maintained while hazardous waste or hazardous waste residues remain in the combustion chamber, with the minimum temperature during the compliance test defined as either of the following:

A) If compliance with the combustion chamber temperature limit is based on an hourly rolling average, the minimum temperature during the compliance test is considered to be the average over all runs of the lowest hourly rolling average for each run; or

B) If compliance with the combustion chamber temperature limit is based on an instantaneous temperature measurement, the minimum temperature during the compliance test is considered to be the time-weighted average temperature during all runs of the test; and

2) Operating parameters limited by the certification of compliance must continue to be monitored during the cutoff, and the hazardous waste feed must not be restarted until the levels of those parameters comply with the limits established in the certification of compliance.

h) Fugitive emissions. Fugitive emissions must be controlled as follows:

1) By keeping the combustion zone totally sealed against fugitive emissions; or

2) By maintaining the combustion zone pressure lower than atmospheric

pressure; or

3) By an alternative means of control that the owner or operator demonstrates provides fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure. Support for such demonstration must be included in the operating record.

i) Changes. A BIF must cease burning hazardous waste when combustion properties, or feed rates of the hazardous waste, other fuels or industrial furnace feedstocks, or the BIF design or operating conditions deviate from the limits specified in the certification of compliance.

j) Monitoring and Inspections.

1) The owner or operator must monitor and record the following, at a minimum, while burning hazardous waste:

A) Feed rates and composition of hazardous waste, other fuels, and industrial furnace feed stocks and feed rates of ash, metals, and total chlorine and chloride as necessary to ensure conformance with the certification of precompliance or certification of compliance;

B) CO, oxygen, and, if applicable, HC on a continuous basis at a common point in the BIF downstream of the combustion zone and prior to release of stack gases to the atmosphere in accordance with the operating limits specified in the certification of compliance. CO, HC, and oxygen monitors must be installed, operated, and maintained in accordance with methods specified in Appendix I to this Part; and

C) Upon the request of the Agency, sampling and analysis of the hazardous waste (and other fuels and industrial furnace feed stocks as appropriate) and the stack gas emissions must be conducted to verify that the operating conditions established in the certification of precompliance or certification of compliance achieve the applicable standards of Sections 726.204, 726.205, 726.206, and 726.207.

2) The BIF and associated equipment (pumps, valves, pipes, fuel storage tanks, etc.) must be subjected to thorough visual inspection when they contain hazardous waste, at least daily for leaks, spills, fugitive emissions, and signs of tampering.

3) The automatic hazardous waste feed cutoff system and associated alarms must be tested at least once every seven days when hazardous waste is burned to verify operability, unless the owner or operator can demonstrate that weekly inspections will unduly restrict or upset operations and that less frequent inspections will be adequate. Support for such demonstration must be included in the operating record. At a minimum, operational testing must be conducted at least once every 30 days.

4) These monitoring and inspection data must be recorded and the records must be placed in the operating log.

k) Recordkeeping. The owner or operator must keep in the operating record of the facility all information and data required by this Section for five years.

l) Closure. At closure, the owner or operator must remove all hazardous waste and hazardous waste residues (including, but not limited to, ash, scrubber waters and scrubber sludges) from the BIF and must comply with 35 Ill. Adm. Code 725.211 through 725.215.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 726.212 Regulation of Residues

A residue derived from the burning or processing of hazardous waste in a BIF is not excluded from the definition of a hazardous waste under 35 Ill. Adm. Code 721.104(b)(4), (b)(7), or (b)(8), unless the device and the owner or operator meet the following requirements:

a) The device meets the following criteria:

1) Boilers. Boilers must burn at least 50 percent coal on a total heat input or mass basis, whichever results in the greater mass feed rate of coal;

2) Ore or mineral furnaces. Industrial furnaces subject to 35 Ill. Adm. Code 721.104(b)(7) must process at least 50 percent by weight of normal,

nonhazardous raw materials;

3) Cement kilns. Cement kilns must process at least 50 percent by weight of normal cement-production raw materials;

b) The owner or operator demonstrates that the hazardous waste does not significantly affect the residue by demonstrating conformance with either of the following criteria:

1) Comparison of waste-derived residue with normal residue. The waste-derived residue must not contain constituents listed in Appendix H to 35 Ill. Adm. Code 721 (toxic constituents) that could reasonably be attributable to the hazardous waste at concentrations significantly higher than in residue generated without burning or processing of hazardous waste, using the following procedure. Toxic compounds that could reasonably be attributable to burning or processing the hazardous waste (constituents of concern) include toxic constituents in the hazardous waste, and the organic compounds listed in Appendix H to 35 Ill. Adm. Code 721 that may be PICs. For polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans, analyses must be performed to determine specific congeners and homologues, and the results converted to 2,3,7,8-TCDD equivalent values using the procedure specified in section 4.0 of the documents referenced in Appendix I of this Part.

A) Normal residue. Concentrations of toxic constituents of concern in normal residue must be determined based on analyses of a minimum of 10 samples representing a minimum of 10 days of operation. Composite samples may be used to develop a sample for analysis provided that the compositing period does not exceed 24 hours. The upper tolerance limit (at 95 percent confidence with a 95 percent proportion of the sample distribution) of the concentration in the normal residue must be considered the statistically-derived concentration in the normal residue. If changes in raw materials or fuels reduce the statistically-derived concentrations of the toxic constituents of concern in the normal residue, the statistically-derived concentrations must be revised or statistically-derived concentrations of toxic constituents in normal residue must be established for a new mode of operation with the new raw material or fuel. To determine the upper tolerance limit

in the normal residue, the owner or operator must use statistical procedures prescribed in section 7.0 (Statistical Methodology for Bevill Residue Determinations) in federal appendix IX to 40 CFR 266 (Methods Manual for Compliance with the BIF Regulations), USEPA publication number EPA 454/R-92-019, incorporated by reference in 35 Ill. Adm. Code 720.111(b) (see Appendix I of this Part).

B) Waste-derived residue. Waste derived residue must be sampled and analyzed as often as necessary to determine whether the residue generated during each 24-hour period has concentrations of toxic constituents that are higher than the concentrations established for the normal residue under subsection (b)(1)(A) ~~of this Section~~. If so, hazardous waste burning has significantly affected the residue and the residue is not excluded from the definition of "hazardous waste." Concentrations of toxic constituents in waste-derived residue must be determined based on analysis of one or more samples obtained over a 24-hour period. Multiple samples may be analyzed, and multiple samples may be taken to form a composite sample for analysis provided that the sampling period does not exceed 24 hours. If more than one sample is analyzed to characterize waste-derived residues generated over a 24-hour period, the concentration of each toxic constituent must be the arithmetic mean of the concentrations in the samples. No results can be disregarded; or

2) Comparison of waste-derived residue concentrations with health-based limits.

A) Nonmetal constituents. The concentration of each nonmetal toxic constituent of concern (specified in subsection (b)(1) ~~of this Section~~) in the waste-derived residue must not exceed the health-based level specified in Appendix G of this Part, or the level of detection, whichever is higher. If a health-based limit for a constituent of concern is not listed in Appendix G of this Part, then a limit of 0.002 µ/kg or the level of detection (using appropriate analytical methods), whichever is higher, must be used. The levels specified in Appendix G of this Part (and the default level of 0.002 µ/kg or the level of detection for constituents, as identified in Note

1 of Appendix G of this Part) are administratively stayed under the condition, for those constituents specified in subsection (b)(1)~~ of this Section~~, that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in 35 Ill. Adm. Code 728.143 and Table B to 35 Ill. Adm. Code 728 for F039 nonwastewaters. In complying with those alternative levels, if an owner or operator is unable to detect a constituent despite documenting use of the best good-faith efforts, as defined by applicable USEPA guidance and standards, the owner or operator is deemed to be in compliance for that constituent. Until USEPA develops new guidance or standards, the owner or operator may demonstrate such good-faith efforts by achieving a detection limit for the constituent that does not exceed an order of magnitude above (ten times) the level provided by 35 Ill. Adm. Code 728.143 and Table B to 35 Ill. Adm. Code 728 for F039 nonwastewater levels for polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans~~ (D/F)~~, analyses must be performed for total hexachlorodibenzo-p-dioxins, total hexachlorodibenzofurans, total pentachlorodibenzo-p-dioxins, total pentachlorodibenzofurans, total tetrachlorodibenzo-p-dioxins, and total tetrachlorodibenzofurans;

BOARD NOTE:

In a note to corresponding 40 CFR 266.112(b)(2)(i), USEPA stated as follows:

> The administrative stay, under the condition that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in 35 Ill. Adm. Code 728.143 for F039 nonwastewaters, remains in effect until further administrative action is taken and notice is published in the Federal Register and the Code of Federal Regulations.

Under Section 3006(b) and (g) of RCRA, 42 USC 6926(b) and (g), federal amendments do not go into effect in Illinois until the State of Illinois incorporates them into the State program. This applies unless the authority under which

USEPA adopted the amendments is the Hazardous and Solid Waste Amendments of 1984 (HSWA), in which case the federal amendments become effective in Illinois on their federal effective date.

The federal regulations do not themselves define the phrase "appropriate analytical methods," but USEPA did include a definition in its preamble discussion accompanying the rule. The Board directs attention to the following segment (at 70 Fed. Reg. 34538, 34541 (June 14, 2005)) for the purposes of subsections (b)(1)(C) and (b)(1)(D)~~ of this Section~~:

Two~~[T]wo~~ primary considerations in selecting an appropriate method, which together serve as our general definition of an appropriate method [are the following]~~…~~:

1. Appropriate methods are reliable and accepted as such in the scientific community.

2. Appropriate methods generate effective data.

USEPA went on to further elaborate these two concepts and to specify other documents that might provide guidance.

B) Metal constituents. The concentration of metals in an extract obtained using the TCLP test must not exceed the levels specified in Appendix G of this Part;

C) Sampling and analysis. Wastewater-derived residue must be sampled and analyzed as often as necessary to determine whether the residue generated during each 24-hour period has concentrations of toxic constituents that are higher than the health-based levels. Concentrations of concern in the wastewater-derived residue must be determined based on analysis of one or more samples obtained over a 24-hour period. Multiple samples may be analyzed, and multiple samples may be taken to form a composite for analysis provided that the sampling period does not exceed 24

hours. If more than one sample is analyzed to characterize waste-derived residues generated over a 24-hour period, the concentration of each toxic constituent is the arithmetic mean of the concentrations of the samples. No results can be disregarded; and

c) Records sufficient to document compliance with the provisions of this Section must be retained until closure of the BIF unit. At a minimum, the following must be recorded:

1) Levels of constituents in Appendix H to 35 Ill. Adm. Code 721 that are present in waste-derived residues;

2) If the waste-derived residue is compared with normal residue under subsection (b)(1)~~ of this Section~~:

A) The levels of constituents in Appendix H to 35 Ill. Adm. Code 721 that are present in normal residues; and

B) Data and information, including analyses of samples as necessary, obtained to determine if changes in raw materials or fuels would reduce the concentration of toxic constituents of concern in the normal residue.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 726.APPENDIX G Health-Based Limits for Exclusion of Waste-Derived Residues

NOTE 1: Under Section 726.212(b)(2)(A), the health-based concentration limits for Appendix H to 35 Ill. Adm. Code 721 constituents for which a health-based concentration is not provided below is 2 x 10^{-6} mg/kg (0.000002 mg/kg or 0.002 µg/kg).

NOTE 2: The levels specified in this Section and the default level of 0.002 µg/kg (0.000002 mg/kg) or the level of detection for constituents, as identified in Note 1, are administratively stayed under the condition, for those constituents specified in Section 726.212(b)(1), that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in 35 Ill. Adm. Code 728.143 and Table B to 35 Ill. Adm. Code 728 for F039 nonwastewaters. See Section 726.212(b)(2)(A).

Metals-TCLP Extract Concentration Limits

Constituent	CAS No.	Concentration limits for residues (mg/kg)
Antimony	7440-36-0	1.
Arsenic	7440-38-2	5.
Barium	7440-39-3	100.
Beryllium	7440-41-7	0.007
Cadmium	7440-43-9	1.
Chromium	7440-47-3	5.
Lead	7439-92-1	5.
Mercury	7439-97-6	0.2
Nickel	7440-02-0	70.
Selenium	7782-49-2	1.
Silver	7440-22-4	5.
Thallium	7440-28-0	7.

Nonmetals-Residue Concentration Limits

Constituent	CAS No.	Concentration limits for residues (mg/kg)
Acetonitrile	75-05-8	0.2
Acetophenone	98-86-2	4.
Acrolein	107-02-8	0.5

Acrylamide	79-06-1	0.0002
Acrylonitrile	107-13-1	0.0007
Aldrin	309-00-2	0.00002
Allyl alcohol	107-18-6	0.2
Aluminum phosphide	20859-73-8	0.01
Aniline	62-53-3	0.06
Barium cyanide	542-62-1	1.
Benz(a)anthracene	56-55-3	0.0001
Benzene	71-43-2	0.005
Benzidine	92-87-5	0.000001
Bis(2-chloroethyl) ether	111-44-4	0.0003
Bis(chloromethyl) ether	542-88-1	0.000002
Bis(2-ethylhexyl) phthalate	117-81-7	30.
Bromoform	75-25-2	0.7
Calcium cyanide	592-01-8	0.000001
Carbon disulfide	75-15-0	4.
Carbon tetrachloride	56-23-5	0.005
Chlordane	57-74-9	0.0003
Chlorobenzene	108-90-7	1.
Chloroform	67-66-3	0.06
Copper cyanide	544-92-3	0.2
Cresols (Cresylic acid)	1319-77-3	2.
Cyanogen	460-19-5	1.
DDT	50-29-3	0.001
Dibenz(a, h)-anthracene	53-70-3	0.000007
1,2-Dibromo-3-chloropropane	96-12-8	0.00002
p-Dichlorobenzene	106-46-7	0.075~~0.07.5~~
Dichlorodifluoromethane	75-71-8	7.
1,1-Dichloroethylene	75-35-4	0.005
2,4-Dichlorophenol	120-83-2	0.1
1,3-Dichloropropene	542-75-6	0.001
Dieldrin	60-57-1	0.00002
Diethyl phthalate	84-66-2	30.
Diethylstilbestrol	56-53-1	0.0000007~~0.0000001~~
Dimethoate	60-51-5	0.03
2,4-Dinitrotoluene	121-14-2	0.0005
Diphenylamine	122-39-4	0.9
1,2-Diphenylhydrazine	122-66-7	0.0005
Endosulfan	115-29-7	0.002

Endrin	72-20-8	0.0002
Epichlorohydrin	106-89-8	0.04
Ethylene dibromide	106-93-4	0.00000040.0000001
Ethylene oxide	75-21-8	0.0003
Fluorine	7782-41-4	4.
Formic acid	64-18-6	70.
Heptachlor	76-44-8	0.00008
Heptachlor epoxide	1024-57-3	0.00004
Hexachlorobenzene	118-74-1	0.0002
Hexachlorobutadiene	87-68-3	0.005
Hexachlorocyclopentadiene	77-47-4	0.2
Hexachlorodibenzo-p-dioxins	19408-74-3	0.000000060.0000001
Hexachloroethane	67-72-1	0.03
Hydrazine	302-01-1	0.0001
Hydrogen cyanide	74-90-8	0.00007
Hydrogen sulfide	7783-06-4	0.000001
Isobutyl alcohol	78-83-1	10.
Methomyl	16752-77-5	1.
Methoxychlor	72-43-5	0.1
3-Methylcholanthrene	56-49-5	0.00004
4,4'-Methylenebis (2-chloroaniline)	101-14-4	0.002
Methylene chloride	75-09-2	0.05
Methyl ethyl ketone (MEK)	78-93-3	2.
Methyl hydrazine	60-34-4	0.0003
Methyl parathion	298-00-0	0.02
Naphthalene	91-20-3	10.
Nickel cyanide	557-19-7	0.7
Nitric oxide	10102-43-9	4.
Nitrobenzene	98-95-3	0.02
N-Nitrosodi-n-butylamine	924-16-3	0.00006
N-Nitrosodiethylamine	55-18-5	0.000002
N-Nitroso-N-methylurea	684-93-5	0.0000001
N-Nitrosopyrrolidine	930-55-2	0.0002
Pentachlorobenzene	608-93-5	0.03
Pentachloronitrobenzene (PCNB)	82-68-8	0.1
Pentachlorophenol	87-86-5	1.
Phenol	108-95-2	1.
Phenylmercury acetate	62-38-4	0.003

Phosphine	7803-51-2	0.01
Polychlorinated biphenyls, N.O.S	1336-36-3	0.00005
Potassium cyanide	151-50-8	2.
Potassium silver cyanide	506-61-6	7.
Pronamide	23950-58-5	3.
Pyridine	110-86-1	0.04
Reserpine	50-55-5	0.00003
Selenourea	630-10-4	0.2
Silver cyanide	506-64-9	4.
Sodium cyanide	143-33-9	1.
Strychnine	57-24-9	0.01
1,2,4,5-Tetrachlorobenzene	95-94-3	0.01
1,1,2,2-tetrachloroethane	79-34-5	0.002
Tetrachloroethylene	127-18-4	0.7
2,3,4,6-Tetrachlorophenol	58-90-2	0.01
Tetraethyl lead	78-00-2	0.000004
Thiourea	62-56-6	0.0002
Toluene	108-88-3	10.
Toxaphene	8001-35-2	0.005
1,1,2-Trichloroethane	79-00-5	0.006
Trichloroethylene	79-01-6	0.005
Trichloromonofluoromethane	75-69-4	10.
2,4,5-Trichlorophenol	95-95-4	4.
2,4,6-Trichlorophenol	88-06-2	4.
Vanadium pentoxide	1314-62-1	0.7
Vinyl chloride	75-01-4	0.002

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 726.TABLE A Exempt Quantities for Small Quantity Burner Exemption

TESH (m)	Allowable Hazardous Waste Burning Rate (gal/mo)	TESH	Allowable Hazardous Waste Burning Rate (gal/mo)
0 to 3.9	0	40.0 to 44.9	210
4.0 to 5.9	13	45.0 to 49.9	260
6.0 to 7.9	18	50.0 to 54.9	330
8.0 to 9.9	27	55.0 to 59.9	400
10.0 11.9	40	60.0 to 64.9	490
12.0 to 13.9	48	65.0 to 69.9	610
14.0 to 15.9	59	70.0 to 74.9	680
16.0 to 17.9	69	75.0 to 79.9	760
18.0 to 19.9	76	80.0 to 84.9	850
20.0 to 21.9	84	85.0 to 89.9	960
22.0 to 23.9	93	90.0 to 94.9	1,100
24.0 to 25.9	100	95.0 to 99.9	1,200
26.0 to 27.9	110	100.0 to 104.9	1,300
28.0 to 29.9	130	105.0 to 109.9	1,500
30.0 to 34.9	140	110.0 to 114.9	1,700
35.0 to 39.9	170	115.0 or greater	1,900

BOARD NOTE: Derived from table to 40 CFR 266.108(a)(1).

(Source: Amended at 40 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Facilities Operating under a RCRA Standardized Permit

2) Code Citation: 35 Ill. Adm. Code 727

3)

Section Numbers:	Proposed Actions:
727.130	Amendment
727.290	Amendment
727.Appendix A Illustration A	Repealed
727.Appendix A Illustration B	Repealed
727.Appendix B Table A	Amendment
727.Appendix B Table B	Amendment

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

5) A Complete Description of Subjects and Issues Involved: The amendments to Part 727 are a single segment of the docket R16-7 rulemaking that also affects 35 Ill. Adm. Code 703, 720, 721, 722, 724, 725, 726, 728, and 733, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R16-7 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 is stated in the Notice of Adopted Amendments for 35 Ill. Adm. Code 703. A comprehensive description is contained in the Board's opinion and order of March 3, 2016, proposing amendments in docket R16-7, which opinion and order is available from the address below.

Specifically, the amendments to Part 727 are corrections and clarifying amendments that are not directly derived from the instant federal amendments. This includes corrections submitted by USEPA as a result of review of the rules for the purpose of authorization of the Illinois RCRA Subtitle C program.

Tables appear in the Board's opinion and order of March 3, 2016 in docket R16-7 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the March 3, 2016 opinion and order in docket R16-7.

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

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

9) Do these rulemakings contain incorporations by reference? No

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

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

12) Time, Place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R16-7 and be addressed to:

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

Please direct inquiries to the following person and reference docket R16-7:

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 that generate, transport, treat, store, or dispose of hazardous waste. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].

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

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

14) Regulatory agenda on which this rulemaking was summarized: December 4, 2015; 39 Ill. Reg. 15637-39

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 727
STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE FACILITIES OPERATING UNDER A RCRA STANDARDIZED PERMIT

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

727.APPENDIX A Financial Assurance Forms (Repealed)
727.ILLUSTRATION A Letter of Chief Financial Officer: Financial Assurance for Facility Closure (Repealed)
727.ILLUSTRATION B Letter of Chief Financial Officer: Financial Assurance for Liability Coverage (Repealed)
727.APPENDIX B Correlation of State and Federal Provisions
727.TABLE A Correlation of Federal RCRA Standardized Permit Provisions to State Provisions
727.TABLE B Correlation of State RCRA Standardized Permit Provisions to Federal Provisions

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

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

Reg. 7221, effective March 13, 2014; amended in R16-7 at 40 Ill. Reg. _____, effective _____.

Section 727.130 Preparedness and Prevention

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

BOARD NOTE: Subsection (a)~~ of this Section~~ is derived from 40 CFR 267.30 (2015)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

b) General facility design and operation standards. The facility owner or operator must design, construct, maintain, and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment.

BOARD NOTE: Subsection (b) is derived from 40 CFR 267.31 (2015).

c) Required facility equipment. A facility must be equipped with all of the following, unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

1) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

2) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;

3) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

4) Water at adequate volume and pressure to supply water hose streams, or foam-producing equipment, or automatic sprinklers, or water spray

systems.

BOARD NOTE: Subsection (c)~~ of this Section~~ is derived from 40 CFR 267.32 (2015)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

d) Equipment testing and maintenance requirements. The facility owner or operator must test and maintain all required facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, as necessary, to assure its proper operation in time of emergency.

BOARD NOTE: Subsection (d)~~ of this Section~~ is derived from 40 CFR 267.33 (2015)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

e) Facility personnel access to communication equipment or an alarm system.

1) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless the device is not required pursuant to Section 727.130(c).

2) If just one employee is on the premises while the facility is operating, that person must have immediate access to a communication device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless the device is not required pursuant to Section 727.130(c).

BOARD NOTE: Subsection (e)~~ of this Section~~ is derived from 40 CFR 267.34 (2015)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

f) Ensuring access for personnel and equipment during emergencies. The facility owner or operator must maintain enough aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, as appropriate, considering the type of waste being stored or treated.

BOARD NOTE: Subsection (f)~~ of this Section~~ is derived from 40 CFR 267.35 (2015)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

g) Required emergency arrangements with local authorities.

1) The facility owner or operator must attempt to make the following arrangements, as appropriate, for the type of waste handled at its facility and the potential need for the services of these organizations:

A) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes;

B) Agreements designating primary emergency authority to a specific police and a specific fire department where more than one police and fire department might respond to an emergency, and agreements with any others to provide support to the primary emergency authority;

C) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and

D) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses that could result from fires, explosions, or releases at the facility.

2) If State or local authorities decline to enter into such arrangements, the facility owner or operator must document the refusal in the operating record.

BOARD NOTE: Subsection (g)~~ of this Section~~ is derived from 40 CFR 267.36 (2015)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 727.290 Tank Systems

a) Applicability of this Section. This Section applies to the owner or operator of a

facility that treats or stores hazardous waste in above-ground or on-ground tanks under a RCRA standardized permit pursuant to Subpart J of 35 Ill. Adm. Code 703, except as provided in Section 727.100(a)(2).

1) A facility owner or operator does not have to meet the secondary containment requirements in subsection (f)~~ of this Section~~ if its tank systems do not contain free liquids and are situated inside a building with an impermeable floor. The owner or operator must demonstrate the absence or presence of free liquids in the stored or treated waste, using Method 9095B (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2) The facility owner or operator does not have to meet the secondary containment requirements of subsection (f)(1)~~ of this Section~~ if its tank system, including sumps, as defined in 35 Ill. Adm. Code 720.110, is part of a secondary containment system to collect or contain releases of hazardous wastes.

BOARD NOTE: Subsection (a)~~ of this Section~~ is derived from 40 CFR 267.190 (2015)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

b) Required design and construction standards for new tank systems or components. The facility owner or operator must ensure that the foundation, structural support, seams, connections, and pressure controls (if applicable) are adequately designed and that the tank system has sufficient structural strength, compatibility with the wastes to be stored or treated, and corrosion protection to ensure that it will not collapse, rupture, or fail. The owner or operator must obtain a written assessment, reviewed and certified by an independent, qualified registered professional engineer, following 35 Ill. Adm. Code 702.126(d), attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste. This assessment must include, at a minimum, the following information:

1) Design standards for the construction of tanks or the ancillary equipment.

2) Hazardous characteristics of the wastes to be handled.

3) For new tank systems or components in which the external shell of a metal tank or any external metal component of the tank system will be in contact with the soil or with water, a determination by a corrosion expert of the following:

A) Factors affecting the potential for corrosion, such as the following:

i) Soil moisture content;

ii) Soil pH;

iii) Soil sulfides level;

iv) Soil resistivity;

v) Structure to soil potential;

vi) Existence of stray electric current; and

vii) Existing corrosion-protection measures (for example, coating, cathodic protection, etc.).

B) The type and degree of external corrosion protection needed to ensure the integrity of the tank system during the use of the tank system or component, consisting of one or more of the following:

i) Corrosion-resistant materials of construction (such as special alloys, fiberglass reinforced plastic, etc.);

ii) Corrosion-resistant coating (such as epoxy, fiberglass, etc.) with cathodic protection (for example, impressed current or sacrificial anodes); and

iii) Electrical isolation devices (such as insulating joints, flanges, etc.).

4) Design considerations to ensure that the following will occur:

A) Tank foundations will maintain the load of a full tank;

B) Tank systems will be anchored to prevent flotation or dislodgment where the tank system is placed in a saturated zone, or is located within a seismic fault zone subject to the standards of Section 727.110(i)(1); and

C) Tank systems will withstand the effects of frost heave.

BOARD NOTE: Subsection (b)~~ of this Section~~ is derived from 40 CFR 267.191 (2015)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

c) Handling and inspection procedures during installation of new tank systems.

1) The facility owner or operator must ensure that it follows proper handling procedures to prevent damage to a new tank system during installation. Before placing a new tank system or component in use, an independent, qualified installation inspector or an independent, qualified, registered professional engineer, either of whom is trained and experienced in the proper installation of tank systems or components, must inspect the system for the presence of any of the following items:

A) Weld breaks;

B) Punctures;

C) Scrapes of protective coatings;

D) Cracks;

E) Corrosion; or

F) Other structural damage or inadequate construction or installation.

2) The facility owner or operator must remedy all discrepancies before the tank system is placed in use.

BOARD NOTE: Subsection (c)~~ of this Section~~ is derived from 40 CFR 267.192 (2015)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

d) Testing requirements. The facility owner or operator must test all new tanks and ancillary equipment for tightness before you place them in use. If the owner or operator finds a tank system that is not tight, it must perform all repairs necessary to remedy the leaks in the system before it covers, encloses, or places the tank system into use.

BOARD NOTE: Subsection (d)~~ of this Section~~ is derived from 40 CFR 267.193 (2015)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

e) Installation requirements.

1) The facility owner or operator must support and protect ancillary equipment against physical damage and excessive stress due to settlement, vibration, expansion, or contraction.

2) The facility owner or operator must provide the type and degree of corrosion protection recommended by an independent corrosion expert, based on the information provided pursuant to subsection (b)(3)~~ of this Section~~, to ensure the integrity of the tank system during use of the tank system. An independent corrosion expert must supervise the installation of a corrosion protection system that is field fabricated to ensure proper installation.

3) The facility owner or operator must obtain, and keep at the facility, written statements by those persons required to certify the design of the tank system and to supervise the installation of the tank system as required in subsections (c), (d), (e)(1), and (e)(2)~~ of this Section~~. The written statement must attest that the tank system was properly designed and installed and that the owner or operator made repairs pursuant to subsections (c) and (d)~~ of this Section~~. These written statements must also include the certification statement as required in 35 Ill. Adm. Code 702.126(d).

BOARD NOTE: Subsection (e)~~ of this Section~~ is derived from 40 CFR 267.194 (2015)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

f) Secondary containment requirements. To prevent the release of hazardous waste or hazardous constituents to the environment, the owner or operator must provide secondary containment that meets the requirements of this subsection (f) for all

new and existing tank systems.

1) Secondary containment systems must meet both of the following requirements:

A) It must be designed, installed, and operated to prevent any migration of wastes or accumulated liquid out of the system to any soil, groundwater, or surface water at any time during the use of the tank system; and

B) It must be capable of detecting and collecting releases and accumulated liquids until the collected material is removed.

2) To meet the requirements of subsection (f)(1)~~ of this Section~~, secondary containment systems must meet all of the following minimum requirements:

A) It must be constructed of or lined with materials that are compatible with the wastes to be placed in the tank system and must have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which it is exposed, climatic conditions, and the stress of daily operation (including stresses from nearby vehicular traffic);

B) It must be placed on a foundation or base capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression, or uplift;

C) It must be provided with a leak-detection system that is designed and operated so that it will detect the failure of either the primary or secondary containment structure or the presence of any release of hazardous waste or accumulated liquid in the secondary containment system within 24 hours; and

D) It must be sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. The facility owner or operator must remove spilled or leaked waste and

accumulated precipitation from the secondary containment system within 24 hours, or as promptly as possible, to prevent harm to human health and the environment.

BOARD NOTE: Subsection (f)~~ of this Section~~ is derived from 40 CFR 267.195 (2015)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

g) Required devices for secondary containment and their design, operating, and installation requirements.

1) Secondary containment for tanks must include one or more of the following features:

A) A liner (external to the tank);

B) A double-walled tank; and

C) An equivalent device; the owner or operator must maintain documentation of equivalency at the facility.

2) An external liner system must fulfill the following requirements:

A) It must be designed or operated to contain 100 percent of the capacity of the largest tank within its boundary;

B) It must be designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. The additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event;

C) It must be free of cracks or gaps; and

D) It must be designed and installed to surround the tank completely and to cover all surrounding earth likely to come into contact with the waste if the waste is released from the tanks (that is, it must be capable of preventing lateral as well as vertical migration of the waste).

3) A double-walled tank must fulfill the following requirements:

A) It must be designed as an integral structure (that is, it must be an inner tank completely enveloped within an outer shell) so that any release from the inner tank is contained by the outer shell;

B) It must be protected, if constructed of metal, from both corrosion of the primary tank interior and of the external surface of the outer shell; and

C) It must be provided with a built-in continuous leak detection system capable of detecting a release within 24 hours.

BOARD NOTE: Subsection (g)~~ of this Section~~ is derived from 40 CFR 267.196 (2015)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

h) Requirements for ancillary equipment. The facility owner or operator must provide ancillary equipment with secondary containment (for example, trench, jacketing, double-walled piping, etc.) that meets the requirements of subsections (f)(1) and (f)(2)~~ of this Section~~, except for the following:

1) Above ground piping (exclusive of flanges, joints, valves, and other connections) that are visually inspected for leaks on a daily basis;

2) Welded flanges, welded joints, and welded connections, that are visually inspected for leaks on a daily basis;

3) Sealless or magnetic coupling pumps and sealless valves, that are visually inspected for leaks on a daily basis; and

4) Pressurized above ground piping systems with automatic shut-off devices (for example, excess flow check valves, flow metering shutdown devices, loss of pressure actuated shut-off devices, etc.) that are visually inspected for leaks on a daily basis.

BOARD NOTE: Subsection (h)~~ of this Section~~ is derived from 40 CFR 267.197 (2015)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

i) General operating requirements for tank systems.

1) The facility owner or operator must not place hazardous wastes or treatment reagents in a tank system if the substances could cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.

2) The facility owner or operator must use appropriate controls and practices to prevent spills and overflows from tank or containment systems. These include the following minimum requirements:

A) Spill prevention controls (for example, check valves, dry disconnect couplings, etc.);

B) Overfill prevention controls (for example, level sensing devices, high level alarms, automatic feed cutoff, or bypass to a standby tank, etc.); and

C) Sufficient freeboard in uncovered tanks to prevent overtopping by wave or wind action or by precipitation.

3) The facility owner or operator must comply with the requirements of subsection (k)~~ of this Section~~ if a leak or spill occurs in the tank system.

BOARD NOTE: Subsection (i)~~ of this Section~~ is derived from 40 CFR 267.198 (2015)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

j) Inspection requirements. The facility owner or operator must comply with the following requirements for scheduling, conducting, and documenting inspections:

1) It must develop and follow a schedule and procedure for inspecting overfill controls;

2) It must inspect the following at least once each operating day:

A) Aboveground portions of the tank system to detect corrosion or releases of waste;

B) Data gathered from monitoring and leak detection equipment (for example, pressure or temperature gauges, monitoring wells, etc.) to

ensure that the tank system is being operated according to its design; and

C) The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system (for example, dikes) to detect erosion or signs of releases of hazardous waste (for example, wet spots, dead vegetation, etc.);

3) It must inspect cathodic protection systems, if present, according to, at a minimum, the following schedule to ensure that they are functioning properly:

A) It must confirm that the cathodic protection system is operating properly within six months after initial installation and annually thereafter; and

B) It must inspect or test all sources of impressed current, as appropriate, at least every other month; and

4) It must document, in the operating record of the facility, an inspection of those items in subsections (j)(1) through (j)(3)~~ of this Section~~.

BOARD NOTE: Subsection (j)~~ of this Section~~ is derived from 40 CFR 267.199 (2015)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

k) Required actions in case of a leak or a spill. If there has been a leak or a spill from a tank system or secondary containment system, or if either system is unfit for use, the facility owner or operator must remove the system from service immediately, and it must satisfy the following requirements:

1) It must immediately stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release;

2) It must remove the waste from the tank system or secondary containment system, as follows:

A) If the release was from the tank system, the owner or operator

must, within 24 hours after detecting the leak, remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the tank system to be performed; or

B) If the material released was to a secondary containment system, the owner or operator must remove all released materials within 24 hours or as quickly as possible to prevent harm to human health and the environment;

3) It must immediately conduct a visual inspection of the release and, based on that inspection, undertake the following actions:

A) It must prevent further migration of the leak or spill to soils or surface water; and

B) It must remove, and properly dispose of, any visible contamination of the soil or surface water;

4) It must report any release to the environment, except as provided in subsection (k)(4)(A)~~ of this Section~~, to the Agency within 24 hours after~~of~~ its detection. If the owner or operator has reported the release to USEPA pursuant to federal 40 CFR 302, that report will satisfy this requirement, subject to the following exceptions:

A) The facility owner or operator does not need to report on a leak or spill of hazardous waste if it fulfills the following conditions:

i) The spill was less than or equal to a quantity of one pound; and

ii) The facility owner or operator immediately contained and cleaned up the spill; and

B) Within 30 days of detection of a release to the environment, the owner or operator must submit a report to the Agency that contains the following information:

i) The likely route of migration of the release;

ii) The characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate, etc.);

iii) The results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within 30 days, the owner or operator must submit these data to the Agency as soon as they become available;

iv) The proximity to downgradient drinking water, surface water, and populated areas; and

v) A description of response actions taken or planned;

5) It must either close the system or make necessary repairs, as follows:

A) Unless the owner or operator satisfies the requirements of subsections (k)(5)(B) and (k)(5)(C) ~~of this Section~~, it must close the tank system according to subsection (l) ~~of this Section~~;

B) If the cause of the release was a spill that has not damaged the integrity of the system, the owner or operator may return the system to service as soon as it removes the released waste and makes any necessary repairs; or

C) If the cause of the release was a leak from the primary tank system into the secondary containment system, the owner or operator must repair the system before returning the tank system to service; and

6) If the owner or operator has made extensive repairs to a tank system in accordance with subsection (k)(5) ~~of this Section~~ (for example, installation of an internal liner; repair of a ruptured primary containment or secondary containment vessel, etc.), it may not return the tank system to service unless the repair is certified by an independent, qualified, registered, professional engineer in accordance with 35 Ill. Adm. Code 702.126(d), as follows:

A) The engineer must certify that the repaired system is capable of

handling hazardous wastes without release for the intended life of the system; and

B) The facility owner or operator must submit this certification to the Agency within seven days after returning the tank system to use.

BOARD NOTE: Subsection (k)~~ of this Section~~ is derived from 40 CFR 267.200 (2015)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

l) Requirements when the owner or operator stops operating the tank system. When the facility owner or operator close a tank system, it must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated soils, and structures and equipment contaminated with waste, and manage them as hazardous waste, unless 35 Ill. Adm. Code 721.103(d) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for tank systems must meet all of the requirements specified in Sections 727.210 and 727.240.

BOARD NOTE: Subsection (l)~~ of this Section~~ is derived from 40 CFR 267.201 (2015)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

m) Special requirements for ignitable or reactive wastes.

1) The facility owner or operator may not place ignitable or reactive waste in tank systems, unless any of the following three conditions are fulfilled:

A) The owner or operator treats, renders, or mixes the waste before or immediately after placement in the tank system so that the following is true:

i) The owner or operator complies with Section 727.110(h)(2); and

ii) The resulting waste, mixture, or dissolved material no longer meets the definition of ignitable or reactive waste pursuant to 35 Ill. Adm. Code 721.121 or 721.123;

B) The owner or operator stores or treats the waste in such a way that it is protected from any material or conditions that may cause the

waste to ignite or react; or

C) The facility owner or operator uses the tank system solely for emergencies.

2) If the facility owner or operator stores or treats ignitable or reactive waste in a tank, it must comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built on, as required in Tables 2-1 through 2-6 of "Flammable and Combustible Liquids Code," NFPA 30, incorporated by reference in 35 Ill. Adm. Code 720.111(a)).

BOARD NOTE: Subsection (m)~~ of this Section~~ is derived from 40 CFR 267.202 (2015)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

n) Special requirements for incompatible wastes.

1) A facility owner or operator may not place incompatible wastes or incompatible wastes and materials in the same tank system, unless it complies with Section 727.110(h)(2).

2) A facility owner or operator may not place hazardous waste in a tank system that has not been decontaminated and that previously held an incompatible waste or material, unless it complies with Section 727.110(h)(2).

BOARD NOTE: Subsection (n)~~ of this Section~~ is derived from 40 CFR 267.203 (2015)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

o) Air emission standards. The facility owner or operator must manage all hazardous waste placed in a tank following the requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 724. Under a RCRA standardized permit, the following control devices are permissible: a thermal vapor incinerator, a catalytic vapor incinerator, a flame, a boiler, a process heater, a condenser, or a carbon absorption unit.

BOARD NOTE: Subsection (o)~~ of this Section~~ is derived from 40 CFR 267.204 (2015)~~, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005)~~.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 727.APPENDIX A Financial Assurance Forms (Repealed)

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

~~[The chief financial officer of an owner or operator of a facility with a RCRA standardized permit who uses a financial test to demonstrate financial assurance for that facility must complete a letter as specified in subsection (d)(6) of this Section. The letter must be worded as follows, except that instructions in brackets are to be deleted or replaced with the relevant information, including this introductory paragraph, as appropriate, and the brackets deleted:]~~

~~I am the chief financial officer of [insert the name and address of firm]. This letter is in support of this firm's use of the financial test to demonstrate financial assurance for closure costs, as specified in 35 Ill. Adm. Code 727.240. This firm qualifies for the financial test on the basis of having [insert the appropriate of the following statements: "a current rating for its senior unsecured debt of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A or Baa as issued by Moody's"; "a ratio of less than 1.50 comparing total liabilities to net worth"; or "a ratio of greater than 0.10 comparing the sum of net income plus depreciation, depletion and amortization, minus $10 million, to total liabilities."]~~

~~This firm [insert the appropriate of the following statements: "is required" or "is not required"] to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.~~

~~The fiscal year of this firm ends on [insert the month, day]. The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed fiscal year, ended [insert the date].~~

~~[If this firm qualifies on the basis of its bond rating fill in the requested information:] This firm has a rating of its senior unsecured debt of [insert the bond rating] "from" [insert the appropriate of the following entities: "Standard and Poor's" or "Moody's"].~~

~~[Complete Line 1. Total Liabilities below and then skip the remaining questions in the next section and resume completing the form at the section entitled "Obligations Covered by a Financial Test or Corporate Guarantee."]~~

~~[If this firm qualifies for the financial test on the basis of its ratio of liabilities to net worth, or sum of income, depreciation, depletion, and amortization to net worth, please complete the following section.]~~

~~*1. Total Liabilities .....$_____~~

~~*2. Net Worth .....$_____~~

~~*3. Net Income .....$_____~~

~~*4. Depreciation .....$_____~~

~~*5. Depletion (if applicable) .....$_____~~

~~*6. Amortization .....$_____~~

~~*7. Sum of Lines 3, 4, 5 & 6 .....$_____~~

~~[If the above figures are taken directly from the most recent audited financial statements for this firm insert the following statement: "The above figures are taken directly from the most recent audited financial statements for this firm." If they are not, insert the following statement: "The following items are not taken directly from the firms most recent audited financial statements" [insert the numbers of the items and attach an explanation of how they were derived.]~~

~~[Complete the following calculations:]~~

~~8. Line 1 ÷ Line 2 = ...$_____~~

~~9. Line 7 ÷ Line 1 = ...$_____~~

~~Is Line 8 less than 1.5? ..... Yes _____No _____~~

~~Is Line 9 greater than 0.10? ..... Yes _____No _____~~

~~[If you did not answer Yes to either of these two questions, you cannot use the financial test and need not complete this letter. Instead, you must notify the permitting authority for the facility that you intend to establish alternate financial assurance as specified in 35 Ill. Adm. Code 727.240(d). The owner or operator must send this notice by certified mail within 90 days following the close of the owner's or operator's fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements of Section 727.240(d). The owner or operator must also provide alternative financial assurance within 120 days after the end of such fiscal year.]~~

~~Obligations Covered by a Financial Test or Corporate Guarantee~~

~~[On the following lines list all obligations that are covered by a financial test or a corporate guarantee extended by your firm. You may add additional lines and leave blank entries that do not apply to your situation.]~~

~~Hazardous Waste Facility Name and ID~~	~~State~~	~~Closure~~	~~Post-Closure~~	~~Corrective Action~~
		~~$~~	~~$~~	~~$~~
~~Total Hazardous Waste Third-Party Liability:~~				~~$~~

~~Municipal Solid Waste Landfill Facilities~~	~~State~~	~~Closure~~	~~Post-Closure~~	~~Corrective Action~~
		~~$~~	~~$~~	~~$~~
~~Total Municipal Solid Waste Landfill Facility Liability:~~				~~$~~

~~Underground Injection Control Facilities~~	~~State~~	~~Plugging Action~~
		~~$~~
~~Total Underground Injection Control Facility Liability:~~		~~$~~

~~Petroleum Underground Storage Tanks~~	~~State~~	~~Closure~~
		~~$~~
~~Total Petroleum Underground Storage Tank Facility Liability:~~		~~$~~

~~PCB Storage Facility Name and ID~~	~~State~~	~~Closure~~
		~~$~~
~~Total PCB Storage Facility Liability:~~		~~$~~

~~Any financial assurance federally required under, or as part of an action taken under, the Comprehensive Environmental Response, Compensation, and Liability Act.~~

~~Site Name~~	~~State~~	~~Amount~~
		~~$~~

~~Total Financial Assurance under the Comprehensive Environmental Response, Compensation, and Liability Act:~~ ~~$ _____~~

~~Any other environmental obligations that are assured through a financial test.~~

~~Site Name~~	~~Amount~~
_____	~~$ _____~~
_____	_____
~~Total Other Environmental Obligations Assured:~~	~~$ _____~~

~~*10. Total of all amounts .....$_____~~

~~*11. Line 10 + $10,000,000 − .....$_____~~

~~*12. Total Assets .....$_____~~

~~*13. Intangible Assets .....$_____~~

~~*14. Tangible Assets (Line 12-Line 13) .....$_____~~

~~*15. Tangible Net Worth (Line 14-Line 1) .....$_____~~

~~*16. Assets in the United States .....$_____~~

~~Is Line 15 less than Line 11? ..... Yes _____No _____~~

~~Is Line 16 no less than Line 10? ..... Yes _____No _____~~

~~[You must be able to answer Yes to both these questions to use the financial test for this facility.]~~

~~I hereby certify that the wording of this letter is identical to the wording specified in Appendix A, Illustration A to 35 Ill. Adm. Code 727, as such regulations were constituted on the date shown immediately below.~~

~~[Signature]~~ _____

~~[Name]~~ _____

~~[Title]~~ _____

~~[Date]~~ _____

~~[After completion, a signed copy of the form must be sent to the Agency. In addition, a signed copy must be sent to every authority who (1) requires a demonstration through a financial test for each of the other obligations in the letter that are assured through a financial test, or (2) accepts a guarantee for an obligation listed in this letter.]~~

~~BOARD NOTE: This Appendix A, Illustration A is derived from 40 CFR 267.151(a), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005). The Board moved the corresponding federal provision to accommodate its unusual format. The Board intends that any citation to Section 727.240(l) or (l)(1) also include this added Appendix A, Illustration A, as applicable.~~

(Source: Repealed at 40 Ill. Reg. _____, effective _____)

Section 727.APPENDIX A Financial Assurance Forms (Repealed)

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

~~[The chief financial officer of an owner or operator of a facility with a RCRA standardized permit who use a financial test to demonstrate financial assurance only for third party liability for that (or other RCRA standardized permit) facility (or those facilities) must complete a letter as specified in subsection (h)(6) of this Section. The letter must be worded as follows, except that instructions in brackets are to be deleted or replaced with the relevant information, including this introductory paragraph, as appropriate, and the brackets deleted:]~~

~~I am the chief financial officer of [insert the name and address of firm]. This letter is in support of this firm's use of the financial test to demonstrate financial assurance for third party liability, as specified in 35 Ill. Adm. Code 727.240. This firm qualifies for the financial test on the basis of having tangible net worth of at least $10 million more than the amount of liability coverage and assets in the United States of at least the amount of liability coverage. This firm [insert the appropriate of the following statements: "is required" or "is not required"] to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.~~

~~The fiscal year of this firm ends on [insert the month, day]. The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed fiscal year, ended [insert the date].~~

~~[Complete the following section.]~~

~~*1. Total Assets .....$_____~~

~~*2. Intangible Assets .....$_____~~

~~*3. Tangible Assets (Line 1-Line 2) .....$_____~~

~~*4. Total Liabilities .....$_____~~

~~5. Tangible Net Worth (Line 3-Line 4) .....$_____~~

~~*6. Assets in the United States .....$_____~~

~~7. Amount of liability coverage .....$_____~~

~~Is Line 5 At least $10 million greater than Line 7? ..... Yes _____No _____~~

~~Is Line 6 at least equal to Line 7? ..... Yes _____No _____~~

~~[You must be able to answer Yes to both these questions to use the financial test for this facility.]~~

~~I hereby certify that the wording of this letter is identical to the wording specified in Appendix A, Illustration B to 35 Ill. Adm. Code 727, as such regulations were constituted on the date shown immediately below.~~

~~[Signature].....~~

~~[Name] .....~~

~~[Title] _____~~

~~[Date] _____~~

~~[After completion, a signed copy of the form must be sent to the permitting authority of the state or territory where the facility is (or facilities are) located.]~~

~~BOARD NOTE: This Appendix A, Illustration B is derived from 40 CFR 267.151(b), as added at 70 Fed. Reg. 53420 (Sep. 8, 2005). The Board moved the corresponding federal provision to accommodate its unusual format. The Board intends that any citation to Section 727.240(l) or (l)(2) also include this added Appendix A, Illustration B, as applicable.~~

(Source: Repealed at 40 Ill. Reg. _____, effective _____)

Section 727.APPENDIX B Correlation of State and Federal Provisions

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

The following table sets forth the correlation of the federal RCRA Standardized Permit provisions with the State regulations. Where the structure of a State provision exactly parallels the corresponding federal provision from which it was derived, no expanded listing of the subsections appears. Where it was necessary to move or restructure the material from the federal regulations, a detailed listing of the location of each subsection appears.

40 CFR Provision	35 Ill. Adm. Code Provision
Subpart G of Part 124	Subpart G of Part 705
124.200	705.300(a)
124.201	705.300(b)
124.202	705.301(a)
124.203	705.301(b)
124.204	705.302(a)
124.205	705.302(b)
124.206	705.302(c)
124.207	705.303(a)
124.208	705.303(b)
124.209	705.303(c)
124.210	705.303(d)
124.211	705.304(a)
124.212	705.304(b)
124.213	705.304(c)
124.214	705.304(d)

40 CFR Provision	35 Ill. Adm. Code Provision
Subpart A of Part 267	727.100
267.1	727.100(a)
267.2	727.100(b)
267.3	727.100(c)
Subpart B of Part 267	727.110
267.10	727.110(a)
267.11	727.110(b)
267.12	727.110(c)

267.13	727.110(d)
267.14	727.110(e)
267.15	727.110(f)
267.16	727.110(g)
267.17	727.110(h)
267.18	727.110(i)
Subpart C of Part 267	727.130
267.30	727.130(a)
267.31	727.130(b)
267.32	727.130(c)
267.33	727.130(d)
267.34	727.130(e)
267.35	727.130(f)
Subpart D of Part 267	727.150
267.50	727.150(a)
267.51	727.150(b)
267.52	727.150(c)
267.53	727.150(d)
267.54	727.150(e)
267.55	727.150(f)
267.56	727.150(g)
267.57	727.150(h)
267.58	727.150(i)
Subpart E of Part 267	727.170
267.70	727.170(a)
267.71	727.170(b)
267.72	727.170(c)
267.73	727.170(d)
267.74	727.170(e)
267.75	727.170(f)
267.76	727.170(g)
Subpart F of Part 267	727.190
267.90	727.190(a)
267.91 (Reserved)	727.190(b)
267.92 (Reserved)	727.190(c)
267.93 (Reserved)	727.190(d)
267.94 (Reserved)	727.190(e)
267.95 (Reserved)	727.190(f)

267.96 (Reserved)	727.190(g)
267.97 (Reserved)	727.190(h)
267.98 (Reserved)	727.190(i)
267.99 (Reserved)	727.190(j)
267.100 (Reserved)	727.190(k)
267.101	727.190(l)
Subpart G of Part 267	727.210
267.110	727.210(a)
267.111	727.210(b)
267.112	727.210(c)
267.113	727.210(d)
267.114 (Reserved)	727.210(e)
267.115	727.210(f)
267.116	727.210(g)
267.117	727.210(h)
Subpart H of Part 267	727.240
267.140	727.240(a)
267.141	727.240(b)
267.142	727.240(c)
267.143	727.240(d)
267.143(f)(1)	727.240(d)(6)(A)
267.143(f)(1)	727.240(m)
267.143(f)(1)(i)	727.240(m)(1)
267.143(f)(1)(i)(A)	727.240(m)(1)(A)
267.143(f)(1)(i)(B)	727.240(m)(1)(B)
267.143(f)(1)(i)(C)	727.240(m)(1)(C)
267.143(f)(1)(ii)	727.240(m)(2)
267.143(f)(1)(ii)(A)	727.240(m)(2)(A)
267.143(f)(1)(ii)(B)	727.240(m)(2)(B)
267.143(f)(1)(iii)	727.240(m)(3)
267.143(f)(2)	727.240(d)(6)(B)
267.143(f)(2)	727.240(n)
267.143(f)(2)(i)	727.240(n)(1)
267.143(f)(2)(i)(A)	727.240(n)(1)(A)
267.143(f)(2)(i)(A)(*1*)	727.240(n)(1)(A)(i)
267.143(f)(2)(i)(A)(*1*)	727.240(n)(1)(E)
267.143(f)(2)(i)(A)(*1*)(*i*)	727.240(n)(1)(E)(i)
267.143(f)(2)(i)(A)(*1*)(*ii*)	727.240(n)(1)(E)(ii)

267.143(f)(2)(i)(A)(*1*)(*iii*)	727.240(n)(1)(E)(iii)
267.143(f)(2)(i)(A)(*1*)(*iv*)	727.240(n)(1)(E)(iv)
267.143(f)(2)(i)(A)(*1*)(*v*)	727.240(n)(1)(E)(v)
267.143(f)(2)(i)(A)(*1*)(*vi*)	727.240(n)(1)(E)(vi)
267.143(f)(2)(i)(A)(1)(*vii*)	727.240(n)(1)(E)(vii)
267.143(f)(2)(i)(A)(*2*)	727.240(n)(1)(A)(ii)
267.143(f)(2)(i)(B)	727.240(n)(1)(B)
267.143(f)(2)(i)(C)	727.240(n)(1)(C)
267.143(f)(2)(i)(D)	727.240(n)(1)(D)
267.143(f)(2)(ii)	727.240(n)(2)
267.143(f)(2)(iii)	727.240(n)(3)
267.143(f)(2)(iv)	727.240(n)(4)
267.143(f)(2)(iv)(A)	727.240(n)(4)(A)
267.143(f)(2)(iv)(B)	727.240(n)(4)(B)
267.143(f)(2)(v)	727.240(n)(5)
267.143(f)(2)(v)(A)	727.240(n)(5)(A)
267.143(f)(2)(v)(B)	727.240(n)(5)(B)
267.143(f)(2)(vi)	727.240(n)(6)
267.143(f)(3)	727.240(d)(6)(C)
267.143(f)(3)	727.240(o)
267.143(f)(3)(i)	727.240(o)(1)
267.143(f)(3)(i)(A)	727.240(o)(1)(A)
267.143(f)(3)(i)(B)	727.240(o)(1)(B)
267.143(f)(3)(ii)	727.240(o)(2)
267.143(f)(3)(iii)	727.240(o)(3)
267.144 (Reserved)	727.240(e)
267.145 (Reserved)	727.240(f)
267.146 (Reserved)	727.240(g)
267.147	727.240(h)
267.147(f)(2)	727.240(h)(6)(B)
267.147(f)(2)	727.240(p)
267.147(f)(2)(i)	727.240(p)(1)
267.147(f)(2)(i)(A)	727.240(p)(1)(A)
267.147(f)(2)(i)(B)	727.240(p)(1)(B)
267.147(f)(2)(i)(C)	727.240(p)(1)(C)
267.147(f)(2)(ii)	727.240(p)(2)
267.147(f)(2)(iii)	727.240(p)(3)
267.147(f)(2)(iv)	727.240(p)(4)

267.147(f)(2)(iv)(A)	727.240(p)(4)(A)
267.147(f)(2)(iv)(B)	727.240(p)(4)(B)
267.147(f)(2)(v)	727.240(p)(5)
267.147(f)(2)(v)(A)	727.240(p)(5)(A)
267.147(f)(2)(v)(B)	727.240(p)(5)(B)
267.147(f)(2)(vi)	727.240(p)(6)
267.147(g)(2)	727.240(h)(7)(B)
267.147(g)(2)	727.240(q)
267.147(g)(2)(i)	727.240(q)(1)
267.147(g)(2)(ii)	727.240(q)(2)
267.147(g)(2)(ii)(A)	727.240(q)(2)(A)
267.147(g)(2)(ii)(B)	727.240(q)(2)(B)
267.148	727.240(i)
267.149 (Reserved)	727.240(j)
267.150	727.240(k)
267.151	727.240(l)
~~267.151(a)~~	~~727.240(l)(1)~~
~~267.151(a)~~	~~Appendix A, Illustration A~~
~~267.151(b)~~	~~727.240(l)(2)~~
~~267.151(b)~~	~~Appendix A, Illustration B~~
Subpart I of Part 267	727.270
267.170	727.270(a)
267.171	727.270(b)
267.172	727.270(c)
267.173	727.270(d)
267.174	727.270(e)
267.175	727.270(f)
267.176	727.270(g)
267.177	727.270(h)
Subpart J of Part 267	727.290
267.190	727.290(a)
267.191	727.290(b)
267.192	727.290(c)
267.193	727.290(d)
267.194	727.290(e)
267.195	727.290(f)
267.196	727.290(g)
267.197	727.290(h)

267.198	727.290(i)
267.199	727.290(j)
267.200	727.290(k)
267.201	727.290(l)
267.202	727.290(m)
267.203	727.290(n)
267.204	727.290(o)
Subpart K of Part 267 (Reserved)	None
Subpart L of Part 267 (Reserved)	None
Subpart M of Part 267 (Reserved)	None
Subpart N of Part 267 (Reserved)	None
Subpart O of Part 267 (Reserved)	None
Subpart P of Part 267 (Reserved)	None
Subpart Q of Part 267 (Reserved)	None
Subpart R of Part 267 (Reserved)	None
Subpart S of Part 267 (Reserved)	None
Subpart T of Part 267 (Reserved)	None
Subpart U of Part 267 (Reserved)	None
Subpart V of Part 267 (Reserved)	None
Subpart W of Part 267 (Reserved)	None
Subpart X of Part 267 (Reserved)	None
Subpart Y of Part 267 (Reserved)	None
Subpart Z of Part 267 (Reserved)	None
Subpart AA of Part 267 (Reserved)	None
Subpart BB of Part 267 (Reserved)	None
Subpart CC of Part 267 (Reserved)	None
Subpart DD of Part 267	727.900
267.1100	727.900(a)
267.1101	727.900(b)
267.1102	727.900(c)
267.1103	727.900(d)
267.1104	727.900(e)
267.1105	727.900(f)
267.1106	727.900(g)
267.1107	727.900(h)
267.1108	727.900(i)

40 CFR Provision	35 Ill. Adm. Code Provision

270.67	703.238
Subpart J of Part 270	Subpart J of Part 703
270.250	703.350(a)
270.255	703.350(b)
270.260	703.350(c)
270.270	703.351(a)
270.275	703.351(b)
270.280	703.351(c)
270.290	703.352(a)
270.300	703.352(b)
270.305	703.352(c)
270.310	703.352(d)
270.315	703.352(e)
270.320	703.353

BOARD NOTE: The Board added Appendix B, Table A for the convenience of USEPA, the Agency, and the regulated community. It is not directly derived from any federal provision. It is intended not to have any substantive effect on implementation of the RCRA Standardized Permit rules.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 727.APPENDIX B Correlation of State and Federal Provisions

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

The following table sets forth the correlation of the State RCRA Standardized Permit provisions with the federal regulations. Where the structure of a State provision exactly parallels the corresponding federal provision from which it was derived, no expanded listing of the subsections appears. Where it was necessary to move or restructure the material from the federal regulations, a detailed listing of the location of each subsection appears.

35 Ill. Adm. Code Provision	40 CFR Provision
703.238	270.67
Subpart J of Part 703	Subpart J of Part 270
703.350(a)	270.250
703.350(b)	270.255
703.350(c)	270.260
703.351(a)	270.270
703.351(b)	270.275
703.351(c)	270.280
703.352(a)	270.290
703.352(b)	270.300
703.352(c)	270.305
703.352(d)	270.310
703.352(e)	270.315
703.353	270.320

35 Ill. Adm. Code Provision	40 CFR Provision
Subpart G of Part 705	Subpart G of Part 124
705.300(a)	124.200
705.300(b)	124.201
705.301(a)	124.202
705.301(b)	124.203
705.302(a)	124.204
705.302(b)	124.205
705.302(c)	124.206
705.303(a)	124.207
705.303(b)	124.208

705.303(c)	124.209
705.303(d)	124.210
705.304(a)	124.211
705.304(b)	124.212
705.304(c)	124.213
705.304(d)	124.214

35 Ill. Adm. Code Provision	40 CFR Provision
727.100	Subpart A of Part 267
727.100(a)	267.1
727.100(b)	267.2
727.100(c)	267.3
727.110	Subpart B of Part 267
727.110(a)	267.10
727.110(b)	267.11
727.110(c)	267.12
727.110(d)	267.13
727.110(e)	267.14
727.110(f)	267.15
727.110(g)	267.16
727.110(h)	267.17
727.110(i)	267.18
727.130	Subpart C of Part 267
727.130(a)	267.30
727.130(b)	267.31
727.130(c)	267.32
727.130(d)	267.33
727.130(e)	267.34
727.130(f)	267.35
727.150	Subpart D of Part 267
727.150(a)	267.50
727.150(b)	267.51
727.150(c)	267.52
727.150(d)	267.53
727.150(e)	267.54
727.150(f)	267.55
727.150(g)	267.56
727.150(h)	267.57

727.150(i)	267.58
727.170	Subpart E of Part 267
727.170(a)	267.70
727.170(b)	267.71
727.170(c)	267.72
727.170(d)	267.73
727.170(e)	267.74
727.170(f)	267.75
727.170(g)	267.76
727.190	Subpart F of Part 267
727.190(a)	267.90
727.190(b)	267.91 (Reserved)
727.190(c)	267.92 (Reserved)
727.190(d)	267.93 (Reserved)
727.190(e)	267.94 (Reserved)
727.190(f)	267.95 (Reserved)
727.190(g)	267.96 (Reserved)
727.190(h)	267.97 (Reserved)
727.190(i)	267.98 (Reserved)
727.190(j)	267.99 (Reserved)
727.190(k)	267.100 (Reserved)
727.190(l)	267.101
727.210	Subpart G of Part 267
727.210(a)	267.110
727.210(b)	267.111
727.210(c)	267.112
727.210(d)	267.113
727.210(e)	267.114 (Reserved)
727.210(f)	267.115
727.210(g)	267.116
727.210(h)	267.117
727.240	Subpart H of Part 267
727.240(a)	267.140
727.240(b)	267.141
727.240(c)	267.142
727.240(d)	267.143
~~727.240(d)(6)(A)~~	~~267.143(f)(1)~~
~~727.240(d)(6)(B)~~	~~267.143(f)(2)~~

727.240(e)	267.144 (Reserved)
727.240(f)	267.145 (Reserved)
727.240(g)	267.146 (Reserved)
727.240(h)	267.147
~~727.240(h)(6)(B)~~	~~267.147(f)(2)~~
~~727.240(h)(7)(B)~~	~~267.147(g)(2)~~
727.240(i)	267.148
727.240(j)	267.149 (Reserved)
727.240(k)	267.150
727.240(l)	267.151
727.240(l)(1)	267.151(a)
727.240(l)(2)	267.151(b)
727.240(m)	267.143(f)(1)
727.240(m)(1)	267.143(f)(1)(i)
727.240(m)(1)(A)	267.143(f)(1)(i)(A)
727.240(m)(1)(B)	267.143(f)(1)(i)(B)
727.240(m)(1)(C)	267.143(f)(1)(i)(C)
727.240(m)(2)	267.143(f)(1)(ii)
727.240(m)(2)(A)	267.143(f)(1)(ii)(A)
727.240(m)(2)(B)	267.143(f)(1)(ii)(B)
727.240(m)(3)	267.143(f)(1)(iii)
727.240(n)	267.143(f)(2)
727.240(n)(1)	267.143(f)(2)(i)
727.240(n)(1)(A)	267.143(f)(2)(i)(A)
727.240(n)(1)(A)(i)	267.143(f)(2)(i)(A)(*1*)
727.240(n)(1)(A)(ii)	267.143(f)(2)(i)(A)(*2*)
727.240(n)(1)(B)	267.143(f)(2)(i)(B)
727.240(n)(1)(C)	267.143(f)(2)(i)(C)
727.240(n)(1)(D)	267.143(f)(2)(i)(D)
727.240(n)(1)(E)	267.143(f)(2)(i)(A)(*1*)
727.240(n)(1)(E)(i)	267.143(f)(2)(i)(A)(*1*)(*i*)
727.240(n)(1)(E)(ii)	267.143(f)(2)(i)(A)(*1*)(*ii*)
727.240(n)(1)(E)(iii)	267.143(f)(2)(i)(A)(*1*)(*iii*)
727.240(n)(1)(E)(iv)	267.143(f)(2)(i)(A)(*1*)(*iv*)
727.240(n)(1)(E)(v)	267.143(f)(2)(i)(A)(*1*)(*v*)
727.240(n)(1)(E)(vi)	267.143(f)(2)(i)(A)(*1*)(*vi*)
727.240(n)(2)	267.143(f)(2)(ii)
727.240(n)(3)	267.143(f)(2)(iii)

727.240(n)(4)	267.143(f)(2)(iv)
727.240(n)(4)(A)	267.143(f)(2)(iv)(A)
727.240(n)(4)(B)	267.143(f)(2)(iv)(B)
727.240(n)(5)	267.143(f)(2)(v)
727.240(n)(5)(A)	267.143(f)(2)(v)(A)
727.240(n)(5)(B)	267.143(f)(2)(v)(B)
727.240(n)(6)	267.143(f)(2)(vi)
727.240(o)	267.143(g)(3)~~267.143(f)(3)~~
727.240(o)(1)	267.143(g)(3)(i)~~267.143(f)(3)(i)~~
727.240(o)(1)(A)	267.143(g)(3)(i)(A)~~267.143(f)(3)(i)(A)~~
727.240(o)(1)(B)	267.143(g)(3)(i)(B)~~267.143(f)(3)(i)(B)~~
727.240(o)(2)	267.143(g)(3)(ii)~~267.143(f)(3)(ii)~~
727.240(o)(3)	267.143(g)(3)(iii)~~267.143(f)(3)(iii)~~
727.240(p)	267.147(f)(2)
727.240(p)(1)	267.147(f)(2)(i)
727.240(p)(1)(A)	267.147(f)(2)(i)(A)
727.240(p)(1)(B)	267.147(f)(2)(i)(B)
727.240(p)(1)(C)	267.147(f)(2)(i)(C)
727.240(p)(2)	267.147(f)(2)(ii)
727.240(p)(3)	267.147(f)(2)(iii)
727.240(p)(4)	267.147(f)(2)(iv)
727.240(p)(4)(A)	267.147(f)(2)(iv)(A)
727.240(p)(4)(B)	267.147(f)(2)(iv)(B)
727.240(p)(5)	267.147(f)(2)(v)
727.240(p)(5)(A)	267.147(f)(2)(v)(A)
727.240(p)(5)(B)	267.147(f)(2)(v)(B)
727.240(p)(6)	267.147(f)(2)(vi)
727.240(q)	267.147(g)(2)
727.240(q)(1)	267.147(g)(2)(i)
727.240(q)(2)	267.147(g)(2)(ii)
727.240(q)(2)(A)	267.147(g)(2)(ii)(A)
727.240(q)(2)(B)	267.147(g)(2)(ii)(B)
727.270	Subpart I of Part 267
727.270(a)	267.170
727.270(b)	267.171
727.270(c)	267.172
727.270(d)	267.173
727.270(e)	267.174

727.270(f)	267.175
727.270(g)	267.176
727.270(h)	267.177
727.290	Subpart J of Part 267
727.290(a)	267.190
727.290(b)	267.191
727.290(c)	267.192
727.290(d)	267.193
727.290(e)	267.194
727.290(f)	267.195
727.290(g)	267.196
727.290(h)	267.197
727.290(i)	267.198
727.290(j)	267.199
727.290(k)	267.200
727.290(l)	267.201
727.290(m)	267.202
727.290(n)	267.203
727.290(o)	267.204
727.900	Subpart DD of Part 267
727.900(a)	267.1100
727.900(b)	267.1101
727.900(c)	267.1102
727.900(d)	267.1103
727.900(e)	267.1104
727.900(f)	267.1105
727.900(g)	267.1106
727.900(h)	267.1107
727.900(i)	267.1108
~~Appendix A, Illustration A~~	~~267.151(a)~~
~~Appendix A, Illustration B~~	~~267.151(b)~~

BOARD NOTE: The Board added Appendix B, Table B for the convenience of USEPA, the Agency, and the regulated community. It is not directly derived from any federal provision. It is intended not to have any substantive effect on implementation of the RCRA Standardized Permit rules.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Land Disposal Restrictions

2) Code Citation: 35 Ill. Adm. Code 728

3)

Section Numbers:	Proposed Actions:
728.101	Amendment
728.107	Amendment
728.Appendix C	Amendment
728.Appendix G	Amendment
728.Table C	Amendment
728.Table T	Amendment

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

5) A Complete Description of Subjects and Issues Involved: The amendments to Part 728 are a single segment of the docket R16-7 rulemaking that also affects 35 Ill. Adm. Code 703, 720, 721, 722, 724, 725, 726, 727, and 733, each of which is covered by a separate notice in this issue of the Illinois Register. To save space, a more detailed description of the subjects and issues involved in the docket R16-7 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 is stated in the Notice of Adopted Amendments for 35 Ill. Adm. Code 703. A comprehensive description is contained in the Board's opinion and order of March 3, 2016, proposing amendments in docket R16-7, which opinion and order is available from the address below.

Specifically, the amendments to Part 728 are corrections and clarifying amendments that are not directly derived from the instant federal amendments. This includes corrections submitted by USEPA as a result of review of the rules for the purpose of authorization of the Illinois RCRA Subtitle C program.

Tables appear in the Board's opinion and order of March 3, 2016 in docket R16-7 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the March 3, 2016 opinion and order in docket R16-7.

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

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

9) Does this rulemaking contain incorporations by reference? No

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

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

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R16-7 and be addressed to:

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

Please direct inquiries to the following person and reference docket R16-7:

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 that generate, transport, treat, store, or dispose of hazardous waste. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].

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

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

14) Regulatory Agenda on which this rulemaking was summarized: December 4, 2015, 39 Ill. Reg. 15637-39

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 728
LAND DISPOSAL RESTRICTIONS

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Section
728.101 Purpose, Scope, and Applicability
728.102 Definitions
728.103 Dilution Prohibited as a Substitute for Treatment
728.104 Treatment Surface Impoundment Exemption
728.105 Procedures for Case-by-Case Extensions to an Effective Date
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SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

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728.112 Third Third (Repealed)
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728.120 Waste-Specific Prohibitions: Dyes and Pigments Production Wastes
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Metals and Containing PCBs
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728.139 Waste-Specific Prohibitions: Spent Aluminum Potliners and Carbamate Wastes

SUBPART D: TREATMENT STANDARDS

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Section
728.150 Prohibitions on Storage of Restricted Wastes

728.APPENDIX A Toxicity Characteristic Leaching Procedure (TCLP) (Repealed)
728.APPENDIX B Treatment Standards (As concentrations in the Treatment Residual Extract) (Repealed)
728.APPENDIX C List of Halogenated Organic Compounds Regulated under Section 728.132
728.APPENDIX D Wastes Excluded from Lab Packs
728.APPENDIX E Organic Lab Packs (Repealed)
728.APPENDIX F Technologies to Achieve Deactivation of Characteristics
728.APPENDIX G Federal Effective Dates
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728.APPENDIX J	Recordkeeping, Notification, and Certification Requirements (Repealed)
728.APPENDIX K	Metal-Bearing Wastes Prohibited from Dilution in a Combustion Unit According to Section 728.103(c)
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728.TABLE G	Alternative Treatment Standards Based on HTMR
728.TABLE H	Wastes Excluded from CCW Treatment Standards
728.TABLE I	Generator Paperwork Requirements
728.TABLE T	Treatment Standards for Hazardous Wastes
728.TABLE U	Universal Treatment Standards (UTS)

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

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R90-11 at 15 Ill. Reg. 11937, effective August 12, 1991; amendment withdrawn at 15 Ill. Reg. 14716, October 11, 1991; amended in R91-13 at 16 Ill. Reg. 9619, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20692, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6799, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12203, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17563, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9660, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11100, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 783, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7685, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17706, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1964, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9204, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9623, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1296, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9181, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6687, effective April 22, 2002; amended in R03-18 at 27 Ill. Reg. 13045, effective July

17, 2003; amended in R05-8 at 29 Ill. Reg. 6049, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3800, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1254, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12840, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1186, effective December 30, 2008; amended in R11-2/R11-16 at 35 Ill. Reg. 18131, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8790, effective June 4, 2012; amended in R13-15 at 37 Ill. Reg. 17951, effective October 24, 2013; amended in R16-7 at 40 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 728.101 Purpose, Scope, and Applicability

a) This Part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.

b) Except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721, the requirements of this Part apply to persons that generate or transport hazardous waste and to owners and operators of hazardous waste treatment, storage, and disposal facilities.

c) Restricted wastes may continue to be land disposed as follows:

1) Where a person has been granted an extension to the effective date of a prohibition pursuant to Subpart C of this Part or pursuant to Section 728.105, with respect to those wastes covered by the extension;

2) Where a person has been granted an exemption from a prohibition pursuant to a petition pursuant to Section 728.106, with respect to those wastes and units covered by the petition;

3) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and which is otherwise prohibited pursuant to this Part is not prohibited if the following is true of the waste:

A) The waste is disposed into a non-hazardous or hazardous waste injection well, as defined in 35 Ill. Adm. Code 704.106(a); and

B) The waste does not exhibit any prohibited characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721 at the point of injection.

4) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and which is otherwise prohibited pursuant to this Part is not prohibited if the waste meets any of the following criteria, unless the waste is subject to a specified method of treatment other than DEACT in Section 728.140 or is D003 reactive cyanide:

A) Any of the following is true of either treatment or management of the waste:

i) The waste is managed in a treatment system that subsequently discharges to waters of the United States pursuant to a permit issued pursuant to 35 Ill. Adm. Code 309;

ii) The waste is treated for purposes of the pretreatment requirements of 35 Ill. Adm. Code 307 and 310; or

iii) The waste is managed in a zero discharge system engaged in Clean Water Act (CWA)-equivalent treatment, as defined in Section 728.137(a); and

B) The waste no longer exhibits a prohibited characteristic of hazardous waste at the point of land disposal (i.e., placement in a surface impoundment).

d) This Part does not affect the availability of a waiver pursuant to Section 121(d)(4) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 USC 9621(d)(4)).

e) The following hazardous wastes are not subject to any provision of this Part:

1) Waste generated by small quantity generators of less than 100 kg of non-acute hazardous waste or less than 1 kg of acute hazardous waste per month, as defined in 35 Ill. Adm. Code 721.105;

2) Waste pesticide that a farmer disposes of pursuant to 35 Ill. Adm. Code 722.170;

3) Waste identified or listed as hazardous after November 8, 1984, for which USEPA has not promulgated a land disposal prohibition or treatment standard; or

4) De minimis losses of waste that exhibits a characteristic of hazardous waste to wastewaters are not considered to be prohibited waste and are defined as losses from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers or leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; rinsate from empty containers or from containers that are rendered empty by that rinsing; and laboratory waste that does not exceed one percent of the total flow of wastewater into the facility's headworks on an annual basis, or with a combined annualized average concentration not exceeding one part per million (ppm) in the headworks of the facility's wastewater treatment or pretreatment facility.~~; or~~

~~5) Land disposal prohibitions for hazardous characteristic wastes do not apply to laboratory wastes displaying the characteristic of ignitability (D001), corrosivity (D002), or organic toxicity (D012 through D043) that are mixed with other plant wastewaters at facilities whose ultimate discharge is subject to regulation pursuant to the CWA (including wastewaters at facilities that have eliminated the discharge of wastewater), provided that the annualized flow of laboratory wastewater into the facility's headworks does not exceed one percent or that the laboratory wastes' combined annualized average concentration does not exceed one part per million in the facility's headworks.~~

f) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) is exempt from Sections 728.107 and 728.150 for the hazardous wastes listed below. Such a handler or transporter is subject to regulation pursuant to 35 Ill. Adm. Code 733.

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

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

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

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

g) This Part is cumulative with the land disposal restrictions of 35 Ill. Adm. Code 729. The Environmental Protection Agency (Agency) must not issue a wastestream authorization pursuant to 35 Ill. Adm. Code 709 or Section 22.6 or 39(h) of the Environmental Protection Act [415 ILCS 5/22.6 or 39(h)] unless the waste meets the requirements of this Part as well as 35 Ill. Adm. Code 729.

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

BOARD NOTE: Subsection (h) is derived from 40 CFR 3, ~~as added, and 40 CFR~~ 271.10(b), 271.11(b), and 271.12(h) (2015) ~~(2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005)~~.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 728.107 Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities

a) Requirements for generators.

1) A generator of a hazardous waste must determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in Section 728.140, 728.145, or 728.149. This determination can be made concurrently with the hazardous waste determination required in 35 Ill. Adm. Code 722.111, in either of two ways: testing the waste or using knowledge of the waste. If the generator tests the waste, testing determines the total concentration of hazardous constituents or the concentration of hazardous constituents in an extract of the waste obtained using Method 1311 (Toxicity Characteristic Leaching Procedure) in "Test Methods for Evaluating Solid

Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a), depending on whether the treatment standard for the waste is expressed as a total concentration or concentration of hazardous constituent in the waste extract. (Alternatively, the generator must send the waste to a RCRA-permitted hazardous waste treatment facility, where the waste treatment facility must comply with the requirements of 35 Ill. Adm. Code 724.113 and subsection (b)~~ of this Section~~.) In addition, some hazardous wastes must be treated by particular treatment methods before they can be land disposed and some soils are contaminated by such hazardous wastes. These treatment standards are also found in Section 728.140 and Table T of this Part, and are described in detail in Table C of this Part. These wastes and soils contaminated with such wastes do not need to be tested (however, if they are in a waste mixture, other wastes with concentration level treatment standards must be tested). If a generator determines that it is managing a waste or soil contaminated with a waste that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, the generator must comply with the special requirements of Section 728.109 in addition to any applicable requirements in this Section.

2) If the waste or contaminated soil does not meet the treatment standard or if the generator chooses not to make the determination of whether its waste must be treated, the generator must send a one-time written notice to each treatment or storage facility receiving the waste with the initial shipment of waste to each treatment or storage facility, and the generator must place a copy of the one-time notice in the file. The notice must include the information in column "728.107(a)(2)" of the Generator Paperwork Requirements Table in Table I of this Part. (Alternatively, if the generator chooses not to make the determination of whether the waste must be treated, the notification must include the USEPA hazardous waste numbers and manifest number of the first shipment, and it must include the following statement: "This hazardous waste may or may not be subject to the LDR treatment standards. The treatment facility must make the determination.") No further notification is necessary until such time that the waste or facility changes, in which case a new notification must be sent and a copy placed in the generator's file.

3) If the waste or contaminated soil meets the treatment standard at the original point of generation, the waste generator must do the following:

A) With the initial shipment of waste to each treatment, storage, or disposal facility, the generator must send a one-time written notice to each treatment, storage, or disposal facility receiving the waste, and place a copy in its own file. The notice must include the information indicated in column "728.107(a)(3)" of the Generator Paperwork Requirements Table in Table I of this Part and the following certification statement, signed by an authorized representative:

> I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in Subpart D of 35 Ill. Adm. Code 728. I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

B) For contaminated soil, with the initial shipment of wastes to each treatment, storage, or disposal facility, the generator must send a one-time written notice to each facility receiving the waste and place a copy in the file. The notice must include the information in the column headed "(a)(3)" in Table I of this Part.

C) If the waste changes, the generator must send a new notice and certification to the receiving facility and place a copy in its files. A generator of hazardous debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(f) is not subject to these requirements.

4) For reporting, tracking and recordkeeping when exceptions allow certain wastes or contaminated soil that do not meet the treatment standards to be land disposed, there are certain exemptions from the requirement that hazardous wastes or contaminated soil meet treatment standards before they can be land disposed. These include, but are not limited to, case-by-case extensions under Section 728.105, disposal in a no-migration unit under Section 728.106, or a national capacity variance or case-by-case

capacity variance under Subpart C of this Part. If a generator's waste is so exempt, then with the initial shipment of waste, the generator must send a one-time written notice to each land disposal facility receiving the waste. The notice must include the information indicated in column "728.107(a)(4)" of the Generator Paperwork Requirements Table in Table I of this Part. If the waste changes, the generator must send a new notice to the receiving facility, and place a copy in its file.

5) If a generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under 35 Ill. Adm. Code 722.134 to meet applicable LDR treatment standards found at Section 728.140, the generator must develop and follow a written waste analysis plan that describes the procedures it will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Table F of this Part, however, are not subject to these waste analysis requirements.) The plan must be kept on site in the generator's records, and the following requirements must be met:

A) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited wastes being treated, and contain all information necessary to treat the wastes in accordance with the requirements of this Part, including the selected testing frequency;

B) Such plan must be kept in the facility's on-site files and made available to inspectors; and

C) Wastes shipped off-site pursuant to this subsection (a)(5) ~~of this Section~~ must comply with the notification requirements of subsection (a)(3) ~~of this Section~~.

6) If a generator determines that the waste or contaminated soil is restricted based solely on its knowledge of the waste, all supporting data used to make this determination must be retained on-site in the generator's files. If a generator determines that the waste is restricted based on testing this waste or an extract developed using Method 1311 (Toxicity Characteristic Leaching Procedure) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-

846, all waste analysis data must be retained on-site in the generator's files.

7) If a generator determines that it is managing a prohibited waste that is excluded from the definition of hazardous or solid waste or which is exempt from Subtitle C regulation under 35 Ill. Adm. Code 721.102 through 721.106 subsequent to the point of generation (including deactivated characteristic hazardous wastes that are managed in wastewater treatment systems subject to the CWA, as specified at 35 Ill. Adm. Code 721.104(a)(2); that are CWA-equivalent; or that are managed in an underground injection well regulated under 35 Ill. Adm. Code 730), the generator must place a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from RCRA Subtitle C regulation, and the disposition of the waste in the generating facility's on-site file.

8) A generator must retain a copy of all notices, certifications, waste analysis data, and other documentation produced pursuant to this Section on-site for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency. The requirements of this subsection (a)(8) apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under 35 Ill. Adm. Code 721.102 through 721.106, or exempted from RCRA Subtitle C regulation, subsequent to the point of generation.

9) If a generator is managing a lab pack containing hazardous wastes and wishes to use the alternative treatment standard for lab packs found at Section 728.142(c), the generator must fulfill the following conditions:

A) With the initial shipment of waste to a treatment facility, the generator must submit a notice that provides the information in column "Section 728.107(a)(9)" in the Generator Paperwork Requirements Table of Table I of this Part and the following certification. The certification, which must be signed by an authorized representative and must be placed in the generator's

files, must say the following:

> I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack contains only wastes that have not been excluded under Appendix D to 35 Ill. Adm. Code 728 and that this lab pack will be sent to a combustion facility in compliance with the alternative treatment standards for lab packs at 35 Ill. Adm. Code 728.142(c). I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

B) No further notification is necessary until such time as the wastes in the lab pack change, or the receiving facility changes, in which case a new notice and certification must be sent and a copy placed in the generator's file.

C) If the lab pack contains characteristic hazardous wastes (D001-D043), underlying hazardous constituents (as defined in Section 728.102(i)) need not be determined.

D) The generator must also comply with the requirements in subsections (a)(6) and (a)(7)~~ of this Section~~.

10) Small quantity generators with tolling agreements pursuant to 35 Ill. Adm. Code 722.120(e) must comply with the applicable notification and certification requirements of subsection (a)~~ of this Section~~ for the initial shipment of the waste subject to the agreement. Such generators must retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency.

b) The owner or operator of a treatment facility must test its wastes according to the frequency specified in its waste analysis plan, as required by 35 Ill. Adm. Code 724.113 (for permitted TSDs) or 725.113 (for interim status facilities). Such testing must be performed as provided in subsections (b)(1), (b)(2), and (b)(3)~~ of this Section~~.

1) For wastes or contaminated soil with treatment standards expressed in the waste extract (TCLP), the owner or operator of the treatment facility must test an extract of the treatment residues using Method 1311 (Toxicity Characteristic Leaching Procedure) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, to assure that the treatment residues extract meets the applicable treatment standards.

2) For wastes or contaminated soil with treatment standards expressed as concentrations in the waste, the owner or operator of the treatment facility must test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards.

3) A one-time notice must be sent with the initial shipment of waste or contaminated soil to the land disposal facility. A copy of the notice must be placed in the treatment facility's file.

A) No further notification is necessary until such time that the waste or receiving facility changes, in which case a new notice must be sent and a copy placed in the treatment facility's file.

B) The one-time notice must include the following requirements :

i) USEPA hazardous waste number and manifest number of first shipment;

ii) The waste is subject to the LDRs. The constituents of concern for F001 through F005 and F039 waste and underlying hazardous constituents in characteristic wastes, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice;

iii) The notice must include the applicable wastewater/nonwastewater category (see Section 728.102(d) and (f)) and subdivisions made within a waste code based on waste-specific criteria (such as D003

reactive cyanide);

iv) Waste analysis data (when available);

v) For contaminated soil subject to LDRs as provided in Section 728.149(a), the constituents subject to treatment as described in Section 728.149(d) and the following statement, "this contaminated soil (does/does not) contain listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and (is subject to/complies with) the soil treatment standards as provided by Section 728.149(c)"; and

vi) A certification is needed (see applicable Section for exact wording).

4) The owner or operator of a treatment facility must submit a certification signed by an authorized representative with the initial shipment of waste or treatment residue of a restricted waste to the land disposal facility. The certification must state as follows:

> I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the treatment standards specified in 35 Ill. Adm. Code 728.140 without impermissible dilution of the prohibited waste. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

A certification is also necessary for contaminated soil and it must state as follows:

> I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and believe that it has been maintained and operated properly so as to comply with

treatment standards specified in 35 Ill. Adm. Code 728.149 without impermissible dilution of the prohibited wastes. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

A) A copy of the certification must be placed in the treatment facility's on-site files. If the waste or treatment residue changes, or the receiving facility changes, a new certification must be sent to the receiving facility, and a copy placed in the treatment facility's file.

B) Debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(f) (i.e., debris treated by an extraction or destruction technology listed in Table F of this Part and debris that the Agency has determined does not contain hazardous waste) is subject to the notification and certification requirements of subsection (d)~~ of this Section~~ rather than the certification requirements of this subsection (b)(4).

C) For wastes with organic constituents having treatment standards expressed as concentration levels, if compliance with the treatment standards is based in part or in whole on the analytical detection limit alternative specified in Section 728.140(d), the certification must be signed by an authorized representative and must state as follows:

> I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by combustion units as specified in Table C to 35 Ill. Adm. Code 728. I have been unable to detect the nonwastewater organic constituents, despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

D) For characteristic wastes that are subject to the treatment standards in Section 728.140 and Table T of this Part (other than those expressed as a required method of treatment) or Section 728.149 and which contain underlying hazardous constituents, as defined in Section 728.102(i); if these wastes are treated on-site to remove the hazardous characteristic; and that are then sent off-site for treatment of underlying hazardous constituents, the certification must state as follows:

> I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table T of Section 728.149 of that Part to remove the hazardous characteristic. This decharacterized waste contains underlying hazardous constituents that require further treatment to meet treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

E) For characteristic wastes that contain underlying hazardous constituents, as defined in Section 728.102(i), that are treated on-site to remove the hazardous characteristic and to treat underlying hazardous constituents to levels in Section 728.148 and Table U of this Part universal treatment standards, the certification must state as follows:

> I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table T of that Part to remove the hazardous characteristic and that underlying hazardous constituents, as defined in 35 Ill. Adm. Code 728.102(i), have been treated on-site to meet the universal treatment standards of 35 Ill. Adm. Code 728.148 and Table U of that Part. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

5) If the waste or treatment residue will be further managed at a different treatment, storage, or disposal facility, the treatment, storage, or disposal

facility that sends the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this Section.

6) Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e., the recycler) must, for the initial shipment of waste, prepare a one-time certification described in subsection (b)(4)~~ of this Section~~ and a notice that includes the information listed in subsection (b)(3)~~ of this Section~~ (except the manifest number). The certification and notification must be placed in the facility's on-site files. If the waste or the receiving facility changes, a new certification and notification must be prepared and placed in the on-site files. In addition, the owner or operator of the recycling facility also must keep records of the name and location of each entity receiving the hazardous waste-derived product.

c) Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 35 Ill. Adm. Code 726.120(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part must do the following:

1) Maintain in its files copies of the notice and certifications specified in subsection (a) or (b)~~ of this Section~~.

2) Test the waste or an extract of the waste or treatment residue developed using Method 1311 (Toxicity Characteristic Leaching Procedure in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846) to assure that the waste or treatment residue is in compliance with the applicable treatment standards set forth in Subpart D of this Part. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by 35 Ill. Adm. Code 724.113 or 35 Ill. Adm. Code 725.113.

3) Where the owner or operator is disposing of any waste that is subject to the prohibitions under Section 728.133(f) but not subject to the prohibitions set forth in Section 728.132, the owner or operator must ensure that such waste is the subject of a certification according to the requirements of Section 728.108 prior to disposal in a landfill or surface

impoundment unit, and that such disposal is in accordance with the requirements of Section 728.105(h)(2). The same requirement applies to any waste that is subject to the prohibitions under Section 728.133(f) and also is subject to the statutory prohibitions in the codified prohibitions in Section 728.139 or Section 728.132.

4) Where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the owner or operator is not subject to subsections (c)(1) through (c)(3)~~ of this Section~~ with respect to such waste.

d) A generator or treater that first claims that hazardous debris is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(f) (i.e., debris treated by an extraction or destruction technology provided by Table F of this Part, and debris that has been delisted) is subject to the following notification and certification requirements:

1) A one-time notification must be submitted to the Agency including the following information:

A) The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the treated debris;

B) A description of the hazardous debris as initially generated, including the applicable USEPA hazardous waste numbers; and

C) For debris excluded under 35 Ill. Adm. Code 721.103(f)(1)~~721.103(e)(1)~~, the technology from Table F of this Part used to treat the debris.

2) The notification must be updated if the debris is shipped to a different facility and, for debris excluded under 35 Ill. Adm. Code 721.103(f)(1)~~721.102(f)(1)~~, if a different type of debris is treated or if a different technology is used to treat the debris.

3) For debris excluded under 35 Ill. Adm. Code 721.103(f)(1)~~721.102(f)(1)~~, the owner or operator of the treatment facility must document and certify compliance with the treatment standards of Table F of this Part, as

follows:

A) Records must be kept of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards;

B) Records must be kept of any data or information the treater obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and

C) For each shipment of treated debris, a certification of compliance with the treatment standards must be signed by an authorized representative and placed in the facility's files. The certification must state as follows:

> I certify under penalty of law that the debris has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.145. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment.

e) A generator or treater that first receives a determination from USEPA or the Agency that a given contaminated soil subject to LDRs, as provided in Section 728.149(a), no longer contains a listed hazardous waste and a generator or treater that first determines that a contaminated soil subject to LDRs, as provided in Section 728.149(a), no longer exhibits a characteristic of hazardous waste must do the following:

1) Prepare a one-time only documentation of these determinations including all supporting information; and

2) Maintain that information in the facility files and other records for a minimum of three years.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 728.APPENDIX C List of Halogenated Organic Compounds Regulated under Section 728.132

In determining the concentration of halogenated organic compounds (HOCs) in a hazardous waste for purposes of the Section 728.132 land disposal prohibition, USEPA has defined the HOCs that must be included in a calculation as any compounds having a carbon-halogen bond that are listed in this Appendix (see Section 728.102). This Appendix C to Part 728 consists of the following compounds:

I. Volatiles

1. Bromodichloromethane (CAS No. 75-27-4)

2. Bromomethane (CAS No. 74-83-9)

3. Carbon Tetrachloride (tetrachloromethane) (CAS No. 56-23-5)

4. Chlorobenzene (CAS No. 108-90-7)

5. 2-Chloro-1,3-butadiene (CAS No. 126-99-8)

6. Chlorodibromomethane (CAS No. 124-48-1)

7. Chloroethane (CAS No. 75-00-3)

8. 2-Chloroethyl vinyl ether ((2-chloroethoxy)ethene) (CAS No. 110-75-8)

9. Chloroform (trichloromethane) (CAS No. 67-66-3)

10. Chloromethane (CAS No. 74-87-3)

11. 3-Chloropropene (3-chloroprop-1-ene) (CAS No. 107-05-1)

12. 1,2-Dibromo-3-chloropropane (CAS No. 96-12-8)

13. 1,2-Dibromoethane (CAS No. 106-93-4)~~1,2-Dibromomethane~~

14. Dibromomethane (CAS No. 74-95-3)

15. Trans-1,4-Dichloro-2-butene ((2E)-1,4-dichloro-2-butene) (CAS No. 110-57-6)

16. Dichlorodifluoromethane (CAS No. 75-71-8)

17. 1,1-Dichloroethane (CAS No. 75-34-3)

18. 1,2-Dichloroethane (CAS No. 107-06-2)

19. 1,1-Dichloroethylene (1,1-dichloroethene) (CAS No. 75-35-4)

20. Trans-1,2-Dichloroethene ((1E)-1,2-dichloroethene) (CAS No. 156-60-5)

21. 1,2-Dichloropropane (CAS No. 78-87-5)

22. Trans-1,3-Dichloropropene ((1E)-1,3-dichloroprop-1-ene) (CAS No. 10061-02-6)

23. cis-1,3-Dichloropropene ((1Z)-1,3-dichloroprop-1-ene) (CAS No. 10061-01-5)

24. Iodomethane (CAS No. 74-88-4)

25. Methylene chloride (dichloromethane) (CAS No. 75-09-2)

26. 1,1,1,2-Tetrachloroethane (CAS No. 630-20-6)

27. 1,1,2,2-Tetrachloroethane (CAS No. 79-34-5)

28. Tetrachloroethene (CAS No. 127-18-4)

29. Tribromomethane (CAS No. 75-25-2)

30. 1,1,1-Trichloroethane (CAS No. 71-55-6)

31. 1,1,2-Trichloroethane (CAS No. 79-00-5)

32. Trichloroethene (CAS No. 79-01-6)

33. Trichloromonofluoromethane (trichlorofluoromethane) (CAS No. 75-69-4)

34. 1,2,3-trichloropropane (CAS No. 96-18-4)~~1,2,3-Thrichloropropane~~

35. Vinyl Chloride (chloroethene) (CAS No. 75-01-4)

II. Semivolatiles

1. Bis(2-chloroethoxy)ethane (1,2-bis(2-chlorethoxy)ethane) (CAS No. 112-26-5)

2. Bis(2-chloroethyl) ether (1,1'-oxybis(2-chloroethane)) (CAS No. 111-44-4)~~Bis(2-chloroethyl)ether~~

3. Bis(2-chloroisopropyl)ether (2,2'-oxybis(2-chloropropane)) (CAS No. 39638-32-9)

4. p-Chloroaniline (4-chlorobenzeneamine) (CAS No. 106-47-8)

5. Chlorobenzilate (ethyl 2,2-bis(4-chlorophenyl)-2-hydroxyacetate) (CAS No. 510-15-6)

6. p-Chloro-m-cresol (4-chloro-3-methylphenol) (CAS No. 59-50-7)

7. 2-Chloronaphthalene (CAS No. 91-58-7)

8. 2-Chlorophenol (CAS No. 95-57-8)

9. 3-Chloropropionitrile (3-chloropronanenitrile) (CAS No. 542-76-7)

10. m-Dichlorobenzene (1,3-dichlorobenzene) (CAS No. 541-73-1)

11. o-Dichlorobenzene (1,2-dichlorobenzene) (CAS No. 95-50-1)

12. p-Dichlorobenzene (1,4-dichlorobenzene) (CAS No. 106-46-7)

13. 3,3'~~3.3'~~-Dichlorobenzidine (4-(4-amino-3-chlorophenyl)-2-chloroaniline) (CAS No. 91-94-1)

14. 2,4-Dichlorophenol (CAS No. 120-83-2)

15. 2,6-Dichlorophenol (CAS No. 87-65-0)

16. Hexachlorobenzene (CAS No. 118-74-1)

17. Hexachlorobutadiene (hexachlorobuta-1,3-diene) (CAS No. 87-68-3)

18. Hexachlorocyclopentadiene (CAS No. 77-47-4)

19. Hexachloroethane (CAS No. 67-72-1)

20. Hexachlorophene (2,2'-methylenebis(3,4,6-trichlorophenol)) (CAS No. 70-30-4)

21. Hexachloropropene (CAS No. 1888-71-7)

22. 4,4'-Methylenebis(2-chloroanaline) (4-[(4-amino-3-chlorophenyl)methyl]-2-chloroaniline) (CAS No. 101-14-4)

23. Pentachlorobenzene (CAS No. 608-93-5)

24. Pentachloroethane (CAS No. 76-01-7)

25. Pentachloronitrobenzene (CAS No. 82-68-8)

26. Pentachlorophenol (CAS No. 87-86-5)

27. Pronamide (3,5-dichloro-N-(1,1-dimethylprop-2-ynyl)benzamide) (CAS No. 23950-58-5)

28. 1,2,4,5-Tetrachlorobenzene (CAS No. 95-94-3)

29. 2,3,4,6-Tetrachlorophenol (CAS No. 58-90-2)

30. 1,2,4-Trichlorobenzene (CAS No. 120-82-1)

31. 2,4,5-Trichlorophenol (CAS No. 95-95-4)

32. 2,4,6-Trichlorophenol (CAS No. 88-06-2)

33. Tris(2,3-dibromopropyl) phosphate (CAS No. 126-72-7)

III. Organochlorine Pesticides

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1. Aldrin ((1R,4S,4aS,5S,8R,8aR)-1,2,3,4,10,10-hexachloro-1,2,4a,5,8,8a-hexahydro-1,4:5,8-dimethanonaphthlene) (CAS No. 309-00-2)

2. alpha-BHC (α-1,2,3,4,5,6-hexachlorocyclohexane) (CAS No. 319-84-6)

3. beta-BHC (β-1,2,3,4,5,6-hexachlorocyclohexane) (CAS No. 319-85-7)

4. delta-BHC (δ-1,2,3,4,5,6-hexachlorocyclohexane) (CAS No. 58-89-9)

5. gamma-BHC (γ-1,2,3,4,5,6-hexachlorocyclohexane) (CAS No. 319-86-8)

6. Chlordane (1,2,4,5,6,7,8,8-octachloro-3a,4,5,5a-tetrahydro-4,7-methanoindane) (CAS No. 57-74-9)~~Chlorodane~~

7. DDD (1,1-bis(4-chlorophenyl)-2,2-dichloroethane) (CAS No. 72-54-8)

8. DDE (1,1-bis(4-chlorophenyl)-2,2-dichloroethene) (CAS No. 72-55-9)

9. DDT (1,1,1-trichloro-2,2-bis(4-chlorophenyl)ethane) (CAS No. 50-29-3)

10. Dieldrin ((1a*R*,2*R*,2a*S*,3*S*,6*R*,7*S*,7a*S*)-3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-2,7:3,6-dimethanonaphtho[2,3-b]oxirene) (CAS No. 60-57-1)

11. Endosulfan I ((3α,5aβ,6α,9α,9aβ)-6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepine-3-oxide) (CAS No. 959-98-8)

12. Endosulfan II ((3α,5aβ,6β,9β,9aα)-6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepine-3-oxide) (CAS No. 33213-65-9)

13. Endrin (1aα,2β,2aβ,3aα,6α,6aβ,7β,7aα)-3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-2,7:3,6-dimethanonaphth(2,3-b)oxirene) (CAS No. 72-20-8)

14. Endrin aldehyde (1α,2β,2aβ,4β,4aβ,5β,6aβ,6bβ,7R*)-2,2a,3,3,4,7-hexachlorodecahydro-1,2,4-methenocyclopenta(c,d)pentalene-5-carboxaldehyde) (CAS No. 7421-93-4)

15. Heptachlor (1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-4,7-methano-1*H*-indene) (CAS No. 76-44-8)

16. Heptachlor epoxide ((1aR,1bS,2R,5S,5aR,6S,6aR)-2,3,4,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-2,5-methano-2*H*-indeno(1,2b)oxirene) (CAS No. 1024-57-3)

17. Isodrin ((1R,4S,4aS,5R,8S,8aR)-rel-1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-dimethanonaphthalene) (CAS No. 465-73-6)

18. Kepone (1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-1,3,4-metheno-2H-cyclobuta(cd)pentalen-2-one) (CAS No. 143-50-0)

19. Methoxychlor (1,1'-(2,2,2-trichloroethylidene)bis(4-methoxybenzene)) (CAS No. 72-43-5)~~Methoxyclor~~

20. Toxaphene (CAS No. 8001-35-2)

IV. Phenoxyacetic Acid Herbicides

1. 2,4-Dichlorophenoxyacetic acid (CAS No. 94-75-7)

2. Silvex (2-(2,4,5-trichlorophenoxy)propionic acid) (CAS No. 93-72-1)

3. 2,4,5-T (2,4,5-trichlorophenoxyacetic acid) (CAS No. 93-76-5)

V. PCBs

1. Aroclor 1016 (CAS No. 12674-11-2)

2. Aroclor 1221 (CAS No. 11104-28-2)

3. Aroclor 1232 (CAS No. 11141-16-5)

4. Aroclor 1242 (CAS No. 53469-21-9)

5. Aroclor 1248 (CAS No. 12672-29-6)

6. Aroclor 1254 (CAS No. 11097-69-1)

7. Aroclor 1260 (CAS No. 11096-82-5)

8. PCBs not otherwise specified (CAS No. 1336-36-3)

VI. Dioxins and Furans

1. Hexachlorodibenzo-p-dioxins (CAS No. 34465-46-8)

2. Hexachlorodibenzofuran (CAS No. 55684-94-1)

3. Pentachlorodibenzo-p-dioxins (CAS No. 36088-22-9)

4. Pentachlorodibenzofuran (CAS No. 30402-15-4)

5. Tetrachlorodibenzo-p-dioxins (CAS No. 41903-57-5)

6. Tetrachlorodibenzofuran (CAS No. 30402-14-3; 55722-27-5)

7. 2,3,7,8-Tetrachlorodibenzo-p-dioxin (2,3,7,8-tetrachlorodibenzo[b,e][1,4]dioxin) (CAS No. 1746-01-6)

BOARD NOTE: Derived from appendix III to 40 CFR 268 (2015)~~(2010)~~.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 728.APPENDIX G Federal Effective Dates

The following are the effective dates for the USEPA rules in 40 CFR 268. These generally became effective as Illinois rules at a later date.

TABLE 1
EFFECTIVE DATES OF SURFACE DISPOSED WASTES (NON-SOIL AND DEBRIS) REGULATED IN THE LDRS[a] – COMPREHENSIVE LIST

Waste code	Waste category	Effective date
D001[c]	All (except High TOC Ignitable Liquids)	August 9, 1993
D001	High TOC Ignitable Liquids	August 8, 1990
D002[c]	All	August 9, 1993
D003[e]	Newly identified surface-disposed elemental phosphorus processing wastes	May 26, 2000
D004	Newly identified D004 and mineral processing wastes	August 24, 1998
D004	Mixed radioactive/newly identified D004 or mineral processing wastes	May 26, 2000
D005	Newly identified D005 and mineral processing wastes	August 24, 1998
D005	Mixed radioactive/newly identified D005 or mineral processing wastes	May 26, 2000
D006	Newly identified D006 and mineral processing wastes	August 24, 1998
D006	Mixed radioactive/newly identified D006 or mineral processing wastes	May 26, 2000
D007	Newly identified D007 and mineral processing wastes	August 24, 1998
D007	Mixed radioactive/newly identified D007 or mineral processing wastes	May 26, 2000
D008	Newly identified D008 and mineral processing waste	August 24, 1998
D008	Mixed radioactive/newly identified D008 or mineral processing wastes	May 26, 2000
D009	Newly identified D009 and mineral processing waste	August 24, 1998
D009	Mixed radioactive/newly identified D009 or mineral processing wastes	May 26, 2000
D010	Newly identified D010 and mineral processing wastes	August 24, 1998
D010	Mixed radioactive/newly identified D010 or mineral processing wastes	May 26, 2000
D011	Newly identified D011 and mineral processing wastes	August 24, 1998
D011	Mixed radioactive/newly identified D011or mineral processing wastes	May 26, 2000

D012 (that exhibit the toxicity characteristic based on the TCLP)[d]	All	December 14, 1994
D013 (that exhibit the toxicity characteristic based on the TCLP)[d]	All	December 14, 1994
D014 (that exhibit the toxicity characteristic based on the TCLP)[d]	All	December 14, 1994
D015 (that exhibit the toxicity characteristic based on the TCLP)[d]	All	December 14, 1994
D016 (that exhibit the toxicity characteristic based on the TCLP)[d]	All	December 14, 1994
D017 (that exhibit the toxicity characteristic based on the TCLP)[d]	All	December 14, 1994
D018	Mixed with radioactive wastes	September 19, 1996
D018	All others	December 19, 1994
D019	Mixed with radioactive wastes	September 19, 1996
D019	All others	December 19, 1994
D020	Mixed with radioactive wastes	September 19, 1996
D020	All others	December 19, 1994
D021	Mixed with radioactive wastes	September 19, 1996
D021	All others	December 19, 1994
D022	Mixed with radioactive wastes	September 19, 1996
D022	All others	December 19, 1994
D023	Mixed with radioactive wastes	September 19, 1996
D023	All others	December 19, 1994
D024	Mixed with radioactive wastes	September 19, 1996
D024	All others	December 19, 1994
D025	Mixed with radioactive wastes	September 19, 1996
D025	All others	December 19, 1994
D026	Mixed with radioactive wastes	September 19, 1996
D026	All others	December 19, 1994
D027	Mixed with radioactive wastes	September 19, 1996
D027	All others	December 19, 1994
D028	Mixed with radioactive wastes	September 19, 1996

D028	All others	December 19, 1994
D029	Mixed with radioactive wastes	September 19, 1996
D029	All others	December 19, 1994
D030	Mixed with radioactive wastes	September 19, 1996
D030	All others	December 19, 1994
D031	Mixed with radioactive wastes	September 19, 1996
D031	All others	December 19, 1994
D032	Mixed with radioactive wastes	September 19, 1996
D032	All others	December 19, 1994
D033	Mixed with radioactive wastes	September 19, 1996
D033	All others	December 19, 1994
D034	Mixed with radioactive wastes	September 19, 1996
D034	All others	December 19, 1994
D035	Mixed with radioactive wastes	September 19, 1996
D035	All others	December 19, 1994
D036	Mixed with radioactive wastes	September 19, 1996
D036	All others	December 19, 1994
D037	Mixed with radioactive wastes	September 19, 1996
D037	All others	December 19, 1994
D038	Mixed with radioactive wastes	September 19, 1996
D038	All others	December 19, 1994
D039	Mixed with radioactive wastes	September 19, 1996
D039	All others	December 19, 1994
D040	Mixed with radioactive wastes	September 19, 1996
D040	All others	December 19, 1994
D041	Mixed with radioactive wastes	September 19, 1996
D041	All others	December 19, 1994
D042	Mixed with radioactive wastes	September 19, 1996
D042	All others	December 19, 1994
D043	Mixed with radioactive wastes	September 19, 1996
D043	All others	December 19, 1994
F001	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	November 8, 1988
F001	All others	November 8, 1986
F002 (1,1,2-trichloroethane)	Wastewater and Nonwastewater	August 8, 1990

F002	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	November 8, 1988
F002	All others	November 8, 1986
F003	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	November 8, 1988
F003	All others	November 8, 1986
F004	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	November 8, 1988
F004	All others	November 8, 1986
F005 (benzene, 2-ethoxy ethanol, 2-nitropropane)	Wastewater and Nonwastewater	August 8, 1990
F005	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	November 8, 1988
F005	All others	November 8, 1986
F006	Wastewater	August 8, 1990
F006	Nonwastewater	August 8, 1988
F006 (cyanides)	Nonwastewater	July 8, 1989
F007	All	July 8, 1989
F008	All	July 8, 1989
F009	All	July 8, 1989
F010	All	June 8, 1989
F011 (cyanides)	Nonwastewater	December 8, 1989
F011	All others	July 8, 1989
F012 (cyanides)	Nonwastewater	December 8, 1989
F012	All others	July 8, 1989
F019	All	August 8, 1990
F020	All	November 8, 1988
F021	All	November 8, 1988
F025	All	August 8, 1990
F026	All	November 8, 1988
F027	All	November 8, 1988
F028	All	November 8, 1988
F032	Mixed with radioactive wastes	May 12, 1999
F032	All others	August 12, 1997

F034	Mixed with radioactive wastes	May 12, 1999
F034	All others	August 12, 1997
F035	Mixed with radioactive wastes	May 12, 1999
F035	All others	August 12, 1997
F037	Not generated from surface impoundment cleanouts or closures	June 30, 1993
F037	Generated from surface impoundment cleanouts or closures	June 30, 1994
F037	Mixed with radioactive wastes	June 30, 1994
F038	Not generated from surface impoundment cleanouts or closures	June 30, 1993
F038	Generated from surface impoundment cleanouts or closures	June 30, 1994
F038	Mixed with radioactive wastes	June 30, 1994
F039	Wastewater	August 8, 1990
F039	Nonwastewater	May 8, 1992
K001 (organics)[b]	All	August 8, 1988
K001	All others	August 8, 1988
K002	All	August 8, 1990
K003	All	August 8, 1990
K004	Wastewater	August 8, 1990
K004	Nonwastewater	August 8, 1988
K005	Wastewater	August 8, 1990
K005	Nonwastewater	June 8, 1989
K006	All	August 8, 1990
K007	Wastewater	August 8, 1990
K007	Nonwastewater	June 8, 1989
K008	Wastewater	August 8, 1990
K008	Nonwastewater	August 8, 1988
K009	All	June 8, 1989
K010	All	June 8, 1989
K011	Wastewater	August 8, 1990
K011	Nonwastewater	June 8, 1989
K013	Wastewater	August 8, 1990
K013	Nonwastewater	June 8, 1989
K014	Wastewater	August 8, 1990
K014	Nonwastewater	June 8, 1989
K015	Wastewater	August 8, 1988
K015	Nonwastewater	August 8, 1990

K016	All	August 8, 1988
K017	All	August 8, 1990
K018	All	August 8, 1988
K019	All	August 8, 1988
K020	All	August 8, 1988
K021	Wastewater	August 8, 1990
K021	Nonwastewater	August 8, 1988
K022	Wastewater	August 8, 1990
K022	Nonwastewater	August 8, 1988
K023	All	June 8, 1989
K024	All	August 8, 1988
K025	Wastewater	August 8, 1990
K025	Nonwastewater	August 8, 1988
K026	All	August 8, 1990
K027	All	June 8, 1989
K028 (metals)	Nonwastewater	August 8, 1990
K028	All others	June 8, 1989
K029	Wastewater	August 8, 1990
K029	Nonwastewater	June 8, 1989
K030	All	August 8, 1988
K031	Wastewater	August 8, 1990
K031	Nonwastewater	May 8, 1992
K032	All	August 8, 1990
K033	All	August 8, 1990
K034	All	August 8, 1990
K035	All	August 8, 1990
K036	Wastewater	June 8, 1989
K036	Nonwastewater	August 8, 1988
K037[b]	Wastewater	August 8, 1988
K037	Nonwastewater	August 8, 1988
K038	All	June 8, 1989
K039	All	June 8, 1989
K040	All	June 8, 1989
K041	All	August 8, 1990
K042	All	August 8, 1990
K043	All	June 8, 1989
K044	All	August 8, 1988
K045	All	August 8, 1988
K046 (Nonreactive)	Nonwastewater	August 8, 1988

K046	All others	August 8, 1990
K047	All	August 8, 1988
K048	Wastewater	August 8, 1990
K048	Nonwastewater	November 8, 1990
K049	Wastewater	August 8, 1990
K049	Nonwastewater	November 8, 1990
K050	Wastewater	August 8, 1990
K050	Nonwastewater	November 8, 1990
K051	Wastewater	August 8, 1990
K051	Nonwastewater	November 8, 1990
K052	Wastewater	August 8, 1990
K052	Nonwastewater	November 8, 1990
K060	Wastewater	August 8, 1990
K060	Nonwastewater	August 8, 1988
K061	Wastewater	August 8, 1990
K061	Nonwastewater	June 30, 1992
K062	All	August 8, 1988
K069 (non-calcium sulfate)	Nonwastewater	August 8, 1988
K069	All others	August 8, 1990
K071	All	August 8, 1990
K073	All	August 8, 1990
K083	All	August 8, 1990
K084	Wastewater	August 8, 1990
K084	Nonwastewater	May 8, 1992
K085	All	August 8, 1990
K086 (organics)[b]	All	August 8, 1988
K086	All others	August 8, 1988
K087	All	August 8, 1988
~~K088~~	~~Mixed with radioactive wastes~~	~~April 8, 1998~~
K088	All others	October 8, 1997
K088	All others	January 8, 1997
K093	All	June 8, 1989
K094	All	June 8, 1989
K095	Wastewater	August 8, 1990
K095	Nonwastewater	June 8, 1989
K096	Wastewater	August 8, 1990
K096	Nonwastewater	June 8, 1989
K097	All	August 8, 1990

K098	All	August 8, 1990
K099	All	August 8, 1988
K100	Wastewater	August 8, 1990
K100	Nonwastewater	August 8, 1988
K101 (organics)	Wastewater	August 8, 1988
K101 (metals)	Wastewater	August 8, 1990
K101 (organics)	Nonwastewater	August 8, 1988
K101 (metals)	Nonwastewater	May 8, 1992
K102 (organics)	Wastewater	August 8, 1988
K102 (metals)	Wastewater	August 8, 1990
K102 (organics)	Nonwastewater	August 8, 1988
K102 (metals)	Nonwastewater	May 8, 1992
K103	All	August 8, 1988
K104	All	August 8, 1988
K105	All	August 8, 1990
K106	Wastewater	August 8, 1990
K106	Nonwastewater	May 8, 1992
K107	Mixed with radioactive wastes	June 30, 1994
K107	All others	November 9, 1992
K108	Mixed with radioactive wastes	June 30, 1994
K108	All others	November 9, 1992
K109	Mixed with radioactive wastes	June 30, 1994
K109	All others	November 9, 1992
K110	Mixed with radioactive wastes	June 30, 1994
K110	All others	November 9, 1992
K111	Mixed with radioactive wastes	June 30, 1994
K111	All others	November 9, 1992
K112	Mixed with radioactive wastes	June 30, 1994
K112	All others	November 9, 1992
K113	All	June 8, 1989
K114	All	June 8, 1989
K115	All	June 8, 1989
K116	All	June 8, 1989
K117	Mixed with radioactive wastes	June 30, 1994
K117	All others	November 9, 1992
K118	Mixed with radioactive wastes	June 30, 1994
K118	All others	November 9, 1992
K123	Mixed with radioactive wastes	June 30, 1994
K123	All others	November 9, 1992

K124	Mixed with radioactive wastes	June 30, 1994
K124	All others	November 9, 1992
K125	Mixed with radioactive wastes	June 30, 1994
K125	All others	November 9, 1992
K126	Mixed with radioactive wastes	June 30, 1994
K126	All others	November 9, 1992
K131	Mixed with radioactive wastes	June 30, 1994
K131	All others	November 9, 1992
K132	Mixed with radioactive wastes	June 30, 1994
K132	All others	November 9, 1992
K136	Mixed with radioactive wastes	June 30, 1994
K136	All others	November 9, 1992
K141	Mixed with radioactive wastes	September 19, 1996
K141	All others	December 19, 1994
K142	Mixed with radioactive wastes	September 19, 1996
K142	All others	December 19, 1994
K143	Mixed with radioactive wastes	September 19, 1996
K143	All others	December 19, 1994
K144	Mixed with radioactive wastes	September 19, 1996
K144	All others	December 19, 1994
K145	Mixed with radioactive wastes	September 19, 1996
K145	All others	December 19, 1994
K147	Mixed with radioactive wastes	September 19, 1996
K147	All others	December 19, 1994
K148	Mixed with radioactive wastes	September 19, 1996
K148	All others	December 19, 1994
K149	Mixed with radioactive wastes	September 19, 1996
K149	All others	December 19, 1994
K150	Mixed with radioactive wastes	September 19, 1996
K150	All others	December 19, 1994
K151	Mixed with radioactive wastes	September 19, 1996
K151	All others	December 19, 1994
K156	Mixed with radioactive wastes	April 8, 1998
K156	All others	July 8, 1996
K157	Mixed with radioactive wastes	April 8, 1998
K157	All others	July 8, 1996
K158	Mixed with radioactive wastes	April 8, 1998
K158	All others	July 8, 1996
K159	Mixed with radioactive wastes	April 8, 1998

K159	All others	July 8, 1996
K160	Mixed with radioactive wastes	April 8, 1998
K160	All others	July 8, 1996
K161	Mixed with radioactive wastes	April 8, 1998
K161	All others	July 8, 1996
K169	All	February 8, 1999
K170	All	February 8, 1999
K171	All	February 8, 1999
K172	All	February 8, 1999
K174	All	May 7, 2001
K175	All	May 7, 2001
K176	All	May 20, 2002
K177	All	May 20, 2002
K178	All	May 20, 2002
K181	All	August 23, 2005
P001	All	August 8, 1990
P002	All	August 8, 1990
P003	All	August 8, 1990
P004	All	August 8, 1990
P005	All	August 8, 1990
P006	All	August 8, 1990
P007	All	August 8, 1990
P008	All	August 8, 1990
P009	All	August 8, 1990
P010	Wastewater	August 8, 1990
P010	Nonwastewater	May 8, 1992
P011	Wastewater	August 8, 1990
P011	Nonwastewater	May 8, 1992
P012	Wastewater	August 8, 1990
P012	Nonwastewater	May 8, 1992
P013 (barium)	Nonwastewater	August 8, 1990
P013	All others	June 8, 1989
P014	All	August 8, 1990
P015	All	August 8, 1990
P016	All	August 8, 1990
P017	All	August 8, 1990
P018	All	August 8, 1990
P020	All	August 8, 1990
P021	All	June 8, 1989

P022	All	August 8, 1990
P023	All	August 8, 1990
P024	All	August 8, 1990
P026	All	August 8, 1990
P027	All	August 8, 1990
P028	All	August 8, 1990
P029	All	June 8, 1989
P030	All	June 8, 1989
P031	All	August 8, 1990
P033	All	August 8, 1990
P034	All	August 8, 1990
P036	Wastewater	August 8, 1990
P036	Nonwastewater	May 8, 1992
P037	All	August 8, 1990
P038	Wastewater	August 8, 1990
P038	Nonwastewater	May 8, 1992
P039	All	June 8, 1989
P040	All	June 8, 1989
P041	All	June 8, 1989
P042	All	August 8, 1990
P043	All	June 8, 1989
P044	All	June 8, 1989
P045	All	August 8, 1990
P046	All	August 8, 1990
P047	All	August 8, 1990
P048	All	August 8, 1990
P049	All	August 8, 1990
P050	All	August 8, 1990
P051	All	August 8, 1990
P054	All	August 8, 1990
P056	All	August 8, 1990
P057	All	August 8, 1990
P058	All	August 8, 1990
P059	All	August 8, 1990
P060	All	August 8, 1990
P062	All	June 8, 1989
P063	All	June 8, 1989
P064	All	August 8, 1990
P065	Wastewater	August 8, 1990

P065	Nonwastewater	May 8, 1992
P066	All	August 8, 1990
P067	All	August 8, 1990
P068	All	August 8, 1990
P069	All	August 8, 1990
P070	All	August 8, 1990
P071	All	June 8, 1989
P072	All	August 8, 1990
P073	All	August 8, 1990
P074	All	June 8, 1989
P075	All	August 8, 1990
P076	All	August 8, 1990
P077	All	August 8, 1990
P078	All	August 8, 1990
P081	All	August 8, 1990
P082	All	August 8, 1990
P084	All	August 8, 1990
P085	All	June 8, 1989
P087	All	May 8, 1992
P088	All	August 8, 1990
P089	All	June 8, 1989
P092	Wastewater	August 8, 1990
P092	Nonwastewater	May 8, 1992
P093	All	August 8, 1990
P094	All	June 8, 1989
P095	All	August 8, 1990
P096	All	August 8, 1990
P097	All	June 8, 1989
P098	All	June 8, 1989
P099 (silver)	Wastewater	August 8, 1990
P099	All others	June 8, 1989
P101	All	August 8, 1990
P102	All	August 8, 1990
P103	All	August 8, 1990
P104 (silver)	Wastewater	August 8, 1990
P104	All others	June 8, 1989
P105	All	August 8, 1990
P106	All	June 8, 1989
P108	All	August 8, 1990

P109	All	June 8, 1989
P110	All	August 8, 1990
P111	All	June 8, 1989
P112	All	August 8, 1990
P113	All	August 8, 1990
P114	All	August 8, 1990
P115	All	August 8, 1990
P116	All	August 8, 1990
P118	All	August 8, 1990
P119	All	August 8, 1990
P120	All	August 8, 1990
P121	All	June 8, 1989
P122	All	August 8, 1990
P123	All	August 8, 1990
P127	Mixed with radioactive wastes	April 8, 1998
P127	All others	July 8, 1996
P128	Mixed with radioactive wastes	April 8, 1998
P128	All others	July 8, 1996
P185	Mixed with radioactive wastes	April 8, 1998
P185	All others	July 8, 1996
P188	Mixed with radioactive wastes	April 8, 1998
P188	All others	July 8, 1996
P189	Mixed with radioactive wastes	April 8, 1998
P189	All others	July 8, 1996
P190	Mixed with radioactive wastes	April 8, 1998
P190	All others	July 8, 1996
P191	Mixed with radioactive wastes	April 8, 1998
P191	All others	July 8, 1996
P192	Mixed with radioactive wastes	April 8, 1998
P192	All others	July 8, 1996
P194	Mixed with radioactive wastes	April 8, 1998
P194	All others	July 8, 1996
P196	Mixed with radioactive wastes	April 8, 1998
P196	All others	July 8, 1996
P197	Mixed with radioactive wastes	April 8, 1998
P197	All others	July 8, 1996
P198	Mixed with radioactive wastes	April 8, 1998
P198	All others	July 8, 1996
P199	Mixed with radioactive wastes	April 8, 1998

P199	All others	July 8, 1996
P201	Mixed with radioactive wastes	April 8, 1998
P201	All others	July 8, 1996
P202	Mixed with radioactive wastes	April 8, 1998
P202	All others	July 8, 1996
P203	Mixed with radioactive wastes	April 8, 1998
P203	All others	July 8, 1996
P204	Mixed with radioactive wastes	April 8, 1998
P204	All others	July 8, 1996
P205	Mixed with radioactive wastes	April 8, 1998
P205	All others	July 8, 1996
U001	All	August 8, 1990
U002	All	August 8, 1990
U003	All	August 8, 1990
U004	All	August 8, 1990
U005	All	August 8, 1990
U006	All	August 8, 1990
U007	All	August 8, 1990
U008	All	August 8, 1990
U009	All	August 8, 1990
U010	All	August 8, 1990
U011	All	August 8, 1990
U012	All	August 8, 1990
U014	All	August 8, 1990
U015	All	August 8, 1990
U016	All	August 8, 1990
U017	All	August 8, 1990
U018	All	August 8, 1990
U019	All	August 8, 1990
U020	All	August 8, 1990
U021	All	August 8, 1990
U022	All	August 8, 1990
U023	All	August 8, 1990
U024	All	August 8, 1990
U025	All	August 8, 1990
U026	All	August 8, 1990
U027	All	August 8, 1990
U028	All	June 8, 1989
U029	All	August 8, 1990

U030	All	August 8, 1990
U031	All	August 8, 1990
U032	All	August 8, 1990
U033	All	August 8, 1990
U034	All	August 8, 1990
U035	All	August 8, 1990
U036	All	August 8, 1990
U037	All	August 8, 1990
U038	All	August 8, 1990
U039	All	August 8, 1990
U041	All	August 8, 1990
U042	All	August 8, 1990
U043	All	August 8, 1990
U044	All	August 8, 1990
U045	All	August 8, 1990
U046	All	August 8, 1990
U047	All	August 8, 1990
U048	All	August 8, 1990
U049	All	August 8, 1990
U050	All	August 8, 1990
U051	All	August 8, 1990
U052	All	August 8, 1990
U053	All	August 8, 1990
U055	All	August 8, 1990
U056	All	August 8, 1990
U057	All	August 8, 1990
U058	All	June 8, 1989
U059	All	August 8, 1990
U060	All	August 8, 1990
U061	All	August 8, 1990
U062	All	August 8, 1990
U063	All	August 8, 1990
U064	All	August 8, 1990
U066	All	August 8, 1990
U067	All	August 8, 1990
U068	All	August 8, 1990
U069	All	June 30, 1992
U070	All	August 8, 1990
U071	All	August 8, 1990

U072	All	August 8, 1990
U073	All	August 8, 1990
U074	All	August 8, 1990
U075	All	August 8, 1990
U076	All	August 8, 1990
U077	All	August 8, 1990
U078	All	August 8, 1990
U079	All	August 8, 1990
U080	All	August 8, 1990
U081	All	August 8, 1990
U082	All	August 8, 1990
U083	All	August 8, 1990
U084	All	August 8, 1990
U085	All	August 8, 1990
U086	All	August 8, 1990
U087	All	June 8, 1989
U088	All	June 8, 1989
U089	All	August 8, 1990
U090	All	August 8, 1990
U091	All	August 8, 1990
U092	All	August 8, 1990
U093	All	August 8, 1990
U094	All	August 8, 1990
U095	All	August 8, 1990
U096	All	August 8, 1990
U097	All	August 8, 1990
U098	All	August 8, 1990
U099	All	August 8, 1990
U101	All	August 8, 1990
U102	All	June 8, 1989
U103	All	August 8, 1990
U105	All	August 8, 1990
U106	All	August 8, 1990
U107	All	June 8, 1989
U108	All	August 8, 1990
U109	All	August 8, 1990
U110	All	August 8, 1990
U111	All	August 8, 1990
U112	All	August 8, 1990

U113	All	August 8, 1990
U114	All	August 8, 1990
U115	All	August 8, 1990
U116	All	August 8, 1990
U117	All	August 8, 1990
U118	All	August 8, 1990
U119	All	August 8, 1990
U120	All	August 8, 1990
U121	All	August 8, 1990
U122	All	August 8, 1990
U123	All	August 8, 1990
U124	All	August 8, 1990
U125	All	August 8, 1990
U126	All	August 8, 1990
U127	All	August 8, 1990
U128	All	August 8, 1990
U129	All	August 8, 1990
U130	All	August 8, 1990
U131	All	August 8, 1990
U132	All	August 8, 1990
U133	All	August 8, 1990
U134	All	August 8, 1990
U135	All	August 8, 1990
U136	Wastewater	August 8, 1990
U136	Nonwastewater	May 8, 1992
U137	All	August 8, 1990
U138	All	August 8, 1990
U140	All	August 8, 1990
U141	All	August 8, 1990
U142	All	August 8, 1990
U143	All	August 8, 1990
U144	All	August 8, 1990
U145	All	August 8, 1990
U146	All	August 8, 1990
U147	All	August 8, 1990
U148	All	August 8, 1990
U149	All	August 8, 1990
U150	All	August 8, 1990
U151	Wastewater	August 8, 1990

U151	Nonwastewater	May 8, 1992
U152	All	August 8, 1990
U153	All	August 8, 1990
U154	All	August 8, 1990
U155	All	August 8, 1990
U156	All	August 8, 1990
U157	All	August 8, 1990
U158	All	August 8, 1990
U159	All	August 8, 1990
U160	All	August 8, 1990
U161	All	August 8, 1990
U162	All	August 8, 1990
U163	All	August 8, 1990
U164	All	August 8, 1990
U165	All	August 8, 1990
U166	All	August 8, 1990
U167	All	August 8, 1990
U168	All	August 8, 1990
U169	All	August 8, 1990
U170	All	August 8, 1990
U171	All	August 8, 1990
U172	All	August 8, 1990
U173	All	August 8, 1990
U174	All	August 8, 1990
U176	All	August 8, 1990
U177	All	August 8, 1990
U178	All	August 8, 1990
U179	All	August 8, 1990
U180	All	August 8, 1990
U181	All	August 8, 1990
U182	All	August 8, 1990
U183	All	August 8, 1990
U184	All	August 8, 1990
U185	All	August 8, 1990
U186	All	August 8, 1990
U187	All	August 8, 1990
U188	All	August 8, 1990
U189	All	August 8, 1990
U190	All	June 8, 1989

U191	All	August 8, 1990
U192	All	August 8, 1990
U193	All	August 8, 1990
U194	All	June 8, 1989
U196	All	August 8, 1990
U197	All	August 8, 1990
U200	All	August 8, 1990
U201	All	August 8, 1990
U203	All	August 8, 1990
U204	All	August 8, 1990
U205	All	August 8, 1990
U206	All	August 8, 1990
U207	All	August 8, 1990
U208	All	August 8, 1990
U209	All	August 8, 1990
U210	All	August 8, 1990
U211	All	August 8, 1990
U213	All	August 8, 1990
U214	All	August 8, 1990
U215	All	August 8, 1990
U216	All	August 8, 1990
U217	All	August 8, 1990
U218	All	August 8, 1990
U219	All	August 8, 1990
U220	All	August 8, 1990
U221	All	June 8, 1989
U222	All	August 8, 1990
U223	All	June 8, 1989
U225	All	August 8, 1990
U226	All	August 8, 1990
U227	All	August 8, 1990
U228	All	August 8, 1990
U234	All	August 8, 1990
U235	All	June 8, 1989
U236	All	August 8, 1990
U237	All	August 8, 1990
U238	All	August 8, 1990
U239	All	August 8, 1990
U240	All	August 8, 1990

U243	All	August 8, 1990
U244	All	August 8, 1990
U246	All	August 8, 1990
U247	All	August 8, 1990
U248	All	August 8, 1990
U249	All	August 8, 1990
U271	Mixed with radioactive wastes	April 8, 1998
U271	All others	July 8, 1996
U277	Mixed with radioactive wastes	April 8, 1998
U277	All others	July 8, 1996
U278	Mixed with radioactive wastes	April 8, 1998
U278	All others	July 8, 1996
U279	Mixed with radioactive wastes	April 8, 1998
U279	All others	July 8, 1996
U280	Mixed with radioactive wastes	April 8, 1998
U280	All others	July 8, 1996
U328	Mixed with radioactive wastes	June 30, 1994
U328	All others	November 9, 1992
U353	Mixed with radioactive wastes	June 30, 1994
U353	All others	November 9, 1992
U359	Mixed with radioactive wastes	June 30, 1994
U359	All others	November 9, 1992
U364	Mixed with radioactive wastes	April 8, 1998
U364	All others	July 8, 1996
U365	Mixed with radioactive wastes	April 8, 1998
U365	All others	July 8, 1996
U366	Mixed with radioactive wastes	April 8, 1998
U366	All others	July 8, 1996
U367	Mixed with radioactive wastes	April 8, 1998
U367	All others	July 8, 1996
U372	Mixed with radioactive wastes	April 8, 1998
U372	All others	July 8, 1996
U373	Mixed with radioactive wastes	April 8, 1998
U373	All others	July 8, 1996
U375	Mixed with radioactive wastes	April 8, 1998
U375	All others	July 8, 1996
U376	Mixed with radioactive wastes	April 8, 1998
U376	All others	July 8, 1996
U377	Mixed with radioactive wastes	April 8, 1998

U377	All others	July 8, 1996
U378	Mixed with radioactive wastes	April 8, 1998
U378	All others	July 8, 1996
U379	Mixed with radioactive wastes	April 8, 1998
U379	All others	July 8, 1996
U381	Mixed with radioactive wastes	April 8, 1998
U381	All others	July 8, 1996
U382	Mixed with radioactive wastes	April 8, 1998
U382	All others	July 8, 1996
U383	Mixed with radioactive wastes	April 8, 1998
U383	All others	July 8, 1996
U384	Mixed with radioactive wastes	April 8, 1998
U384	All others	July 8, 1996
U385	Mixed with radioactive wastes	April 8, 1998
U385	All others	July 8, 1996
U386	Mixed with radioactive wastes	April 8, 1998
U386	All others	July 8, 1996
U387	Mixed with radioactive wastes	April 8, 1998
U387	All others	July 8, 1996
U389	Mixed with radioactive wastes	April 8, 1998
U389	All others	July 8, 1996
U390	Mixed with radioactive wastes	April 8, 1998
U390	All others	July 8, 1996
U391	Mixed with radioactive wastes	April 8, 1998
U391	All others	July 8, 1996
U392	Mixed with radioactive wastes	April 8, 1998
U392	All others	July 8, 1996
U393	Mixed with radioactive wastes	April 8, 1998
U393	All others	July 8, 1996
U394	Mixed with radioactive wastes	April 8, 1998
U394	All others	July 8, 1996
U395	Mixed with radioactive wastes	April 8, 1998
U395	All others	July 8, 1996
U396	Mixed with radioactive wastes	April 8, 1998
U396	All others	July 8, 1996
U400	Mixed with radioactive wastes	April 8, 1998
U400	All others	July 8, 1996
U401	Mixed with radioactive wastes	April 8, 1998
U401	All others	July 8, 1996

U402	Mixed with radioactive wastes	April 8, 1998
U402	All others	July 8, 1996
U403	Mixed with radioactive wastes	April 8, 1998
U403	All others	July 8, 1996
U404	Mixed with radioactive wastes	April 8, 1998
U404	All others	July 8, 1996
U407	Mixed with radioactive wastes	April 8, 1998
U407	All others	July 8, 1996
U409	Mixed with radioactive wastes	April 8, 1998
U409	All others	July 8, 1996
U410	Mixed with radioactive wastes	April 8, 1998
U410	All others	July 8, 1996
U411	Mixed with radioactive wastes	April 8, 1998
U411	All others	July 8, 1996

[a] This table also does not include contaminated soil and debris wastes.

[b] The standard was revised in the Third Third Final Rule (adopted by USEPA at 55 Fed. Reg. 22520 (June 1, 1990), which the Board adopted in docket R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991.

[c] USEPA amended the standard in the Third Third Emergency Rule (at 58 Fed. Reg. 29860 (May 24, 1993), which the Board adopted in docket R93-16 at 18 Ill. Reg. 6799, effective April 26, 1994); the original effective date was August 8, 1990.

[d] The standard was revised in the Phase II Final Rule (that USEPA adopted at 59 Fed. Reg. 47982 (September 19, 1994), which the Board adopted in docket R95-6 at 19 Ill. Reg. 9660, effective June 27, 1995); the original effective date was August 8, 1990.

[e] The standards for selected reactive wastes was revised in the Phase III Final Rule (that USEPA adopted at 61 Fed. Reg. 15566 (April 8, 1996), which the Board adopted in docket R96-10/R97-3/R97-5 (consolidated) at 22 Ill. Reg. 783, effective December 16, 1997); the original effective date was August 8, 1990.

TABLE 2
SUMMARY OF EFFECTIVE DATES OF LAND DISPOSAL RESTRICTIONS
FOR CONTAMINATED SOIL AND DEBRIS (CSD)

Restricted hazardous waste in CSD	Effective date

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1.	Solvent-(F001-F005) and dioxin-(F020-F023 and F026-F028) containing soil and debris from CERCLA response or RCRA corrective actions.	November 8, 1990
2.	Soil and debris not from CERCLA response or RCRA corrective actions contaminated with less than one percent total solvents (F001-F005) or dioxins (F020-F023 and F026-F028).	November 8, 1988
3.	All soil and debris contaminated with First Third wastes for which treatment standards are based on incineration.	August 8, 1990
4.	All soil and debris contaminated with Second Third wastes for which treatment standards are based on incineration.	June 8, 1991
5.	All soil and debris contaminated with Third Third wastes or, First or Second Third "soft hammer" wastes that had treatment standards promulgated in the Third Third rule, for which treatment standards are based on incineration, vitrification, or mercury retorting, acid leaching followed by chemical precipitation, or thermal recovery of metals, as well as all inorganic solids debris contaminated with D004-D011 wastes, and all soil and debris contaminated with mixed RCRA/radioactive wastes.	May 8, 1992
6.	Soil and debris contaminated with D012-D043, K141-K145, and K147-151 wastes.	December 19, 1994
7.	Debris (only) contaminated with F037, F038, K107-K112, K117, K118, K123-K126, K131, K132, K136, U328, U353, U359.	December 19, 1994
8.	Soil and debris contaminated with K156- K161, P127, P128, P188-P192, P194, P196- P199, P201-P205, U271, U277-U280, U364-U367, U372, U373, U375-U379, U381-U387, U389-U396, U400-U404, U407, and U409-U411 wastes.	July 8, 1996
9.	Soil and debris contaminated with K088 wastes.	October 8, 1997
10.	Soil and debris contaminated with radioactive wastes mixed with K088, K156-K161, P127, P128, P188-P192, P194, P196-P199, P201-P205, U271, U277-U280, U364-U367, U372, U373, U375-U379, U381-U387, U389-U396, U400-U404, U407, and U409-U411 wastes.	April 8, 1998
11.	Soil and debris contaminated with F032, F034, and F035.	May 12, 1997
12.	Soil and debris contaminated with newly identified D004-D011 toxicity characteristic wastes and mineral processing wastes.	August 24, 1998
13.	Soil and debris contaminated with mixed radioactive newly identified D011 characteristic wastes and mineral processing wastes.	May 26, 2000

BOARD NOTE: These tables are provided for the convenience of the reader.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 728.TABLE C Technology Codes and Description of Technology-Based Standards

Technology Code	Description of Technology-Based Standard
ADGAS	Venting of compressed gases into an absorbing or reacting media (i.e., solid or liquid) − venting can be accomplished through physical release utilizing valves or piping; physical penetration of the container; or penetration through detonation.
AMLGM	Amalgamation of liquid, elemental mercury contaminated with radioactive materials utilizing inorganic reagents such as copper, zinc, nickel, gold, and sulfur that result in a nonliquid, semi-solid amalgam and thereby reducing potential emissions of elemental mercury vapors to the air.
BIODG	Biodegradation of organics or non-metallic inorganics (i.e., degradable inorganics that contain the elements of phosphorus, nitrogen, and sulfur) in units operated under either aerobic or anaerobic conditions such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the biodegradation of many organic constituents that cannot be directly analyzed in wastewater residues).
CARBN	Carbon adsorption (granulated or powdered) of non-metallic inorganics, organo-metallics, or organic constituents, operated so that a surrogate compound or indicator parameter has not undergone breakthrough (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the adsorption of many organic constituents that cannot be directly analyzed in wastewater residues). Breakthrough occurs when the carbon has become saturated with the constituent (or indicator parameter) and substantial change in adsorption rate associated with that constituent occurs.
CHOXD	Chemical or electrolytic oxidation utilizing the following oxidation reagents (or waste reagents) or combinations or reagents: 1) hypochlorite (e.g., bleach); 2) chlorine; 3) chlorine dioxide;

4) ozone or UV (ultraviolet light) assisted ozone;

5) peroxides;

6) persulfates;

7) perchlorates;

8) permanganates; or

9) other oxidizing reagents of equivalent efficiency, performed in units operated so that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the oxidation of many organic constituents that cannot be directly analyzed in wastewater residues). Chemical oxidation specifically includes what is commonly referred to as alkaline chlorination.

CHRED Chemical reduction utilizing the following reducing reagents (or waste reagents) or combinations of reagents:

1) sulfur dioxide;

2) sodium, potassium, or alkali salts of sulfites, bisulfites, metabisulfites, and polyethylene glycols (e.g., NaPEG and KPEG);

3) sodium hydrosulfide;

4) ferrous salts; or

5) other reducing reagents of equivalent efficiency, performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic halogens (TOX) can often be used as an indicator parameter for the reduction of many halogenated organic constituents that cannot be directly analyzed in wastewater residues). Chemical reduction is commonly used for the reduction of hexavalent chromium to the trivalent state.

CMBST High temperature organic destruction technologies, such as combustion in incinerators, boilers, or industrial furnaces operated in accordance with the applicable requirements of Subpart O of 35 Ill. Adm. Code 724, Subpart O of 35 Ill. Adm. Code 725, or Subpart H of 35 Ill. Adm. Code 726, and in other units operated in accordance with applicable technical operating requirements; and certain non-combustive technologies, such as the Catalytic Extraction Process.

DEACT Deactivation to remove the hazardous characteristics of a waste due to its ignitability, corrosivity, or reactivity.

FSUBS Fuel substitution in units operated in accordance with applicable technical operating requirements.

HLVIT Vitrification of high-level mixed radioactive wastes in units in compliance with all applicable radioactive protection requirements under control of the federal Nuclear Regulatory Commission.

IMERC Incineration of wastes containing organics and mercury in units operated in accordance with the technical operating requirements of Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725. All wastewater and nonwastewater residues derived from this process must then comply with the corresponding treatment standards per waste code with consideration of any applicable subcategories (e.g., high or low mercury subcategories).

INCIN Incineration in units operated in accordance with the technical operating requirements of Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725.

LLEXT Liquid-liquid extraction (often referred to as solvent extraction) of organics from liquid wastes into an immiscible solvent for which the hazardous constituents have a greater solvent affinity, resulting in an extract high in organics that must undergo either incineration, reuse as a fuel, or other recovery or reuse and a raffinate (extracted liquid waste) proportionately low in organics that must undergo further treatment as specified in the standard.

MACRO Macroencapsulation with surface coating materials such as polymeric organics (e.g., resins and plastics) or with a jacket of inert inorganic materials to substantially reduce surface exposure to potential leaching media.

Macroencapsulation specifically does not include any material that would be classified as a tank or container according to 35 Ill. Adm. Code 720.110.

NEUTR Neutralization with the following reagents (or waste reagents) or combinations of reagents:

1) acids;

2) bases; or

3) water (including wastewaters) resulting in a pH greater than two but less than 12.5 as measured in the aqueous residuals.

NLDBR No land disposal based on recycling.

POLYM Formation of complex high-molecular weight solids through polymerization of monomers in high-TOC D001 nonwastewaters that are chemical components in the manufacture of plastics.

PRECP Chemical precipitation of metals and other inorganics as insoluble precipitates of oxides, hydroxides, carbonates, sulfides, sulfates, chlorides, fluorides, or phosphates. The following reagents (or waste reagents) are typically used alone or in combination:

1) lime (i.e., containing oxides or hydroxides of calcium or magnesium);

2) caustic (i.e., sodium or potassium hydroxides);

3) soda ash (i.e., sodium carbonate);

4) sodium sulfide;

5) ferric sulfate or ferric chloride;

6) alum; or

7) sodium sulfate. Additional flocculating, coagulation, or similar reagents or processes that enhance sludge dewatering characteristics are not precluded from use.

RBERY Thermal recovery of beryllium.

RCGAS Recovery or reuse of compressed gases including techniques such as reprocessing of the gases for reuse or resale; filtering or adsorption of impurities; remixing for direct reuse or resale; and use of the gas as a fuel source.

RCORR Recovery of acids or bases utilizing one or more of the following recovery technologies:

1) distillation (i.e., thermal concentration);

2) ion exchange;

3) resin or solid adsorption;

4) reverse osmosis; or

5) incineration for the recovery of acid

Note: this does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RLEAD Thermal recovery of lead in secondary lead smelters.

RMERC Retorting or roasting in a thermal processing unit capable of volatilizing mercury and subsequently condensing the volatilized mercury for recovery. The retorting or roasting unit (or facility) must be subject to one or more of the following:

a) A federal national emissions standard for hazardous air pollutants (NESHAP) for mercury (subpart E of 40 CFR 61);

b) A best available control technology (BACT) or a lowest achievable emission rate (LAER) standard for mercury imposed pursuant to a prevention of significant deterioration (PSD) permit (including 35 Ill. Adm. Code 201 through 203); or

c) A state permit that establishes emission limitations (within meaning of Section 302 of the Clean Air Act) for mercury, including a permit issued pursuant to 35 Ill. Adm. Code 201. All wastewater and nonwastewater residues derived from this process must then comply with the corresponding treatment standards per waste code with consideration of any applicable subcategories (e.g., high or low mercury subcategories).

RMETL Recovery of metals or inorganics utilizing one or more of the following direct physical or removal technologies:

1) ion exchange;

2) resin or solid (i.e., zeolites) adsorption;

3) reverse osmosis;

4) chelation or solvent extraction;

5) freeze crystallization;

6) ultrafiltration; or

7) simple precipitation (i.e., crystallization)

Note: this does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RORGS Recovery of organics utilizing one or more of the following technologies:

1) Distillation;

2) thin film evaporation;

3) steam stripping;

4) carbon adsorption;

5) critical fluid extraction;

6) liquid-liquid extraction;

7) precipitation or crystallization (including freeze crystallization); or

8) chemical phase separation techniques (i.e., addition of acids, bases, demulsifiers, or similar chemicals).

Note: This does not preclude the use of other physical phase separation techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RTHRM Thermal recovery of metals or inorganics from nonwastewaters in units defined as cement kilns, blast furnaces, smelting, melting and refining furnaces, combustion devices used to recover sulfur values from spent sulfuric acid and "other devices" determined by the Agency pursuant to 35 Ill. Adm. Code 720.110, the definition of "industrial furnace."

RZINC Resmelting in high temperature metal recovery units for the purpose of recovery of zinc.

STABL Stabilization with the following reagents (or waste reagents) or combinations of reagents:

1) Portland cement; or

2) lime or pozzolans (e.g., fly ash and cement kiln dust) – this does not preclude the addition of reagents (e.g., iron salts, silicates, and clays) designed to enhance the set or cure time or compressive strength, or to overall reduce the leachability of the metal or inorganic.

SSTRP Steam stripping of organics from liquid wastes utilizing direct application of steam to the wastes operated such that liquid and vapor flow rates, as well as temperature and pressure ranges, have been optimized, monitored, and maintained. These operating parameters are dependent upon the design parameters of the unit, such as, the number of separation stages and the internal column design. Thus resulting in a condensed extract high in organics that must

undergo either incineration, reuse as a fuel, or other recovery or reuse and an extracted wastewater that must undergo further treatment as specified in the standard.

WETOX Wet air oxidation performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the oxidation of many organic constituents that cannot be directly analyzed in wastewater residues).

WTRRX Controlled reaction with water for highly reactive inorganic or organic chemicals with precautionary controls for protection of workers from potential violent reactions as well as precautionary controls for potential emissions of toxic or ignitable levels of gases released during the reaction.

Note 1: When a combination of these technologies (i.e., a treatment train) is specified as a single treatment standard, the order of application is specified in Table T to this Part by indicating the five letter technology code that must be applied first, then the designation "fb." (an abbreviation for "followed by"), then the five letter technology code for the technology that must be applied next, and so on.

Note 2: When more than one technology (or treatment train) are specified as alternative treatment standards, the five letter technology codes (or the treatment trains) are separated by a semicolon (;) with the last technology preceded by the word "OR." This indicates that any one of these BDAT technologies or treatment trains can be used for compliance with the standard.

BOARD NOTE: Derived from Table 1~~I~~ in 40 CFR 268.42 (2015)~~(2007)~~.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 728.TABLE T Treatment Standards for Hazardous Wastes

Note: The treatment standards that heretofore appeared in tables in Sections 728.141, 728.142, and 728.143 have been consolidated into this table.

Waste Code

Waste Description and Treatment or Regulatory Subcategory[1]

Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
Common Name	CAS[2] Number	Concentration[3] in mg/ℓ; or Technology Code[4]	Concentration[5] in mg/kg unless noted as "mg/ℓ TCLP"; or Technology Code[4]

D001[9]

Ignitable Characteristic Wastes, except for the 35 Ill. Adm. Code 721.121(a)(1) High TOC Subcategory.

NA	NA	DEACT and meet Section 728.148 standards[8]; or RORGS; or CMBST	DEACT and meet Section 728.148 standards[8]; or RORGS; or CMBST

D001[9]

High TOC Ignitable Characteristic Liquids Subcategory based on 35 Ill. Adm. Code 721.121(a)(1) – Greater than or equal to 10 percent total organic carbon.

(Note: This subcategory consists of nonwastewaters only.)

NA	NA	NA	RORGS; CMBST; or POLYM

D002[9]

Corrosive Characteristic Wastes.

NA	NA	DEACT and meet Section 728.148 standards[8]	DEACT and meet Section 728.148 standards[8]

D002, D004, D005, D006, D007, D008, D009, D010, D011

Radioactive high level wastes generated during the reprocessing of fuel rods.

(Note: This subcategory consists of nonwastewaters only.)

Corrosivity (pH)	NA	NA	HLVIT
Arsenic	7440-38-2	NA	HLVIT
Barium	7440-39-3	NA	HLVIT
Cadmium	7440-43-9	NA	HLVIT
Chromium (Total)	7440-47-3	NA	HLVIT
Lead	7439-92-1	NA	HLVIT
Mercury	7439-97-6	NA	HLVIT
Selenium	7782-49-2	NA	HLVIT
Silver	7440-22-4	NA	HLVIT

D003[9]

Reactive Sulfides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).

NA	NA	DEACT	DEACT

D003[9]

Explosive subcategory based on 35 Ill. Adm. Code 721.123(a)(6), (a)(7), and (a)(8).

NA	NA	DEACT and meet Section 728.148 standards[8]	DEACT and meet Section 728.148 standards[8]

D003[9]

Unexploded ordnance and other explosive devices that have been the subject of an emergency response.

NA	NA	DEACT	DEACT

D003[9]

Other Reactives Subcategory based on 35 Ill. Adm. Code 721.123(a)(1).

NA	NA	DEACT and meet Section 728.148 standards[8]	DEACT and meet Section 728.148 standards[8]

D003[9]

Water Reactive Subcategory based on 35 Ill. Adm. Code 721.123(a)(2), (a)(3), and (a)(4).

(Note: This subcategory consists of nonwastewaters only.)

NA	NA	NA	DEACT and meet Section 728.148 standards[8]

D003[9]

Reactive Cyanides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).

Cyanides (Total)[7]	57-12-5	–	590
Cyanides (Amenable)[7]	57-12-5	0.86	30

D004[9]

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for arsenic based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Arsenic	7440-38-2	1.4 and meet Section 728.148 standards[8]	5.0 mg/ℓ TCLP and meet Section 728.148 standards[8]

D005[9]

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for barium based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Barium	7440-39-3	1.2 and meet Section 728.148 standards[8]	21 mg/ℓ TCLP and meet Section 728.148 standards[8]

D006[9]

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for cadmium based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Cadmium	7440-43-9	0.69 and meet Section 728.148 standards[8]	0.11 mg/ℓ TCLP and meet Section 728.148 standards[8]

D006[9]

Cadmium-Containing Batteries Subcategory.

(Note: This subcategory consists of nonwastewaters only.)

Cadmium	7440-43-9	NA	RTHRM

D006[9]

Radioactively contaminated cadmium-containing batteries.

(Note: This subcategory consists of nonwastewaters only.)

Cadmium	7440-43-9	NA	Macroencapsulation in accordance with Section 728.145

D007[9]

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for chromium based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Chromium (Total)	7440-47-3	2.77 and meet Section 728.148 standards[8]	0.60 mg/ℓ TCLP and meet Section 728.148 standards[8]

D008[9]

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for lead based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Lead	7439-92-1	0.69 and meet Section 728.148 standards[8]	0.75 mg/ℓ TCLP and meet Section 728.148 standards[8]

D008[9]

Lead Acid Batteries Subcategory

(Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of this Part or exempted under other regulations (see 35 Ill. Adm. Code 726.180). This subcategory consists of nonwastewaters only.)

Lead	7439-92-1	NA	RLEAD

D008[9]

Radioactive Lead Solids Subcategory

(Note: These lead solids include, but are not limited to, all forms of lead shielding and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozzolanic stabilization, nor do they include organo-lead materials that can be incinerated and stabilized as ash. This subcategory consists of nonwastewaters only.)

Lead	7439-92-1	NA	MACRO

D009[9]

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a); and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues. (High Mercury-Organic Subcategory)

Mercury	7439-97-6	NA	IMERC; or RMERC

D009[9]

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a); and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RMERC. (High Mercury-Inorganic Subcategory)

Mercury	7439-97-6	NA	RMERC

D009[9]

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number

EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a); and contain less than 260 mg/kg total mercury. (Low Mercury Subcategory)

Mercury	7439-97-6	NA	0.20 mg/ℓ TCLP and meet Section 728.148 standards[8]

D009[9]

All other nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a); and contain less than 260 mg/kg total mercury and that are not residues from RMERC. (Low Mercury Subcategory)

Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP and meet Section 728.148 standards[8]

D009[9]

All D009 wastewaters.

Mercury	7439-97-6	0.15 and meet Section 728.148 standards[8]	NA

D009[9]

Elemental mercury contaminated with radioactive materials.

(Note: This subcategory consists of nonwastewaters only.)

Mercury	7439-97-6	NA	AMLGM

D009[9]

Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory.

(Note: This subcategory consists of nonwastewaters only.)

Mercury	7439-97-6	NA	IMERC

D009[9]

Radioactively contaminated mercury-containing batteries.

(Note: This subcategory consists of nonwastewaters only.)

Mercury	7439-97-6	NA	Macroencapsulation in accordance with Section 728.145

D010[9]

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for selenium based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Selenium	7782-49-2	0.82 and meet Section 728.148 standards[8]	5.7 mg/ℓ TCLP and meet Section 728.148 standards[8]

D011[9]

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Silver	7440-22-4	0.43	0.14 mg/ℓ TCLP and meet Section 728.148 standards[8]

D011[9]

Radioactively contaminated silver-containing batteries.

(Note: This subcategory consists of nonwastewaters only.)

Silver	7440-22-4	NA	Macroencapsulation in accordance with Section 728.145

D012[9]

Wastes that are TC for endrin based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Endrin	72-20-8	BIODG; or CMBST	0.13 and meet Section 728.148 standards[8]
Endrin aldehyde	7421-93-4	BIODG; or CMBST	0.13 and meet Section 728.148 standards[8]

D013[9]

Wastes that are TC for lindane based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

α-BHC	319-84-6	CARBN; or CMBST	0.066 and meet Section 728.148 standards[8]
β-BHC	319-85-7	CARBN; or CMBST	0.066 and meet Section 728.148 standards[8]
δ-BHC	319-86-8	CARBN; or CMBST	0.066 and meet Section 728.148 standards[8]

γ-BHC (Lindane)	58-89-9	CARBN; or CMBST	0.066 and meet Section 728.148 standards[8]

D014[9]

Wastes that are TC for methoxychlor based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Methoxychlor	72-43-5	WETOX or CMBST	0.18 and meet Section 728.148 standards[8]

D015[9]

Wastes that are TC for toxaphene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Toxaphene	8001-35-2	BIODG or CMBST	2.6 and meet Section 728.148 standards[8]

D016[9]

Wastes that are TC for 2,4-D (2,4-dichlorophenoxyacetic acid) based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2,4-D (2,4-dichlorophenoxyacetic acid)	94-75-7	CHOXD; BIODG; or CMBST	10 and meet Section 728.148 standards[8]

D017[9]

Wastes that are TC for 2,4,5-TP (Silvex) based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2,4,5-TP (Silvex)	93-72-1	CHOXD or CMBST	7.9 and meet Section 728.148 standards[8]

D018[9]

Wastes that are TC for benzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Benzene	71-43-2	0.14 and meet Section 728.148 standards[8]	10 and meet Section 728.148 standards[8]

D019[9]

Wastes that are TC for carbon tetrachloride based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Carbon tetrachloride	56-23-5	0.057 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

D020[9]

Wastes that are TC for chlordane based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Chlordane (α and χ isomers)	57-74-9	0.0033 and meet Section 728.148 standards[8]	0.26 and meet Section 728.148 standards[8]

D021[9]

Wastes that are TC for chlorobenzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Chlorobenzene	108-90-7	0.057 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

D022[9]

Wastes that are TC for chloroform based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Chloroform	67-66-3	0.046 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

D023[9]

Wastes that are TC for o-cresol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

o-Cresol	95-48-7	0.11 and meet Section 728.148 standards[8]	5.6 and meet Section 728.148 standards[8]

D024[9]

Wastes that are TC for m-cresol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77 and meet Section 728.148 standards[8]	5.6 and meet Section 728.148 standards[8]

D025[9]

Wastes that are TC for p-cresol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77 and meet Section 728.148 standards[8]	5.6 and meet Section 728.148 standards[8]

D026[9]

Wastes that are TC for cresols (total) based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88 and meet Section 728.148 standards[8]	11.2 and meet Section 728.148 standards[8]

D027[9]

Wastes that are TC for p-dichlorobenzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

p-Dichlorobenzene (1,4-Dichlorobenzene)	106-46-7	0.090 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

D028[9]

Wastes that are TC for 1,2-dichloroethane based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

1,2-Dichloroethane	107-06-2	0.21 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

D029[9]

Wastes that are TC for 1,1-dichloroethylene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

1,1-Dichloroethylene	75-35-4	0.025 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

D030[9]

Wastes that are TC for 2,4-dinitrotoluene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2,4-Dinitrotoluene	121-14-2	0.32 and meet Section 728.148 standards[8]	140 and meet Section 728.148 standards[8]

D031[9]

Wastes that are TC for heptachlor based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Heptachlor	76-44-8	0.0012 and meet Section 728.148 standards[8]	0.066 and meet Section 728.148 standards[8]
Heptachlor epoxide	1024-57-3	0.016 and meet Section 728.148 standards[8]	0.066 and meet Section 728.148 standards[8]

D032[9]

Wastes that are TC for hexachlorobenzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Hexachlorobenzene	118-74-1	0.055 and meet Section 728.148 standards[8]	10 and meet Section 728.148 standards[8]

D033[9]

Wastes that are TC for hexachlorobutadiene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Hexachlorobutadiene	87-68-3	0.055 and meet Section 728.148 standards[8]	5.6 and meet Section 728.148 standards[8]

D034[9]

Wastes that are TC for hexachloroethane based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical

Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Hexachloroethane	67-72-1	0.055 and meet Section 728.148 standards[8]	30 and meet Section 728.148 standards[8]

D035[9]

Wastes that are TC for methyl ethyl ketone based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Methyl ethyl ketone	78-93-3	0.28 and meet Section 728.148 standards[8]	36 and meet Section 728.148 standards[8]

D036[9]

Wastes that are TC for nitrobenzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Nitrobenzene	98-95-3	0.068 and meet Section 728.148 standards[8]	14 and meet Section 728.148 standards[8]

D037[9]

Wastes that are TC for pentachlorophenol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Pentachlorophenol	87-86-5	0.089 and meet Section 728.148 standards[8]	7.4 and meet Section 728.148 standards[8]

D038[9]

Wastes that are TC for pyridine based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Pyridine	110-86-1	0.014 and meet Section 728.148 standards[8]	16 and meet Section 728.148 standards[8]

D039[9]

Wastes that are TC for tetrachloroethylene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Tetrachloroethylene	127-18-4	0.056 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

D040[9]

Wastes that are TC for trichloroethylene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Trichloroethylene	79-01-6	0.054 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

D041[9]

Wastes that are TC for 2,4,5-trichlorophenol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical

Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2,4,5-Trichlorophenol	95-95-4	0.18 and meet Section 728.148 standards[8]	7.4 and meet Section 728.148 standards[8]

D042[9]

Wastes that are TC for 2,4,6-trichlorophenol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2,4,6-Trichlorophenol	88-06-2	0.035 and meet Section 728.148 standards[8]	7.4 and meet Section 728.148 standards[8]

D043[9]

Wastes that are TC for vinyl chloride based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Vinyl chloride	75-01-4	0.27 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

F001, F002, F003, F004 & F005

F001, F002, F003, F004, or F005 solvent wastes that contain any combination of one or more of the following spent solvents: acetone, benzene, n-butyl alcohol, carbon disulfide, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, p-cresol, cyclohexanone, o-dichlorobenzene, 2-ethoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloro-1,2,2-trifluoroethane, trichloroethylene,

trichloromonofluoromethane, or xylenes (except as specifically noted in other subcategories). See further details of these listings in 35 Ill. Adm. Code 721.131.

Acetone	67-64-1	0.28	160
Benzene	71-43-2	0.14	10
n-Butyl alcohol	71-36-3	5.6	2.6
Carbon disulfide	75-15-0	3.8	NA
Carbon tetrachloride	56-23-5	0.057	6.0
Chlorobenzene	108-90-7	0.057	6.0
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88	11.2
Cyclohexanone	108-94-1	0.36	NA
o-Dichlorobenzene	95-50-1	0.088	6.0
Ethyl acetate	141-78-6	0.34	33
Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
Isobutyl alcohol	78-83-1	5.6	170
Methanol	67-56-1	5.6	NA
Methylene chloride	75-9-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Nitrobenzene	98-95-3	0.068	14
Pyridine	110-86-1	0.014	16
Tetrachloroethylene	127-18-4	0.056	6.0
Toluene	108-88-3	0.080	10
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
Trichloroethylene	79-01-6	0.054	6.0

Trichloromonofluoromethane	75-69-4	0.020	30
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30

F001, F002, F003, F004 & F005

F003 and F005 solvent wastes that contain any combination of one or more of the following three solvents as the only listed F001 through F005 solvents: carbon disulfide, cyclohexanone, or methanol. (Formerly Section 728.141(c)).

Carbon disulfide	75-15-0	3.8	4.8 mg/ℓ TCLP
Cyclohexanone	108-94-1	0.36	0.75 mg/ℓ TCLP
Methanol	67-56-1	5.6	0.75 mg/ℓ TCLP

F001, F002, F003, F004 & F005

F005 solvent waste containing 2-Nitropropane as the only listed F001 through F005 solvent.

2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

F001, F002, F003, F004 & F005

F005 solvent waste containing 2-Ethoxyethanol as the only listed F001 through F005 solvent.

2-Ethoxyethanol	110-80-5	BIODG; or CMBST	CMBST

F006

Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning or stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP

F007

Spent cyanide plating bath solutions from electroplating operations.

Cadmium	7440-43-9	NA	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP

F008

Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP

F009

Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.11 mg/ℓ TCLP

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP

F010

Quenching bath residues from oil baths from metal heat-treating operations where cyanides are used in the process.

Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	NA

F011

Spent cyanide solutions from salt bath pot cleaning from metal heat-treating operations.

Cadmium	7440-43-9	NA	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP

F012

Quenching wastewater treatment sludges from metal heat-treating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP

F019

Wastewater treatment sludges from the chemical conversion coating of aluminum, except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30

F020, F021, F022, F023, F026

Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives, excluding wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (i.e., F020); (2) pentachlorophenol, or of intermediates used to produce its derivatives (i.e., F021); (3) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F022) and wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenols, excluding wastes from equipment used only for the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (F023) or (2) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F026).

HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063	0.001
PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachlorodibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachlorodibenzofurans)	55722-27-5	0.000063	0.001

2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

F024

Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in 35 Ill. Adm. Code 721.131 or 721.132.)

All F024 wastes	NA	CMBST[11]	CMBST[11]
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
3-Chloropropylene	107-05-1	0.036	30
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Hexachloroethane	67-72-1	0.055	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP

F025

Condensed light ends from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one up to and including five, with varying amounts and positions of chlorine substitution. F025 – Light Ends Subcategory.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0

Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

F025

Spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. F025 – Spent Filters/Aids and Desiccants Subcategory.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

F027

Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)

HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063	0.001
PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachlorodibenzo-p-dioxins)	41903-57-5	0.000063	0.001

TCDFs (All Tetrachlorodibenzofurans)	55722-27-5	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

F028

Residues resulting from the incineration or thermal treatment of soil contaminated with USEPA hazardous waste numbers F020, F021, F023, F026, and F027.

HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063	0.001
PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachlorodibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachlorodibenzofurans)	55722-27-5	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

F032

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with 35 Ill. Adm. Code 721.135 or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or penta-chlorophenol.

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k) fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b) fluoranthene)	207-08-9	0.11	6.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
2-4-Dimethyl phenol	105-67-9	0.036	14
Fluorene	86-73-7	0.059	3.4
Hexachlorodibenzo-p-dioxins	NA	0.000063 or CMBST[11]	0.001 or CMBST[11]
Hexachlorodibenzofurans	NA	0.000063 or CMBST[11]	0.001 or CMBST[11]
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Pentachlorodibenzo-p-dioxins	NA	0.000063 or CMBST[11]	0.001 or CMBST[11]
Pentachlorodibenzofurans	NA	0.000035 or CMBST[11]	0.001 or CMBST[11]
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Tetrachlorodibenzo-p-dioxins	NA	0.000063 or CMBST[11]	0.001 or CMBST[11]
Tetrachlorodibenzofurans	NA	0.000063 or CMBST[11]	0.001 or CMBST[11]
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP

F034

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Fluorene	86-73-7	0.059	3.4
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP

F035

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes that are generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP

F037

Petroleum refinery primary oil/water/solids separation sludge – any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks, and impoundments; ditches, and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.

Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/ℓ TCLP

F038

Petroleum refinery secondary (emulsified) oil/water/solids separation sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air floatation (IAF) units, tanks, and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges, and floats generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological units) and F037, K048, and K051 are not included in this listing.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/ℓ TCLP

F039

Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under Subpart D of this Part. (Leachate resulting from the disposal of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its USEPA hazardous waste numbers: F020, F021, F022, F026, F027, or F028.).

Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	NA
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA
Acrylonitrile	107-13-1	0.24	84
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
o-Anisidine (2-methoxyaniline)	90-04-0	0.010	0.66
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
α-BHC	319-84-6	0.00014	0.066
β-BHC	319-85-7	0.00014	0.066
δ-BHC	319-86-8	0.023	0.066
γ-BHC	58-89-9	0.0017	0.066
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromomethane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
Carbon disulfide	75-15-0	3.8	NA
Carbon tetrachloride	56-23-5	0.057	6.0
Chlordane (α and χ isomers)	57-74-9	0.0033	0.26

p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	NA
Chlorodibromomethane	124-48-1	0.057	15
Chloroethane	75-00-3	0.27	6.0
bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
Chloroform	67-66-3	0.046	6.0
bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2
p-Chloro-m-cresol	59-50-7	0.018	14
Chloromethane (Methyl chloride)	74-87-3	0.19	30
2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7
3-Chloropropylene	107-05-1	0.036	30
Chrysene	218-01-9	0.059	3.4
p-Cresidine	120-71-8	0.010	0.66
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
Cyclohexanone	108-94-1	0.36	NA
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
Dibromomethane	74-95-3	0.11	15
2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	0.72	10
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
Dibenz(a,h)anthracene	53-70-3	0.055	8.2

Dibenz(a,e)pyrene	192-65-4	0.061	NA
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
Dieldrin	60-57-1	0.017	0.13
2,4-Dimethylaniline (2,4-xylidine)	95-68-1	0.010	0.66
Diethyl phthalate	84-66-2	0.20	28
2-4-Dimethyl phenol	105-67-9	0.036	14
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
1,4-Dinitrobenzene	100-25-4	0.32	2.3
4,6-Dinitro-o-cresol	534-52-1	0.28	160
2,4-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di-n-octyl phthalate	117-84-0	0.017	28
Di-n-propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	NA
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	NA
1,2-Diphenylhydrazine	122-66-7	0.087	NA
Disulfoton	298-04-4	0.017	6.2
Endosulfan I	939-98-8	0.023	0.066
Endosulfan II	33213-6-5	0.029	0.13

Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
Ethyl acetate	141-78-6	0.34	33
Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Ethyl methacrylate	97-63-2	0.14	160
Ethylene oxide	75-21-8	0.12	NA
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
Heptachlor	76-44-8	0.0012	0.066
1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)	35822-46-9	0.000035	0.0025
1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035	0.0025
1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035	0.0025
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170
Isodrin	465-73-6	0.021	0.066
Isosafrole	120-58-1	0.081	2.6
Kepone	143-50-8	0.0011	0.13

Methacrylonitrile	126-98-7	0.24	84
Methanol	67-56-1	5.6	NA
Methapyrilene	91-80-5	0.081	1.5
Methoxychlor	72-43-5	0.25	0.18
3-Methylcholanthrene	56-49-5	0.0055	15
4,4-Methylene bis(2-chloroaniline)	101-14-4	0.50	30
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methyl methacrylate	80-62-6	0.14	160
Methyl methansulfonate	66-27-3	0.018	NA
Methyl parathion	298-00-0	0.014	4.6
Naphthalene	91-20-3	0.059	5.6
2-Naphthylamine	91-59-8	0.52	NA
p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	NA
N-Nitroso-di-n-butylamine	924-16-3	0.40	17
N-Nitrosomethylethylamine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3
N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD)	3268-87-9	0.000063	0.0025
1,2,3,4,6,7,8,9-Octachlorodibenzofuran (OCDF)	39001-02-0	0.000063	0.005
Parathion	56-38-2	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
Pentachlorobenzene	608-93-5	0.055	10
PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063	0.001

PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035	0.001
Pentachloronitrobenzene	82-68-8	0.055	4.8
Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
1,3-Phenylenediamine	108-45-2	0.010	0.66
Phorate	298-02-2	0.021	4.6
Phthalic anhydride	85-44-9	0.055	NA
Pronamide	23950-58-5	0.093	1.5
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9
2,4,5-T	93-76-5	0.72	7.9
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
TCDDs (All Tetrachlorodibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachlorodibenzofurans)	55722-27-5	0.000063	0.001
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
Bromoform (Tribromomethane)	75-25-2	0.63	15
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoromethane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30

tris(2,3-Dibromopropyl) phosphate	126-72-7	0.11	NA
Vinyl chloride	75-01-4	0.27	6.0
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Antimony	7440-36-0	1.9	1.15 mg/ℓ TCLP
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Barium	7440-39-3	1.2	21 mg/ℓ TCLP
Beryllium	7440-41-7	0.82	NA
Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	NA
Fluoride	16964-48-8	35	NA
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Mercury	7439-97-6	0.15	0.025 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP
Silver	7440-22-4	0.43	0.14 mg/ℓ TCLP
Sulfide	8496-25-8	14	NA
Thallium	7440-28-0	1.4	NA
Vanadium	7440-62-2	4.3	NA

K001

Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol.

Naphthalene	91-20-3	0.059	5.6
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K002

Wastewater treatment sludge from the production of chrome yellow and orange pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K003

Wastewater treatment sludge from the production of molybdate orange pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K004

Wastewater treatment sludge from the production of zinc yellow pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K005

Wastewater treatment sludge from the production of chrome green pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590

K006

Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous).

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K006

Wastewater treatment sludge from the production of chrome oxide green pigments (hydrated).

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	NA

K007

Wastewater treatment sludge from the production of iron blue pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590

K008

Oven residue from the production of chrome oxide green pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K009

Distillation bottoms from the production of acetaldehyde from ethylene.

Chloroform	67-66-3	0.046	6.0

K010

Distillation side cuts from the production of acetaldehyde from ethylene.

Chloroform	67-66-3	0.046	6.0

K011

Bottom stream from the wastewater stripper in the production of acrylonitrile.

Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10

Cyanide (Total)	57-12-5	1.2	590

K013

Bottom stream from the acetonitrile column in the production of acrylonitrile.

Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590

K014

Bottoms from the acetonitrile purification column in the production of acrylonitrile.

Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590

K015

Still bottoms from the distillation of benzyl chloride.

Anthracene	120-12-7	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Phenanthrene	85-01-8	0.059	5.6
Toluene	108-88-3	0.080	10
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP

K016

Heavy ends or distillation residues from the production of carbon tetrachloride.

Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
Hexachloroethane	67-72-1	0.055	30
Tetrachloroethylene	127-18-4	0.056	6.0

K017

Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.

bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
1,2-Dichloropropane	78-87-5	0.85	18
1,2,3-Trichloropropane	96-18-4	0.85	30

K018

Heavy ends from the fractionation column in ethyl chloride production.

Chloroethane	75-00-3	0.27	6.0
Chloromethane	74-87-3	0.19	NA
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	NA	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K019

Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.

bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0

p-Dichlorobenzene	106-46-7	0.090	NA
1,2-Dichloroethane	107-06-2	0.21	6.0
Fluorene	86-73-7	0.059	NA
Hexachloroethane	67-72-1	0.055	30
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	NA
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K020

Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.

1,2-Dichloroethane	107-06-2	0.21	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0

K021

Aqueous spent antimony catalyst waste from fluoromethanes production.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Antimony	7440-36-0	1.9	1.15 mg/ℓ TCLP

K022

Distillation bottom tars from the production of phenol or acetone from cumene.

Toluene	108-88-3	0.080	10
Acetophenone	96-86-2	0.010	9.7
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13

Phenol	108-95-2	0.039	6.2
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP

K023

Distillation light ends from the production of phthalic anhydride from naphthalene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

K024

Distillation bottoms from the production of phthalic anhydride from naphthalene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

K025

Distillation bottoms from the production of nitrobenzene by the nitration of benzene.

NA	NA	LLEXT fb SSTRP fb CARBN; or CMBST	CMBST

K026

Stripping still tails from the production of methyl ethyl pyridines.

NA	NA	CMBST	CMBST

K027

Centrifuge and distillation residues from toluene diisocyanate production.

NA	NA	CARBN; or CMBST	CMBST

K028

Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.

1,1-Dichloroethane	75-34-3	0.059	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	NA	6.0
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Cadmium	7440-43-9	0.69	NA
Chromium(Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP

K029

Waste from the product steam stripper in the production of 1,1,1-trichloroethane.

Chloroform	67-66-3	0.046	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

K030

Column bodies or heavy ends from the combined production of trichloroethylene and perchloroethylene.

o-Dichlorobenzene	95-50-1	0.088	NA
p-Dichlorobenzene	106-46-7	0.090	NA
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	NA	30
Pentachlorobenzene	608-93-5	NA	10
Pentachloroethane	76-01-7	NA	6.0
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19

K031

By-product salts generated in the production of MSMA and cacodylic acid.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP

K032

Wastewater treatment sludge from the production of chlordane.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4
Chlordane (α and γ isomers)	57-74-9	0.0033	0.26
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066

K033

Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4

K034

Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4

K035

Wastewater treatment sludges generated in the production of creosote.

Acenaphthene	83-32-9	NA	3.4
Anthracene	120-12-7	NA	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
Dibenz(a,h)anthracene	53-70-3	NA	8.2
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	NA	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	NA	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2

K036

Still bottoms from toluene reclamation distillation in the production of disulfoton.

Disulfoton	298-04-4	0.017	6.2

K037

Wastewater treatment sludges from the production of disulfoton.

Disulfoton	298-04-4	0.017	6.2

Toluene	108-88-3	0.080	10

K038

Wastewater from the washing and stripping of phorate production.

Phorate	298-02-2	0.021	4.6

K039

Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.

NA	NA	CARBN; or CMBST	CMBST

K040

Wastewater treatment sludge from the production of phorate.

Phorate	298-02-2	0.021	4.6

K041

Wastewater treatment sludge from the production of toxaphene.

Toxaphene	8001-35-2	0.0095	2.6

K042

Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.

o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
1,2,4-Trichlorobenzene	120-82-1	0.055	19

K043

2,6-Dichlorophenol waste from the production of 2,4-D.

2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	187-65-0	0.044	14
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Pentachlorophenol	87-86-5	0.089	7.4
Tetrachloroethylene	127-18-4	0.056	6.0
HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063	0.001
PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035	0.001
TCDDs (All Tetrachlorodibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachlorodibenzofurans)	55722-27-5	0.000063	0.001

K044

Wastewater treatment sludges from the manufacturing and processing of explosives.

NA	NA	DEACT	DEACT

K045

Spent carbon from the treatment of wastewater containing explosives.

NA	NA	DEACT	DEACT

K046

Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.

Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K047

Pink or red water from TNT operations.

NA	NA	DEACT	DEACT

K048

Dissolved air flotation (DAF) float from the petroleum refining industry.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9~~218-01-9~~	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-33	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/ℓ TCLP

K049

Slop oil emulsion solids from the petroleum refining industry.

Anthracene	120-12-7	0.059	3.4

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Carbon disulfide	75-15-0	3.8	NA
Chrysene	218-01-9	0.059	3.4
2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total)[7]	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/ℓ TCLP

K050

Heat exchanger bundle cleaning sludge from the petroleum refining industry.

Benzo(a)pyrene	50-32-8	0.061	3.4
Phenol	108-95-2	0.039	6.2
Cyanides (Total)[7]	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/ℓ TCLP

K051

API separator sludge from the petroleum refining industry.

Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10

Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9~~2218-01-9~~	0.059	3.4
Di-n-butyl phthalate	105-67-9	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.08	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total)[7]	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/ℓ TCLP

K052

Tank bottoms (leaded) from the petroleum refining industry.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Toluene	108-88-3	0.08	10

Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/ℓ TCLP

K060

Ammonia still lime sludge from coking operations.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Cyanides (Total)[7]	57-12-5	1.2	590

K061

Emission control dust or sludge from the primary production of steel in electric furnaces.

Antimony	7440-36-0	NA	1.15 mg/ℓ TCLP
Arsenic	7440-38-2	NA	5.0 mg/ℓ TCLP
Barium	7440-39-3	NA	21 mg/ℓ TCLP
Beryllium	7440-41-7	NA	1.22 mg/ℓ TCLP
Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Selenium	7782-49-2	NA	5.7 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP
Thallium	7440-28-0	NA	0.20 mg/ℓ TCLP
Zinc	7440-66-6	NA	4.3 mg/ℓ TCLP

K062

Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	NA

K069

Emission control dust or sludge from secondary lead smelting-Calcium sulfate (Low Lead) Subcategory.

Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K069

Emission control dust or sludge from secondary lead smelting-Non-Calcium sulfate (High Lead) Subcategory.

NA	NA	NA	RLEAD

K071

K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are residues from RMERC.

Mercury	7439-97-6	NA	0.20 mg/ℓ TCLP

K071

K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are not residues from RMERC.

Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP

K071

All K071 wastewaters.

Mercury	7439-97-6	0.15	NA

K073

Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachloroethane	67-72-1	0.055	30
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K083

Distillation bottoms from aniline production.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
Cyclohexanone	108-94-1	0.36	NA
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP

K084

Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP

K085

Distillation or fractionation column bottoms from the production of chlorobenzenes.

Benzene	71-43-2	0.14	10
Chlorobenzene	108-90-7	0.057	6.0
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
1,2,4-Trichlorobenzene	120-82-1	0.055	19

K086

Solvent wastes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.

Acetone	67-64-1	0.28	160
Acetophenone	96-86-2	0.010	9.7
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
n-Butyl alcohol	71-36-3	5.6	2.6
Butylbenzyl phthalate	85-68-7	0.017	28
Cyclohexanone	108-94-1	0.36	NA
o-Dichlorobenzene	95-50-1	0.088	6.0
Diethyl phthalate	84-66-2	0.20	28
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
Di-n-octyl phthalate	117-84-0	0.017	28
Ethyl acetate	141-78-6	0.34	33
Ethylbenzene	100-41-4	0.057	10
Methanol	67-56-1	5.6	NA
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methylene chloride	75-09-2	0.089	30

Naphthalene	91-20-3	0.059	5.6
Nitrobenzene	98-95-3	0.068	14
Toluene	108-88-3	0.080	10
1,1,1-Trichloroethane	71-55-6	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K087

Decanter tank tar sludge from coking operations.

Acenaphthylene	208-96-8	0.059	3.4
Benzene	71-43-2	0.14	10
Chrysene	218-01-9	0.059	3.4
Fluoranthene	206-44-0	0.068	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K088

Spent potliners from primary aluminum reduction.

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
Benzo(k)fluoranthene	207-08-9	0.11	6.8

Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Fluoranthene	206-44-0	0.068	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Antimony	7440-36-0	1.9	1.15 mg/ℓ TCLP
Arsenic	7440-38-2	1.4	26.1 mg/ℓ
Barium	7440-39-3	1.2	21 mg/ℓ TCLP
Beryllium	7440-41-7	0.82	1.22 mg/ℓ TCLP
Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Mercury	7439-97-6	0.15	0.025 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP
Silver	7440-22-4	0.43	0.14 mg/ℓ TCLP
Cyanide (Total)[7]	57-12-5	1.2	590
Cyanide (Amenable)[7]	57-12-5	0.86	30
Fluoride	16984-48-8	35	NA

K093

Distillation light ends from the production of phthalic anhydride from ortho-xylene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

K094

Distillation bottoms from the production of phthalic anhydride from ortho-xylene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

K095

Distillation bottoms from the production of 1,1,1-trichloroethane.

Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	0.055	6.0
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0

K096

Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.

m-Dichlorobenzene	541-73-1	0.036	6.0
Pentachloroethane	76-01-7	0.055	6.0
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0

K097

Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.

Chlordane (α and χ isomers)	57-74-9	0.0033	0.26
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066

Hexachlorocyclopentadiene	77-47-4	0.057	2.4

K098

Untreated process wastewater from the production of toxaphene.

Toxaphene	8001-35-2	0.0095	2.6

K099

Untreated wastewater from the production of 2,4-D.

2,4-Dichlorophenoxyacetic acid	94-75-7	0.72	10
HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063	0.001
PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035	0.001
TCDDs (All Tetrachlorodibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachlorodibenzofurans)	55722-27-5	0.000063	0.001

K100

Waste leaching solution from acid leaching of emission control dust or sludge from secondary lead smelting.

Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K101

Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

o-Nitroaniline	88-74-4	0.27	14
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Cadmium	7440-43-9	0.69	NA
Lead	7439-92-1	0.69	NA
Mercury	7439-97-6	0.15	NA

K102

Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

o-Nitrophenol	88-75-5	0.028	13
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Cadmium	7440-43-9	0.69	NA
Lead	7439-92-1	0.69	NA
Mercury	7439-97-6	0.15	NA

K103

Process residues from aniline extraction from the production of aniline.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
2,4-Dinitrophenol	51-28-5	0.12	160
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2

K104

Combined wastewater streams generated from nitrobenzene or aniline production.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
2,4-Dinitrophenol	51-28-5	0.12	160
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2
Cyanides (Total)[7]	57-12-5	1.2	590

K105

Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.

Benzene	71-43-2	0.14	10
Chlorobenzene	108-90-7	0.057	6.0
2-Chlorophenol	95-57-8	0.044	5.7
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Phenol	108-95-2	0.039	6.2
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4

K106

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.

Mercury	7439-97-6	NA	RMERC

K106

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain less than 260 mg/kg total mercury that are residues from RMERC.

Mercury	7439-97-6	NA	0.20 mg/ℓ TCLP

K106

Other K106 nonwastewaters that contain less than 260 mg/kg total mercury and are not residues from RMERC.

Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP

K106

All K106 wastewaters.

Mercury	7439-97-6	0.15	NA

K107

Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST

K108

Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST

K109

Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST

K110

Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST

K111

Product washwaters from the production of dinitrotoluene via nitration of toluene.

2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28

K112

Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST

K113

Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.

NA	NA	CARBN; or CMBST	CMBST

K114

Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.

NA	NA	CARBN; or CMBST	CMBST

K115

Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.

Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
NA	NA	CARBN; or CMBST	CMBST

K116

Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.

NA	NA	CARBN; or CMBST	CMBST

K117

Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.

Methyl bromide (Bromomethane)	74-83-9	0.11	15
Chloroform	67-66-3	0.046	6.0
Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15

K118

Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.

Methyl bromide (Bromomethane)	74-83-9	0.11	15
Chloroform	67-66-3	0.046	6.0

Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15

K123

Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST

K124

Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST

K125

Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST

K126

Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST

K131

Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.

Methyl bromide (Bromomethane)	74-83-9	0.11	15

K132

Spent absorbent and wastewater separator solids from the production of methyl bromide.

Methyl bromide (Bromomethane)	74-83-9	0.11	15

K136

Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.

Methyl bromide (Bromomethane)	74-83-9	0.11	15
Chloroform	67-66-3	0.046	6.0
Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15

K141

Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludge from coking operations).

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4

Benzo(a)pyrene	50-2-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K142

Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K143

Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4

Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4

K144

Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2

K145

Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Naphthalene	91-20-3	0.059	5.6

K147

Tar storage tank residues from coal tar refining.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K148

Residues from coal tar distillation, including, but not limited to, still bottoms.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K149

Distillation bottoms from the production of 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 distillations of benzyl chloride.)

Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0

Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Toluene	108-88-3	0.080	10

K150

Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of α- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
1,1,2,2- Tetrachloroethane	79-34-5	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19

K151

Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of α- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Benzene	71-43-2	0.14	10
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Tetrachloroethylene	127-18-4	0.056	6.0

Toluene	108-88-3	0.080	10

K156

Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes.

Acetonitrile	75-05-8	5.6	1.8
Acetophenone	98-86-2	0.010	9.7
Aniline	62-53-3	0.81	14
Benomyl[10]	17804-35-2	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
Benzene	71-43-2	0.14	10
Carbaryl[10]	63-25-2~~63-25-21~~	0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
Carbenzadim[10]	10605-21-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
Carbofuran[10]	1563-66-2	0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
Carbosulfan[10]	55285-14-8	0.028; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
Methomyl[10]	16752-77-5	0.028; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyridine	110-86-1	0.014	16
Toluene	108-88-3	0.080	10

Triethylamine	121-44-8	0.081; or CMBST, CHOXD, BIODG or CARBN	1.5; or CMBST

K157

Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
Methomyl[10]	16752-77-5	0.028; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Pyridine	110-86-1	0.014	16
Triethylamine	121-44-8	0.081; or CMBST, CHOXD, BIODG or CARBN	1.5; or CMBST

K158

Baghouse dusts and filter/separation solids from the production of carbamates and carbamoyl oximes.

Benomyl[10]	17804-35-2	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBSTP
Benzene	71-43-2	0.14	10
Carbenzadim[10]	10605-21-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
Carbofuran[10]	1563-66-2	0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
Carbosulfan[10]	55285-14-8	0.028; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

Chloroform	67-66-3	0.046	6.0
Methylene chloride	75-09-2	0.089	30
Phenol	108-95-2	0.039	6.2

K159

Organics from the treatment of thiocarbamate wastes.[10]

Benzene	71-43-2	0.14	10
Butylate[10]	2008-41-5	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
EPTC (Eptam)[10]	759-94-4	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
Molinate[10]	2212-67-1	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
Pebulate[10]	1114-71-2	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
Vernolate[10]	1929-77-7	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

K161

Purification solids (including filtration, evaporation, and centrifugation solids), baghouse dust, and floor sweepings from the production of dithiocarbamate acids and their salts.

Antimony	7440-36-0	1.9	1.15[11]
Arsenic	7440-38-2	1.4	5.0[11]
Carbon disulfide	75-15-0	3.8	4.8[11]
Dithiocarbamates (total)[10]	137-30-4	0.028; or CMBST, CHOXD, BIODG or CARBN	28; or CMBST
Lead	7439-92-1	0.69	0.75[11]
Nickel	7440-02-0	3.98	11[11]
Selenium	7782-49-2	0.82	5.7[11]

K169

Crude oil tank sediment from petroleum refining operations.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Ethyl benzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylenes (Total)	1330-20-7	0.32	30

K170

Clarified slurry oil sediment from petroleum refining operations.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Ethyl benzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	3.4
Indeno(1,2,3,-cd)pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylenes (Total	1330-20-7	0.32	30

K171

Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Chrysene	218-01-9	0.059	3.4
Ethyl benzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylenes (Total)	1330-20-7	0.32	30
Arsenic	7740-38-2	1.4	5 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11.0 mg/ℓ TCLP
Vanadium	7440-62-2	4.3	1.6 mg/ℓ TCLP
Reactive sulfides	NA	DEACT	DEACT

K172

Spent hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)

Benzene	71-43-2	0.14	10
Ethyl benzene	100-41-4	0.057	10
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylenes (Total)	1330-20-7	0.32	30
Antimony	7740-36-0	1.9	1.15 mg/ℓ TCLP
Arsenic	7740-38-2	1.4	5 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11.0 mg/ℓ TCLP
Vanadium	7440-62-2	4.3	1.6 mg/ℓ TCLP
Reactive Sulfides	NA	DEACT	DEACT

K174

Wastewater treatment sludge from the production of ethylene dicholoride or vinyl choloride monomer.

1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)	35822-46-9	0.000035 or CMBST[11]	0.0025 or CMBST[11]

1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035 or CMBST[11]	0.0025 or CMBST[11]
1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035 or CMBST[11]	0.0025 or CMBST[11]
All hexachlorodibenzo-p-dioxins (HxCDDs)	34465-46-8	0.000063 or CMBST[11]	0.001 or CMBST[11]
All hexachlorodibenzofurans (HxCDFs)	55684-94-1	0.000063 or CMBST[11]	0.001 or CMBST[11]
1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD)	3268-87-9	0.000063 or CMBST[11]	0.005 or CMBST[11]
1,2,3,4,6,7,8,9-Octachlorodibenzofuran (1,2,3,4,6,7,8,9-OCDF)	39001-02-0	0.000063 or CMBST[11]	0.005 or CMBST[11]
All pentachlorodibenzo-p-dioxins (PeCDDs)	36088-22-9	0.000063 or CMBST[11]	0.001 or CMBST[11]
All pentachlorodibenzofurans (PeCDFs)	30402-15-4	0.000035 or CMBST[11]	0.001 or CMBST[11]
All tetrachlorodibenzo-p-dioxins (TCDDs)	41903-57-5	0.000063 or CMBST[11]	0.001 or CMBST[11]
All tetrachlorodibenzofurans (TCDFs)	55722-27-5	0.000063 or CMBST[11]	0.001 or CMBST[11]
Arsenic	7440-36-0	1.4	5.0 mg/ℓ TCLP

K175

Wastewater treatment sludge from the production of vinyl choloride monomer using mercuric chloride catalyst in an acetylene-based process.

Mercury[12]	7439-97-6	NA	0.025 mg/ℓ TCLP
PH[12]		NA	pH ≤ 6.0

K175

All K175 wastewaters.

Mercury	7439-97-6	0.15	NA

K176

Baghouse filters from the production of antimony oxide, including filters from the production of intermediates e.g., antimony metal or crude antimony oxide).

Antimony	7440-36-0	1.9	1.15 mg/ℓ TCLP
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Mercury	7439-97-6	0.15	0.025 mg/ℓ TCLP

K177

Slag from the production of antimony oxide that is speculatively accumulated or disposed, including slag from the production of intermediates (e.g., antimony metal or crude antimony oxide).

Antimony	7440-36-0	1.9	1.15 mg/ℓ TCLP
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K178

Residues from manufacturing and manufacturing-site storage of ferric chloride from acids formed during the production of titanium dioxide using the chloride-ilmenite process.

1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)	35822-46-9	0.000035 or CMBST[11]	0.0025 or CMBST[11]
1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035 or CMBST[11]	0.0025 or CMBST[11]
1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035 or CMBST[11]	0.0025 or CMBST[11]
HxCDDs (All Hexachlorodibenzo-p-dioxins)	34465-46-8	0.000063 or CMBST[11]	0.001 or CMBST[11]

HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063 or CMBST[11]	0.001 or CMBST[11]
1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD)	3268-87-9	0.000063 or CMBST[11]	0.005 or CMBST[11]
1,2,3,4,6,7,8,9-Octachlorodibenzofuran (OCDF)	39001-02-0	0.000063 or CMBST[11]	0.005 or CMBST[11]
PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063 or CMBST[11]	0.001 or CMBST[11]
PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035 or CMBST[11]	0.001 or CMBST[11]
TCDDs (All Tetrachlorodibenzo-p-dioxins)	41903-57-5	0.000063 or CMBST[11]	0.001 or CMBST[11]
TCDFs (All Tetrachlorodibenzofurans)	55722-27-5	0.000063 or CMBST[11]	0.001 or CMBST[11]
Thallium	7440-28-0	1.4	0.20 mg/ℓ TCLP

K181

Nonwastewaters from the production of dyes or pigments (including nonwastewaters commingled at the point of generation with nonwastewaters from other processes) that, at the point of generation, contain mass loadings of any of the constituents identified in Section 721.132(c) which are equal to or greater than the corresponding Section 721.132(c) levels, as determined on a calendar-year basis.

Aniline	62-53-3	0.81	14
o-Anisidine (2-methoxyaniline)	90-04-0	0.010	0.66
4-Chloroaniline	106-47-8	0.46	16
p-Cresidine	120-71-8	0.010	0.66
2,4-Dimethylaniline (2,4-xylidine)	95-68-1	0.010	0.66
1,2-Phenylenediamine	95-54-5	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN
1,3-Phenylenediamine	108-45-2	0.010	0.66

P001

Warfarin, & salts, when present at concentrations greater than 0.3 percent.

Warfarin	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P002

1-Acetyl-2-thiourea.

1-Acetyl-2-thiourea	591-08-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P003

Acrolein.

Acrolein	107-02-8	0.29	CMBST

P004

Aldrin.

Aldrin	309-00-2	0.021	0.066

P005

Allyl alcohol.

Allyl alcohol	107-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P006

Aluminum phosphide.

Aluminum phosphide	20859-73-8	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST

P007

5-Aminomethyl-3-isoxazolol.

5-Aminomethyl-3-isoxazolol	2763-96-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P008

4-Aminopyridine.

4-Aminopyridine	504-24-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P009

Ammonium picrate.

Ammonium picrate	131-74-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST

P010

Arsenic acid.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP

P011

Arsenic pentoxide.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP

P012

Arsenic trioxide.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP

P013

Barium cyanide.

Barium	7440-39-3	NA	21 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30

P014

Thiophenol (Benzene thiol).

Thiophenol (Benzene thiol)	108-98-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P015

Beryllium dust.

Beryllium	7440-41-7	RMETL;or RTHRM	RMETL; or RTHRM

P016

Dichloromethyl ether (Bis(chloromethyl)ether).

Dichloromethyl ether	542-88-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P017

Bromoacetone.

Bromoacetone	598-31-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P018

Brucine.

Brucine	357-57-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P020

2-sec-Butyl-4,6-dinitrophenol (Dinoseb).

2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5

P021

Calcium cyanide.

Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30

P022

Carbon disulfide.

Carbon disulfide	75-15-0	3.8	CMBST
Carbon disulfide; alternate[6] standard for nonwastewaters only	75-15-0	NA	4.8 mg/ℓ TCLP

P023

Chloroacetaldehyde.

Chloroacetaldehyde	107-20-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P024

p-Chloroaniline.

p-Chloroaniline	106-47-8	0.46	16

P026

1-(o-Chlorophenyl)thiourea.

1-(o-Chlorophenyl)thiourea	5344-82-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P027

3-Chloropropionitrile.

3-Chloropropionitrile	542-76-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P028

Benzyl chloride.

Benzyl chloride	100-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P029

Copper cyanide.

Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30

P030

Cyanides (soluble salts and complexes).

Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30

P031

Cyanogen.

Cyanogen	460-19-5	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST

P033

Cyanogen chloride.

Cyanogen chloride	506-77-4	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST

P034

2-Cyclohexyl-4,6-dinitrophenol.

2-Cyclohexyl-4,6-dinitrophenol	131-89-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P036

Dichlorophenylarsine.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP

P037

Dieldrin.

Dieldrin	60-57-1	0.017	0.13

P038

Diethylarsine.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP

P039

Disulfoton.

Disulfoton	298-04-4	0.017	6.2

P040

O,O-Diethyl-O-pyrazinyl-phosphorothioate.

O,O-Diethyl-O-pyrazinylphosphorothioate	297-97-2	CARBN; or CMBST	CMBST

P041

Diethyl-p-nitrophenyl phosphate.

Diethyl-p-nitrophenyl phosphate	311-45-5	CARBN; or CMBST	CMBST

P042

Epinephrine.

Epinephrine	51-43-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P043

Diisopropylfluorophosphate (DFP).

Diisopropylfluorophosphate (DFP)	55-91-4	CARBN; or CMBST	CMBST

P044

Dimethoate.

Dimethoate	60-51-5	CARBN; or CMBST	CMBST

P045

Thiofanox.

Thiofanox	39196-18-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P046

α,α-Dimethylphenethylamine.

α,α-Dimethylphenethylamine	122-09-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P047

4,6-Dinitro-o-cresol.

4,6-Dinitro-o-cresol	543-52-1	0.28	160

P047

4,6-Dinitro-o-cresol salts.

NA	NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P048

2,4-Dinitrophenol.

2,4-Dinitrophenol	51-28-5	0.12	160

P049

Dithiobiuret.

Dithiobiuret	541-53-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P050

Endosulfan.

Endosulfan I	939-98-8	0.023	0.066
Endosulfan II	33213-6-5	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13

P051

Endrin.

Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13

P054

Aziridine.

Aziridine	151-56-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P056

Fluorine.

Fluoride (measured in wastewaters only)	16984-48-8 ~~16964-48-8~~	35	ADGAS fb NEUTR

P057

Fluoroacetamide.

Fluoroacetamide	640-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P058

Fluoroacetic acid, sodium salt.

Fluoroacetic acid, sodium salt	62-74-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P059

Heptachlor.

Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066

P060

Isodrin.

Isodrin	465-73-6	0.021	0.066

P062

Hexaethyl tetraphosphate.

Hexaethyl tetraphosphate	757-58-4	CARBN; or CMBST	CMBST

P063

Hydrogen cyanide.

Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30

P064

Isocyanic acid, ethyl ester.

Isocyanic acid, ethyl ester	624-83-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P065

P065 (mercury fulminate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.

Mercury	7439-97-6	NA	IMERC

P065

P065 (mercury fulminate) nonwastewaters that are either incinerator residues or are residues from RMERC; and contain greater than or equal to 260 mg/kg total mercury.

Mercury	7339-97-6	NA	RMERC

P065

P065 (mercury fulminate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.

Mercury	7439-97-6	NA	0.20 mg/ℓ TCLP

P065

P065 (mercury fulminate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.

Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP

P065

All P065 (mercury fulminate) wastewaters.

Mercury	7439-97-6	0.15	NA

P066

Methomyl.

Methomyl	16752-77-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P067

2-Methyl-aziridine.

2-Methyl-aziridine	75-55-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P068

Methyl hydrazine.

Methyl hydrazine	60-34-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED, or CMBST

P069

2-Methyllactonitrile.

2-Methyllactonitrile	75-86-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P070

Aldicarb.

Aldicarb	116-06-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P071

Methyl parathion.

Methyl parathion	298-00-0	0.014	4.6

P072

1-Naphthyl-2-thiourea.

1-Naphthyl-2-thiourea	86-88-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P073

Nickel carbonyl.

Nickel	7440-02-0	3.98	11 mg/ℓ TCLP

P074

Nickel cyanide.

Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP

P075

Nicotine and salts.

Nicotine and salts	54-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P076

Nitric oxide.

Nitric oxide	10102-43-9	ADGAS	ADGAS

P077

p-Nitroaniline.

p-Nitroaniline	100-01-6	0.028	28

P078

Nitrogen dioxide.

Nitrogen dioxide	10102-44-0	ADGAS	ADGAS

P081

Nitroglycerin.

Nitroglycerin	55-63-0	CHOXD; CHRED; CARBN; BIODG or CMBST	CHOXD; CHRED; or CMBST

P082

N-Nitrosodimethylamine.

N-Nitrosodimethylamine	62-75-9	0.40	2.3

P084

N-Nitrosomethylvinylamine.

N-Nitrosomethylvinylamine	4549-40-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P085

Octamethylpyrophosphoramide.

Octamethylpyrophosphoramide	152-16-9	CARBN; or CMBST	CMBST

P087

Osmium tetroxide.

Osmium tetroxide	20816-12-0	RMETL; or RTHRM	RMETL; or RTHRM

P088

Endothall.

Endothall	145-73-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P089

Parathion.

Parathion	56-38-2	0.014	4.6

P092

P092 (phenyl mercuric acetate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.

Mercury	7439-97-6	NA	IMERC; or RMERC

P092

P092 (phenyl mercuric acetate) nonwastewaters that are either incinerator residues or are residues from RMERC; and still contain greater than or equal to 260 mg/kg total mercury.

Mercury	7439-97-6	NA	RMERC

P092

P092 (phenyl mercuric acetate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.

Mercury	7439-97-6	NA	0.20 mg/ℓ TCLP

P092

P092 (phenyl mercuric acetate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.

Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP

P092

All P092 (phenyl mercuric acetate) wastewaters.

Mercury	7439-97-6	0.15	NA

P093

Phenylthiourea.

Phenylthiourea	103-85-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P094

Phorate.

Phorate	298-02-2	0.021	4.6

P095

Phosgene.

Phosgene	75-44-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P096

Phosphine.

Phosphine	7803-51-2	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST

P097

Famphur.

Famphur	52-85-7	0.017	15

P098

Potassium cyanide.

Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30

P099

Potassium silver cyanide.

Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Silver	7440-22-4	0.43	0.14 mg/ℓ TCLP

P101

Ethyl cyanide (Propanenitrile).

Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360

P102

Propargyl alcohol.

Propargyl alcohol	107-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P103

Selenourea.

Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP

P104

Silver cyanide.

Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Silver	7440-22-4	0.43	0.14 mg/ℓ TCLP

P105

Sodium azide.

Sodium azide	26628-22-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST

P106

Sodium cyanide.

Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30

P108

Strychnine and salts.

Strychnine and salts	57-24-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P109

Tetraethyldithiopyrophosphate.

Tetraethyldithiopyrophosphate	3689-24-5	CARBN; or CMBST	CMBST

P110

Tetraethyl lead.

Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

P111

Tetraethylpyrophosphate.

Tetraethylpyrophosphate	107-49-3	CARBN; or CMBST	CMBST

P112

Tetranitromethane.

Tetranitromethane	509-14-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST

P113

Thallic oxide.

Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL

P114

Thallium selenite.

Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP

P115

Thallium (I) sulfate.

Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL

P116

Thiosemicarbazide.

Thiosemicarbazide	79-19-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P118

Trichloromethanethiol.

Trichloromethanethiol	75-70-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P119

Ammonium vanadate.

Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL

P120

Vanadium pentoxide.

Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL

P121

Zinc cyanide.

Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30

P122

Zinc phosphide Zn_3P_2, when present at concentrations greater than 10 percent.

Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST

P123

Toxaphene.

Toxaphene	8001-35-2	0.0095	2.6

P127

Carbofuran.[10]

Carbofuran	1563-66-2	0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST

P128

Mexacarbate.[10]

Mexacarbate	315-18-4	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

P185

Tirpate.[10]

Tirpate	26419-73-8	0.056; or CMBST, CHOXD, BIODG or CARBN	0.28; or CMBST

P188

Physostigimine salicylate.[10]

Physostigmine salicylate	57-64-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

P189

Carbosulfan.[10]

Carbosulfan	55285-14-8	0.028; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

P190

Metolcarb.[10]

Metolcarb	1129-41-5	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

P191

Dimetilan.[10]

Dimetilan	644-64-4	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

P192

Isolan.[10]

Isolan	119-38-0	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

P194

Oxamyl.[10]

Oxamyl	23135-22-0	0.056; or CMBST, CHOXD, BIODG or CARBN	0.28; or CMBST

P196

Manganese dimethyldithiocarbamates (total).[10]

Dithiocarbamates (total)	NA	0.028; or CMBST, CHOXD, BIODG or CARBN	28; or CMBST

P197

Formparanate.[10]

Formparanate	17702-57-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

P198

Formetanate hydrochloride.[10]

Formetanate hydrochloride	23422-53-9	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

P199

Methiocarb.[10]

Methiocarb	2032-65-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

P201

Promecarb.[10]

Promecarb	2631-37-0	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

P202

m-Cumenyl methylcarbamate.[10]

m-Cumenyl methylcarbamate	64-00-6	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

P203

Aldicarb sulfone.[10]

Aldicarb sulfone	1646-88-4	0.056; or CMBST, CHOXD, BIODG or CARBN	0.28; or CMBST

P204

Physostigmine.[10]

Physostigmine	57-47-6	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

P205

Ziram.[10]

Dithiocarbamates (total)	NA	0.028; or CMBST, CHOXD, BIODG or CARBN	28; or CMBST

U001

Acetaldehyde.

Acetaldehyde	75-07-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U002

Acetone.

Acetone	67-64-1	0.28	160

U003

Acetonitrile.

Acetonitrile	75-05-8	5.6	CMBST
Acetonitrile; alternate[6] standard for nonwastewaters only	75-05-8	NA	38

U004

Acetophenone.

Acetophenone	98-86-2	0.010	9.7

U005

2-Acetylaminofluorene.

2-Acetylaminofluorene	53-96-3	0.059	140

U006

Acetyl chloride.

Acetyl chloride	75-36-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U007

Acrylamide.

Acrylamide	79-06-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U008

Acrylic acid.

Acrylic acid	79-10-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U009

Acrylonitrile.

Acrylonitrile	107-13-1	0.24	84

U010

Mitomycin C.

Mitomycin C	50-07-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U011

Amitrole.

Amitrole	61-82-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U012

Aniline.

Aniline	62-53-3	0.81	14

U014

Auramine.

Auramine	492-80-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U015

Azaserine.

Azaserine	115-02-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U016

Benz(c)acridine.

Benz(c)acridine	225-51-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U017

Benzal chloride.

Benzal chloride	98-87-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U018

Benz(a)anthracene.

Benz(a)anthracene	56-55-3	0.059	3.4

U019

Benzene.

Benzene	71-43-2	0.14	10

U020

Benzenesulfonyl chloride.

Benzenesulfonyl chloride	98-09-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U021

Benzidine.

Benzidine	92-87-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U022

Benzo(a)pyrene.

Benzo(a)pyrene	50-32-8	0.061	3.4

U023

Benzotrichloride.

Benzotrichloride	98-07-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST

U024

bis(2-Chloroethoxy)methane.

bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2

U025

bis(2-Chloroethyl)ether.

bis(2-Chloroethyl)ether	111-44-4	0.033	6.0

U026

Chlornaphazine.

Chlornaphazine	494-03-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U027

bis(2-Chloroisopropyl)ether.

bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2

U028

bis(2-Ethylhexyl)phthalate.

bis(2-Ethylhexyl)phthalate	117-81-7	0.28	28

U029

Methyl bromide (Bromomethane).

Methyl bromide (Bromomethane)	74-83-9	0.11	15

U030

4-Bromophenyl phenyl ether.

4-Bromophenyl phenyl ether	101-55-3	0.055	15

U031

n-Butyl alcohol.

n-Butyl alcohol	71-36-3	5.6	2.6

U032

Calcium chromate.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP

U033

Carbon oxyfluoride.

Carbon oxyfluoride	353-50-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U034

Trichloroacetaldehyde (Chloral).

Trichloroacetaldehyde (Chloral)	75-87-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U035

Chlorambucil.

Chlorambucil	305-03-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U036

Chlordane.

Chlordane (α and χ isomers)	57-74-9	0.0033	0.26

U037

Chlorobenzene.

Chlorobenzene	108-90-7	0.057	6.0

U038

Chlorobenzilate.

Chlorobenzilate	510-15-6	0.10	CMBST

U039

p-Chloro-m-cresol.

p-Chloro-m-cresol	59-50-7	0.018	14

U041

Epichlorohydrin (1-Chloro-2,3-epoxypropane).

Epichlorohydrin (1-Chloro-2,3-epoxypropane)	106-89-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U042

2-Chloroethyl vinyl ether.

2-Chloroethyl vinyl ether	110-75-8	0.062	CMBST

U043

Vinyl chloride.

Vinyl chloride	75-01-4	0.27	6.0

U044

Chloroform.

Chloroform	67-66-3	0.046	6.0

U045

Chloromethane (Methyl chloride).

Chloromethane (Methyl chloride)	74-87-3	0.19	30

U046

Chloromethyl methyl ether.

Chloromethyl methyl ether	107-30-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U047

2-Chloronaphthalene.

2-Chloronaphthalene	91-58-7	0.055	5.6

U048

2-Chlorophenol.

2-Chlorophenol	95-57-8	0.044	5.7

U049

4-Chloro-o-toluidine hydrochloride.

4-Chloro-o-toluidine hydrochloride	3165-93-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U050

Chrysene.

Chrysene	218-01-9	0.059	3.4

U051

Creosote.

Naphthalene	91-20-3	0.059	5.6
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

U052

Cresols (Cresylic acid).

o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88	11.2

U053

Crotonaldehyde.

Crotonaldehyde	4170-30-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U055

Cumene.

Cumene	98-82-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U056

Cyclohexane.

Cyclohexane	110-82-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U057

Cyclohexanone.

Cyclohexanone	108-94-1	0.36	CMBST
Cyclohexanone; alternate[6] standard for nonwastewaters only	108-94-1	NA	0.75 mg/ℓ TCLP

U058

Cyclophosphamide.

Cyclophosphamide	50-18-0	CARBN; or CMBST	CMBST

U059

Daunomycin.

Daunomycin	20830-81-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U060

DDD.

o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087

U061

DDT.

o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087

U062

Diallate.

Diallate	2303-16-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U063

Dibenz(a,h)anthracene.

Dibenz(a,h)anthracene	53-70-3	0.055	8.2

U064

Dibenz(a,i)pyrene.

Dibenz(a,i)pyrene	189-55-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U066

1,2-Dibromo-3-chloropropane.

1,2-Dibromo-3-chloropropane	96-12-8	0.11	15

U067

Ethylene dibromide (1,2-Dibromoethane).

Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15

U068

Dibromomethane.

Dibromomethane	74-95-3	0.11	15

U069

Di-n-butyl phthalate.

Di-n-butyl phthalate	84-74-2	0.057	28

U070

o-Dichlorobenzene.

o-Dichlorobenzene	95-50-1	0.088	6.0

U071

m-Dichlorobenzene.

m-Dichlorobenzene	541-73-1	0.036	6.0

U072

p-Dichlorobenzene.

p-Dichlorobenzene	106-46-7	0.090	6.0

U073

3,3'-Dichlorobenzidine.

3,3'-Dichlorobenzidine	91-94-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U074

1,4-Dichloro-2-butene.

cis-1,4-Dichloro-2-butene	1476-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
trans-1,4-Dichloro-2-butene	764-41-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U075

Dichlorodifluoromethane.

Dichlorodifluoromethane	75-71-8	0.23	7.2

U076

1,1-Dichloroethane.

1,1-Dichloroethane	75-34-3	0.059	6.0

U077

1,2-Dichloroethane.

1,2-Dichloroethane	107-06-2	0.21	6.0

U078

1,1-Dichloroethylene.

1,1-Dichloroethylene	75-35-4	0.025	6.0

U079

1,2-Dichloroethylene.

trans-1,2-Dichloroethylene	156-60-5	0.054	30

U080

Methylene chloride.

Methylene chloride	75-09-2	0.089	30

U081

2,4-Dichlorophenol.

2,4-Dichlorophenol	120-83-2	0.044	14

U082

2,6-Dichlorophenol.

2,6-Dichlorophenol	87-65-0	0.044	14

U083

1,2-Dichloropropane.

1,2-Dichloropropane	78-87-5	0.85	18

U084

1,3-Dichloropropylene.

cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18

U085

1,2,~~:~~3,4-Diepoxybutane.

1,2,3,4-Diepoxybutane~~1,2:3,4-Diepoxybutane~~	1464-53-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U086

N,N'-Diethylhydrazine.

N,N'-Diethylhydrazine	1615-80-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST

U087

O,O-Diethyl-S-methyldithiophosphate.

O,O-Diethyl-S-methyldithiophosphate	3288-58-2	CARBN; or CMBST	CMBST

U088

Diethyl phthalate.

Diethyl phthalate	84-66-2	0.20	28

U089

Diethyl stilbestrol.

Diethyl stilbestrol	56-53-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U090

Dihydrosafrole.

Dihydrosafrole	94-58-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U091

3,3'-Dimethoxybenzidine.

3,3'-Dimethoxybenzidine	119-90-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U092

Dimethylamine.

Dimethylamine	124-40-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U093

p-Dimethylaminoazobenzene.

p-Dimethylaminoazobenzene	60-11-7	0.13	CMBST

U094

7,12-Dimethylbenz(a)anthracene.

7,12-Dimethylbenz(a)anthracene	57-97-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U095

3,3'-Dimethylbenzidine.

3,3'-Dimethylbenzidine	119-93-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U096

α, α-Dimethyl benzyl hydroperoxide.

α, α-Dimethyl benzyl hydroperoxide	80-15-9	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST

U097

Dimethylcarbamoyl chloride.

Dimethylcarbamoyl chloride	79-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U098

1,1-Dimethylhydrazine.

1,1-Dimethylhydrazine	57-14-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST

U099

1,2-Dimethylhydrazine.

1,2-Dimethylhydrazine	540-73-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST

U101

2,4-Dimethylphenol.

2,4-Dimethylphenol	105-67-9	0.036	14

U102

Dimethyl phthalate.

Dimethyl phthalate	131-11-3	0.047	28

U103

Dimethyl sulfate.

Dimethyl sulfate	77-78-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U105			
2,4-Dinitrotoluene.			
2,4-Dinitrotoluene	121-14-2	0.32	140
U106			
2,6-Dinitrotoluene.			
2,6-Dinitrotoluene	606-20-2	0.55	28
U107			
Di-n-octyl phthalate.			
Di-n-octyl phthalate	117-84-0	0.017	28
U108			
1,4-Dioxane.			
1,4-Dioxane	123-91-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
1,4-Dioxane; alternate[6] standard for nonwastewaters only	123-91-1	12.0	170
U109			
1,2-Diphenylhydrazine.			

1,2-Diphenylhydrazine	122-66-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
1,2-Diphenylhydrazine; alternate[6] standard for wastewaters only	122-66-7	0.087	NA

U110

Dipropylamine.

Dipropylamine	142-84-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U111

Di-n-propylnitrosamine.

Di-n-propylnitrosamine	621-64-7	0.40	14

U112

Ethyl acetate.

Ethyl acetate	141-78-6	0.34	33

U113

Ethyl acrylate.

Ethyl acrylate	140-88-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U114

Ethylenebisdithiocarbamic acid salts and esters.

Ethylenebisdithiocarbamic acid	111-54-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U115

Ethylene oxide.

Ethylene oxide	75-21-8	(WETOX or CHOXD) fb CARBN; or CMBST	CHOXD; or CMBST
Ethylene oxide; alternate[6] standard for wastewaters only	75-21-8	0.12	NA

U116

Ethylene thiourea.

Ethylene thiourea	96-45-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U117

Ethyl ether.

Ethyl ether	60-29-7	0.12	160

U118

Ethyl methacrylate.

Ethyl methacrylate	97-63-2	0.14	160

U119

Ethyl methane sulfonate.

Ethyl methane sulfonate	62-50-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U120

Fluoranthene.

Fluoranthene	206-44-0	0.068	3.4

U121

Trichloromonofluoromethane.

Trichloromonofluoromethane	75-69-4	0.020	30

U122

Formaldehyde.

Formaldehyde	50-00-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U123

Formic acid.

Formic acid	64-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U124

Furan.

Furan	110-00-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U125

Furfural.

Furfural	98-01-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U126

Glycidylaldehyde.

Glycidylaldehyde	765-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U127

Hexachlorobenzene.

Hexachlorobenzene	118-74-1	0.055	10

U128

Hexachlorobutadiene.

Hexachlorobutadiene	87-68-3	0.055	5.6

U129

Lindane.

α-BHC	319-84-6	0.00014	0.066
β-BHC	319-85-7	0.00014	0.066
δ-BHC	319-86-8	0.023	0.066
γ-BHC (Lindane)	58-89-9	0.0017	0.066

U130

Hexachlorocyclopentadiene.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4

U131

Hexachloroethane.

Hexachloroethane	67-72-1	0.055	30

U132

Hexachlorophene.

Hexachlorophene	70-30-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U133

Hydrazine.

Hydrazine	302-01-2	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST

U134

Hydrogen fluoride.

Fluoride (measured in wastewaters only)	7664-39-3	35	ADGAS fb NEUTR; or NEUTR

U135

Hydrogen sulfide.

Hydrogen sulfide	7783-06-4	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST

U136

Cacodylic acid.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP

U137

Indeno(1,2,3-cd)pyrene.

Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

U138

Iodomethane.

Iodomethane	74-88-4	0.19	65

U140

Isobutyl alcohol.

Isobutyl alcohol	78-83-1	5.6	170

U141

Isosafrole.

Isosafrole	120-58-1	0.081	2.6

U142

Kepone.

Kepone	143-50-8	0.0011	0.13

U143

Lasiocarpine.

Lasiocarpine	303-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U144

Lead acetate.

Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

U145

Lead phosphate.

Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

U146

Lead subacetate.

Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

U147

Maleic anhydride.

Maleic anhydride	108-31-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U148

Maleic hydrazide.

Maleic hydrazide	123-33-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U149

Malononitrile.

Malononitrile	109-77-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U150

Melphalan.

Melphalan	148-82-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U151

U151 (mercury) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.

Mercury	7439-97-6	NA	RMERC

U151

U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are residues from RMERC only.

Mercury	7439-97-6	NA	0.20 mg/ℓ TCLP

U151

U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are not residues from RMERC only.

Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP

U151

All U151 (mercury) wastewater.

Mercury	7439-97-6	0.15	NA

U151

Elemental Mercury Contaminated with Radioactive Materials.

Mercury	7439-97-6	NA	AMLGM

U152

Methacrylonitrile.

Methacrylonitrile	126-98-7	0.24	84

U153

Methanethiol.

Methanethiol	74-93-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U154

Methanol.

Methanol	67-56-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Methanol; alternate[6] set of standards for both wastewaters and nonwastewaters	67-56-1	5.6	0.75 mg/ℓ TCLP

U155

Methapyrilene.

Methapyrilene	91-80-5	0.081	1.5

U156

Methyl chlorocarbonate.

Methyl chlorocarbonate	79-22-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U157

3-Methylcholanthrene.

3-Methylcholanthrene	56-49-5	0.0055	15

U158

4,4'-Methylene bis(2-chloroaniline).

4,4'-Methylene bis(2-chloroaniline)	101-14-4	0.50	30

U159

Methyl ethyl ketone.

Methyl ethyl ketone	78-93-3	0.28	36

U160

Methyl ethyl ketone peroxide.

Methyl ethyl ketone peroxide	1338-23-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST

U161

Methyl isobutyl ketone.

Methyl isobutyl ketone	108-10-1	0.14	33

U162

Methyl methacrylate.

Methyl methacrylate	80-62-6	0.14	160

U163

N-Methyl-N'-nitro-N-nitrosoguanidine.

N-Methyl-N'-nitro-N-nitrosoguanidine	70-25-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U164

Methylthiouracil.

Methylthiouracil	56-04-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U165

Naphthalene.

Naphthalene	91-20-3	0.059	5.6

U166

1,4-Naphthoquinone.

1,4-Naphthoquinone	130-15-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U167

1-Naphthylamine.

1-Naphthylamine	134-32-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U168

2-Naphthylamine.

2-Naphthylamine	91-59-8	0.52	CMBST

U169

Nitrobenzene.

Nitrobenzene	98-95-3	0.068	14

U170

p-Nitrophenol.

p-Nitrophenol	100-02-7	0.12	29

U171

2-Nitropropane.

2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U172

N-Nitrosodi-n-butylamine.

N-Nitrosodi-n-butylamine	924-16-3	0.40	17

U173

N-Nitrosodiethanolamine.

N-Nitrosodiethanolamine	1116-54-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U174

N-Nitrosodiethylamine.

N-Nitrosodiethylamine	55-18-5	0.40	28

U176

N-Nitroso-N-ethylurea.

N-Nitroso-N-ethylurea	759-73-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U177

N-Nitroso-N-methylurea.

N-Nitroso-N-methylurea	684-93-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U178

N-Nitroso-N-methylurethane.

N-Nitroso-N-methylurethane	615-53-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U179

N-Nitrosopiperidine.

N-Nitrosopiperidine	100-75-4	0.013	35

U180

N-Nitrosopyrrolidine.

N-Nitrosopyrrolidine	930-55-2	0.013	35

U181

5-Nitro-o-toluidine.

5-Nitro-o-toluidine	99-55-8	0.32	28

U182

Paraldehyde.

Paraldehyde	123-63-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U183

Pentachlorobenzene.

Pentachlorobenzene	608-93-5	0.055	10

U184

Pentachloroethane.

Pentachloroethane	76-01-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Pentachloroethane; alternate[6] standards for both wastewaters and nonwastewaters	76-01-7	0.055	6.0

U185

Pentachloronitrobenzene.

Pentachloronitrobenzene	82-68-8	0.055	4.8

U186

1,3-Pentadiene.

1,3-Pentadiene	504-60-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U187

Phenacetin.

Phenacetin	62-44-2	0.081	16

U188

Phenol.

Phenol	108-95-2	0.039	6.2

U189

Phosphorus sulfide.

Phosphorus sulfide	1314-80-3	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST

U190

Phthalic anhydride.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

U191

2-Picoline.

2-Picoline	109-06-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U192

Pronamide.

Pronamide	23950-58-5	0.093	1.5

U193

1,3-Propane sultone.

1,3-Propane sultone	1120-71-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U194

n-Propylamine.

n-Propylamine	107-10-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U196

Pyridine.

Pyridine	110-86-1	0.014	16

U197

p-Benzoquinone.

p-Benzoquinone	106-51-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U200

Reserpine.

Reserpine	50-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U201

Resorcinol.

Resorcinol	108-46-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U203

Safrole.

Safrole	94-59-7	0.081	22

U204

Selenium dioxide.

Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP

U205

Selenium sulfide.

Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP

U206

Streptozotocin.

Streptozotocin	18883-66-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U207

1,2,4,5-Tetrachlorobenzene.

1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14

U208

1,1,1,2-
Tetrachloroethane.

1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0

U209

1,1,2,2-Tetrachloroethane.

1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0

U210

Tetrachloroethylene.

Tetrachloroethylene	127-18-4	0.056	6.0

U211

Carbon tetrachloride.

Carbon tetrachloride	56-23-5	0.057	6.0

U213

Tetrahydrofuran.

Tetrahydrofuran	109-99-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U214

Thallium (I) acetate.

Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL

U215

Thallium (I) carbonate.

Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL

U216

Thallium (I) chloride.

Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL

U217

Thallium (I) nitrate.

Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL

U218

Thioacetamide.

Thioacetamide	62-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U219

Thiourea.

Thiourea	62-56-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U220

Toluene.

Toluene	108-88-3	0.080	10

U221

Toluenediamine.

Toluenediamine	25376-45-8	CARBN; or CMBST	CMBST

U222

o-Toluidine hydrochloride.

o-Toluidine hydrochloride	636-21-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U223

Toluene diisocyanate.

Toluene diisocyanate	26471-62-5	CARBN; or CMBST	CMBST

U225

Bromoform (Tribromomethane).

Bromoform (Tribromomethane)	75-25-2	0.63	15

U226
1,1,1-Trichloroethane.

1,1,1-Trichloroethane	71-55-6	0.054	6.0

U227

1,1,2-Trichloroethane.

1,1,2-Trichloroethane	79-00-5	0.054	6.0

U228

Trichloroethylene.

Trichloroethylene	79-01-6	0.054	6.0

U234
1,3,5-Trinitrobenzene.

1,3,5-Trinitrobenzene	99-35-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U235

tris-(2,3-Dibromopropyl)-phosphate.

tris-(2,3-Dibromopropyl)-phosphate	126-72-7	0.11	0.10

U236

Trypan Blue.

Trypan Blue	72-57-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U237

Uracil mustard.

Uracil mustard	66-75-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U238

Urethane (Ethyl carbamate).

Urethane (Ethyl carbamate)	51-79-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U239

Xylenes.

Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30

U240

2,4-D (2,4-Dichlorophenoxyacetic acid).

2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	0.72	10
2,4-D (2,4-Dichlorophenoxyacetic acid) salts and esters	NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U243

Hexachloropropylene.

Hexachloropropylene	1888-71-7	0.035	30

U244

Thiram.

Thiram	137-26-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U246

Cyanogen bromide.

Cyanogen bromide	506-68-3	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST

U247

Methoxychlor.

Methoxychlor	72-43-5	0.25	0.18

U248

Warfarin, & salts, when present at concentrations of 0.3 percent or less.

Warfarin	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U249

Zinc phosphide, Zn_3P_2, when present at concentrations of 10 percent or less.

Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST

U271

Benomyl.[10]

Benomyl	17804-35-2	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U278

Bendiocarb.[10]

Bendiocarb	22781-23-3	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U279

Carbaryl.[10]

Carbaryl	63-25-2	0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST

U280

Barban.[10]

Barban	101-27-9	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U328

o-Toluidine.

o-Toluidine	95-53-4	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST

U353

p-Toluidine.

p-Toluidine	106-49-0	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST

U359

2-Ethoxyethanol.

2-Ethoxyethanol	110-80-5	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST

U364

Bendiocarb phenol.[10]

Bendiocarb phenol	22961-82-6	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U367

Carbofuran phenol.[10]

Carbofuran phenol	1563-38-8	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U372
Carbendazim.[10]

Carbendazim	10605-21-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U373

Propham.[10]

Propham	122-42-9	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U387

Prosulfocarb.[10]

Prosulfocarb	52888-80-9	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U389

Triallate.[10]

Triallate	2303-17-5	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U394

A2213.[10]

A2213	30558-43-1	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U395

Diethylene glycol, dicarbamate.[10]

Diethylene glycol, dicarbamate	5952-26-1	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U404

Triethylamine.[10]

Triethylamine	121-44-8 ~~101-44-8~~	0.081; or CMBST, CHOXD, BIODG or CARBN	1.5; or CMBST

U409

Thiophanate-methyl.[10]

Thiophanate-methyl	23564-05-8	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U410

Thiodicarb.[10]

Thiodicarb	59669-26-0	0.019; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U411

Propoxur.[10]

Propoxur	114-26-1	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

Notes:

1 The waste descriptions provided in this table do not replace waste descriptions in 35 Ill. Adm. Code 721. Descriptions of Treatment or Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.

2 CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS No. ~~number~~ is given for the parent compound only.

3 Concentration standards for wastewaters are expressed in mg/ℓ and are based on analysis of composite samples.

4 All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in Table C of this Part, "Technology Codes and Descriptions of Technology-Based Standards." "fb" inserted between waste codes denotes "followed by," so that the first-listed treatment is followed by the second-listed treatment. A semicolon (;) separates alternative treatment schemes.

5 Except for Metals (EP or TCLP) and Cyanides (Total and Amenable), the nonwastewater treatment standards expressed as a concentration were established, in part, based on incineration in units operated in accordance with the technical requirements of Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725 or based on combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in Section 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

6 Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment or Regulatory Subcategory or physical form (i.e., wastewater or nonwastewater) specified for that alternate standard.

7 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010C or 9012B, in "Test Methods for Evaluating Solid Waste, Physical or Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a), with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

8 These wastes, when rendered non-hazardous and then subsequently managed in CWA or CWA-equivalent systems, are not subject to treatment standards. (See Section 728.101(c)(3) and (c)(4).)

9 These wastes, when rendered non-hazardous and then subsequently injected in a Class I SDWA well, are not subject to treatment standards. (See 35 Ill. Adm. Code 738.101(d).)

10 The treatment standard for this waste may be satisfied by either meeting the constituent concentrations in the table in this Section or by treating the waste by the specified technologies: combustion, as defined by the technology code CMBST at Table C for nonwastewaters; and biodegradation, as defined by the technology code BIODG; carbon adsorption, as defined by the technology code CARBN; chemical oxidation, as defined by the technology code CHOXD; or combustion, as defined as technology code CMBST, at Table C, for wastewaters.

11 For these wastes, the definition of CMBST is limited to any of the following that have obtained a determination of equivalent treatment under Section 728.142(b): (1) combustion units operating under 35 Ill. Adm. Code 726, (2) combustion units permitted under Subpart O of 35 Ill. Adm. Code 724, or (3) combustion units operating under Subpart O of 35 Ill. Adm. Code 725.

12 Disposal of USEPA hazardous waste number K175 waste that has complied with all applicable Section 728.140 treatment standards must also be macroencapsulated in accordance with Table F of this Part, unless the waste is placed in either of the following types of facilities:

a) A RCRA Subtitle C monofill containing only K175 wastes that meet all applicable 40 CFR 268.40 treatment standards; or

b) A dedicated RCRA Subtitle C landfill cell in which all other wastes being co-disposed are at pH≤6.0.

BOARD NOTE: Derived from table to 40 CFR 268.40 (2015)~~(2011)~~.

NA means not applicable.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standards for Universal Waste Management

2) Code Citation: 35 Ill. Adm. Code 733

3)

Section Numbers:	Proposed Actions:
733.104	Amendment
733.132	Amendment

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

5) A Complete Description of Subjects and Issues Involved: The amendments to Part 733 are a single segment of the docket R16-7 rulemaking that also affects 35 Ill. Adm. Code 703, 720, 721, 722, 724, 725, 726, 727, and 728, each of which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R16-7 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 is stated in the Notice of Adopted Amendments for 35 Ill. Adm. Code 703. 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 733 are corrections and clarifying amendments that are not directly derived from the instant federal amendments.

Tables appear in the Board's opinion and order of March 3, 2016 in docket R16-7 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the March 3, 2016 opinion and order in docket R16-7.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

7) Will this proposed 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

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

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

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R16-7 and be addressed to:

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

Please direct inquiries to the following person and reference docket R16-7:

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 that generate, transport, treat, store, or dispose of hazardous waste. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].

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

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

14) Regulatory Agenda on which this rulemaking was summarized: December 4, 2015; 39 Ill. Reg. 15637-39

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 733
STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

SUBPART A: GENERAL

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

SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

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

SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

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

SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

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

SUBPART E: STANDARDS FOR DESTINATION FACILITIES

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

SUBPART F: IMPORT REQUIREMENTS

Section
733.170 Imports

SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

Section

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

733.180 General
733.181 Factors for Petitions to Include Other Wastes

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

SOURCE: Adopted in R95-20 at 20 Ill. Reg. 11291, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 944, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7650, effective April 15, 1998; amended in R99-15 at 23 Ill. Reg. 9502, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9874, effective June 20, 2000; amended in R05-8 at 29 Ill. Reg. 6058, effective April 13, 2005; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1352, effective December 20, 2006; amended in R16-7 at 40 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 733.104 Applicability: Mercury-Containing Equipment ~~Mercury Thermostats~~

a) Mercury-containing equipment covered under this Part. The requirements of this Part apply to persons managing mercury-containing equipment, as described in Section 733.109, except those listed in subsection (b)~~ of this Section~~.

b) Mercury-containing equipment not covered under this Part. The requirements of this Part do not apply to persons managing the following mercury-containing equipment:

1) Mercury-containing equipment that is not yet waste pursuant to 35 Ill. Adm. Code 721. Subsection (c)~~ of this Section~~ describes when mercury-containing equipment becomes waste;

2) Mercury-containing equipment that is not hazardous waste. Mercury-containing equipment is a hazardous waste if it is a waste (see subsection (b)(1)~~ of this Section~~) and it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721 or is listed in Subpart D of 35 Ill. Adm. Code 721; and

3) Equipment and devices from which the mercury-containing components have been removed.

c) Generation of waste mercury-containing equipment.

1) A used mercury-containing equipment becomes a waste on the date it is discarded.

2) Unused mercury-containing equipment becomes a waste on the date the handler decides to discard it.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

Section 733.132 Notification

a) Written notification of universal waste management.

1) Except as provided in subsections (a)(2) and (a)(3) ~~of this Section~~, a large quantity handler of universal waste must have sent written notification of universal waste management to the Agency, and received a USEPA Identification Number, before meeting or exceeding the 5,000 kilogram storage limit.

2) A large quantity handler of universal waste that has already notified USEPA and ~~or~~ the Agency of its hazardous waste management activities and that has received a USEPA Identification Number is not required to renotify pursuant to this Section.

3) A large quantity handler of universal waste that manages recalled universal waste pesticides, as described in Section 733.103(a)(1), and that has sent notification to USEPA and ~~or~~ the Agency, as required by federal 40 CFR 165, is not required to notify for those recalled universal waste pesticides pursuant to this Section.

b) This notification must include the following:

1) The universal waste handler's name and mailing address;

2) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;

3) The address or physical location of the universal waste management activities;

4) A list of all of the types of universal waste managed by the handler (e.g., batteries, pesticides, mercury-containing equipment, or lamps); and

5) A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time.

BOARD NOTE: At 60 Fed. Reg. 25520-21 (May 11, 1995), USEPA explained that the generator or consolidation point may use USEPA Form 8700-12 for notification of the Agency. (Obtain~~To obtain~~ USEPA Form 8700-12 from ~~call~~ the Agency~~ at 217-782-6761~~.) The generator or consolidation point must notify the Agency and USEPA Region 5 either by submitting USEPA Form 8700-12 or by some other means. USEPA further explained that it is not necessary for the handler to aggregate the amounts of waste at multiple non-contiguous sites for the purposes of the 5,000 kilogram determination.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Regulations Under Illinois Securities Law of 1953

2) Code Citation: 14 Ill. Adm. Code 130

3)

Section Number:	Proposed Action:
130.494	New Section

4) Statutory Authority: Implementing and authorized by the Illinois Securities Law of 1953 [815 ILCS 5]

5) Complete Description of the Subjects and Issues Involved: The rulemaking sets forth requirements for registration and use of internet portals for crowdfunding.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: These rules are based on the Illinois exemption for crowdfunding, which took effect January 1, 2016 [815 ILCS 5/4(T)]. A similar federal rule addressing interstate crowdfunding is published at 17 CFR Parts 200, 232, 239, 240, 249 and 269. Numerous other states have enacted crowdfunding legislation and regulation similar to that proposed in Illinois (e.g., Texas, Wisconsin, Indiana, Washington, Massachusetts).

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

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

9) Does this rulemaking contain incorporations by reference? No

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

Section Numbers:	Proposed Actions:	*Illinois Register* Citations:
130.874	New Section	40 Ill. Reg. 175, January 4, 2016
130.830	New Section	40 Ill. Reg. 329, January 8, 2016
130.493	New Section	40 Ill. Reg. 441, January 15, 2016

11) Statement of Statewide Policy Objective: The proposed amendments do not require expenditures by units of local government.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Texts of the proposed amendments are posted on Secretary of State's web site, http://www.cyberdriveillinois.com/departments/index/register/home.html, as part of

the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Tanya Solov, Director
Illinois Secretary of State, Department of Securities
69 West Washington St., Suite 1220
Chicago IL 60602

tsolov@ilsos.net
mailto:Awilliams3@ilsos.net

The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40]

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Providers of internet portals for crowdfunding

B) Reporting, bookkeeping or other procedures required for compliance: Filings with the Secretary of State as follows: Form IP before use of the internet portal begins, filing an annual renewal, filing amendments to Form IP within 10 days of information on any previous Form IP becoming inaccurate, and filing of Withdrawals of Registration when appropriate.

C) Types of professional skills necessary for compliance: No skills over and above the basic skills required to operate as a crowdfunding portal.

14) Regulatory Agenda on which this Rulemaking was Summarized: This rulemaking was not included on either of the most recent regulatory agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

TITLE 14: COMMERCE
SUBTITLE~~SUBTTITLE~~ A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 130
REGULATIONS UNDER ILLINOIS SECURITIES LAW OF 1953

SUBPART A: RULES OF GENERAL APPLICATION

Section
130.100 Business Hours of the Securities Department
130.101 Computation of Time
130.110 Payment of Fees
130.120 Place of Filing
130.130 Date of Filing
130.135 Registration of Securities under Section 5 or 7 of the Act Utilizing the SRD
130.140 Requirements as to Proper Form
130.141 Additional Information
130.142 Additional Exhibits (Repealed)
130.143 Information Unknown or Not Reasonably Available
130.144 Requirements as to Paper, Printing, and Language
130.145 Number of Copies – Signatures
130.190 Provisions for Granting of Variance from Rules

SUBPART B: DEFINITIONS

Section
130.200 Definitions of Terms Used in the Act and the Rules
130.201 Definition of the Term "Investment Contract", as Used in Section 2.1 of the Act
130.202 Definition of the Term "Fractional Undivided Interest", as Used in Section 2.1 of the Act with Reference to Oil and/or Gas Leases, Rights or Royalties
130.205 Definition of the Term "Issuer" as Used in Section 2.2 of the Act as Applied to Fractional Interests in Oil, Gas and Other Mineral Leases, Rights or Royalties
130.210 Definition of Act Not Constituting a "Sale" or "Offer" as Used in Section 2.5 or 2.5a of the Act
130.211 Definition of Acts Not Constitution an "Offer" of Securities under Section 5, 6, 7 or 8 of the Act
130.212 Definition of Acts Not Constituting an "Offer" Under Section 2.5a of the Act (Testing the Waters)

SECRETARY OF STATE

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130.215	Definition of "Commission From an Underwriter or Dealer Not in Excess of the Usual and Customary Distributors' or Sellers' Commissions", as Used in Section 2.6 of the Act for Certain Transactions
130.216	Definition of "Participates" and "Participation", as Used in Section 2.6 of the Act in Relation to Certain Transactions
130.220	Definition of "Regularly Engaged in Securities Sales Activities", as Used in Section 2.9 of the Act
130.221	Exclusion of Certain Persons from the Definition of Investment Adviser in Section 2.11 of the Act
130.225	Definition of "Investment Fund Shares", as Used in Section 2.15 of the Act in Relation to Certain Issuers
130.233	Definition of the Phrase "Promissory Note or Draft, Bill of Exchange or Bankers' Acceptance" as Used in Section 3(L) of the Act
130.234	Definition, For Certain Purposes, of the Terms "Employee Security-Purchase Plan", "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.N and Section 3.O of the Act (Repealed)
130.235	Definition, For Certain Purposes, of the Terms "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.O of the Act (Repealed)
130.241	Definition of the Term "Institutional Investor" under Sections 4C and 4D of the Act
130.242	Definition of the Term "Financial Institution" under Section 4.C of the Act
130.244	Definition of "Issuer Required to File Reports Pursuant to the Provisions of Section 13 or Section 15(d) of the Federal 1934 Act" with Respect to Certain Foreign Private Issuers and "Reports Required to be Filed at Regular Intervals Pursuant to the Provisions of Section 13 or Section 15(d)", as Used in Section 4(F)(1) of the Act
130.245	Definition of the Terms "Balance Sheet" and "Income Statement", as Used in Section 4.F of the Act
130.246	Definition of the Terms "Residents of this State", "Aggregate Sales Price" and "Sales Made in Reliance Upon the Exemption" Under Section 4.G of the Act and "General Advertising or General Solicitation" Under Sections 4.G, 4.H, 4.M and 4.R of the Act
130.247	Definition of the Term "Public" as Used in Section 4(G)(4) of the Act
130.248	Definition of the Terms "Offers for Sale" and "Solicitation of Offers to Buy", as Used in Section 4.L of the Act
130.250	Definition, For Certain Purposes, of the Terms "Commissions, Remuneration or Discounts", as Used in Section 4 and Section 5 of the Act
130.251	Definition of the Term "Maximum Aggregate Price", as Used in Section 5 of the

Act
130.270 Definition of Certain Persons Not Considered to Be Dealers Under Section 2.7 of the Act
130.280 Definition of the Term "Branch Office" of a Registered Dealer, as Used in Section 8 of the Act
130.281 Definition of the Term "Branch Office" of a Registered Investment Adviser, as Used in Section 8 of the Act
130.282 Definition, For Certain Purposes, of the Term "Officers", as Used in Section 2.9 and Section 8.B.(6) of the Act
130.285 Definition, for Certain Purposes, of the Terms "Inequitable", "Tend to Work a Fraud or Deceit", "Inequitable Practice in the Sale of Securities", and "Fraudulent Business Practices", as Used in Section 8 and Section 11 of the Act
130.291 Definition of the Terms "Fraudulent" and "Work or Tend to Work a Fraud or Deceit" as Used in Sections 11.E and 12.F of the Act for purposes of the Payment of Completion Costs in Connection with the Offer or Sale of Securities involving an Oil, Gas or Other Mineral Lease, Right or Royalty

SUBPART C: FEDERAL COVERED SECURITIES AND TRANSACTIONS

Section
130.293 Issuers of Covered Securities Required to File Notifications and Pay Fees and the Refusal to File Notifications or Pay Fees
130.370 Automated Quotation System Deemed to Have Substantially Equivalent Standards for Designation as Required By One or More Exchanges Set Forth in Section 3(G) of the Act (Repealed)

SUBPART D: EXEMPT TRANSACTIONS

Section
130.420 Uniform Limited Offering Exemption Pursuant to Section 4.D of the Act
130.436 Procedures for Applying for Trading Authorization Pursuant to Section 4(F)(2) of the Act
130.440 Procedures for Filing Reports of Sale under Section 4.G of the Act
130.441 Calculation of Number of Persons Under Section 4.G or 4.M of the Act
130.442 Report of Sale of Securities pursuant to Section 4.G of the Act
130.490 Procedures for Filing Reports of Sale under Section 4.P of the Act
130.491 Report of Sale of Securities Pursuant to Section 4(P) of the Act
130.492 Exemption from Registration for Certain Canadian Broker-Dealers and Agents and for Transactions Effected by Certain Canadian Broker-Dealers

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

130.494 Crowdfunding Pursuant to Section 4.T of the Act – Internet Portals

SUBPART E: REGISTRATION OF SECURITIES

Section
130.501 Title of Securities
130.502 Financial Statement Requirements
130.503 Disclaimer of Control
130.505 Formal Requirements as to Consents
130.506 Consents Required in Special Cases
130.507 Application to Dispense with Consent
130.508 Consent to Use of Material Incorporated by Reference
130.510 Procedures for Registration of Securities by Coordination under Section 5.A of the Act
130.520 Procedures for Registration of Securities by Qualification under Section 5.B of the Act
130.525 Procedures for Registration of Securities by Qualification under Section 5.B(7) of the Act, Small Company Offering Registration ("SCOR") on Form U-7
130.530 Renewal of Registration of Securities Under Section 5.E of the Act
130.531 Computation of Fees
130.532 Registration of Additional Securities Pursuant to Section 5(C)(2) of the Act
130.533 Formal Requirements for Amendments Under Section 5 of the Act
130.534 Powers to Amend or Withdraw Registration Statement
130.535 Signatures of Amendments
130.536 Delaying Amendments
130.538 Withdrawal of Registration Statement, Amendment or Exhibit Filed Under the Federal 1933 Act
130.540 Procedure with Respect to Abandoning Registration Statements, Applications for Trading Authorization and Post-Effective Amendments
130.550 Additional Fees Under Section 5 of the Act
130.570 Legibility of Prospectuses
130.571 Presentation of Information in Prospectuses
130.572 Summaries or Outlines of Documents
130.573 Preparation of Application for Registration
130.574 Incorporation of Certain Information by Reference
130.575 Form of and Limitation Upon Incorporation by Reference
130.576 Statement Required in Prospectuses
130.577 Prospectuses Supplementing Preliminary, Material Supplied Previously
130.578 Application of Amendments to this Part Governing Contents of Prospectuses

130.581 Statement as to Stabilizing Required in Prospectuses Filed Under Section 5.B of the Act
130.582 Contents of Prospectuses When Two or More Registrations Are in Effect Under Section 5.B of the Act
130.590 Identifying Statements
130.591 Requirements as to Appraisals
130.592 Omission of Substantially Identical Documents
130.593 Incorporation of Exhibits by Reference

SUBPART F: FACE AMOUNT CERTIFICATE CONTRACTS

Section
130.600 Preamble
130.610 Procedures for Registration of Face Amount Certificate Contracts by Coordination under Section 6.A of the Act
130.630 Renewal of Registration of Face Amount Certificate Contracts Under Section 6.F of the Act
130.650 Additional Fees Under Section 6 of the Act

SUBPART G: INVESTMENT FUND SHARES

Section
130.700 Preamble
130.701 Title of Investment Fund Shares Registered Under Section 5 or 7 of the Act
130.710 Procedures for Registration of Investment Fund Shares by Coordination under Section 7.A of the Act
130.715 Amendatory Statement for the Registration of Additional Class or Classes or the Reporting of a Change in Organization or Operations Pursuant to Section 7(D) of the Act
130.730 Renewal of Registration of Investment Fund Shares Under Section 7(G) of the Act
130.750 Additional Fees Under Section 7 of the Act
130.771 Acts Which "Work or Tend to Work a Fraud or Deceit", in Connection with Offers, Sales or Dispositions of Investment Fund Shares

SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS, INVESTMENT ADVISERS AND INVESTMENT ADVISER REPRESENTATIVES

Section

NOTICE OF PROPOSED AMENDMENT

130.805	Exemptions From Registration as an Investment Adviser Under Section 8.A of the Act
130.806	Acts Not Requiring a Notification Filing of a Federal Covered Investment Adviser or Registration as an Investment Adviser or Investment Adviser Representative Under Section 8 of the Act
130.810	Procedures for Registration as a Dealer Under Section 8.B of the Act
130.811	Procedures for Perfecting an Investment Adviser Exemption under Section 2.11(6) of the Act (Repealed)
130.820	Procedures for Renewal and Withdrawal from Registration as a Dealer
130.821	Reporting of Dealer Branch Office Locations and Required Fees
130.822	Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge of Each Principal Under Section 8.B(9)(a) of the Act Prior to Registration as a Dealer
130.823	Procedure for Requesting Waiver of Dealer, Salesperson, Investment Adviser, Investment Adviser Representative, or Principal Examination Requirements
130.824	Financial Statements to be Filed by a Registered Dealer
130.825	Records Required of Dealers and Customer Fees
130.826	Registered Dealer Net Capital Requirements
130.827	Confirmations
130.828	Notice of Materially Adverse Financial Condition Required to Be Filed With the Securities Department By a Registered Dealer
130.829	Investor Protection Requirement of a Dealer Registered Under Section 8 of the Act
130.832	Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge Under Section 8.C(7) of the Act for Registration as a Salesperson
130.836	Hardship Exemption
130.837	Transition to Electronic Filing
130.838	Procedures for Federal Covered Investment Adviser Notification Filing and Fees Under Section 8.C-5 of the Act
130.839	Procedures for Registration as an Investment Adviser Representative Under Section 8.D-5 of the Act
130.840	Procedures for Registration as an Investment Adviser Under Section 8.D of the Act
130.841	Reporting of Investment Adviser Branch Office Locations and Required Fees
130.842	Examinations and Education Programs Deemed Satisfactory for Purposes of Determining Sufficient Knowledge for Each Principal Under Section 8.D.(9) of the Act Prior to Registration as an Investment Adviser
130.843	Examination and Education Program Requirements for Registration as an Investment Adviser Representative Under Section 8.D-5 of the Act

130.844 Statement of Financial Condition to Be Filed By a Registered Investment Adviser Which Retains Custody of Client's Cash or Securities or Accepts Pre-Payment of Fees in Excess of $500.00 Per Client and Six (6) or More Months in Advance and Interim Financial Statements
130.845 Records Required of Investment Advisers
130.846 Written Disclosure Statements of a Registered Investment Adviser
130.847 Financial and Disciplinary Information That Investment Advisers Must Disclose to Clients
130.848 Advertisements by Investment Advisers
130.849 Consumer Information Privacy Provisions
130.850 Account Transactions
130.851 Commission, Profit or Other Compensation
130.852 Compensation
130.853 Account Transactions
130.854 Use of the Term "Investment Counsel"
130.855 Use of Senior Certifications and Professional Designations
130.860 Additional Fees Under Section 8 of the Act
130.872 Procedures with Respect to Abandoned Dealer Applications
130.873 Procedures with Respect to Abandoned Investment Adviser Applications

SUBPART J: SERVICE OF PROCESS

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130.1001 Service of Process upon the Secretary of State

SUBPART K: PROCEDURES FOR ADMINISTRATIVE HEARINGS

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130.1100 Preamble
130.1101 Qualifications and Duties of the Hearing Officer
130.1102 Notice of Hearing
130.1103 Institution of a Contested Case by the Securities Department
130.1104 Requirement to File an Answer
130.1105 Amendment or Withdrawal of the Notice of Hearing
130.1106 Representation
130.1107 Special Appearance (Repealed)
130.1108 Substitution of Parties
130.1109 Failure to Appear
130.1110 Motions

130.1111 Requirements Relating to Continuances
130.1112 Rules of Evidence
130.1113 Form of Papers
130.1114 Bill of Particulars (Repealed)
130.1115 Discovery
130.1116 Examination of Witnesses
130.1117 Subpoenas
130.1118 Pre-Hearing Conferences
130.1119 Record of a Pre-Hearing Conference
130.1120 Hearings
130.1121 Record of Proceedings
130.1122 Record of Hearing
130.1123 Orders
130.1124 Burden of Proof
130.1125 Stipulations
130.1126 Open Hearings
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130.1128 Imposition of Fines
130.1129 Application for Hearing to Present Newly Discovered Evidence
130.1130 Failure to Comply With Order or Rules
130.1131 Application to Vacate an Order Issued Due to Default
130.1132 Disqualification of a Hearing Officer

SUBPART O: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section
130.1520 Request for Non-Binding Statements

SUBPART P: SAVINGS PROVISIONS

Section
130.1661 Investors Syndicate of America, Inc.
130.1662 State Bond and Mortgage Company

SUBPART Q: PUBLIC INFORMATION

Section
130.1701 Inspection of Applications
130.1702 Inspection of Dealer, Salesperson and Investment Adviser Records

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

130.1703 Non-Public Distribution of Information

130.APPENDIX A Uniform Consent to Service of Process
130.APPENDIX B Uniform Application to Register Securities
130.APPENDIX C Uniform Application for Broker-Dealer Registration
130.APPENDIX D Subordinated Loan Agreement for Equity Capital

AUTHORITY: Implementing and authorized by the Illinois Securities Law of 1953 [815 ILCS 5].

SOURCE: Filed February 23, 1977, effective March 5, 1977; amended at 5 Ill. Reg. 9139, effective August 27, 1981; amended at 6 Ill. Reg. 6455, effective May 19, 1982; codified at 6 Ill. Reg. 12674; emergency amendment at 7 Ill. Reg. 17427, effective December 31, 1983, for a maximum of 150 days; emergency expired May 31, 1984; emergency amendment at 8 Ill. Reg. 1476, effective January 18, 1984, for a maximum of 150 days; emergency expired June 17, 1984; emergency repealer at 8 Ill. Reg. 3803, effective March 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13419, effective July 12, 1984; amended at 8 Ill. Reg. 13840, effective July 19, 1984; emergency amendment at 8 Ill. Reg. 13889, effective July 20, 1984, for a maximum of 150 days; emergency expired December 17, 1984; amended at 9 Ill. Reg. 208, effective December 20, 1984; emergency amendment at 10 Ill. Reg. 393, effective January 1, 1986, for a maximum of 150 days; emergency expired May 30, 1986; amended at 10 Ill. Reg. 10753, effective June 3, 1986; recodified at 10 Ill. Reg. 19554; emergency amendment at 13 Ill. Reg. 11017, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 14 Ill. Reg. 884, effective December 30, 1989; amended at 14 Ill. Reg. 5188, effective March 26, 1990; emergency amendment at 15 Ill. Reg. 14303, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6000, effective March 27, 1992; amended at 20 Ill. Reg. 14185, effective October 21, 1996; amended at 21 Ill. Reg. 7523, effective May 23, 1997; amended at 21 Ill. Reg. 7770, effective May 23, 1997; amended at 21 Ill. Reg. 8415, effective June 20, 1997; emergency amendment at 21 Ill. Reg. 9828, effective July 8, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15892, effective December 1, 1997; amended at 22 Ill. Reg. 1933, effective January 1, 1998; emergency amendment at 24 Ill. Reg. 341, effective December 31, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 7401, effective May 1, 2000; emergency amendment at 25 Ill. Reg. 973, effective January 1, 2001, for a maximum of 150 days; emergency expired May 30, 2001; amended at 25 Ill. Reg. 8817, effective July 6, 2001; amended at 26 Ill. Reg. 14843, effective September 30, 2002; amended at 27 Ill. Reg. 9490, effective June 9, 2003; emergency amendment at 29 Ill. Reg. 15087, effective September 23, 2005, for a maximum of 150 days; emergency expired February 19, 2006; emergency amendment at 30 Ill. Reg. 13009, effective July 11, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18211, effective October 31, 2006; amended at 33 Ill. Reg.

12817, effective September 8, 2009; amended at 34 Ill. Reg. 17783, effective November 3, 2010; emergency amendment at 35 Ill. Reg. 4781, effective March 10, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 12810, effective July 14, 2011; amended at 36 Ill. Reg. 2852, effective February 8, 2012; amended at 40 Ill. Reg. 391, effective December 22, 2015; amended at 40 Ill. Reg. _____, effective _____.

SUBPART D: EXEMPT TRANSACTIONS

Section 130.494 Crowdfunding Pursuant to Section 4.T of the Act – Internet Portals

a) Internet Portals. Internet portals serving as platforms for crowdfunding activity as described in Section 4.T of the Act must be registered with the Secretary of State.

1) Filing Requirements, Forms and Fees

A) Internet portals shall file Form IP with the Secretary of State in accordance with the instructions on the form. The registration shall be effective for one year.

B) The Form IP, including a renewal application or amended form, shall be accompanied by all relevant documentation required by the form and a filing fee of $300, as required by Section 18.1 of the Act.

C) Annual renewal applications shall be filed within 30 days prior to the expiration of the one year registration period by filing Form IP.

D) Amendments or modifications to Form IP shall be filed within 10 days after any information previously submitted on Form IP becoming inaccurate.

E) Withdrawals of registration shall be filed promptly on Form IP-W, in accordance with the instructions on the form, upon ceasing to operate as a funding portal. Withdrawal will be effective on the later of 30 days after receipt of Form IP-W by the Secretary of State (after the internet portal is no longer operational), or by a later date to which the internet portal consents, or by a later date the Secretary of State, by order, may determine based on the public interest or the protection of investors. If a Secretary of State

proceeding is pending pursuant to Section 11 of the Act when the application is filed or a proceeding is instituted within 30 days after the application is filed, withdrawal becomes effective at that time and upon such conditions as the Secretary of State, by order, determines. The Secretary of State may deny the withdrawal application if the internet portal's registration is revoked or canceled by the Secretary of State.

2) The internet portal shall make and preserve the records listed in this subsection (a)(2) for 5 years, the first 2 years in an easily accessible place.

A) Records that shall be maintained are:

i) All records related to any investor who purchases or attempts to purchase securities through the internet portal;

ii) All records related to issuers who offer and sell or attempt to offer and sell securities through the internet portal and the control persons of those issuers;

iii) Records of all communications that occur on or through the internet portal's platform;

iv) All records required to demonstrate compliance with the Act and this Section;

v) All notices provided to issuers and investors through the platform or otherwise;

vi) All written agreements (or copies of those agreements) entered into by the registrant relating to its business as an internet portal;

vii) Summaries of transactions effected through the internet portal;

viii) A log reflecting the progress of each issuer offering, including total dollar amounts raised toward meeting the target offering amount;

ix) Organizational documents and such other documents as are relevant to the business of the internet portal.

B) The records required pursuant to this subsection (a)(2) may be prepared and maintained by a third party on behalf of the internet portal.

3) Communication Channels. An internet portal must provide on its platform communication channels by which persons can communicate with one another and with representatives of the issuer about offerings made available on the internet portal's platform, provided:

A) The internet portal does not participate in these communications other than to establish guidelines for communication and remove abusive or potentially fraudulent communications;

B) The internet portal permits public access to view the discussions made in the communication channels;

C) The internet portal restricts posting of comments in the communication channels to those persons who have opened an account with the internet portal on its platform; and

D) The internet portal requires that any person posting a comment in the communication channels clearly and prominently disclose with each posting his or her full name and whether he or she is a founder or an employee of an issuer engaging in promotional activities on behalf of the issuer, or is otherwise compensated, whether in the past or prospectively, to promote the issuer's offering.

4) Notice of Investment Commitment. An internet portal must promptly, upon receipt of an investment commitment from an investor, give or send to the investor a notification disclosing:

A) the dollar amount of the commitment;

B) the price and amount of the securities, if known;

C) the name of the issuer; and

D) the date and time by which the investor may cancel the investment commitment.

5) Confirmation of Transaction. An internet portal must, at or before the completion of a transaction in a security in reliance on Section 4.T of the Act, provide to each investor a notification disclosing:

A) the date of the transaction;

B) the type of security the investor is purchasing;

C) the identity, price and number of securities purchased by the investor;

D) the number of securities sold by the issuer in the transaction and the prices at which the securities were sold;

E) if a debt security, the interest rate and the yield to maturity calculated from the price paid and the maturity date;

F) if a callable security, the first date the security can be called by the issuer; and

G) the source, form and amount of any remuneration received or to be received by the internet portal in connection with the transaction, including any remuneration received or to be received by the intermediary from persons other than the issuer.

b) Payments to Third Parties. An internet portal may not compensate any person for providing the internet portal with the personally identifiable information of any investor or potential investor in securities offered or sold in reliance on Section 4.T of the Act.

(Source: Added at 40 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED RULES

1) Heading of the Part: Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material

2) Code Citation: 32 Ill. Adm. Code 337

3)

Section Numbers:	Adopted Actions:
337.10	New Section
337.20	New Section
337.30	New Section
337.40	New Section
337.50	New Section
337.1010	New Section
337.1020	New Section
337.1030	New Section
337.1040	New Section
337.1050	New Section
337.1060	New Section
337.1070	New Section
337.2010	New Section
337.2020	New Section
337.2030	New Section
337.2040	New Section
337.2050	New Section
337.2060	New Section
337.2070	New Section
337.2080	New Section
337.2090	New Section
337.3010	New Section
337.3020	New Section
337.3030	New Section
337.3040	New Section
337.3050	New Section
337.3060	New Section
337.5010	New Section
337.5020	New Section
337.6010	New Section
337.APPENDIX A	New Section

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED RULES

4) Statutory Authority: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10]

5) Effective Date of Rules: February 26, 2016

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*: 40 Ill. Reg. 1; January 4, 2016

10) Has JCAR issued a Statement of Objection to this Rulemaking? No

11) Differences between Proposal and Final Version:

1. In Section 337.40, deleted definition of "Atomic Energy Act of 1954"
2. In Section 337.40, deleted and restored "quantities" back to "quantity"
3. In Section 337.50, deleted "quantities of radioactive"
4. In Section 337.50(d), delete "coordinating" and "(See Section 337.2030)"
5. In Section 337.1010 (a)(2), deleted and restored "quantities" back to "quantity"
6. In Section 337.1020 (b)(2), deleted "(b)" and added "(e)"
7. In Section 337.1020(g)(2), deleted and restored "entity" back to "agency"
8. In Section 337.1040 (b)(1), restored "to category 1 or category 2 quantities of radioactive material"
9. In Section 337.1050 (12), added "and"
10. In Section 337.1050 (13), restored "to category 1 or category 2 quantities of radioactive material".
11. In Section 337.1050, deleted #14
12. In Section 337.1050(b), added "as amended"
13. In Section 337.1050(b), deleted "5" and added "3"
14. In Section 337.1050(b), restored "to category 1 or category 2 quantities of radioactive material"
15. In Section 337.1060(b), restored "to category 1 or category 2 quantities of radioactive material"

16. In Section 337.1060(e), deleted "5" and added "3" and restored "to category 1 or category 2 quantities of radioactive material"
17. In Section 337.1070(a), deleted and restored "and no less than annually" back to "not to exceed 12 months".
18. In Section 337.1070(c), deleted "5" and added "3"
19. In Section 337.2020(c)(3)(A), deleted "(1)"
20. In Section 337.3010(a) deleted "or category 2"
21. In Section 337.3050(b)(1)(A), deleted "sabotage" and added "loss"
22. In Section 337.3060(c), deleted "sabotage", deleted "Immediately", added "As soon as possible"
23. In Section 337.3060(d), deleted "sabotage"
24. In Section 337.3060(g), added "loss"
25. Several grammatical and stylistic changes were made.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable.

13) Will these rules replace any 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 proposing this new regulation regarding the Physical Protection of Byproduct Material for compatibility with the U.S. Nuclear Regulatory Commission's (USNRC) changes to 10 CFR Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, 51, 71 and 73 pursuant to RATS ID 2013-1 (78 FR 16922, published March 19, 2013) and 2015-2 (78 FR 58664, published September 30, 2014: 80 FR 3865, confirmation effective date published January 26, 2015). In the aftermath of 9/11, the USNRC and the Agency issued a combination of legally binding orders and license amendments to radioactive material licensees to ensure that radioactive materials were protected from criminal activities that might represent a higher threat level than previously anticipated. This new regulation codifies these previous measures and formally establishes security requirements for licensees that use and/or transport category 1 and 2 quantities of radioactive material. The loss of control, theft or diversion of these quantities of radioactive material could result in significant adverse impacts constituting a threat to the public health and safety and the environment. Existing licensees subject to the additional security requirements of this proposed regulation will be required to comply on the effective date of this rulemaking.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED RULES

Section 31 of the Radiation Protection Act of 1990 [420 ILCS 40/31] provides that the Agency is exempt from rulemaking procedures in the Illinois Administrative Procedure Act when regulations that are identical in substance are necessary to implement, secure, or maintain federal authorization for a program. After consideration of comments from the appropriate federal agency, the Agency may adopt the verbatim text of the laws, regulations, or orders as necessary and appropriate for authorization or maintenance of the program. The USNRC has reviewed the proposed regulation and has provided comments to the Agency and changes have been incorporated where necessary. Because this rulemaking is not subject to the Illinois Administrative Procedure Act, and in accordance with Section 31, this rulemaking will become effective following the first notice period immediately upon filing for adoption with the Secretary of State or at a date required or authorized by the relevant federal laws, regulations, or orders as stated in the notice of the rulemaking, and shall be published in the *Illinois Register*.

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

217/785-9860

The full text of the Adopted Rules begins on the next page:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED RULES

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 337
PHYSICAL PROTECTION OF CATEGORY 1 AND CATEGORY 2
QUANTITIES OF RADIOACTIVE MATERIAL

SUBPART A: GENERAL INFORMATION

Section
337.10 Purpose
337.20 Scope
337.30 Incorporations by Reference
337.40 Definitions
337.50 Specific Exemptions

SUBPART B: BACKGROUND INVESTIGATIONS AND
ACCESS CONTROL PROGRAM

Section
337.1010 Personnel Access Authorization Requirements for Category 1 or Category 2 Quantities of Radioactive Material
337.1020 Access Authorization Program Requirements
337.1030 Background Investigations
337.1040 Requirements for Criminal History Records Checks of Individuals Granted Unescorted Access to Category 1 or Category 2 Quantities of Radioactive Material
337.1050 Relief from Fingerprinting, Identification, and Criminal History Records Checks and Other Elements of Background Investigations for Designated Categories of Individuals Permitted Unescorted Access to Certain Radioactive Materials
337.1060 Protection of Information
337.1070 Access Authorization Program Review

SUBPART C: PHYSICAL PROTECTION REQUIREMENTS DURING USE

Section
337.2010 Security Program
337.2020 General Security Program Requirements

337.2030 LLEA Coordination
337.2040 Security Zones
337.2050 Monitoring, Detection and Assessment
337.2060 Maintenance and Testing
337.2070 Requirements for Mobile Devices
337.2080 Security Program Review
337.2090 Reporting of Events

SUBPART D: PHYSICAL PROTECTION IN TRANSIT

Section
337.3010 Additional Requirements for Transfer of Category 1 and Category 2 Quantities of Radioactive Material
337.3020 Applicability of Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material During Transit
337.3030 Preplanning and Coordination of Shipment of Category 1 or Category 2 Quantities of Radioactive Material
337.3040 Advance Notification of Shipment of Category 1 Quantities of Radioactive Material
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SUBPART E: RECORDS

Section
337.5010 Form of Records
337.5020 Record Retention

SUBPART F: ENFORCEMENT

Section
337.6010 Resolution of Conflicting Requirements During Transition Period

337.Appendix A Category 1 and Category 2 Radioactive Materials

AUTHORITY: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10].

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED RULES

SOURCE: Adopted at 40 Ill. Reg. 4850, effective February 26, 2016.

SUBPART A: GENERAL INFORMATION

Section 337.10 Purpose

This Part contains the requirements for the physical protection program for any licensee that possesses an aggregated category 1 or category 2 quantity of radioactive material listed in Appendix A. These requirements provide reasonable assurance of the security of category 1 or category 2 quantities of radioactive material by protecting these materials from theft, sabotage or diversion. Specific requirements for access, use, transfer and transport of material are included. No provision of this Part authorizes possession of licensed material. The requirements in this Part are in addition to, and not in substitution for, other requirements in 32 Ill. Adm. Code: Chapter II, Subchapters b and d. All applicants for a license and existing licensees are subject to this Part, unless specifically exempted.

Section 337.20 Scope

a) Subparts B and C apply to any person who possesses or uses at any site an aggregated category 1 or category 2 quantity of radioactive material.

b) Subpart D applies to any person who:

1) Transports or delivers a category 1 or category 2 quantity of radioactive material to a carrier for transport in a single shipment; or

2) Imports or exports a category 1 or category 2 quantity of radioactive material.

AGENCY NOTE: The provisions of this Part only apply to the domestic portion of the transport.

c) Each licensee is responsible for ensuring that persons performing activities under a radioactive material license issued by IEMA comply with 32 Ill. Adm. Code: Chapter II, Subchapters b and d, conditions of the license and any orders issued by IEMA.

Section 337.30 Incorporations by Reference

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED RULES

All rules, standards and guidelines of agencies of the United States or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified in the reference and do not include any later amendments or additions. Copies of rules, standards or guidelines that have been incorporated by reference are available for public inspection and copying at IEMA, 1035 Outer Park Drive, Springfield, Illinois.

Section 337.40 Definitions

As used in this part:

"Access control" means a system for allowing only approved individuals to have unescorted access to the security zone and for ensuring that all other individuals are subject to escorted access.

"Aggregated" means accessible by the breach of a single physical barrier that would allow access to radioactive material in any form, including any devices that contain the radioactive material, when the total activity equals or exceeds a category 2 quantity of radioactive material.

"Approved individual" means an individual whom the licensee has determined to be trustworthy and reliable for unescorted access in accordance with Subpart B and who has completed the training required by Section 337.2020(c). This does not mean the individual has met the requirements to be an approved authorized user of radioactive material.

"Background investigation" means the investigation required by Section 337.1030 and conducted by a licensee or applicant for a license to support the determination of trustworthiness and reliability.

"Carrier" means a person engaged in the transportation of passengers or property by land or water as a common, contract or private carrier, or by civil aircraft.

"Category 1 quantity of radioactive material" means a quantity of radioactive material meeting or exceeding the category 1 threshold in Table 1 of Appendix A. This is determined by calculating the ratio of the total activity of each radionuclide to the category 1 threshold for that radionuclide and adding the ratios together. If the sum is equal to or exceeds 1, the quantity would be considered a category 1 quantity. Category 1 quantities of radioactive material do not include

the radioactive material contained in any fuel assembly, subassembly, fuel rod or fuel pellet.

"Category 2 quantity of radioactive material" means a quantity of radioactive material meeting or exceeding the category 2 threshold but less than the category 1 threshold in Table 1 of Appendix A. This is determined by calculating the ratio of the total activity of each radionuclide to the category 2 threshold for that radionuclide and adding the ratios together. If the sum is equal to or exceeds 1, the quantity would be considered a category 2 quantity. Category 2 quantities of radioactive material do not include the radioactive material contained in any fuel assembly, subassembly, fuel rod or fuel pellet.

"Diversion" means the unauthorized movement of radioactive material subject to this Part to a location different from the material's authorized destination inside or outside of the site that the material is used or stored.

"Escorted access" means accompaniment while in a security zone by an approved individual who maintains continuous direct visual surveillance at all times over an individual who is not approved for unescorted access.

"FBI" means the Federal Bureau of Investigation.

"Fingerprint Orders" means the orders issued by the U.S. Nuclear Regulatory Commission or the legally binding requirements issued by Agreement States that require fingerprints and criminal history records checks for individuals with unescorted access to category 1 and category 2 quantities of radioactive material or safeguards information-modified handling.

"IEMA" means the Illinois Emergency Management Agency.

"License issuing authority" means the licensing agency that issued the license (i.e., the U.S. Nuclear Regulatory Commission, the Illinois Emergency Management Agency or the appropriate agency of another Agreement State).

"Local law enforcement agency" or "LLEA" means a public or private organization that has been approved by a federal, state or local government to carry firearms and make arrests. The LLEA is authorized and has the capability to provide an armed response in the jurisdiction where the licensed category 1 or category 2 quantity of radioactive material is used, stored or transported.

"Mobile device" means a piece of equipment containing licensed radioactive material that is either mounted on wheels or casters, or otherwise equipped for moving without a need for disassembly or dismounting, or designed to be hand carried. Mobile devices do not include stationary equipment installed in a fixed location.

"Movement control center" means an operations center that is remote from transport activity and maintains position information on the movement of radioactive material, receives reports of attempted attacks or thefts, provides a means for reporting these and other problems to appropriate agencies, and requests and coordinates appropriate aid.

"No-later-than arrival time" means the date and time that the shipping licensee and receiving licensee have established as the time that an investigation will be initiated if the shipment has not arrived at the receiving facility. The no-later-than arrival time may not be more than 6 hours after the estimated arrival time for shipments of category 2 quantities of radioactive material.

"Reviewing official" means the individual who shall make the trustworthiness and reliability determination of an individual to determine whether the individual may have, or continue to have, unescorted access to the category 1 or category 2 quantities of radioactive materials that are possessed by the licensee. The Reviewing Official may have unescorted access to category 1 or category 2 quantities of radioactive material only if their job duties require unescorted access to category 1 or category 2 quantities of radioactive material. If the job duties require access to the material, the reviewing official shall also meet the training requirements for use of that radioactive material.

"Sabotage" means deliberate damage, with malevolent intent, to a category 1 or category 2 quantity of radioactive material, a device that contains a category 1 or category 2 quantity of radioactive material or the components of the security system.

"Safeguards Information" means information not classified as National Security Information or Restricted Data, which specifically identifies a licensee's or applicant's detailed control and accounting procedures for the physical protection of special nuclear material in quantities determined by the Commission through order or regulation to be significant to the public health and safety or the common

defense and security; detailed security measures (including security plans, procedures and equipment) for the physical protection of source, byproduct or special nuclear material in quantities determined by NRC through order or regulation to be significant to the public health and safety or the common defense and security; security measures for the physical protection of and location of certain plant equipment vital to the safety of production or utilization facilities; and any other information within the scope of Section 147 of the Atomic Energy Act of 1954, as amended, the unauthorized disclosure of which, as determined by the Commission through order or regulation, could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of sabotage or theft or diversion of source, byproduct or special nuclear material.

"Safeguards Information - Modified Handling" is the designation or marking applied to Safeguards Information which the Commission has determined requires handling requirements modified from the specific Safeguards Information handling requirements that are applicable to Safeguards Information needing a higher level of protection.

"Safe haven" means a readily recognizable and readily accessible site that security is present or that, in the event of an emergency, the transport crew can notify and wait for the local law enforcement authorities.

"Security zone" means any temporary or permanent area determined and established by the licensee for the physical protection of category 1 or category 2 quantities of radioactive material.

"Telemetric position monitoring system" means a data transfer system that captures information by instrumentation and/or measuring devices about the location and status of a transport vehicle or package between the departure and destination locations.

"Trustworthiness and reliability" are characteristics of an individual considered dependable in judgment, character and performance, such that unescorted access to category 1 or category 2 quantities of radioactive material by that individual does not constitute an unreasonable risk to the public health and safety or security. A determination of trustworthiness and reliability for this purpose is based upon the results from a background investigation and certification by the Reviewing Official.

"Unescorted access" means solitary access to an aggregated category 1 or category 2 quantity of radioactive material or the devices that contain the material.

Section 337.50 Specific Exemptions

A licensee that possesses radioactive waste that contains category 1 or category 2 quantities of radioactive material is exempt from the requirements of Subparts B, C and D. Except that any radioactive waste that contains discrete sources, ion-exchange resins or activated material that weighs less than 2,000 kg (4,409 lbs) is not exempt from the requirements. The licensee shall implement the following requirements to secure the radioactive waste:

a) Use continuous physical barriers that allow access to the radioactive waste only through established access control points;

b) Use a locked door or gate with monitored alarm at the access control point;

c) Assess and respond to each actual or attempted unauthorized access to determine whether an actual or attempted theft, sabotage or diversion occurred; and

d) Immediately notify the LLEA and request an armed response from the LLEA upon determination that there was an actual or attempted theft, sabotage or diversion of the radioactive waste that contains category 1 or category 2 quantities of radioactive material. Immediately after initiating a response, but not at the expense of causing delay or interfering with the LLEA response to the event, the licensee shall notify IEMA at (217)782-7860 or (800)782-7860. In no case shall the notification to IEMA be later than 1 hour after the discovery of any attempted or actual theft, sabotage or diversion.

SUBPART B: BACKGROUND INVESTIGATIONS AND ACCESS CONTROL PROGRAM

Section 337.1010 Personnel Access Authorization Requirements for Category 1 or Category 2 Quantities of Radioactive Material

a) General.

1) Each licensee that possesses an aggregated quantity of radioactive material at or above the category 2 threshold shall establish, implement and maintain its access authorization program in accordance with the requirements of this Subpart.

2) An applicant for a new license and each licensee that would become newly subject to the requirements of this Subpart upon application for modification of its license shall implement the requirements of this Subpart, as appropriate, before taking possession of an aggregated category 1 or category 2 quantity of radioactive material.

3) Any licensee that has not previously implemented the security orders, legally binding requirements of the Agreement States or been subject to the provisions of this subpart B shall implement the provisions of this subpart B before aggregating radioactive material to a quantity that equals or exceeds the category 2 threshold.

AGENCY NOTE: Security orders refers to any order that was issued by the NRC or an amendment to a license issue by IEMA that required fingerprints and an FBI criminal history records check for access to safeguards information, safeguards information-modified handling, or risk significant material.

b) General performance objective.
The licensee's access authorization program shall ensure that the individuals specified in subsection (c)(1) are trustworthy and reliable.

c) Applicability.

1) Licensees shall subject the following individuals to an access authorization program:

A) Any individual whose assigned duties require unescorted access to category 1 or category 2 quantities of radioactive material or to any device that contains the radioactive material; and

B) Reviewing officials.

2) Licensees need not subject the categories of individuals listed in Section 337.1050(a)(1) through (13) to the investigation elements of the access authorization program identified in Section 337.1030.

3) Licensees shall approve for unescorted access to category 1 or category 2 quantities of radioactive material only those individuals with job duties that require unescorted access to category 1 or category 2 quantities of radioactive material.

Section 337.1020 Access Authorization Program Requirements

a) Granting unescorted access authorization.

1) Licensees shall implement the requirements of this Subpart for granting initial or reinstated unescorted access authorization.

2) Individuals who have been determined to be trustworthy and reliable shall also complete the security training required by Section 337.2020(c) before being allowed unescorted access to category 1 or category 2 quantities of radioactive material.

b) Reviewing officials.

1) Reviewing officials are the only individuals who may make trustworthiness and reliability determinations that allow individuals to have unescorted access to category 1 or category 2 quantities of radioactive materials possessed by the licensee.

2) Each licensee shall name one or more individuals to be reviewing officials. After completing the background investigation on the reviewing official, the licensee shall provide, under oath or affirmation, a certification that the reviewing official is deemed trustworthy and reliable by the licensee. The fingerprints of the named reviewing official shall be taken by a law enforcement agency, federal or state agencies that provide fingerprinting services to the public, or commercial fingerprinting services authorized by a state to take fingerprints. The licensee shall recertify that the reviewing official is deemed trustworthy and reliable every 10 years in accordance with Section 337.1030(e).

3) Reviewing officials shall be permitted to have unescorted access to category 1 or category 2 quantities of radioactive materials if their job duties require unescorted access to category 1 or category 2 quantities of radioactive material as referenced in Section 337.1010(c)(3).

4) Reviewing officials cannot approve other individuals to act as reviewing officials.

5) A reviewing official does not need to undergo a new background investigation before being named by the licensee as the reviewing official if:

A) The individual has previously undergone a background investigation that included fingerprinting and an FBI criminal history records check and has been determined to be trustworthy and reliable by the licensee; or

B) The individual is subject to a category listed in Section 337.1050(a).

c) Informed consent.

1) Licensees may not initiate a background investigation without the informed and signed consent of the subject individual. This consent shall include authorization to share personal information with other individuals or organizations as necessary to complete the background investigation. Before a final adverse determination, the licensee shall provide the individual with an opportunity to correct any inaccurate or incomplete information that is developed during the background investigation. Licensees do not need to obtain signed consent from those individuals that meet the requirements of Section 337.1030(d). A signed consent shall be obtained prior to any reinvestigation.

2) The subject individual may withdraw his or her consent at any time. Licensees shall inform the individual that:

A) If an individual withdraws his or her consent, the licensee may not initiate any elements of the background investigation that were not

in progress at the time the individual withdrew his or her consent; and

B) The withdrawal of consent for the background investigation is sufficient cause for denial or termination of unescorted access authorization.

d) Personal history disclosure.
Any individual who is applying for unescorted access authorization shall disclose the personal history information that is required by the licensee's access authorization program for the reviewing official to make a determination of the individual's trustworthiness and reliability. Refusal to provide, or the falsification of, any personal history information required by this Subpart is sufficient cause for denial or termination of unescorted access.

e) Determination basis.

1) The reviewing official shall determine whether to permit, deny, unfavorably terminate, maintain or administratively withdraw an individual's unescorted access authorization based on an evaluation of all of the information collected to meet the requirements of this Subpart.

2) The reviewing official may not permit any individual to have unescorted access until the reviewing official has evaluated all of the information collected to meet the requirements of this Subpart and determined that the individual is trustworthy and reliable. The reviewing official may deny unescorted access to any individual based on information obtained at any time during the background investigation.

3) The licensee shall document the basis for concluding whether or not there is reasonable assurance that an individual is trustworthy and reliable.

4) The reviewing official may terminate or administratively withdraw an individual's unescorted access authorization based on information obtained after the background investigation has been completed and the individual is granted unescorted access authorization.

5) Licensees shall maintain a list of persons currently approved for unescorted access authorization. When a licensee determines that a person

no longer requires unescorted access or meets the access authorization requirement, the licensee shall remove the person from the approved list as soon as possible, but no later than 7 working days after the determination, and take prompt measures to ensure that the individual is unable to have unescorted access to the material.

f) Procedures. Licensees shall develop, implement and maintain written procedures for implementing the access authorization program. The procedures shall include provisions for:

1) The notification of individuals who are denied unescorted access;

2) The review, at the request of the affected individual, of a denial or termination of unescorted access authorization;

3) Ensuring that the individual is informed of the grounds for the denial or termination of unescorted access authorization; and

4) Allowing the individual an opportunity to provide additional relevant information.

g) Right to correct and complete information.

1) Prior to any final adverse determination, licensees shall provide each individual subject to this Subpart with the right to complete, correct and explain information obtained as a result of the background investigation. Confirmation of receipt by the individual of this notification shall be maintained by the licensee for a period of 1 year from the date of the notification.

2) If, after reviewing his or her criminal history record, an individual believes that it is incorrect or incomplete and wishes to change, correct, update or explain anything in the record, the individual may initiate challenge procedures. These procedures include direct application by the individual challenging the record to the law enforcement agency that contributed the questioned information or a direct challenge as to the accuracy or completeness of any entry on the criminal history record to the Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg

WV 26306, as set forth in 28 CFR 16.30 through 16.34. In the latter case, the FBI will forward the challenge to the agency that submitted the data and will request that the submitting agency verify or correct the challenged entry. Upon receipt of an official communication directly from the submitting agency that contributed the original information, the FBI Identification Division should make any necessary changes in accordance with the information supplied by that submitting agency. Licensees shall provide at least 10 business days for an individual to initiate action to challenge the results of an FBI criminal history records check after the record is made available for his or her review. The licensee shall make a final adverse determination based upon the criminal history records only after receipt of the FBI's confirmation or correction of the record.

h) Records

1) The licensee shall retain documentation regarding the trustworthiness and reliability of individual employees for 3 years from the date the individual no longer requires unescorted access to category 1 or category 2 quantities of radioactive material.

2) The licensee shall retain a copy of the current access authorization program procedures as a record for 3 years after the procedure is no longer needed. If any portion of the procedure is superseded, the licensee shall retain the superseded material for 5 years after the record is superseded.

3) The licensee shall retain the list of persons approved for unescorted access authorization for 5 years after the list is superseded or replaced.

Section 337.1030 Background investigations

a) Initial investigation.
Before allowing an individual unescorted access to category 1 or category 2 quantities of radioactive material or to the devices that contain the material, licensees shall complete a background investigation of the individual seeking unescorted access authorization. The scope of the investigation shall encompass at least the 7 years preceding the date of the background investigation or since the individual's eighteenth birthday, whichever is shorter. The background investigation shall include at a minimum:

1) Fingerprinting and an FBI identification and criminal history records check in accordance with Section 337.1040;

2) Verification of true identity. Licensees shall verify the true identity of the individual who is applying for unescorted access authorization to ensure that the applicant is who he or she claims to be. A licensee shall review official identification documents (e.g., driver's license; passport; government identification and/or certificate of birth issued by the state, province, or country of birth) and compare the documents to personal information data provided by the individual to identify any discrepancy in the information. Licensees shall document the type, expiration and identification number of the identification document or maintain a photocopy of identifying documents on file in accordance with Section 337.1060. Licensees shall certify in writing that the identification was properly reviewed and shall maintain the certification and all related documents for review upon inspection;

3) Employment history verification. Licensees shall complete an employment history verification, including military history. Licensees shall verify the individual's employment with each previous employer for the most recent 7 years before the date of application or since the individual's eighteenth birthday, whichever is shorter;

4) Verification of education. Licensees shall verify that the individual participated in the education process during the claimed period; and

5) Character and reputation determination. Licensees shall complete reference checks to determine the character and reputation of the individual who has applied for unescorted access authorization. Unless other references are not available, reference checks may not be conducted with any person who is known to be a close member of the individual's family, including but not limited to, the individual's spouse, parents, siblings or children or any individual who resides in the individual's permanent household. Reference checks under this Subpart shall be limited to whether the individual has been and continues to be trustworthy and reliable.

b) The licensee shall, to the extent possible, obtain independent information to corroborate that provided by the individual (e.g., seek references not supplied by the individual).

c) If a previous employer, educational institution or any other entity that the individual claims to have been engaged fails to provide information or indicates an inability or unwillingness to provide information within a time frame deemed appropriate by the licensee (no less than 10 business days after the request) or if the licensee is unable to reach the entity, the licensee shall document the refusal, unwillingness or inability in the record of investigation and attempt to obtain the information from an alternate source.

d) Grandfathering.

1) Individuals who were previously determined to be trustworthy and reliable for unescorted access to category 1 or category 2 quantities of radioactive material under the Fingerprint Orders may continue to have unescorted access to category 1 and category 2 quantities of radioactive material without further investigation. These individuals shall be subject to the reinvestigation requirement.

2) Individuals who have been determined to be trustworthy and reliable under the provisions of a security order for access to safeguards information, safeguards information-modified handling or risk-significant material may have unescorted access to category 1 and category 2 quantities of radioactive material without further investigation. The licensee shall document that the individual was determined to be trustworthy and reliable under the provisions of a security order. These individuals shall be subject to the reinvestigation requirement.

AGENCY NOTE: Security order, in this context, refers to any order that was issued by the NRC or an amendment to a license issued by IEMA that required fingerprints and an FBI criminal history records check for access to safeguards information, safeguards information – modified handling or risk significant material.

e) Reinvestigations.
Licensees shall conduct a reinvestigation every 10 years for any individual with unescorted access to category 1 or category 2 quantities of radioactive material.

The reinvestigation shall consist of fingerprinting and an FBI identification and criminal history records check in accordance with Section 337.1040. The reinvestigations shall be completed within 10 years of the date that these elements were last completed.

Section 337.1040 Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material

a) General performance objective and requirements.

1) Except for those individuals listed in Section 337.1050 and those individuals grandfathered under Section 337.1030(d), each licensee subject to the provisions of this Subpart shall fingerprint each individual who is to be permitted unescorted access to category 1 or category 2 quantities of radioactive material. Licensees shall transmit all collected fingerprints to the NRC for transmission to the FBI. The licensee shall use the information received from the FBI as part of the required background investigation to determine whether to grant or deny further unescorted access to category 1 or category 2 quantities of radioactive materials for that individual.

2) The licensee shall notify each affected individual that his or her fingerprints will be used to secure a review of his or her criminal history record and shall inform him or her of the procedures for revising the record or adding explanations to the record.

3) Fingerprinting is not required if:

A) A licensee is reinstating an individual's unescorted access authorization to category 1 or category 2 quantities of radioactive materials;

B) The individual returns to the same facility that granted unescorted access authorization within 365 days of the termination of his or her unescorted access authorization; and

C) The previous access was terminated under favorable conditions.

4) Fingerprints are not required if an individual who is an employee of a licensee, contractor, manufacturer or supplier has been granted unescorted access to category 1 or category 2 quantities of radioactive material, access to safeguards information or safeguards information-modified handling by another licensee based upon a background investigation conducted under this Subpart, the Fingerprint Orders or 10 CFR 73. An existing criminal history records check file may be transferred to the licensee asked to grant unescorted access in accordance with the provisions of Section 337.1060(c).

5) Licensees shall use the information obtained as part of a criminal history records check solely for the purpose of determining an individual's suitability for unescorted access authorization to category 1 or category 2 quantities of radioactive material.

b) Prohibitions.

1) Licensees may not base a final determination to deny an individual unescorted access authorization to category 1 or category 2 quantities of radioactive material solely on the basis of information received from the FBI involving:

A) An arrest more than one (1) year old in which there is no information of the disposition of the case; or

B) An arrest that resulted in dismissal of the charge or an acquittal.

2) Licensees may not use information received from a criminal history records check obtained under this Subpart in a manner that would infringe upon the rights of any individual under the First Amendment to the Constitution of the United States nor shall licensees use the information in any way that would discriminate among individuals on the basis of race, religion, national origin, gender or age.

c) Procedures for processing of fingerprint checks.

1) For the purpose of complying with this Subpart, licensees shall use an appropriate method listed in 10 CFR 37.7 to submit to the U.S. Nuclear Regulatory Commission, Director, Division of Facilities and Security,

11545 Rockville Pike, ATTN: Criminal History Program/Mail Stop TWB-05 B32M, Rockville, Maryland 20852, one completed, legible standard fingerprint card (Form FD-258, ORIMDNRCOOOZ), electronic fingerprint scan or, where practicable, other fingerprint record for each individual requiring unescorted access to category 1 or category 2 quantities of radioactive material.

AGENCY NOTE: Copies of these forms may be obtained by writing the Office of Information Services, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001, by calling 630/829-9565 or by email to FORMS.Resource@nrc.gov.

2) Fees for the processing of fingerprint checks are due upon application. Licensees shall submit payment with the application for the processing of fingerprints through corporate check, certified check, cashier's check, money order or electronic payment made payable to "U.S. NRC." Combined payment for multiple applications is acceptable. The amount of the fingerprint check application fee is available on the NRC's website. To find the current fee amount, go to the Electronic Submittals page at http://www.nrc.gov/site-help/e-submittals.html and see the link for the Criminal History Program under Electronic Submission Systems.

AGENCY NOTE: For guidance on making electronic payments, contact the Security Branch, Division of Facilities and Security at (301)492-3531.

3) NRC will forward to the submitting licensee all data received from the FBI as a result of the licensee's applications for criminal history records checks.

Section 337.1050 Relief from fingerprinting, identification, criminal history records checks and other elements of background investigations for designated categories of individuals permitted unescorted access to certain radioactive materials

a) Fingerprinting, and the identification and criminal history records checks required by Section 149 of the Atomic Energy Act of 1954, as amended, and other elements of the background investigation are not required for the following individuals prior to granting unescorted access to category 1 or category 2 quantities of radioactive materials:

1) An employee of the NRC or of the Executive Branch of the U.S. government who has undergone fingerprinting for a prior U.S. government criminal history records check;

2) A member of Congress;

3) An employee of a member of Congress or Congressional committee who has undergone fingerprinting for a prior U.S. government criminal history records check;

4) The Governor of this State or his or her designated State employee representative;

5) Federal, State of Illinois or local law enforcement personnel;

6) The IEMA Director and State Homeland Security Advisor or their designated State employee representatives;

7) IEMA employees conducting security inspections on behalf of the NRC under an agreement executed under Section 274.i of the Atomic Energy Act of 1954;

8) Representatives of the International Atomic Energy Agency (IAEA) engaged in activities associated with the U.S./IAEA Safeguards Agreement who have been certified by the NRC;

9) Emergency response personnel who are responding to an emergency;

10) Commercial vehicle drivers for road shipments of category 1 and 2 quantities of radioactive material;

11) Package handlers at transportation facilities such as freight terminals and railroad yards;

12) Any individual who has an active federal security clearance, provided that he or she makes available the appropriate documentation. Written confirmation from the agency/employer that granted the federal security clearance or reviewed the criminal history records check shall be provided to the licensee. The licensee shall retain this documentation for a period

of 3 years from the date the individual no longer requires unescorted access authorization to category 1 or category 2 quantities of radioactive material; and

13) Any individual employed by a service provider licensee that the service provider licensee has conducted the background investigation for the individual and approved the individual for unescorted access to category 1 or category 2 quantities of radioactive material. Written verification from the service provider shall be provided to the licensee. The licensee shall retain the documentation for a period of 3 years from the date the individual no longer requires unescorted access authorization to category 1 or category 2 quantities of radioactive material.

b) Fingerprinting and the identification and criminal history records checks required by Section 149 of the Atomic Energy Act of 1954, as amended, are not required for an individual who has had a favorably adjudicated U.S. Government criminal history records check within the last 5 years under a comparable U.S. Government program involving fingerprinting and an FBI identification and criminal history records check provided that he or she makes available the appropriate documentation. Written confirmation from the agency/employer that reviewed the criminal history records check shall be provided to the licensee. The licensee shall retain this documentation for a period of 3 years from the date the individual no longer requires unescorted access to category 1 or category 2 quantities of radioactive material. These programs include, but are not limited to:

1) National Agency Check;

2) Transportation Worker Identification Credentials (TWIC) under 49 CFR Part 1572;

3) Bureau of Alcohol, Tobacco, Firearms and Explosives background check and clearances under 27 CFR Part 555;

4) Health and Human Services security risk assessments for possession and use of select agents and toxins under 42 CFR Part 73;

5) Hazardous material security threat assessment for hazardous material endorsement to commercial driver's license under 49 CFR Part 1572; and

6) Customs and Border Protection's Free and Secure Trade (FAST) Program.

Section 337.1060 Protection of Information

a) Each licensee who obtains background information on an individual under this Subpart shall establish and maintain a system of files and written procedures for protection of the record and the personal information from unauthorized disclosure.

b) The licensee shall not disclose the record or personal information collected and maintained to persons other than the subject individual, his or her representative or to those who have a need to have access to the information in performing assigned duties in the process of granting or denying unescorted access to category 1 or category 2 quantities of radioactive material. No individual authorized to have access to the information shall disseminate the information to any other individual who does not have a need to know.

c) The personal information obtained on an individual from a background investigation may be provided to another licensee:

1) Upon the individual's written request to the licensee holding the data to disseminate the information contained in his or her file; and

2) The recipient licensee verifies information such as name, date of birth, social security number, gender and other applicable physical characteristics.

d) The licensee shall make background investigation records obtained under this Subpart available for examination by an authorized representative of IEMA to determine compliance with the law.

e) The licensee shall retain all fingerprint and criminal history records received from the FBI, including data indicating no record, or a copy of these records, if the individual's file has been transferred, for 3 years from the date the individual no longer requires unescorted access to category 1 or category 2 quantities of radioactive material.

Section 337.1070 Access Authorization Program Review

a) Each licensee shall be responsible for the continuing effectiveness of the access authorization program. Each licensee shall ensure that access authorization programs are reviewed to confirm compliance with the requirements of this Subpart and that comprehensive actions are taken to correct any noncompliance that is identified. The review program shall evaluate all program performance objectives and requirements. Each licensee shall periodically, not to exceed 12 months, review the access program content and implementation.

b) The results of the reviews, along with any recommendations, shall be documented. Each review report shall identify conditions that are adverse to the proper performance of the access authorization program, the cause of the conditions, and, when appropriate, recommend corrective actions and identify corrective actions taken. The licensee shall review the findings and take any additional corrective actions necessary to preclude repetition of the condition, including reassessment of the deficient areas where indicated.

c) Review records shall be maintained for 3 years.

SUBPART C: PHYSICAL PROTECTION REQUIREMENTS DURING USE

Section 337.2010 Security program

a) Applicability.

1) Each licensee that possesses an aggregated category 1 or category 2 quantity of radioactive material shall establish, implement and maintain a security program in accordance with the requirements of this Subpart.

2) An applicant for a new license and each licensee that would become newly subject to the requirements of this Subpart upon application for modification of its license shall implement the requirements of this Subpart, as appropriate, before taking possession of an aggregated category 1 or category 2 quantity of radioactive material.

3) Any licensee that has not previously implemented the security requirements or been subject to the provisions of Subpart C shall provide written notification to IEMA at the address specified in 32 Ill. Adm. Code 310.110 at least 90 days before aggregating radioactive material to a quantity that equals or exceeds the category 2 threshold.

b) General performance objective.
Each licensee shall establish, implement and maintain a security program that is designed to monitor and, without delay, detect, assess and respond to an actual or attempted unauthorized access to category 1 or category 2 quantities of radioactive material.

c) Program features.
Each licensee's security program shall include the program features, as appropriate, described in Sections 337.2020, 337.2030, 337.2040, 337.2050, 337.2060, 337.2070, and 337.2080.

Section 337.2020 General Security Program Requirements

a) Security plan.

1) Each licensee identified in Section 337.2010(a) shall develop a written security plan specific to its facilities and operations. The purpose of the security plan is to establish the licensee's overall security strategy to ensure the integrated and effective functioning of the security program required by this Subpart. The security plan shall at a minimum:

A) Describe the measures and strategies used to implement the requirements of this Subpart; and

B) Identify the security resources, equipment and technology used to satisfy the requirements of this Subpart.

2) The security plan shall be reviewed and approved by the individual with overall responsibility for the security program.

3) A licensee shall revise its security plan as necessary to ensure the effective implementation of requirements under this Part. The licensee shall ensure that:

A) The revision has been reviewed and approved by the individual with overall responsibility for the security program; and

B) The affected individuals are instructed on the revised plan before the changes are implemented.

4) The licensee shall retain a copy of the current security plan as a record for 3 years after the security plan is no longer required. If any portion of the plan is superseded, the licensee shall retain the superseded portion for 3 years after the record is superseded.

b) Implementing procedures.

1) The licensee shall develop and maintain written procedures that document how the requirements of this Subpart and the security plan will be met.

2) The implementing procedures and revisions to these procedures shall be approved in writing by the individual with overall responsibility for the security program.

3) The licensee shall retain a copy of the current procedure as a record for 3 years after the procedure is no longer needed. Superseded portions of the procedure shall be retained for 3 years after the record is superseded.

c) Training.

1) Each licensee shall conduct training to ensure that those individuals implementing the security program possess and maintain the knowledge, skills and abilities to carry out their assigned duties and responsibilities effectively. The training shall include:

A) The licensee's security program and procedures to secure category 1 or category 2 quantities of radioactive material and the purposes and functions of the security measures employed;

B) The responsibility to promptly report to the licensee any condition that causes or may cause a violation of this Part;

C) The responsibility of the licensee to promptly report to the LLEA and licensee any actual or attempted theft, sabotage or diversion of category 1 or category 2 quantities of radioactive material; and

D) The appropriate response to security alarms.

2) In determining those individuals who shall be trained on the security program, the licensee shall consider each individual's assigned activities during authorized use and response to potential situations involving actual or attempted theft, diversion or sabotage of category 1 or category 2 quantities of radioactive material. The extent of the training shall be commensurate with the individual's potential involvement in the security of category 1 or category 2 quantities of radioactive material.

3) Refresher training shall be provided at a frequency not to exceed 12 months and when significant changes have been made to the security program. This training shall include:

A) Review of the training requirements of subsection (c) and any changes made to the security program since the last training;

B) Reports on any relevant security issues, problems and lessons learned;

C) Relevant results of IEMA inspections; and

D) Relevant results of the licensee's program review and testing and maintenance.

4) The licensee shall maintain records of the initial and refresher training for 3 years from the date of the training. The training records shall include dates of the training, topics covered, a list of licensee personnel in attendance and related information.

d) Protection of information.

1) Licensees authorized to possess category 1 or category 2 quantities of radioactive material shall limit access to and unauthorized disclosure of their security plan, implementing procedures and the list of individuals that have been approved for unescorted access.

2) Efforts to limit access shall include the development, implementation and maintenance of written policies and procedures for controlling access to,

and for proper handling and protection against unauthorized disclosure of, the security plan and implementing procedures.

3) Before granting an individual access to the security plan or implementing procedures, licensees shall:

A) Evaluate an individual's need to know the security plan or implementing procedures; and

B) If the individual has not been authorized for unescorted access to category 1 or category 2 quantities of radioactive material, safeguards information or safeguards information-modified handling, the licensee shall complete a background investigation to determine the individual's trustworthiness and reliability. A trustworthiness and reliability determination shall be conducted by the reviewing official and shall include the background investigation elements contained in Section 337.1030(a)(2) through (a)(5), (b) and (c).

4) Licensees need not subject the following individuals to the background investigation elements for protection of information:

A) The categories of individuals listed in Section 337.1050(a)(1) through (13); or

B) Security service provider employees, provided written verification that the employee has been determined to be trustworthy and reliable, by the required background investigation in Section 337.1030(a)(2) through (a)(5), (b) and (c) has been provided by the security service provider.

5) The licensee shall document the basis for concluding that an individual is trustworthy and reliable and should be granted access to the security plan or implementing procedures.

6) Licensees shall maintain a list of persons currently approved for access to the security plan or implementing procedures. When a licensee determines that a person no longer needs access to the security plan or implementing procedures or no longer meets the access authorization

requirements for access to the information, the licensee shall remove the person from the approved list as soon as possible, but no later than 7 business days, and take prompt measures to ensure that the individual is unable to obtain the security plan or implementing procedures.

7) When not in use, the licensee shall store its security plan and implementing procedures in a manner to prevent unauthorized access. Information stored in nonremovable electronic form shall be password protected.

8) The licensee shall retain as a record for 3 years after the document is no longer needed:

A) A copy of the information protection procedures; and

B) The list of individuals approved for access to the security plan or implementing procedures.

Section 337.2030 LLEA Coordination

a) A licensee subject to this Subpart shall coordinate, to the extent practicable, with an LLEA for responding to threats to the licensee's facility, including any necessary armed response. The information provided to the LLEA shall include:

1) A description of the facilities and the category 1 and category 2 quantities of radioactive materials, along with a description of the licensee's security measures that have been implemented to comply with this Subpart; and

2) A notification that the licensee will request a timely armed response by the LLEA to any actual or attempted theft, sabotage or diversion of category 1 or category 2 quantities of material.

b) The licensee shall notify IEMA within 3 business days if:

1) The LLEA has not responded to the request for coordination within 60 days of the coordination request; or

2) The LLEA notifies the licensee that the LLEA does not plan to participate in coordination activities.

c) The licensee shall document its efforts to coordinate with the LLEA. The documentation shall be kept for 3 years.

d) The licensee shall coordinate with the LLEA at least every 12 months, or when changes to the facility design or operation adversely affect the potential vulnerability of the licensee's material to theft, sabotage or diversion.

Section 337.2040 Security zones

a) Licensees shall ensure that all aggregated category 1 and category 2 quantities of radioactive material are used or stored within licensee-established security zones. Security zones may be permanent or temporary.

b) Temporary security zones shall be established as necessary to meet the licensee's transitory or intermittent business activities, such as periods of maintenance, source delivery and source replacement.

c) Security zones shall, at a minimum, allow unescorted access only to approved individuals through:

1) Isolation of category 1 and category 2 quantities of radioactive materials by the use of continuous physical barriers that allow access to the security zone only through established access control points. A physical barrier is a natural or man-made structure or formation sufficient for the isolation of the category 1 or category 2 quantities of radioactive material within a security zone;

2) Direct control of the security zone by approved individuals at all times; or

3) A combination of continuous physical barriers and direct control.

d) For category 1 quantities of radioactive material during periods of maintenance, source receipt, preparation for shipment, installation or source removal or exchange, the licensee shall, at a minimum, provide sufficient individuals approved for unescorted access to maintain continuous surveillance of sources in temporary security zones and in any security zone that physical barriers or intrusion detection systems have been disabled to allow such activities.

e) Individuals not approved for unescorted access to category 1 or category 2 quantities of radioactive material shall be escorted by an approved individual when in a security zone.

Section 337.2050 Monitoring, detection, and assessment

a) Monitoring and detection.

1) Licensees shall establish and maintain the capability to continuously monitor and detect, without delay, all unauthorized entries into its security zones. Licensees shall provide the means to maintain continuous monitoring and detection capability in the event of a loss of the primary power source or provide for an alarm and response in the event of a loss of this capability to continuously monitor and detect unauthorized entries.

2) Monitoring and detection shall be performed by:

A) A monitored intrusion detection system that is linked to an onsite or offsite central monitoring facility;

B) Electronic devices for intrusion detection alarms that will alert nearby facility personnel;

C) A monitored video surveillance system;

D) Direct visual surveillance by approved individuals located within the security zone; or

E) Direct visual surveillance by a licensee designated individual located outside the security zone.

3) A licensee subject to this Subpart shall also have a means to detect unauthorized removal of the radioactive material from the security zone. This detection capability shall provide:

A) For category 1 quantities of radioactive material, immediate detection of any attempted unauthorized removal of the radioactive material from the security zone. Such immediate detection capability shall be provided by:

i) Electronic sensors linked to an alarm;

ii) Continuous monitored video surveillance; or

iii) Direct visual surveillance.

B) For category 2 quantities of radioactive material, weekly verification through physical checks, tamper indicating devices, use or other means to ensure that the radioactive material is present.

b) Assessment.
Licensees shall immediately assess each actual or attempted unauthorized entry into the security zone to determine whether the unauthorized access was an actual or attempted theft, sabotage or diversion.

c) Personnel communications and data transmission.
For personnel and automated or electronic systems supporting the licensee's monitoring, detection and assessment systems, licensees shall:

1) Maintain continuous capability for personnel communication and electronic data transmission and processing among site security systems; and

2) Provide an alternative communication capability for personnel and an alternative data transmission and processing capability in the event of a loss of the primary means of communication or data transmission and processing. Alternative communications and data transmission systems may not be subject to the same failure modes as the primary systems.

d) Response.
Licensees shall immediately respond to any actual or attempted unauthorized access to the security zones or actual or attempted theft, sabotage or diversion of category 1 or category 2 quantities of radioactive material at licensee facilities or temporary job sites. For any unauthorized access involving an actual or attempted theft, sabotage or diversion of category 1 or category 2 quantities of radioactive material, the licensee's response shall include requesting, without delay, an armed response from the LLEA.

Section 337.2060 Maintenance and Testing

a) Each licensee subject to this Subpart shall implement a maintenance and testing program to ensure that intrusion alarms, associated communication systems and other physical components of the systems used to secure or detect unauthorized access to radioactive material are maintained in operable condition and are capable of performing their intended function when needed. The equipment relied on to meet the security requirements shall be inspected and tested for operability and performance at the manufacturer's suggested frequency. If there is no suggested manufacturer's suggested frequency, the testing shall be performed at least annually, not to exceed 12 months.

b) The licensee shall maintain records on the maintenance and testing activities for 3 years.

Section 337.2070 Requirements for Mobile Devices

Each licensee that possesses mobile devices containing category 1 or category 2 quantities of radioactive material shall:

a) Have two independent physical controls that form tangible barriers to secure the material from unauthorized removal when the device is not under direct control and constant surveillance by the licensee; and

b) For devices in or on a vehicle or trailer, unless the health and safety requirements for a site prohibit the disabling of the vehicle, the licensee shall utilize a method to disable the vehicle or trailer when not under direct control and constant surveillance by the licensee. Licensees shall not rely on the removal of an ignition key to meet this requirement.

Section 337.2080 Security Program Review

a) Each licensee shall be responsible for the continuing effectiveness of the security program. Each licensee shall ensure that the security program is reviewed to confirm compliance with the requirements of this Subpart and that comprehensive actions are taken to correct any noncompliance that is identified. The review shall include the radioactive material security program content and implementation.

Each licensee shall periodically, not to exceed 12 months, review the security program content and implementation.

b) The results of the review, along with any recommendations, shall be documented. Each review report shall identify conditions that are adverse to the proper performance of the security program, the cause of the conditions, and, when appropriate, recommend corrective actions and identify corrective actions taken. The licensee shall review the findings and take any additional corrective actions necessary to preclude repetition of the condition, including reassessment of the deficient areas where indicated.

c) The licensee shall maintain the review documentation for 3 years.

Section 337.2090 Reporting of Events

a) The licensee shall immediately notify the LLEA after determining that an unauthorized entry resulted in an actual or attempted theft, sabotage or diversion of a category 1 or category 2 quantity of radioactive material. Immediately after initiating a response, but not at the expense of causing delay or interfering with the LLEA response to the event, the licensee shall notify IEMA at (217)782-7860 or (800)782-7860. In no case shall the notification to IEMA be later than one (1) hour after the discovery of any attempted or actual theft, sabotage or diversion.

b) The licensee shall assess any suspicious activity related to possible theft, sabotage or diversion of category 1 or category 2 quantities of radioactive material and notify the LLEA as appropriate. As soon as possible, but not later than one (1) hour after notifying the LLEA, the licensee shall notify IEMA at (217)782-7860 or (800)782-7860.

c) Written Reports. A licensee required to make a notification pursuant to subsections (a) or (b) shall, within 30 days after making the notification, submit a written report to IEMA regarding the suspicious activity or the actual or attempted theft, sabotage or diversion. The written report shall include sufficient information for IEMA analysis and evaluation including:

1) A description of the source of radiation involved, including the kind, quantity and chemical and physical form;

2) A description of the circumstances under which the actual or attempted theft, sabotage or diversion of a category 1 or category 2 quantity of radioactive material occurred;

3) A statement of disposition, or probable disposition, of the source of radiation involved;

4) Exposures of individuals to radiation, circumstances under which the exposures occurred and the possible total effective dose equivalent to persons in unrestricted areas;

5) Actions that have been taken, or will be taken, to recover the source of radiation; and

6) Corrective actions taken, or will be taken, to protect against a recurrence of a theft, sabotage or diversion of a category 1 or category 2 quantity of radioactive material.

d) Subsequent to filing the written report, the licensee shall also report any additional substantive information on the actual or attempted theft, sabotage or diversion of a category 1 or category 2 quantity of radioactive material within 30 days after the licensee learns of such information.

e) The licensee shall prepare any report filed with IEMA pursuant to this Section so that names of individuals who may have received exposure to radiation are stated in a separate and detachable portion of the written report.

AGENCY NOTE: Notification under this Part satisfies the requirements of 32 Ill. Admin. Code 340.1205 and 340.1210 for category 1 and category 2 quantities of radioactive material. Licensees should be aware that there are additional reporting requirements in 32 Ill. Adm. Code 340.1220 for other events involving radioactive material.

SUBPART D: PHYSICAL PROTECTION IN TRANSIT

Section 337.3010 Additional requirements for transfer of category 1 and category 2 quantities of radioactive material

A licensee transferring a category 1 or category 2 quantity of radioactive material to a licensee of the NRC or another Agreement State shall meet the license verification provisions listed below instead of those listed in 32 Ill. Adm. Code 330.400.

a) Any licensee transferring category 1 quantities of radioactive material to a licensee of the NRC or an Agreement State, prior to conducting such transfer, shall verify with the NRC's license verification system or the license issuing authority that the transferee's license authorizes the receipt of the type, form and quantity of radioactive material to be transferred and that the licensee is authorized to receive radioactive material at the location requested for delivery. If the verification is conducted by contacting the license issuing authority, the transferor shall document the verification. For transfers within the same organization, the licensee does not need to verify the transfer.

b) Any licensee transferring category 2 quantities of radioactive material to a licensee of the NRC or an Agreement State, prior to conducting such transfer, shall verify with the NRC's license verification system or the license issuing authority that the transferee's license authorizes the receipt of the type, form and quantity of radioactive material to be transferred. If the verification is conducted by contacting the license issuing authority, the transferor shall document the verification. For transfers within the same organization, the licensee does not need to verify the transfer.

c) In an emergency where the licensee cannot reach the license issuing authority and the license verification system is nonfunctional, the licensee may accept a written certification by the transferee that it is authorized by license to receive the type, form and quantity of radioactive material to be transferred and that the licensee is authorized to receive radioactive material at the location requested for delivery. The certification shall include the license number, current revision number, issuing authority, expiration date and the authorized address. The licensee shall keep a copy of the certification. The certification shall be confirmed by use of the NRC's license verification system or by contacting the license issuing authority by the end of the next business day.

d) The transferor shall keep a copy of the verification documentation as a record for 3 years.

Section 337.3020 Applicability of Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material During Transit

a) For shipments of category 1 quantities of radioactive material, each shipping licensee shall comply with the requirements for physical protection contained in Sections 337.3030(a) and (e), 337.3040, 337.3050(a)(1), (b)(1) and (c) and 337.3060(a), (c), (e), (g) and (h).

b) For shipments of category 2 quantities of radioactive material, each shipping licensee shall comply with the requirements for physical protection contained in Sections 337.3030(b) through (e), 337.3050(a)(2), (a)(3), (b)(2) and (c), and 337.3060(b), (d), (f), (g) and (h). For those shipments of category 2 quantities of radioactive material that meet the criteria of 10 CFR 71.97(b), the shipping licensee shall also comply with the advance notification provisions of 10 CFR 71.97.

c) The shipping licensee shall be responsible for meeting the requirements of this Subpart unless the receiving licensee has agreed in writing to arrange for the in-transit physical protection required under this Subpart.

d) Each licensee that imports or exports category 1 quantities of radioactive material shall comply with the requirements for physical protection during transit contained in Sections 337.3030(a)(2) and (e), 337.3040, 337.3050(a)(1), (b)(1) and (c), and 337.3060(a), (c), (e), (g) and (h) for the domestic portion of the shipment.

e) Each licensee that imports or exports category 2 quantities of radioactive material shall comply with the requirements for physical protection during transit contained in Sections 337.3050(a)(2), (a)(3) and (b)(2) and 337.3060(b), (d), (f), (g) and (h) for the domestic portion of the shipment.

Section 337.3030 Preplanning and Coordination of Shipment of Category 1 or Category 2 Quantities of Radioactive Material

a) Each licensee that plans to transport, or deliver to a carrier for transport, licensed material that is a category 1 quantity of radioactive material outside the confines of the licensee's facility or other place of use or storage shall:

1) Preplan and coordinate shipment arrival and departure times with the receiving licensee;

2) Preplan and coordinate shipment information with the governor, or the governor's designee, of any state that the shipment will pass to:

A) Discuss the state's intention to provide law enforcement escorts; and

B) Identify safe havens; and

3) Document the preplanning and coordination activities.

b) Each licensee that plans to transport, or deliver to a carrier for transport, licensed material that is a category 2 quantity of radioactive material outside the confines of the licensee's facility or other place of use or storage shall coordinate the shipment no-later-than arrival time and the expected shipment arrival with the receiving licensee. The licensee shall document the coordination activities.

c) Each licensee who receives a shipment of a category 2 quantity of radioactive material shall confirm receipt of the shipment with the originator. If the shipment has not arrived by the no-later-than arrival time, the receiving licensee shall notify the originator.

d) Each licensee who transports or plans to transport a shipment of a category 2 quantity of radioactive material and determines that the shipment will arrive after the no-later-than arrival time provided pursuant to subsection (b), shall promptly notify the receiving licensee of the new no-later-than arrival time.

e) The licensee shall retain a copy of the documentation for preplanning and coordination, and any revision thereof, as a record for 3 years.

Section 337.3040 Advance Notification of Shipment of Category 1 Quantities of Radioactive Material

As specified in subsections (a) and (b), each licensee shall provide advance notification to IEMA and the governor of a state, or the governor's designee, of the shipment of licensed material in a category 1 quantity through or across the boundary of the state before the transport, or delivery to a carrier for transport, of the licensed material outside the confines of the licensee's facility or other place of use or storage.

a) Procedures for submitting advance notification.

1) The notification shall be made to IEMA and to the office of each appropriate governor or governor's designee.

A) Notifications for the Governor of the State of Illinois and IEMA shall be sent to Illinois Emergency Management Agency, ATTN: Assistant Director, 2200 South Dirksen Parkway, Springfield, Illinois 62703. The notifications for the Governor of the State of Illinois and IEMA may also be made by email or by facsimile. For the correct email or facsimile number, call, prior to sending notification to (217)782-7860 or (800)782-7860.

B) The contact information, including telephone and mailing addresses, of governors and governors' designees, is available on the NRC's website at http://nrc-stp.ornl.gov/special/designee.pdf. A list of the contact information is also available upon request from the Director, Division of Intergovernmental Liaison and Rulemaking, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

2) A notification delivered by mail shall be postmarked at least 7 calendar days before transport of the shipment commences at the shipping facility.

3) A notification delivered by any means other than mail must reach IEMA at least 4 business days before the transport of the shipment commences and must reach the office of a governor or the governor's designee at least 4 business days before transport of a shipment within or through a state.

b) Information to be furnished in advance notification of shipment.
Each advance notification of shipment of category 1 quantities of radioactive material shall contain the following information, if available at the time of notification:

1) The name, address and telephone number of the shipper, carrier and receiver of the category 1 radioactive material;

2) The license numbers of the shipper and receiver;

3) A description of the radioactive material contained in the shipment, including the radionuclides and quantity;

4) The point of origin of the shipment and the estimated time and date that shipment will commence;

5) The estimated time and date that the shipment is expected to enter each state along the route;

6) The estimated time and date of arrival of the shipment at the destination; and

7) A point of contact, with a telephone number, for current shipment information.

c) Revision notice.

1) The licensee shall provide any information not previously available at the time of the initial notification as soon as the information becomes available, but not later than commencement of the shipment, to the governor of each state, or the governor's designee, and to IEMA.

2) A licensee shall promptly notify the governor of each state, or the governor's designee, of any changes to the information provided in accordance with subsections (b) and (c)(1). The licensee shall also immediately notify IEMA of any such changes.

d) Cancellation notice.
Each licensee who cancels a shipment that advance notification has been sent shall send a cancellation notice to the governor of each state, or to the governor's designee, previously notified and to IEMA. The licensee shall send the cancellation notice before the shipment would have commenced or as soon thereafter as possible. The licensee shall state in the notice that it is a cancellation and identify the advance notification that is being cancelled.

e) Records.
The licensee shall retain a copy of the advance notification and any revision and cancellation notices as a record for 3 years.

f) Protection of Information.
State officials, State employees and any other individuals who receive schedule information of the kind specified in Section 337.3040 shall protect that information against unauthorized disclosure as specified in Section 337.2020(d).

Section 337.3050 Requirements for Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material During Shipment

a) Shipments by road.

1) Each licensee who transports, or delivers to a carrier for transport, in a single shipment, a category 1 quantity of radioactive material shall:

A) Ensure that movement control centers are established that maintain position information from a remote location. These control centers shall monitor shipments 24 hours a day, 7 days a week, and have the ability to communicate immediately, in an emergency, with the appropriate law enforcement agencies.

B) Ensure that redundant communications are established that allow the transport to contact the escort vehicle, when used, and movement control center at all times. Redundant communications may not be subject to the same interference factors as the primary communication.

C) Ensure that shipments are continuously and actively monitored by a telemetric position monitoring system or an alternative tracking system reporting to a movement control center. A movement control center shall provide positive confirmation of the location, status and control over the shipment. The movement control center shall be prepared to promptly implement preplanned procedures in response to deviations from the authorized route or a notification of actual, attempted or suspicious activities related to the theft, loss or diversion of a shipment. These procedures shall include, but not be limited to, the identification of and contact information for the appropriate LLEA along the shipment route.

D) Provide an individual to accompany the driver for those highway shipments with a driving time period greater than the maximum

number of allowable hours of service in a 24-hour duty day as established by the U.S. Department of Transportation Federal Motor Carrier Safety Administration. The accompanying individual may be another driver.

E) Develop written normal and contingency procedures to address:

i) Notifications to the communication center and law enforcement agencies;

ii) Communication protocols.
Communication protocols shall include a strategy for the use of authentication codes and duress codes and provisions for refueling or other stops, detours and locations where communication is expected to be temporarily lost;

iii) Loss of communications; and

iv) Responses to an actual or attempted theft, loss or diversion of a shipment.

F) Each licensee who makes arrangements for the shipment of category 1 quantities of radioactive material shall ensure that drivers, accompanying personnel and movement control center personnel have access to the normal and contingency procedures.

2) Each licensee that transports category 2 quantities of radioactive material shall maintain constant control and/or surveillance during transit and have the capability for immediate communication to summon appropriate response or assistance.

3) Each licensee who delivers to a carrier for transport, in a single shipment, a category 2 quantity of radioactive material shall:

A) Use carriers that have established package tracking systems. An established package tracking system is a documented, proven and reliable system routinely used to transport objects of value. In order for a package tracking system to maintain constant control and/or surveillance, the package tracking system shall allow the

shipper or transporter to identify when and where the package was last and when it should arrive at the next point of control;

B) Use carriers that maintain constant control and/or surveillance during transit and have the capability for immediate communication to summon appropriate response or assistance; and

C) Use carriers that have established tracking systems that require an authorized signature prior to releasing the package for delivery or return.

b) Shipments by rail.

1) Each licensee who transports, or delivers to a carrier for transport, in a single shipment, a category 1 quantity of radioactive material shall:

A) Ensure that rail shipments are monitored by a telemetric position monitoring system or an alternative tracking system reporting to the licensee, third-party or railroad communications center. The communications center shall provide positive confirmation of the location of the shipment and its status. The communications center shall implement preplanned procedures in response to deviations from the authorized route or to a notification of actual, attempted or suspicious activities related to the theft, loss or diversion of a shipment. These procedures shall include, but not be limited to, the identification of and contact information for the appropriate LLEA along the shipment route; and

B) Ensure that periodic reports to the communications center are made at preset intervals.

2) Each licensee who transports, or delivers to a carrier for transport, in a single shipment, a category 2 quantity of radioactive material shall:

A) Use carriers that have established package tracking systems. An established package tracking system is a documented, proven and reliable system routinely used to transport objects of value. In order for a package tracking system to maintain constant control and/or surveillance, the package tracking system shall allow the

shipper or transporter to identify when and where the package was last and when it should arrive at the next point of control;

B) Use carriers that maintain constant control and/or surveillance during transit and have the capability for immediate communication to summon appropriate response or assistance; and

C) Use carriers that have established tracking systems that require an authorized signature prior to releasing the package for delivery or return.

c) Investigations.
Each licensee who makes arrangements for the shipment of category 1 quantities of radioactive material shall immediately conduct an investigation upon the discovery that a category 1 shipment is lost or missing. Each licensee who makes arrangements for the shipment of category 2 quantities of radioactive material shall immediately conduct an investigation, in coordination with the receiving licensee, of any shipment that has not arrived by the designated no-later-than arrival time.

Section 337.3060 Reporting of Events

a) The shipping licensee shall notify the appropriate LLEA and IEMA's 24-hour emergency number at (217)782-7860 or (800)782-7860 within one (1) hour of its determination that a shipment of category 1 quantities of radioactive material is lost or missing. The appropriate LLEA would be the law enforcement agency in the area of the shipment's last confirmed location. During the investigation required by Section 337.3050(c), the shipping licensee will provide agreed upon updates to the IEMA's 24-hour emergency number on the status of the investigation.

b) The shipping licensee shall notify IEMA's 24-hour emergency number (217)782-7860 or (800)782-7860 within 4 hours of its determination that a shipment of category 2 quantities of radioactive material is lost or missing. If, after 24 hours of its determination that the shipment is lost or missing, the radioactive material has not been located and secured, the licensee shall immediately notify IEMA's 24-hour emergency number.

c) The shipping licensee shall notify the designated LLEA along the shipment route, as soon as possible upon discovery of any actual or attempted theft or diversion of a shipment or suspicious activities related to the theft or diversion of a shipment of a category 1 quantity of radioactive material. As soon as possible after notifying the LLEA, the licensee shall notify IEMA's 24-hour emergency number at (217)782-7860 or (800)782-7860 upon discovery of any actual or attempted theft or diversion of a shipment, or any suspicious activity related to the shipment, of category 1 radioactive material.

d) The shipping licensee shall notify IEMA's 24-hour emergency number at (217)782-7860 or (800)782-7860 as soon as possible upon discovery of any actual or attempted theft or diversion of a shipment, or any suspicious activity related to the shipment, of a category 2 quantity of radioactive material.

e) The shipping licensee shall notify the LLEA and IEMA's 24-hour emergency number at (217)782-7860 or (800)782-7860 as soon as possible upon recovery of any lost or missing category 1 quantities of radioactive material.

f) The shipping licensee shall notify IEMA's 24-hour emergency number at (217)782-7860 or (800)782-7860 as soon as possible upon recovery of any lost or missing category 2 quantities of radioactive material.

g) Written Reports.
Each licensee required to make a notification pursuant to subsections (a) through (d) shall, within 30 days after making the notification, submit a written report to IEMA for incidents involving an actual or attempted theft, loss or diversion of radioactive material. A written report is not required for notifications on suspicious activities required by subsections (c) and (d). The written report shall include:

1) A description of the licensed material involved, including kind, quantity and chemical and physical form;

2) A description of the circumstances under which the actual or attempted loss, theft or diversion occurred;

3) A statement of disposition, or probable disposition, of the licensed material involved;

4) Actions that have been taken, or will be taken, to recover the material; and

5) Corrective actions taken, or will be taken, to ensure against a recurrence of a loss, theft or diversion of licensed material.

h) Subsequent to filing the written report, the licensee shall also report any additional substantive information on the actual or attempted loss, theft or diversion within 30 days after the licensee learns of such information.

SUBPART E: RECORDS

Section 337.5010 Form of Records

Each record required by this Part shall be legible throughout the retention period specified. The record may be the original or a reproduced copy or a microform, provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period. The record may also be stored in electronic media with the capability for producing legible, accurate and complete records during the required retention period. Records such as letters, drawings and specifications shall include all pertinent information such as stamps, initials and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.

Section 337.5020 Record Retention

Licensees shall maintain the records that are required in this Part for the period specified by the appropriate section. If a retention period is not otherwise specified, these records shall be retained until IEMA terminates the facility's license pursuant to 32 Ill. Adm. Code 330.325. IEMA may, in writing, approve or require a shorter or longer retention period, depending on if the records are needed to determine compliance.

SUBPART F: ENFORCEMENT

Section 337.6010 Resolution of Requirements During Transition Period

If this Part conflicts with the licensee's radiation safety program as identified in its license or legally binding orders, this Part shall apply, unless the statements, representations, conditions and procedures in the license are more restrictive. However, if that licensee exercises its privilege to amend its license, the portion amended must comply with the requirements of this Part.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED RULES

Section 337.Appendix A Category 1 and Category 2 Radioactive Materials

Table 1 − Category 1 and Category 2 Threshold

The terabecquerel (TBq) values are the regulatory standard. The curie (Ci) values specified are obtained by converting from the TBq value. The curie values are provided for practical usefulness only.

Radioactive material	Category 1 (TBq)	Category 1 (Ci)	Category 2 (TBq)	Category 2 (Ci)
Americium-241	60	1,620	0.6	16.2
Americium-241/Be	60	1,620	0.6	16.2
Californium-252	20	540	0.2	5.40
Cobalt-60	30	810	0.3	8.10
Curium-244	50	1,350	0.5	13.5
Cesium-137	100	2,700	1	27.0
Gadolinium-153	1,000	27,000	10	270
Iridium-192	80	2,160	0.8	21.6
Plutonium-238	60	1,620	0.6	16.2
Plutonium-239/Be	60	1,620	0.6	16.2
Promethium-147	40,000	1,080,000	400	10,800
Radium-226	40	1,080	0.4	10.8
Selenium-75	200	5,400	2	54.0
Strontium-90	1,000	27,000	10	270
Thulium-170	20,000	540,000	200	5,400
Ytterbium-169	300	8,100	3	81.0

Note: Calculations Concerning Multiple Sources or Multiple Radionuclides
The "sum of fractions" methodology for evaluating combinations of multiple sources or multiple radionuclides is to be used in determining whether a location meets or exceeds the threshold and is thus subject to the requirements.

I. If multiple sources of the same radionuclide and/or multiple radionuclides are aggregated at a location, the sum of the ratios of the total activity of each of the radionuclides shall be determined to verify whether the activity at the location is less than the category 1 or category 2 thresholds of Table 1, as appropriate. If the

calculated sum of the ratios, using the equation below, is greater than or equal to 1.0, then the applicable requirements apply.

II. First determine the total activity for each radionuclide from Table 1. This is done by adding the activity of each individual source, material in any device, and any loose or bulk material that contains the radionuclide. Then use the equation below to calculate the sum of the ratios by inserting the total activity of the applicable radionuclides from Table 1 in the numerator of the equation and the corresponding threshold activity from Table 1 in the denominator of the equation. Calculations shall be performed in metric values (i.e., TBq) and the numerator and denominator values shall be in the same units.

R1 = total activity for radionuclide 1

R2 = total activity for radionuclide 2

RN = total activity for radionuclide n

AR1 = activity threshold for radionuclide 1

AR2 = activity threshold for radionuclide 2

ARN = activity threshold for radionuclide n

$$\sum_{1}^{N}\left[\frac{R1}{AR1}+\frac{R2}{AR2}+\frac{RN}{ARN}\right]\geq 1.0$$

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Compensation of Local Governments for Emergency Planning and Participation in Nuclear Emergency Response Exercises

2) Code Citation: 32 Ill. Adm. Code 501

3)

Section Numbers:	Adopted Actions:
501.40	Amendment
501.80	Amendment

4) Statutory Authority: Implementing and authorized by Section 4 of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/4]

5) Effective Date of Rules: March 2, 2016

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, Illinois and is available for public inspection

9) Notice of Proposal published in the *Illinois Register*: As this is considered an internal rule, this was not submitted as a proposed rulemaking.

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: As this rule is an internal rulemaking, first notice filing was not required.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? As this rule is an internal rulemaking, first notice filing was not required.

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

14) Are there any rulemakings pending on this Part? No

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: The Agency is amending this rule to update contact information.

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

217/785-9860
217/524-3698

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER c: NUCLEAR FACILITY SAFETY

PART 501
COMPENSATION OF LOCAL GOVERNMENTS FOR EMERGENCY PLANNING AND PARTICIPATION IN NUCLEAR EMERGENCY RESPONSE EXERCISES

Section
501.10 Purpose and Scope
501.20 Definitions
501.30 Incorporations by Reference
501.40 Policies and Procedures
501.50 Determination of Grant Awards
501.60 Procedures for Awarding Future Grants
501.70 Contents of Grant Agreement and Disbursement of Grant Funds
501.80 Claims, Audit, Expenditure Record Requirements and Grant Fund Recovery Procedures
501.90 Determination of Permissible Uses of Grant Funds
501.APPENDIX A Wording of the Block Grant Agreement (Repealed)

AUTHORITY: Implementing and authorized by Section 4 of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/4].

SOURCE: Emergency rule adopted at 5 Ill. Reg. 14862, effective November 22, 1982, for a maximum of 150 days; adopted at 7 Ill. Reg. 5877, effective April 23, 1983; codified at 8 Ill. Reg. 1599; amended at 9 Ill. Reg. 2283, effective January 30, 1985; amended at 14 Ill. Reg. 16923, effective October 2, 1990; emergency rule adopted at 20 Ill. Reg. 8341, effective June 4, 1996, for a maximum of 150 days; Part repealed, new Part adopted at 20 Ill. Reg. 14805, effective October 29, 1996; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 33 Ill. Reg. 9110, effective June 11, 2009; amended at 40 Ill. Reg. 4901, effective March 2, 2016.

Section 501.40 Policies and Procedures

a) The Agency shall provide compensation to grantees from fees collected pursuant to Section 4 of the Act.

b) The Agency shall provide grants to grantees for expenses relating to

implementation of emergency preparedness activities conducted to deal with the possibility of nuclear accidents at nuclear power stations.

c) All grants made under this Part providing for payment of funds in advance of anticipated expenditures shall be made in accordance with a grant agreement to be executed by both the Agency and the head of the local governmental entity to whom the grant is awarded.

d) The Illinois Emergency Management Agency, Bureau of Nuclear Facility Safety~~Disaster Assistance and Preparedness~~, shall be responsible for implementation and shall be the point of contact for grantees relative to the provisions contained in this Part.

(Source: Amended at 40 Ill. Reg. 4901, effective March 2, 2016)

Section 501.80 Claims, Audit, Expenditure Record Requirements and Grant Fund Recovery Procedures

a) Grantees shall submit signed claim forms and a copy of the related receipts that verify expenditures of grant funds to the Agency for review by mail or fax to the following address or fax number:

IEMA
Attention: REP~~DA&P IPRA~~ Grants
1035 Outer Park Drive
Springfield, IL 62704
Fax: (217)524-5671~~217/524-0026~~

1) Claims are due as follows:

A) County grantee claim forms are due on a quarterly basis in accordance with the following schedule:

1st Quarter (July-September): due October 31
2nd Quarter (October-December): due January 31
3rd Quarter (January-March): due April 30
4th Quarter (April-June): due July 31

B) Claims from grantees from political subdivisions other than counties are due on a biannual basis in accordance with the following schedule:

1st and 2nd Quarter (July-December): due January 31
3rd and 4th Quarter (January-June): due July 31

C) Grantees who receive a grant for a special request or special requirement only shall submit the claim based on the quarter when the expenditure was made.

2) After claims are received and reviewed by the Agency to ensure that expenditures are in accordance with approved spending plans, receipt of the claim and results of the review will be confirmed by return correspondence to the grantee.

3) Failure to meet the claim submittal deadlines outlined in this Section may result in denial of the claim and may jeopardize future grant awards.

b) Participating grantees shall maintain, in separate files, documentation of expenditures under the grant that is readily accessible during an Agency audit for a minimum of 5 years. The documentation shall be on forms provided by the Agency.

c) The Agency shall have the right to audit and obtain copies of the books, records, and any other recorded information of the grantee related to grantee expenses for which grantee received compensation under this Part.

d) If, through an Agency audit, the Agency finds that the grantee has misspent or improperly held any grant funds, the Agency shall have the right of recovery of the grant funds in accordance with the provisions and procedures of the Illinois Grant Funds Recovery Act.

e) The Agency shall inform the grantee on whether future disbursements of the grant award are subject to adjustment in accordance with the provisions and procedures of the Illinois Grant Funds Recovery Act.

(Source: Amended at 40 Ill. Reg. 4901, effective March 2, 2016)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Air Quality Standards

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

3)

Section Numbers:	Adopted Actions:
243.105	Amendment
243.108	Amendment
243.120	Amendment
243.125	Amendment
243.Table A	Amendment

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

5) Effective Date of Rules: March 3, 2016

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

7) Do these rulemakings contain incorporations by reference? Yes

8) Statement of Availability: The adopted amendments, a copy of the Board's opinion and order adopted March 3, 2016 in docket R16-2, 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*: 40 Ill. Reg. 152; January 4, 2016.

10) Has JCAR issued a Statement of Objection to this rulemaking? No. Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) Differences between the Proposal and the Final Version: A table that appears in the Board's opinion and order of March 3, 2016 in docket R16-2 summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated December 17, 2015, in docket R16-2. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.

The differences are limited to minor corrections, many suggested by JCAR. The changes are intended to have no substantive effect. The intent is to add clarity to the rules without deviation from the substance of the federal amendments on which this proceeding is based.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the January 2, 2016 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of March 3, 2016 in docket R16-2, as indicated in item 11 above. See the March 3, 2016 opinion and order in docket R16-2 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for 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 this rulemaking. A comprehensive description is contained in the Board's opinion and order of December 17, 2015, adopting amendments in docket R16-2, which opinion and order is available from the address below.

The R16-2 proceeding relates to the Illinois ambient air quality requirements in 35 Ill. Adm. Code 243 of the Illinois air pollution control rules. These amendments would update the Illinois ambient air quality requirements to correspond with amendments to the federal National Ambient Air Quality Standards (NAAQSs) that the United States Environmental Protection Agency (USEPA) adopted and other USEPA actions relating to the NAAQS that occurred during the period January 1, 2015 through June 30, 2015 and on August 26, 2015, October 26, 2015, November 19, 2015, December 18, 2015. The

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

March 6, 2015 (80 Fed. Reg. 12264)

USEPA adopted an implementation rule for the 2008 ozone National Ambient Air Quality Standard (NAAQS). One segment of the implementation rule revised the sunset and anti-backsliding provisions of the 1997 ozone NAAQS.

June 5, 2015 (80 Fed. Reg. 32114)

USEPA designated one new reference method (FRM) for fine particulates (PM2.5), one new equivalent method (FEM) for PM2.5, one new FEM for coarse particulates (PM10-2.5), and two new FEMs for ozone (O3) in ambient air.

June 18, 2015

USEPA issued an updated version of its List of Designated Reference and Equivalent Methods (List of Designated Methods). The update included the one new FRM and four new FEMs included in the June 5, 2015 Federal Register notice.

August 26, 2015 (at 80 Fed. Reg. 51802)

USEPA designated one new FEM for fine particulate matter (PM2.5) and one for ozone in ambient air.

October 26, 2015 (at 80 Fed. Reg. 65292)

USEPA adopted a new primary and secondary NAAQS for O3 in ambient air, lowering the NAAQS to 70 parts per billion (ppb) from the 2008 primary and secondary NAAQS for ozone, which was 75 ppb. USEPA included amendments relating to implementation of the 2015 NAAQS.

November 19, 2015 (at 80 Fed. Reg. 72432)

USEPA designated one new FRM for carbon monoxide and one new FEM for ozone in ambient air.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

December 18, 2015

USEPA issued an updated version of its List of Designated Reference and Equivalent Methods (List of Designated Methods). The update included the one new FRM and three new FEMs included in the August 26, 2015 and November 19, 2015 Federal Register notices.

Tables appear in the Board's opinion and order of March 3, 2016 in docket R16-2 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 March 20, 2014 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 March 3, 2016 opinion and order in docket R16-2.

Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

16) Information and questions regarding these adopted rules shall be directed to: Please reference consolidated docket R16-2 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 March 3, 2016 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.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

PART 243
AIR QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: STANDARDS AND MEASUREMENT METHODS

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

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

AUTHORITY: Implementing Sections 7.2 and 10 and authorized by Section 27 of the

Environmental Protection Act [415 ILCS 5/7.2, 10, and 27].

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

SUBPART A: GENERAL PROVISIONS

Section 243.105 Air Quality Monitoring Data Influenced by Exceptional Events

a) Requirements.~~,~~

1) The Agency may request USEPA to exclude from use in determinations data showing an exceedance of an NAAQS that is directly due to an exceptional event. The Agency must demonstrate to USEPA that the event caused a specific air pollution concentration at a particular air quality monitoring location.

2) A demonstration to justify data exclusion may include any reliable and accurate data, but must demonstrate a clear causal relationship between the measured exceedance of an NAAQS and the event in accordance with subsection (c)(3)(D)~~ of this Section~~.

b) Determinations by USEPA. USEPA has stated the criteria for making a determination to exclude data as follow:

1) Exceptional Events. USEPA has stated that it will exclude data from use in determinations of exceedance of an NAAQS when~~where~~ the Agency has demonstrated that an exceptional event caused a specific air pollution concentration in excess of one or more NAAQS at a particular air quality monitoring location, and the Agency otherwise satisfies the requirements of 40 CFR 50.14.

2) Fireworks Displays. USEPA has stated that it will exclude data from use in determinations of exceedance of an NAAQS when~~where~~ the Agency has demonstrated that emissions from fireworks displays caused a specific air pollution concentration in excess of one or more NAAQS at a particular air quality monitoring location, and the State otherwise satisfies the requirements of 40 CFR 50.14. USEPA has stated that these data will be treated in the same manner as exceptional events under this Section, provided the Agency has demonstrated that the use of fireworks is significantly integral to traditional national, ethnic, or other cultural events, including, but not limited to July Fourth celebrations, which satisfy the requirements of 40 CFR 50.14.

3) Prescribed Fires. USEPA has stated that it will exclude data from use in determinations of exceedance of an NAAQS when~~where~~ the Agency has demonstrated that emissions from prescribed fires caused a specific air pollution concentration in excess of one or more NAAQS at a particular air quality monitoring location, and the Agency otherwise satisfies the requirements of 40 CFR 50.14, provided that the emissions are from prescribed fires that USEPA determines meets the definition of "exceptional event" in Section 243.101, and provided that the Agency has certified to USEPA that the State has adopted and is implementing a Smoke Management Program (SMP) or the State has ensured that the burner employed basic smoke management practices. If an exceptional event occurs using the basic smoke management practices approach, the Agency must undertake a review of the State's approach to ensure public health is being protected and must include consideration of development of an SMP.

BOARD NOTE: In each of corresponding 40 CFR 50.14(b)(1), (b)(2), and (b)(3), USEPA stated "EPA shall exclude data from use in determinations of exceedances and NAAQS violations." In the first person, "shall" is used more to express present intent or to commit to future action. The Board has changed "EPA shall" to "USEPA has stated that it will." Further, the Board has relied on the defined term "exceedance of an NAAQS".

c) Schedules and Procedures~~.~~

1) Public Notification~~notification~~. The Agency or, where the Agency has delegated authority pursuant to Section 4(g) or (r) of the Act, the Agency's

delegatee, must notify the public promptly whenever an event occurs or is reasonably anticipated to occur that may result in the exceedance of an NAAQS.

2) Flagging of Data.

A) The Agency must notify USEPA of the State's intent to exclude one or more measured exceedances of an NAAQS as being due to an exceptional event by placing a flag in the appropriate field for the data record of concern that has been submitted to the federal air quality system (AQS) database.

B) Flags placed on data in accordance with this Section must be deemed informational only, and the data must not be excluded from determinations with respect to an exceedance of an NAAQS unless and until USEPA notifies the Agency of USEPA concurrence following the Agency's submittal of a demonstration pursuant to subsection (c)(3) ~~of this Section~~ by placing a concurrence flag in the appropriate field for the data record in the AQS database.

C) Flags placed on data as being due to an exceptional event, together with an initial description of the event, must be submitted to USEPA not later than July 1 of the calendar year following the year in which the flagged measurement occurred, except as allowed under subsection (c)(2)(F)~~(c)(2)(D) or (c)(2)(E) of this Section~~.

D) This subsection (c)(2)(D) corresponds with 40 CFR 50.14(c)(2)(iv), which USEPA has removed and marked "reserved."~~has expired by its own terms.~~ This statement maintains structural consistency with the federal regulations.

E) This subsection (c)(2)(E) corresponds with 40 CFR 50.14(c)(2)(v), which USEPA has removed and marked "reserved."~~has expired by its own terms.~~ This statement maintains structural consistency with the federal regulations.

F) Table A of this Part identifies the data submission process for a new or revised NAAQS. USEPA will apply this process to those data that will or may influence the initial designation of areas for any new or revised NAAQS.

~~F) USEPA has stated that when USEPA sets a NAAQS for a new pollutant or revises the NAAQS for an existing pollutant, USEPA may revise or set a new schedule for flagging exceptional event data, providing initial data descriptions, and providing detailed data documentation in AQS for the initial designations of areas for those NAAQS. Table A for this Part provides the existing schedule for submission of flags with initial descriptions in AQS and detailed documentation. These schedules apply for those data that will or may influence the initial designation of areas for those NAAQS. USEPA has stated that it will revise the table upon which Table A is based as necessary to accommodate revised data submission schedules for new or revised NAAQS.~~

3) Submission of Demonstrations~~demonstrations~~.

A) Except as allowed under subsection (c)(2)(F), when~~When~~ the Agency has flagged data as being due to an exceptional event and is requesting exclusion of the affected measurement data, the Agency must, after notice and opportunity for public comment, submit a demonstration to USEPA to justify data exclusion not later than the sooner of three years following the end of the calendar quarter in which the flagged concentration was recorded or 12 months prior to the date that a regulatory decision must be made by USEPA. The Agency must submit to USEPA the public comments it received, along with its demonstration.

B) This subsection (c)(3)(B) corresponds with 40 CFR 50.14(b)(3)(ii), which USEPA has removed and marked "reserved."~~pertains only to a reporting period and opportunity to demonstrate exceptions that has passed.~~ This statement maintains structural consistency with the federal regulations.

C) This subsection (c)(3)(C~~B~~) corresponds with 40 CFR 50.14(b)(3)(ii), which USEPA has removed and marked

"reserved."~~pertains only to a reporting period and opportunity to demonstrate exceptional events that has passed in a provision that has expired by its own terms.~~ This statement maintains structural consistency with the federal regulations.

D) The demonstration to justify data exclusion must provide the following evidence:

i) That the event satisfies the definition of "exceptional event" set forth in Section 243.101;

ii) That there is a clear causal relationship between the measurement under consideration and the event that is claimed to have affected the air quality in the area;

iii) That the event is associated with a measured concentration in excess of normal historical fluctuations, including background; and

iv) That there would have been no exceedance or violation but for the event.

E) With the submission of the demonstration, the Agency must document that the public comment process was followed.

BOARD NOTE: Derived from 40 CFR 50.14 (2015)~~(2012)~~.

(Source: Amended at 40 Ill. Reg. 4906, effective March 3, 2016)

Section 243.108 Incorporations by Reference

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

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

Appendix A-1 to 40 CFR 50 (2015)~~(2013)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)), referenced in Section 243.122.

Appendix A-2 to 40 CFR 50 (2015)~~(2013)~~ (Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)), referenced in Section 243.122.

Appendix B to 40 CFR 50 (2015)~~(2013)~~ (Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)), referenced in appendix G to 40 CFR 50 (see below).

Appendix C to 40 CFR 50 (2015)~~(2013)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)), referenced in Section 243.123.

Appendix D to 40 CFR 50 (2015), as amended at 80 Fed. Reg. 65453 (Oct. 26, 2015)~~(2013)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere), referenced in Section 243.125.

Appendix F to 40 CFR 50 (2015)~~(2013)~~ (Reference Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)), referenced in Section 243.124.

Appendix G to 40 CFR 50 (2015)~~(2013), as amended at 78 Fed. Reg. 40000 (July 3, 2013)~~ (Reference Method for the Determination of Lead in Suspended Particulate Matter Collected from Ambient Air), referenced in Section 243.126.

Appendix H to 40 CFR 50 (2015)~~(2013)~~ (Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix I to 40 CFR 50 (2015)~~(2013)~~ (Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix J to 40 CFR 50 (2015)~~(2013)~~ (Reference Method for the Determination of Particulate Matter as PM_{10} in the Atmosphere), referenced in Section 243.120.

Appendix K to 40 CFR 50 (2015)~~(2013)~~ (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Particulate Matter), referenced in Section 243.120.

Appendix L to 40 CFR 50 (2015)~~(2013)~~ (Reference Method for the Determination of Fine Particulate Matter as $PM_{2.5}$ in the Atmosphere), referenced in Section 243.120.

Appendix N to 40 CFR 50 (2015)~~(2013), as amended at 78 Fed. Reg. 47191 (August 5, 2013)~~ (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Particulate Matter), referenced in Section 243.120.

Appendix O to 40 CFR 50 (2015)~~(2013)~~ (Reference Method for the Determination of Coarse Particulate Matter as $PM_{10\text{-}2.5}$ in the Atmosphere), referenced in appendix Q to 40 CFR 50 and for use in federally required monitoring by the NCore system pursuant to 40 CFR 58.

Appendix P to 40 CFR 50 (2015)~~(2013)~~ (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix Q to 40 CFR 50 (2015)~~(2013)~~ (Reference Method for the Determination of Lead in Particulate Matter as PM_{10} Collected from Ambient Air), referenced in appendix R to 40 CFR 50.

Appendix R to 40 CFR 50 (2015)~~(2013)~~ (Interpretation of the National Ambient Air Quality Standards for Lead), referenced in Section 243.126.

Appendix S to 40 CFR 50 (2015)~~(2013)~~ (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide)), referenced in Section 243.124.

Appendix T to 40 CFR 50 (2015)~~(2013)~~ (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide)), referenced in Section 243.122.

Appendix U to 40 CFR 50 (2015), as added at 80 Fed. Reg. 65453 (Oct. 26, 2015) (Interpretation of the Primary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Clean Air Act, 42 USC 7401 et seq. (2013)~~(2011)~~(for definitions of terms only), referenced in Section 243.102.

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

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

"List of Designated Reference and Equivalent Methods" (December 18, 2015)~~(December 18, 2014)~~ (referred to as the "List of Designated Methods" and referenced in Sections 243.101, 243.120, 243.122, 243.123, 243.124, 243.125, and 243.126).

This incorporation by reference includes the following~~does not include~~ USEPA methods approval~~approvals~~ that occurred after December 18, 2015~~December 18, 2014~~.

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

(Source: Amended at 40 Ill. Reg. 4906, effective March 3, 2016)

SUBPART B: STANDARDS AND MEASUREMENT METHODS

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

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

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

2) This subsection (a)(2) corresponds with 40 CFR 50.6(b)~~51.6(b)~~, a provision marked "reserved" by USEPA. This statement maintains structural consistency with the corresponding federal regulation.

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

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

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

BOARD NOTE: This subsection (a) is derived from 40 CFR 50.6 (2015)~~(2013)~~. USEPA adopted 1997 primary NAAQS for PM_{10} at 62 Fed. Reg. 38652 (July 18, 1997). As a result of a judicial vacatur, USEPA later removed the transitional provision relative to the 1987 NAAQS at 65 Fed. Reg. 80776 (Dec. 22, 2000) and the 1997 NAAQS at 69 Fed. Reg. 45595 (July 30, 2004). Thus, the 1987 primary and secondary NAAQS for PM_{10} are included in this subsection (a).

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

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

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

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

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

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

BOARD NOTE: This subsection (b) is derived from 40 CFR 50.7 (2015)~~(2013)~~. The 2006 primary and secondary annual average and 24-hour NAAQS for $PM_{2.5}$ differs from the 1997 standards in that the 24-hour average concentration required by the 2006 standard is substantially lower (more stringent) than that for the 1997 standard. The Board has retained the 1997 standard in this subsection (b) because USEPA has retained the 1997 standard in 40 CFR 50.6.

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

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

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

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

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

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

BOARD NOTE: This subsection (c) is derived from 40 CFR 50.13 (2015)~~(2013)~~.

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

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

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

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

2) The 2012 primary annual NAAQS for $PM_{2.5}$ is met when the annual arithmetic mean concentration, as determined in accordance with appendix

N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 12.0 µg/m^3.

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

BOARD NOTE: This subsection (d) is derived from 40 CFR 50.18~~50.13~~ (2015)~~(2013)~~.

(Source: Amended at 40 Ill. Reg. 4906, effective March 3, 2016)

Section 243.125 Ozone

~~a) 1997 Primary and Secondary Eight-Hour NAAQS for Ozone.~~

~~1) The 1997 hour primary and secondary eight-hour NAAQS for ozone, measured by an FRM based on appendix D to 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108, is 0.08 ppm, daily maximum eight-hour average.~~

~~2) The 1997 primary and secondary eight-hour NAAQS for ozone is met at an ambient air quality monitoring site when the average of the annual fourth-highest daily maximum eight-hour average ozone concentration is less than or equal to 0.08 ppm, as determined in accordance with appendix I to 40 CFR 50, incorporated by reference in Section 243.108.~~

~~3) USEPA has stated in corresponding 40 CFR 50.10(c) that the 1997 primary and secondary eight-hour NAAQS for ozone set forth in subsection (b)(1) of this Section will no longer apply to an area for transportation conformity purposes one year after the effective date of USEPA designation of that area pursuant to 42 USC 7407 for the 2008 primary and secondary eight-hour NAAQS set forth for ozone in subsection (c)(1) of this Section. The 1997 primary and secondary eight-hour NAAQS for ozone set forth in this subsection (b) will remain applicable to all areas for all other purposes notwithstanding the 2008 primary and secondary eight-hour NAAQS for ozone set forth in~~

~~subsection (c) of this Section or the USEPA designation of areas for that 2008 primary and secondary eight-hour NAAQS for ozone.~~

~~BOARD NOTE: USEPA has codified area designations and classifications with respect to the 2008 primary and secondary NAAQS for ozone in 40 CFR 81.314. When USEPA has taken action and the conditions of subsection (b)(3) have been fulfilled, or USEPA has removed 40 CFR 50.10, the Board will remove obsolete 1997 primary and secondary one-hour or eight-hour NAAQS for ozone from this subsection (a).~~

~~BOARD NOTE: This subsection (a) is derived from 40 CFR 50.10 (2012).~~

a~~b~~) 2008 Primary and Secondary Eight-Hour NAAQS for Ozone.

1) The 2008 primary and secondary eight-hour NAAQS for ozone is 0.075 ppm, daily maximum eight-hour average, measured by an FRM based on appendix D to 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108, or an FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.

2) The 2008 primary and secondary eight-hour NAAQS for ozone ambient air quality standards are met at an ambient air quality monitoring site when the three-year average of the annual fourth-highest daily maximum eight-hour average ozone concentration is less than or equal to 0.075 ppm, as determined in accordance with appendix P to 40 CFR 50, incorporated by reference in Section 243.108.

BOARD NOTE: This subsection (a)~~(b)~~ is derived from 40 CFR 50.15 (2015)~~(2012)~~.

b) 2015 Primary and Secondary Eight-Hour NAAQS for Ozone.

1) The level of the eight-hour primary NAAQS for ozone is 0.070 ppm, daily maximum eight-hour average, measured by a reference method based on appendix D to 40 CFR 50, incorporated by reference in Section 243.108, or an equivalent method designated by USEPA and listed in the List of

Designated Methods or a Federal Register notice incorporated by reference in Section 243.108.

2) The eight-hour primary NAAQS for ozone is met at an ambient air quality monitoring site when the three-year average of the annual fourth-highest daily maximum eight-hour average ozone concentration is less than or equal to 0.070 ppm, as determined in accordance with appendix U to 40 CFR 50, incorporated by reference in Section 243.108.

3) The level of the secondary NAAQS for ozone is 0.070 ppm, daily maximum eight-hour average ozone concentration, measured by a reference method based on appendix D to 40 CFR 50, incorporated by reference in Section 243.108, and designated in accordance with Part 53 of this chapter or an equivalent method designated by USEPA and listed in the List of Designated Methods or a Federal Register notice incorporated by reference in Section 243.108.

4) The eight-hour secondary NAAQS for ozone is met at an ambient air quality monitoring site when the three-year average of the annual fourth-highest daily maximum eight-hour average ozone concentration is less than or equal to 0.070 ppm, as determined in accordance with appendix U to 40 CFR 50, incorporated by reference in Section 243.108.

BOARD NOTE: This subsection (b) is derived from 40 CFR 50.19 (2015).

(Source: Amended at 40 Ill. Reg. 4906, effective March 3, 2016)

Section 243.TABLE A Schedule for~~of Exceptional Event~~ Flagging and Documentation Submission for Data Influenced by Exceptional Events for Use in Initial Area Designations~~for New or Revised NAAQS~~

Exceptional events/regulatory action	Exceptional events deadline schedule[d]
Flagging and initial event description deadline for data years one, two, and three.[a]	If State initial designation recommendations for a new or revised NAAQS are due August through January, then the flagging and initial event description deadline will be the July 1 prior to the recommendation deadline. If State recommendations for a new or revised NAAQS are due February through July, then the flagging and initial event description deadline will be the January 1 prior to the recommendation deadline.
Exceptional events demonstration submittal deadline for data years one, two, and three.[a]	No later than the date that State recommendations are due to USEPA.
Flagging, initial event description and exceptional events demonstration submittal deadline for data year four[b] and, where applicable, data year five.[c]	By the last day of the month that is one year and seven months after promulgation of a new or revised NAAQS, unless either option a or b applies. a. If USEPA follows a three-year designation schedule, the deadline is two years and seven months after promulgation of a new or revised NAAQS. b. If USEPA notifies the State that it intends to complete the initial area designations process according to a schedule between two and three years, the deadline is five months prior to the date specified for final designations decisions in such USEPA notification.

a. Where data years one, two, and three are those years expected to be considered in State recommendations.

b. Where data year four is the additional year of data that USEPA may consider when it makes final area designations for a new or revised NAAQS under the standard designations schedule.

c. Where data year five is the additional year of data that USEPA may consider when it makes final area designations for a new or revised NAAQS under an extended designations schedule.

d. The date by which air agencies must certify their ambient air quality monitoring data in AQS is annually on May 1 of the year following the year of data collection, as specified in 40 CFR 58.15(a)(2). In some cases, however, the State may choose to certify a prior year's data in advance of May 1 of the following year, particularly if USEPA has indicated its intent to promulgate final designations in the first eight months of the calendar year. Data flagging, initial event description and exceptional events demonstration deadlines for "early certified" data will follow the deadlines for "year four" and "year five" data.

~~NAAQS (Level) Regulatory Citations~~	~~Air quality data collected for calendar year~~	~~Event flagging & initial description deadline~~	~~Detailed documentation submission deadline~~
~~2006 24-hour $PM_{2.5}$ (35 µg/m^3) Section 243.120(c)(1) 40 CFR 50.13(a) 71 Fed. Reg. 61144 (Oct. 17, 2006)~~	~~2004-2006~~	~~October 1, 2007~~	~~April 15, 2008~~
~~2008 eight-hour ozone (0.075 ppm) Section 243.125(c)(1) 40 CFR 50.15(a) 73 Fed. Reg. 16436 (Mar. 27, 2008)~~	~~2005-2007 2008 2009~~	~~June 18, 2009 June 18, 2009 60 days after the end of the calendar quarter in which the event occurred or February 5, 2010, whichever date occurred first~~	~~June 18, 2009 June 18, 2009 60 days after the end of the calendar quarter in which the event occurred or February 5, 2010, whichever date occurred first~~
~~2010 one-hour nitrogen oxides (as NO_2) (100 ppb) Section 243.124(b)~~	~~2008 2009 2010~~	~~July 1, 2010 July 1, 2010 April 1, 2011~~	~~January 22, 2011 January 22, 2011 July 1, 2010~~

~~40 CFR 50.11(b)~~ ~~75 Fed. Reg. 6474 (Feb. 9, 2010)~~			
~~2010 one-hour sulfur oxides (as SO_2)~~ ~~(75 ppb)~~ ~~Section 243.122(c)(1)~~ ~~40 CFR 17(a)~~ ~~75 Fed. Reg. 35520 (June 22, 2010)~~	~~2008~~ ~~2009~~ ~~2010~~ ~~2011~~	~~October 1, 2010~~ ~~October 1, 2010~~ ~~June 1, 2011~~ ~~60 days after the end of the calendar quarter in which the event occurred or March 31, 2012, whichever date occurred first~~	~~June 1, 2011~~ ~~June 1, 2011~~ ~~June 1, 2011~~ ~~60 days after the end of the calendar quarter in which the event occurred or March 31, 2012, whichever date occurred first~~
~~2012 annual $PM_{2.5}$~~ ~~(12 µg/m^3)~~ ~~Section 243.120(d)(1)~~ ~~40 CFR 50.18(a)~~ ~~78 Fed. Reg. 3086 (Jan. 15, 2013)~~	~~2010 and 2011~~ ~~2012~~ ~~2013~~	~~July 1, 2013~~ ~~July 1, 2013~~ ~~July 1, 2014~~	~~December 12, 2013~~ ~~December 12, 2013~~ ~~August 1, 2014~~

BOARD NOTE: Derived from table 1 to 40 CFR 50.14(c). ~~USEPA noted that the information in this table of revised deadlines only applies to data that USEPA will use to establish the initial area designations for new or revised NAAQS. USEPA stated that the general schedule in this table applies for all other purposes, most notably, for data that USEPA will use for redesignations to attainment. Corresponding table 1 to 40 CFR 50.14(c)(2) includes a footnote "a" which indicates that the tabulated deadlines for event flagging and initial description for 2012 and 2013 data under the 2012 primary annual average NAAQS for $PM_{2.5}$ are the same as those prescribed by 40 CFR 50.14 (corresponding with Section 243.105). The Board omitted those footnotes as unnecessary in the Illinois rules. Corresponding federal table 1 states that the 2012 primary annual average NAAQS for $PM_{2.5}$ was "Promulgated December 14, 2012". Although the Administrator of USEPA signed adopted rule on that date, publication did not occur until January 15, 2013. See 78 Fed. Reg. 3086, 3276 (Jan. 15, 2013). The Board has used the Federal Register citation and date.~~

(Source: Amended at 40 Ill. Reg. 4906, effective March 3, 2016)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision

2) Code Citation: 23 Ill. Adm. Code 1

3) Section Number: 1.540 — Adopted Action: Amendment

4) Statutory Authority: 105 ILCS 5/2-3.6

5) Effective Date of Rule: March 2, 2016

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 14480; November 6, 2015

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: The article "an" was changed to "any" before "opioid" in numerous instances, and "A" was changed to "An" in Section 1.540(e)(6) before "individual".

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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

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

Section Numbers:	Proposed Actions:	*Illinois Register* Citations:
1.77	Amendment	40 Ill. Reg. 3316; February 26, 2016
1.79	New Section	40 Ill. Reg. 3316; February 26, 2016
1.700	New Section	40 Ill. Reg. 3316; February 26, 2016
1.Appendix D	Amendment	40 Ill. Reg. 3316; February 26, 2016

STATE BOARD OF EDUCATION

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15) Summary and Purpose of the Rulemaking: PA 99-480, effective September 9, 2015, authorizes (but does not require) the administration of opioid antagonists by school nurses (as that term is defined in Section 22-30 of the School Code) or trained personnel to "any person (who) the school nurse or trained personnel in good faith believes is having an opioid overdose". Since many of the requirements for the administration of opioid antagonists are similar to those for use of undesignated epinephrine auto-injectors, Section 1.540 has been updated to reference opioid antagonists and address the differences in the type of training school nurses or other personnel administering the drug will receive.

16) Information and questions regarding this adopted rule should be directed to:

David Andel, Division Administrator
Division of Special Education Services
Illinois State Board of Education
100 North First Street, N-253
Springfield IL 62777

217/782-5589

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1
PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section
1.10 Public School Accountability Framework
1.20 Operational Requirements
1.30 State Assessment
1.40 Adequate Yearly Progress
1.50 Calculation of Participation Rate
1.60 Subgroups of Students; Inclusion of Relevant Scores
1.70 Additional Indicators for Adequate Yearly Progress
1.75 Student Information System
1.77 Educator Licensure Information System (ELIS)
1.80 Academic Early Warning and Watch Status
1.85 School and District Improvement Plans; Restructuring Plans
1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency under Title III
1.90 System of Rewards and Recognition − The Illinois Honor Roll
1.95 Appeals Procedure
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1.110 Appeal Process under Section 22-60 of the School Code

SUBPART B: SCHOOL GOVERNANCE

Section
1.210 Approval of Providers of Training for School Board Members under Section 10-16a of the School Code
1.220 Duties of Superintendent (Repealed)
1.230 Board of Education and the School Code (Repealed)
1.240 Equal Opportunities for all Students
1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance

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Standards
1.245 Waiver of School Fees
1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)
1.260 Commemorative Holidays to be Observed by Public Schools (Repealed)
1.270 Book and Material Selection (Repealed)
1.280 Discipline
1.285 Requirements for the Use of Isolated Time Out and Physical Restraint
1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section
1.310 Administrative Qualifications and Responsibilities
1.320 Evaluation of Licensed Educators
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SUBPART D: THE INSTRUCTIONAL PROGRAM

Section
1.410 Determination of the Instructional Program
1.420 Basic Standards
1.422 Electronic Learning (E-Learning) Days Pilot Program
1.425 Additional Criteria for Physical Education
1.430 Additional Criteria for Elementary Schools
1.440 Additional Criteria for High Schools
1.442 State Seal of Biliteracy
1.445 Required Course Substitute
1.450 Special Programs (Repealed)
1.460 Credit Earned Through Proficiency Examinations
1.462 Uniform Annual Consumer Education Proficiency Test (Repealed)
1.465 Ethnic School Foreign Language Credit and Program Approval
1.470 Adult and Continuing Education
1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section
1.510 Transportation
1.515 Training of School Bus Driver Instructors

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1.520 Home and Hospital Instruction
1.530 Health Services
1.540 Undesignated Epinephrine Auto-injectors; Opioid Antagonists

SUBPART F: STAFF LICENSURE REQUIREMENTS

Section
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1.620 Accreditation of Staff (Repealed)
1.630 Paraprofessionals; Other Unlicensed Personnel
1.640 Requirements for Different Certificates (Repealed)
1.650 Transcripts of Credits
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SUBPART G: STAFF QUALIFICATIONS

Section
1.705 Requirements for Supervisory and Administrative Staff
1.710 Requirements for Elementary Teachers
1.720 Requirements for Teachers of Middle Grades
1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades 6 and Above through June 30, 2004
1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
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1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
1.740 Standards for Reading through June 30, 2004
1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
1.750 Standards for Media Services through June 30, 2004
1.755 Requirements for Library Information Specialists Beginning July 1, 2004
1.760 Standards for School Support Personnel Services
1.762 Supervision of Speech-Language Pathology Assistants
1.770 Standards for Special Education Personnel
1.780 Standards for Teachers in Bilingual Education Programs
1.781 Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12
1.782 Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12

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1.783	Requirements for Administrators of Bilingual Education Programs
1.790	Substitute Teacher

1.APPENDIX A	Professional Staff Educator Licensure
1.APPENDIX B	Certification Quick Reference Chart (Repealed)
1.APPENDIX C	Glossary of Terms (Repealed)
1.APPENDIX D	State Goals for Learning
1.APPENDIX E	Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
1.APPENDIX F	Criteria for Determination – Student Performance and School Improvement (Repealed)
1.APPENDIX G	Criteria for Determination – State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-30, 22-60, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-30, 22-60, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, 27-23.8 and 2-3.6].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective

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July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 2007; amended at 32 Ill. Reg. 10229, effective June 30, 2008; amended at 33 Ill. Reg. 5448, effective March 24, 2009; amended at 33 Ill. Reg. 15193, effective October 20, 2009; amended at 34 Ill. Reg. 2959, effective February 18, 2010; emergency amendment at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17411, effective October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011; amended at 35 Ill. Reg. 12328, effective July 6, 2011; amended at 35 Ill. Reg. 16743, effective September 29, 2011; amended at 36 Ill. Reg. 5580, effective March 20, 2012; amended at 36 Ill. Reg. 8303, effective May 21, 2012; amended at 38 Ill. Reg. 6127, effective February 27, 2014; amended at 38 Ill. Reg. 11203, effective May 6, 2014; amended at 39 Ill. Reg. 2773, effective February 9, 2015; emergency amendment at 39 Ill. Reg. 12369, effective August 20, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 13411, effective September 24, 2015; amended at 40 Ill. Reg. 1900, effective January 6, 2016; amended at 40 Ill. Reg. 2990, effective January 27, 2016; amended at 40 Ill. Reg. 4929, effective March 2, 2016.

SUBPART E: SUPPORT SERVICES

Section 1.540 Undesignated Epinephrine Auto-injectors; Opioid Antagonists

This Section establishes requirements in addition to those set forth at Section 22-30 of the School Code [105 ILCS 5/22-30] for a school nurse or other trained school personnel *to administer an undesignated epinephrine auto-injector* or any opioid antagonist *to any person whom the school nurse or trained personnel in good faith believes to be having an anaphylactic reaction* or any opioid overdose, respectively, *while in school, while at a school-sponsored activity, while under the supervision of school personnel, or before or after normal school activities, such as while in before-school or after-school care on school-operated property.*

a) Definitions

For the purposes of this Section:

1) "School" shall be understood to mean a school district, public school or nonpublic school, as may be applicable.

2) "School nurse" shall have the meaning prescribed in Section 22-30(a) of the School Code.

b) Parental Notification
In addition to the provisions of Section 22-30(c) and (c-5) of the School Code, a school that has a standing protocol, as defined in Section 22-30 of the School Code, to administer undesignated epinephrine auto-injectors and/or opioid antagonists shall notify the parents or guardians of each student that the school has instituted the standing protocol and that a student may be administered epinephrine and/or any opioid antagonist under the circumstances described in Section 22-30(e-5) or (e-10) of the School Code.

1) The school shall provide the notification of the standing protocol to the parents or guardian at the start of each school year or, for students enrolling for the first time, at the time of enrollment. The parent or guardian shall acknowledge the notification by signing it and returning it to the school.

2) A school also shall accept a written request from a parent or guardian stating that his or her student shall not be administered epinephrine and/or any opioid antagonist under any circumstances. The school shall provide the name of any student whose parent or guardian submits notification under this subsection (b)(2) to the school nurse and to any trained personnel, as defined under Section 22-30(a) of the School Code.

c) Standing Protocol

1) A standing protocol for administering undesignated epinephrine auto-injectors or any opioid antagonist, as applicable, shall be provided to the school nurse and trained personnel, as well as kept with or near the undesignated epinephrine auto-injectors or any opioid antagonist, as applicable.

2) The standing protocol shall state the hours of the day, days of the week and the school-sponsored activities during which the undesignated epinephrine auto-injectors or any opioid antagonist, as applicable, will be available. A school is not required to have a school nurse or trained personnel available at all times nor at all school-sponsored activities to

administer undesignated epinephrine auto-injectors or any opioid antagonist, as applicable.

3) The standing protocol shall provide that the undesignated epinephrine auto-injectors or any opioid antagonist, as applicable, be stored in and available daily at one or more designated, secure locations. For the purposes of this Section, "secure location" means an unlocked location that is inaccessible to students and/or visually monitored by an adult during the normal school day under routine circumstances.

4) The standing protocol shall include a written order for the undesignated epinephrine auto-injectors or any opioid antagonist that meets the requirements of Section 22-30(b) of the School Code. The written order required under this subsection (c)(4) is valid for the school year in which it was provided and must be renewed each school year. (See Section 22-30(d) of the School Code.)

d) Notification of Administration of an Undesignated Epinephrine Auto-Injector or Opioid Antagonist
Any school whose school nurse or trained personnel administered an undesignated epinephrine auto-injector or any opioid antagonist, as applicable, shall meet the notification requirements of Section 22-30(f-5) and (f-10) of the School Code.

e) Personnel Training
Only trained personnel or a school nurse shall administer an undesignated epinephrine auto-injector or any opioid antagonist, as applicable.

1) Certification courses required under Section 22-30(g) of the School Code in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED) shall be conducted by a trainer who is certified in CPR/AED by the American Heart Association, American Red Cross or similar certifying body. Trained personnel shall renew any certification issued in accordance with the requirements of the certifying body and present the certification to his or her school.

2) A school administrator or a school nurse shall be available to answer questions from training participants if the anaphylaxis or opioid antagonist training is presented via a webinar or online format or through a video

supplied by an epinephrine or opioid antagonist manufacturer. Training provided in one of the formats listed in this subsection (e)(2) shall not be considered complete unless an opportunity for questions is provided.

3) In addition to the curricular content listed in Section 22-30(h) of the School Code, anaphylaxis training also shall include information about:

A) where the undesignated epinephrine auto-injectors are stored and how to access them;

B) the method by which the school nurse or trained personnel will be notified of an incident that could require the administration of an undesignated epinephrine auto-injector;

C) the school's written plan to prevent exposure to allergens; and

D) the process for administering the specific undesignated epinephrine auto-injector devices identified in the standing order.

4) In addition to the curricular content listed in Section 22-30(h-5) of the School Code, opioid antagonist training also shall meet the requirements of Section 5-23 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/5-23] and training requirements set forth at 77 Ill. Adm. Code 2060 (Alcoholism and Substance Abuse Treatment and Intervention Licenses) and include information about:

A) where the opioid antagonist is stored and how to access the drug;

B) the method by which the school nurse or trained personnel will be notified of an incident that could require the administration of any opioid antagonist; and

C) the process for administering the specific opioid antagonist identified in the standing order.

5)~~4)~~ A school nurse or physician with knowledge of allergies and anaphylaxis and CPR and AED certification who possesses skill in administering or demonstrating the use of an epinephrine auto-injector shall certify by

written signature that the ~~trained~~ personnel being trained passed the test required under Section 22-30(h)(7) of the School Code.

6) An individual familiar with the use of an opioid antagonist who has CPR and AED certification (e.g., healthcare provider, police officer, paramedic) shall certify by written signature that the personnel being trained passed the test required under Section 22-30(h-5)(8) of the School Code.

7)~~5)~~ Each statement of certification issued under subsection (e)(5) or (e)(6)~~(e)(4)~~ of this Section shall be maintained by the school in accordance with Section 22-30(g) of the School Code.

8)~~6)~~ The names of trained personnel shall be provided to the school nurse and school administrator, indicating whether the person received training specific to anaphylaxis, opioid antagonists or both.

f) Reporting
Each school shall submit a report regarding the administration of an undesignated epinephrine auto-injector or opioid antagonist electronically in a format prescribed by the State Superintendent of Education within the timeline specified in Section 22-30(i) or (i-5), respectively, of the School Code.

g) Allergen Reduction Plan
Each school shall develop a written plan to reduce the risk of accidental exposure to allergens that addresses, at a minimum, lunchroom safeguards, classroom food policies, and identification of areas of the playground that are known concerns, such as those with insect colonies. A separate plan is not required if the school has addressed reducing the risk of accidental exposure to allergens in the plan adopted pursuant to Section 2-3.149(b) of the School Code [105 ILCS 5/2-3.149(b)].

h) In accordance with Section 22-30(h) of the School Code, the State Superintendent of Education shall post on the agency's website by January 1, 2016 a list of resource materials about how *to recognize and respond to anaphylaxis*.

(Source: Amended at 40 Ill. Reg. 4929, effective March 2, 2016)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Educator Licensure

2) Code Citation: 23 Ill. Adm. Code 25

3)

Section Numbers:	Adopted Actions:
25.15	Amendment
25.25	Amendment
25.60	Amendment
25.70	Amendment
25.72	Amendment
25.335	Amendment
25.337	Amendment
25.345	Amendment
25.355	Amendment
25.400	Amendment
25.425	Amendment
25.450	Amendment
25.480	Amendment
25.485	Amendment
25.486	Amendment
25.487	Amendment
25.488	Amendment
25.489	Amendment
25.490	Amendment
25.491	Amendment
25.520	Amendment
25.610	Amendment
25.620	Amendment
25.800	Amendment
25.805	Amendment
25.830	Amendment
25.855	Amendment

4) Statutory Authority: 105 ILCS 5/2-3.6

5) Effective Date of Rules: March 2, 2016

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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 principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 13933; October 23, 2015

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: Changes in wording requested by JCAR were made in Section 25.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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

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

15) Summary and Purpose of Rulemaking: Four recently enacted PA affect Part 25, resulting in the following changes being made:

PA 99-58, effective July 16, 2015, in part, establishes criteria for receipt of the professional educator license (PEL) that are similar for applicants prepared in an approved Illinois educator preparation program and those who were prepared in an out-of-state or out-of-country program. Other changes resulting from the new law:

Align coursework requirements for applicants prepared in other states or countries to those required of individuals prepared in Illinois-approved educator preparation programs (Sections 25.25 and 25.355);

Eliminate the requirement that not-for-profit entities wishing to offer alternative teacher preparation programs have those programs approved by the Illinois Board of Higher Education, as well as the State Board of Education (Section 25.60);

Eliminate the requirement that applicants for the educator license with stipulations for career and technical educator to have accrued the requisite hours of work experience in the "10 years immediately preceding the application" (Sections 25.70 and 25.72);
Remove the deadline for recording of renewal activities in the Educator License Information System (ELIS) (Sections 25.70, 25.800 and 25.830);
Modify the timeline for receipt of the general administrative endorsement (Section 25.335);

State in the rule the availability of the educator license with stipulations endorsed for chief school business official (ELS-CSBO) for those individuals who would otherwise qualify for the endorsement on the PEL but have not taken the required coursework in reading and education of the exceptional child (Sections 25.345, 25.800 and 25.805); and

Remove the educator license with stipulations endorsed for paraprofessional endorsement (ELS-PPE) from the types of licenses whose validity may lapse, subjecting the holder of the license to a penalty of either a $150 fee or completion of nine semester hours of coursework in order to get the license reinstated (Section 25.450).

PA 99-21, effective January 1, 2016, requires that individuals assigned to serve as student teachers in recognized nonpublic schools or in public schools be subject to a fingerprint-based criminal history records check, to include checks of the Statewide Sex Offender Database and the Violent Offender Against Youth Database. Mention of these new requirements has been made in Section 25.620, which addresses requirements for student teaching.

PA 99-35, effective January 1, 2016, limits the requirement to pass the basic skills test in order to renew the educator license with stipulations endorsed either for career and technical educator or provisional career and technical educator to only those receiving the license on or after January 1, 2015 (Section 25.72). The law codifies into law a regulatory provision placed into Section 25.70 in April in response to PA 98-751, effective January 1, 2015, which moved the requirement to pass the basic skills from before the license would be issued to before the license could be renewed.

PA 99-130, effective July 24, 2015, added museums to the list of statutorily approved providers of professional development for the purpose of license

renewal (Section 25.855). PA 99-58 also further authorized public community colleges, and State agencies, boards and commissions to be statutorily approved providers. Previous legislation, PA 98-1147, effective December 31, 2014, further expanded the approved entities to include "a not-for-profit organization that, as of the effective date of this amendatory Act of the 98th General Assembly, has had or has a grant from or a contract with the State Board of Education to provide professional development services in the area of English Language Learning to Illinois school districts, teachers, or administrators". Given the legislative interest in this part of the renewal system, a general statement cross-referencing the law has been added at Section 25.855 to accommodate future changes in statute without the need to make corresponding changes in the rules.

Modifications that are not the result of legislation are described below.

Section 25.60(c)(3)(A) requires the State Superintendent to review and approve the transcript of an applicant for an alternative education program who does not have a major in one of the areas required under the law (i.e., reading, English language arts, mathematics or one of the sciences). Alternative programs have been submitting these transcripts without allowing sufficient time for their review. For this reason, any transcript for review must be submitted to the State Superintendent no later than 45 days before the applicant would be admitted into the program.

The requirements for receipt of the principal or superintendent endorsement have been clarified in Sections 25.337 and 25.355 to include a master's degree or equivalent.

Section 25.400(h) has been revised to include a caveat that individuals holding an educator license in "retired status" are not required to register the license if they are working as substitute teachers for less than 50 percent of full-time equivalency.

Sections 25.480 and 25.485 through 25.491 have been revised to include an individual's request to have his or her license reinstated as a trigger for verifying compliance with a number of statutory or policy circumstances (e.g., previous sanction on a license, child support payment violation, noncompliance with tax laws, convictions, evaluation results) that could result in a license not being reinstated.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding these adopted rules should be directed to:

Jason Helfer, Assistant Superintendent
Educator Effectiveness
Illinois State Board of Education
100 North First Street
Springfield IL 62777

217/557-6763

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER b: PERSONNEL

PART 25
EDUCATOR LICENSURE

SUBPART A: DEFINITIONS

Section
25.10 Accredited Institution

SUBPART B: LICENSES

Section
25.11 New Certificates (February 15, 2000) (Repealed)
25.15 Types of Licenses; Exchange
25.20 Requirements for the Elementary Certificate (Repealed)
25.22 Requirements for the Elementary Certificate (2004) (Repealed)
25.25 Requirements for the Professional Educator License
25.30 Endorsement in Teacher Leadership (Through December 31, 2012) (Repealed)
25.32 Teacher Leader Endorsement (Beginning September 1, 2012)
25.35 Acquisition of Subsequent Certificates; Removal of Deficiencies (Repealed)
25.37 Acquisition of Subsequent Teaching Endorsements on a Professional Educator License
25.40 Requirements for the Special Certificate (Repealed)
25.42 Requirements for the Special Certificate (2004) (Repealed)
25.43 Standards for Licensure of Special Education Teachers
25.45 Standards for the Initial Special Preschool-Age 12 Certificate – Speech and Language Impaired (Repealed)
25.46 Special Provisions for the Learning Behavior Specialist I Endorsement
25.47 Special Provisions for the Learning Behavior Specialist I Approval
25.48 Short-Term Emergency Approval in Special Education
25.50 General Certificate (Repealed)
25.60 Alternative Educator Licensure Program for Teachers (Beginning January 1, 2013)
25.65 Alternative Educator Licensure
25.67 Alternative Route to Teacher Licensure

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NOTICE OF ADOPTED AMENDMENTS

25.70 Endorsement for Career and Technical Educator
25.72 Endorsement for Provisional Career and Technical Educator
25.75 Part-time Provisional Certificates (Repealed)
25.80 Endorsement for Part-time Provisional Career and Technical Educator
25.82 Requirements for the Early Childhood Certificate (2004) (Repealed)
25.85 Special Provisions for Endorsement in Foreign Language for Individuals Currently Certified (Repealed)
25.86 Special Provisions for Endorsement in Foreign Language for Individuals Prepared as Teachers But Not Currently Certified (Repealed)
25.90 Endorsement for Transitional Bilingual Educator
25.92 Endorsement for Visiting International Educator
25.95 Language Endorsement for the Transitional Bilingual Educator
25.96 Endorsement for Early Childhood Education (Birth through Grade 2)
25.97 Endorsement for Elementary Education (Grades 1 through 6)
25.99 Endorsement for the Middle Grades (Grades 5 through 8)
25.100 Teaching Endorsements on the Professional Educator License
25.105 Temporary Substitute Teaching Permit (Repealed)

SUBPART C: APPROVING PROGRAMS THAT PREPARE PROFESSIONAL EDUCATORS IN THE STATE OF ILLINOIS

Section
25.110 System of Approval: Levels of Approval (Repealed)
25.115 Recognition of Institutions and Educational Units, and Approval of Programs
25.120 Standards and Criteria for Institutional Recognition and Program Approval (Repealed)
25.125 Accreditation Review of the Educational Unit (Repealed)
25.127 Review of Individual Programs (Repealed)
25.130 Interventions by the State Board of Education and State Educator Preparation and Licensure Board
25.135 Interim Provisions for Continuing Accreditation and Approval – July 1, 2000, through Fall Visits of 2001 (Repealed)
25.136 Interim Provisions for Continuing Accreditation – Institutions Visited from Spring of 2002 through Spring of 2003 (Repealed)
25.137 Interim Provisions for Continuing Accreditation and Approval – July 1, 1999, through June 30, 2000 (Repealed)
25.140 Requirements for the Institution's Educational Unit Assessment Systems
25.142 Assessment Requirements for Individual Programs
25.145 Approval of New Programs Within Recognized Institutions

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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AUTHORITY: Implementing Articles 21 and 21B and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, Art. 21B, and 2-3.6].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022,

effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendments at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12930, effective August 14, 2000; peremptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; peremptory amendment suspended at 25 Ill. Reg. 3718, effective February 21, 2001; peremptory amendment repealed by joint resolution of the General Assembly, effective May 31, 2001; emergency amendments at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days; emergency expired November 27, 2001; emergency amendments at 25 Ill. Reg. 11935, effective August 31, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16031, effective November 28, 2001; amended at 26 Ill. Reg. 348, effective January 1, 2002; amended at 26 Ill. Reg. 11867, effective July 19, 2002; amended at 26 Ill. Reg. 16167, effective October 21, 2002; amended at 27 Ill. Reg. 5744, effective March 21, 2003; amended at 27 Ill. Reg. 8071, effective April 28, 2003; emergency amendments at 27 Ill. Reg. 10482, effective June 26, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 12523, effective July 21, 2003; amended at 27 Ill. Reg. 16412, effective October 20, 2003; emergency amendment at 28 Ill. Reg. 2451, effective January 23, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 8556, effective June 1, 2004; emergency amendments at 28 Ill. Reg. 12438, effective August 20, 2004, for a maximum of 150 days; emergency expired January 16, 2005; amended at 29 Ill. Reg. 1212, effective January 4, 2005; amended at 29 Ill. Reg. 10068, effective June 30, 2005; amended at 29 Ill. Reg. 12374, effective July 28, 2005; emergency amendment at 29 Ill. Reg. 14547, effective September 16, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 15831, effective October 3, 2005; amended at 30 Ill. Reg. 1835, effective January 26, 2006; amended at 30 Ill. Reg. 2766, effective February 21, 2006; amended at 30 Ill. Reg. 8494, effective April 21, 2006; amended at 31 Ill. Reg. 10645, effective July 16, 2007; amended at 32 Ill. Reg. 3413, effective February 22, 2008; amended at 32 Ill. Reg. 13263, effective July 25, 2008; emergency amendment at 32 Ill. Reg. 18876, effective November 21, 2008, for a maximum of 150 days; amended at 33 Ill. Reg. 5462, effective March 24, 2009; amended at 34 Ill. Reg. 1582, effective January 12, 2010; amended at 34 Ill. Reg. 15357, effective September 21, 2010; amended at 35 Ill. Reg. 4315, effective February 23, 2011; peremptory amendment at 35 Ill. Reg. 14663, effective August 22, 2011; amended at 35 Ill. Reg. 16755, effective September 29, 2011; amended at 36 Ill. Reg. 2191, effective January 24, 2012; amended at 36 Ill. Reg. 12455, effective July 23, 2012; emergency amendment at 36 Ill. Reg. 12903, effective July 24, 2012, for a maximum of 150 days; amended

at 37 Ill. Reg. 199, effective December 19, 2012; amended at 37 Ill. Reg. 8379, effective June 12, 2013; amended at 37 Ill. Reg. 16729, effective October 2, 2013; amended at 38 Ill. Reg. 11261, effective May 6, 2014; amended at 38 Ill. Reg. 18933, effective September 8, 2014; amended at 38 Ill. Reg. 21788, effective November 3, 2014; amended at 39 Ill. Reg. 6649, effective April 27, 2015; amended at 39 Ill. Reg. 13722, effective October 5, 2015; amended at 40 Ill. Reg. 4940, effective March 2, 2016.

SUBPART B: LICENSES

Section 25.15 Types of Licenses; Exchange

Article 21B of the School Code [105 ILCS 5/Art. 21B] establishes a new system of educator licensure to be implemented on or before July 1, 2013 that will replace the system of certification set forth in Article 21 of the School Code [105 ILCS 5/Art. 21]. The requirements of this Section apply to the initial exchange of Illinois teaching, special, administrative, school service personnel and other types of educator certificates for the corresponding license and endorsement authorized under Article 21B of the School Code and this Part.

a) The system of licensure to be established shall consist of the following licenses as set forth in Section 21B-20 of the School Code [105 ILCS 5/21B-20]. The license that corresponds to each teaching, special, administrative, school service personnel or other types of educator certificates or approvals previously issued by the State Board of Education is as follows.

1) Professional Educator License
Any individual holding an initial, standard or master teaching certificate, special certificate, administrative certificate or school service personnel certificate prior to July 1, 2013 shall have that certificate converted to a professional educator license upon implementation of the new system of licensure.

A) Certificates subject to exchange are listed in Appendix C.

B) The current renewal and registration status of an individual's certificate (i.e., valid and active, valid and exempt, lapsed), as well as any sanctions (i.e., suspended or revoked) imposed on the certificate at the time of the exchange, shall be noted in the State Board of Education's electronic Educator Licensure Information

System (ELIS) when the applicable endorsement is added to the professional educator license.

C) Each endorsement on a teaching or special certificate shall be recorded on the professional educator license issued pursuant to this Section.

i) Any individual holding an Illinois teaching certificate with approval in bilingual education, English as a Second Language or English as a New Language issued pursuant to 23 Ill. Adm. Code 1.780 (Standards for Teachers in Bilingual Education Programs) shall have that approval recorded on the professional educator license as a comparable endorsement indicating the grade levels to be served and, as applicable, the transitional bilingual language of instruction.

ii) Any individual holding an Illinois teaching certificate with approval issued under 23 Ill. Adm. Code 226.810 (Special Education Teaching Approval) for Learning Behavior Specialist I, early childhood special education or bilingual special education shall receive an approval letter that indicates the grade levels and age ranges of the students to be served.

iii) Any individual holding an Illinois teaching certificate and short-term emergency certification issued under Section 25.48 ~~of this Part~~ shall receive a short-term emergency approval letter.

iv) Any individual holding an Illinois teaching certificate and approval under 23 Ill. Code 226.820 for school social worker, school psychologist or school nurse intern shall receive an approval letter indicating the school support personnel area of approval.

D) Each administrative or school service personnel certificate for which an endorsement will be issued pursuant to Section 21B-25 of the School Code shall be recorded on the professional educator

license issued pursuant to this Section. As applicable, each endorsement issued on the administrative or school service personnel certificate also shall be recorded as a separate endorsement on the professional educator license.

E) Any individual holding a master certificate issued under Section 21-2 of the School Code [105 ILCS 5/21-2] shall be issued a professional educator license with a National Board for Professional Teaching Standards (NBPTS) master teacher designation. (See 105 ILCS 5/21B-65.) An NBPTS master teacher designation shall not qualify a licensee to teach in a particular field except as provided in this subsection (a)(1)(E).

i) *Any individual who, on or after July 1, 2012, has been issued a Master Certificate pursuant to Section 21-2 of* the School Code [105 ILCS 5/21-2] *or a National Board for Professional Teaching Standards designation on a Professional Educator License pursuant to Section* 21B-65 of the School Code *may work as a teacher only in an area for which he or she* also *holds the Illinois endorsement* required for that position. [105 ILCS 5/21B-65] Therefore, after July 1, 2012, the area of NBPTS certification obtained by an individual shall be noted on the master certificate as a "NBPTS master teacher designation", rather than an Illinois endorsement, and that designation shall automatically transfer to the professional educator license.

ii) *Any individual who, prior to June 30, 2012, has been issued an endorsement for a particular area on a Master Certificate may work as a teacher in that area even without having been issued the Illinois endorsement* required for that position. [105 ILCS 5/21B-65] An Illinois endorsement placed on a master certificate previous to July 1, 2012 will be shown as an endorsement on the professional educator license.

2) Educator License with Stipulations

Any individual holding a provisional, alternative provisional (i.e., teaching or administrative), resident teacher, provisional vocational, temporary provisional vocational, transitional bilingual or visiting international certificate or holding approval to serve as a paraprofessional shall have that certificate or approval converted to an educator license with stipulations upon implementation of the new system of licensure. An educator license with stipulations shall be endorsed with one or more endorsements authorized under Section 21B-20(2) of the School Code [105 ILCS 5/21B-20(2)]. Each endorsement shall correspond to the certificate or approval that the individual held prior to July 1, 2013. That is:

A) An individual holding a provisional certificate issued under Section 21-10(B) of the School Code [105 ILCS 5/21-10(B)] shall be issued an educator license with stipulations endorsed for "provisional educator" and the area of endorsement (i.e., teaching, administrative or school support personnel) and, as applicable, for the grade levels and subject areas that are listed on the provisional certificate.

i) In accordance with Section 21B-20(2)(A) of the School Code, *a provisional educator endorsement for principals may not be issued, nor may any person with a provisional educator endorsement serve as a principal in a public school in this State*. An individual with a provisional certificate or an educator license with stipulations endorsed for provisional educator (general administrative) who is employed as a principal for the 2012-13 school year may continue to serve in that capacity through the end of that school year.

ii) After July 1, 2013, an educator license with stipulations endorsed for provisional educator (general administrative) may be issued, but all deficiencies identified for the receipt of a professional educator license endorsed for general administrative shall be satisfied and an application submitted for the endorsement, by the deadlines set forth in Section 21B-20(2)(A) of the School Code~~no later than June 30, 2014 and the general administrative endorsement issued~~

~~by August 31, 2014~~. After that time, the requirements of Section 25.337 and 23 Ill. Adm. Code 30 (Programs for the Preparation of Principals in Illinois) shall apply for individuals seeking employment as principals or assistant principals.

B) An individual holding an alternative provisional teaching certificate issued under Section 21-5b or 21-5c of the School Code [105 ILCS 5/21-5b and 21-5c] shall be issued an educator license with stipulations endorsed for "alternative provisional educator" and for the content areas and grade levels currently on the alternative provisional teaching certificate.

C) An individual holding an alternative administrative certificate issued under Section 21-5d of the School Code [105 ILCS 5/21-5d] shall be issued an educator license with stipulations endorsed for "alternative provisional superintendent".

D) An individual holding a resident teacher certificate issued under Section 21-11.3 of the School Code [105 ILCS 5/21-11.3] shall be issued an educator license with stipulations endorsed for "resident teacher" and for the content areas and grade levels on the resident teacher certificate.

E) An individual holding a provisional vocational certificate issued under Section 21-10(C)(1) of the School Code [105 ILCS 5/21-10(C)(1)] shall be issued an educator license with stipulations endorsed for "career and technical educator" and for the content areas and grade levels on the provisional vocational certificate.

F) An individual holding a temporary provisional vocational certificate issued under Section 21-10(C)(2) of the School Code shall be issued an educator license with stipulations endorsed for "provisional career and technical educator" and for the content areas and grade levels on the temporary provisional vocational certificate.

G) An individual holding a transitional bilingual certificate issued under Section 14C-8 of the School Code [105 ILCS 5/14C-8] shall

be issued an educator license with stipulations endorsed for "transitional bilingual educator", as well as for the transitional bilingual language and grade levels indicated on the transitional bilingual certificate.

H) An individual holding a visiting international teacher certificate issued under Section 25.92~~ of this Part~~ shall be issued an educator license with stipulations endorsed for "visiting international educator", as well as for the transitional bilingual language, content area and foreign language on the visiting international teacher certificate.

I) An individual holding a paraprofessional approval letter issued under Section 25.510 of this Part who either has an associate degree or has a minimum of 60 semester hours of college credit from a regionally accredited institution of higher education, or who has passed a test of basic skills required under Section 21B-30 of the School Code shall be issued an educator license with stipulations endorsed for "paraprofessional educator".

J) An individual holding paraprofessional approval issued under Section 25.510 who has fewer than 60 semester hours of college credit or has not passed a test of basic skills shall receive a paraprofessional approval letter issued by the State Superintendent of Education.

3) Substitute Teaching License: Any individual holding a substitute teaching certificate issued under Section 21-9 of the School Code shall be issued a substitute teaching license.

4) An individual holding an interim certificate endorsed in a school support personnel area pursuant to Subpart D~~ of this Part~~ shall not be issued a license but shall receive an approval letter issued by the State Superintendent.

5) An individual holding an educational interpreter approval at the standard or master level issued pursuant to Section 25.550~~ of this Part~~ shall receive an educational interpreter approval. An individual holding an educational interpreter approval at the initial level shall be issued an interim approval,

which shall be valid for the period of time remaining in the validity period of the initial approval issued and shall not be renewed.

b) The applicable license, any endorsements on that license and the status of those endorsements (see Section 25.15(a)(1)(B)~~ of this Part~~) shall be recorded in the State Board of Education's electronic Educator Licensure Information System (ELIS) (see http://www.isbe.net/certification/). The licensee may view the certificate exchange in the ELIS; no paper copies of his or her license will be issued.

c) The professional educator license or the educator license with stipulations received under this Section shall be valid for the period of time remaining in the validity period of the Illinois certificate that was exchanged for the license. After this initial validity period, provided that any conditions for renewal of the license are met:

1) *all professional educator licenses are valid until June 30 immediately following five years of being issued* [105 ILCS 5/21B-20(1)]; and

2) each educator license with stipulations is valid for the period of time set forth in Section 21B-20(2) of the School Code for the specific endorsement.

d) Applicability

1)The provisions of subsection (c) of this Section do not apply to:

A) A NBPTS' master designation on a professional educator license, which shall remain valid for the length of time that an individual's NBPTS certification is in effect (see Section 25.832 of this Part);

B) A substitute teaching license issued under this Section, which shall be valid until June 30, 2018, and may be renewed provided the licensee has passed Illinois' test of basic skills required under Section 21B-30 of the School Code and Section 25.520~~25.720~~ of this Part. *An individual who has passed a test of basic skills for the first licensure renewal is not required to retake the test for further renewals* (Section 21B-20(3) of the School Code);

C) An educator license with stipulations endorsed for provisional career and technical educator issued under this Section, which shall be valid until June 30, 2018, and may be renewed for one, five-year period provided the licensee has passed Illinois' test of basic skills required under Section 21B-30 of the School Code and Section 25.720 of this Part and *has completed a minimum of 20 semester hours* of coursework *from a regionally accredited institution* and as otherwise provided in ~~(~~Section 21B-20(2)(F) of the School Code and~~) (also see~~ Section 25.72 of this Part~~)~~;

D) Any educator license with stipulations endorsed for paraprofessional educator shall be valid until June 30 following five years of the license being issued pursuant to this Section.

2) An educator educational interpreter approval shall be valid until June 30 following five years of the approval being issued pursuant to this Section; this subsection (d)(2) does not apply to any interim approval issued.

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

Section 25.25 Requirements for the Professional Educator License

Beginning July 1, 2013, the requirements of this Section shall apply to the issuance of professional educator licenses. All professional education and content-area coursework that forms part of an application for licensure, endorsement or approval submitted under this Part that is received on or after February 1, 2012 must have been passed with a grade no lower than "C" or equivalent in order to be counted towards fulfillment of the applicable requirements.

a) Each applicant shall:

1) hold a bachelor's degree;

2) have completed an approved Illinois educator preparation program for the type of endorsement (i.e., teaching, administrative or school support personnel) sought on the professional educator license (see Subpart C~~ of this Part~~), including coursework addressing:

A) *the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation*

the learning disabled [105 ILCS 5/21B-20(1)], which shall focus on the characteristics and methods of instruction for cross-categorical special education students so that all teachers:

i) understand the impact that disabilities have on the cognitive, physical, emotional, social and communication development of an individual and provide opportunities that support the intellectual, social and personal development of all students;

ii) understand how students differ in their approaches to learning and create instructional opportunities that are adapted to diverse learners; and

iii) understand instructional planning and design instruction based on knowledge of the discipline, students, community and curriculum goal;

B) *methods of reading and reading in the content area* [105 ILCS 5/21B-20(1)], which for teachers and administrators shall address each of the following standards:

i) varied instructional approaches used before, during, and after reading, including those that develop word knowledge, vocabulary, comprehension, fluency, and strategy used in the content areas;

ii) the construction of meaning through the interactions of the reader's background knowledge and experiences, the information in the text, and the purpose of the reading situation;

iii) communication theory, language development, and the role of language in learning;

iv) the relationships among reading, writing and oral communication and understanding how to integrate these components to increase content learning;

v) the design, selection, modification and evaluation of a wide range of materials for the content areas and the reading needs of the student;

vi) variety of formal and informal assessments to recognize and address the reading, writing, and oral communication needs of each student; and

vii) varied instructional approaches that develop word knowledge, vocabulary, comprehension, fluency, and strategy use in the content areas; and

C) *methods of reading and reading in the content area* [105 ILCS 5/21B-20(1)], which for school support personnel shall address each of the following standards:

i) understands how students acquire reading competency;

ii) understands reading deficits and reading levels, and how they contribute to a student's ability to succeed in kindergarten through grade 12;

iii) understands the correlation of behavior and classroom culture (discipline, management, control, influence on engagement) on reading development and reading acquisition; and

iv) uses the skills and strategies specific to their school support personnel specialty to support or enhance reading skill development, as applicable;~~.~~

3) pursuant to Section 21B-35 of the School Code, have completed a comparable teaching or administrative preparation program in another state or country (see Section 25.425 of this Part), including:

A) coursework~~*a minimum of one course* that is equivalent to at least three semester hours~~ *in the methods of instruction of the exceptional child* in cross-categorical special education that meets the requirements of subsection (a)(1)(A);

B) ~~*a minimum of six semester hours of*~~ *coursework in methods of reading and reading in the content area* that meets the requirements of subsection (a)(1)(B)~~ or (C), as applicable~~; and

C) coursework~~*a minimum of one course* that is equivalent to at least three semester hours~~ *in instructional strategies for English language learners*, which shall address bilingual education, English as a Second Language or English as a New Language methods;~~.~~

4) pursuant to Section 21B-35 of the School Code, have completed a comparable school support personnel preparation program in another state or country (see Section 25.425), including college coursework in:

A) *the methods of instruction of the exceptional child* (Section 21B-35(a)(3) of the School Code) in cross-categorical special education, which shall meet the requirements outlined in subsection (a)(1)(A)~~Section 25.25(a)(1)(A)~~;

B) *the methods of reading and reading in the content area* (Section 21B-35(a)(4) of the School Code), which shall meet the requirements outlined in subsection (a)(1)(C)~~Section 25.25(a)(1)(C)~~; and

C) *instructional strategies for English language learners* (Section 21B-35(a)(5) of the School Code), which shall align to standards for addressing second language acquisition and the diverse learner set forth in the Standards for the Speech-Language Pathologist (23 Ill. Adm. Code 28.230) or, for other school support personnel, the applicable standards in 23 Ill. Adm. Code 23 (Standards for School Support Personnel Endorsements).

b) Each applicant for a professional educator license endorsed in a teaching field shall have completed:

1) 32 semester hours, or a major as identified by the accredited institution on the individual's official transcript, in early childhood education,

elementary education, or a field of specialization, as applicable to the type of endorsement sought on the professional educator license; and

2) student teaching in conformance with the requirements of Section 25.620, except in the following circumstances:

A) Applicants awarded credit in student teaching on a transcript issued by a regionally accredited institution of higher education and presenting evidence of teaching experience, as verified by the employer, need not complete another student teaching experience, except as may be required under Section 25.37.

B) One full year's teaching experience on a valid certificate or license in the public schools shall be accepted in lieu of student teaching.

c) For the purposes of this Part:

1) a "valid certificate or license" means a certificate or license endorsed in the specific teaching field and grade levels for which Illinois licensure is sought that is equivalent to an educator license with stipulations endorsed for provisional educator or an Illinois professional educator license ; and

2) "one full year's teaching experience" means the equivalent of two semesters of scheduled full-time teaching, which may, however, be accumulated in any combination of increments. That is, it need not be accumulated through full-time teaching.

d) Evidence of teaching experience, as may be required under this Part, may be satisfied in one of the following ways:

1) For teachers employed in Illinois public schools, verification of the teacher's experience obtained from the State Board of Education's ELIS may be used.

2) The chief administrator or other designated official of the employing school district or nonpublic school (or other employing entity, if applicable to the holder of a professional educator license endorsed for early childhood; also see subsection (d)(4)) may submit a letter documenting the nature and duration of the applicant's teaching.

3) A letter signed by an official of the state education agency in another state may be substituted for an employer's letter when the latter cannot be secured.

4) Early childhood teaching experience shall be understood as contributing to the fulfillment of this requirement if gained in a position for which a professional educator license endorsed for early childhood was required pursuant to the rules of the State Board of Education at 23 Ill. Adm. Code 235 (Early Childhood Block Grant).

5) Experience gained while teaching in a home school shall not be applicable to the fulfillment of this requirement.

e) Each applicant for a professional educator license endorsed in an administrative or school support personnel field shall meet the applicable requirements of Subpart D or E~~ of this Part~~, respectively.

f) The professional educator license shall be endorsed in accordance with this Part.

g) Each applicant shall be required to pass the tests required for the professional educator license as specified in Section 21B-30 of the School Code [105 ILCS 5/21B-30] and Section 25.720 of this Part.

h) Nothing in this Section is intended to preclude an applicant from seeking the issuance of an educator license with stipulations endorsed for provisional educator in specific fields (i.e., teaching, administrative or school support personnel) and, as applicable, content areas and grade levels under Section 21B-20 of the School Code in the event that the individual has failed to meet one or more of the requirements for a professional educator license in his or her area of endorsement.

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

Section 25.60 Alternative Educator Licensure Program for Teachers (Beginning January 1, 2013)

This Section establishes requirements in addition to those set forth in Section 21B-50 of the School Code [105 ILCS 5/21B-50] for an institution of higher education or a not-for-profit entity

recognized and approved to offer educator preparation programs under Subpart C to provide an alternative approach to obtaining a professional educator license.

a) General Requirements
Each alternative educator licensure program shall:

1) Include a program of study that addresses the content enumerated in Section 21B-50(b)(1) of the School Code. For purposes of this subsection (a)(1), instruction relative to special education and reading shall meet the criteria set forth in Section 25.25(a)(1) of this Part and, for English language learners, the criteria found in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers).

2) Provide two years of residency pursuant to Section 21B-50(b)(2) and (3) of the School Code during which the candidate is assigned to teach full time for two school years as the teacher of record or a co-teacher.

A) During the first school year of the residency, the program shall assign a mentor to each candidate. The mentor shall:

i) hold a professional educator license and be employed by the school district where the candidate is serving his or her residency;

ii) have three years of full-time teaching experience in the 10 years immediately preceding his or her assignment as a mentor; and

iii) have achieved a performance evaluation rating of proficient or higher in his or her two most recent evaluations.

B) During the second year of residency, the program shall assign a teacher who meets the requirements of subsection (a)(2)(A) to serve as a coach for each candidate, providing consultation and support, as needed.

3) Involve a partnership of the institution or not-for-profit entity offering the alternative educator program with a public school district or nonpublic

school that meets the criteria set forth in Section 21B-50(d) of the School Code. Candidates also may serve:

A) in the case of early childhood endorsements, in a position for which a professional educator license endorsed for early childhood is required pursuant to the rules of the State Board of Education at 23 Ill. Adm. Code 235 (Early Childhood Block Grant); or

B) in a facility operated by a provider approved by the State Superintendent to contract with school districts for the provision of special education services pursuant to Section 14-7.02 of the School Code [105 ILCS 5/14-7.02] and 23 Ill. Adm. Code 401 (Special Education Facilities Under Section 14-7.02 of the School Code); or

C) in a charter school.

4) At the conclusion of the second year of residency, each program shall administer a comprehensive assessment to gauge the candidate's teaching effectiveness that is conducted by the principal of the school to which the candidate is assigned and the coordinator of the alternative educator program appointed by the institution or not-for-profit entity. (See Section 21B-50(b)(4) of the School Code.)

b) Candidate Qualifications

1) In order to enroll in the program, each candidate shall pass Illinois' test of basic skills and the content-area test for which licensure is sought, as required under Section 21B-30 of the School Code and Section 25.720. (See Section 21B-50(c)(5) of the School Code.)

2) In order to participate in the first year of residency, the candidate shall:

A) apply for an educator license with stipulations endorsed for provisional alternative educator, which shall be issued upon the presentation of evidence of having met the requirements set forth in Section 21B-50(c) of the School Code and payment of the fee required under Section 21B-40 of the School Code; and

B) complete the course of study required under subsection (a)(1).

3) In order to participate in the second year of residency, the candidate shall:

A) complete any additional coursework relative to the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers) and the content-area standards for the teaching field of the endorsement, as required under Section 25.115(e);

B) pass the Teacher Performance Assessment (TPA), except that candidates beginning their second year of residency in the 2015-16 school year shall be required to pass the TPA during that year (also see subsection (c)(4))~~(c)(5))~~; and

C) be recommended for second year of residency in accordance with the program's process established pursuant to subsection (c)(6)(C)~~(c)(7)(C)~~.

c) Proposal Requirements

1) Each proposal shall describe the role and responsibilities of the institution or not-for-profit entity and of the school district or nonpublic school with which the institution or entity will partner. The proposal also shall identify the program coordinator to be assigned by the institution or entity to oversee the candidates in the alternative program.

A) The proposal shall include a plan to ensure that the program coordinator visits the classroom in which each candidate is placed for an average of one day a week during the school year.

B) Any program coordinator assigned to the candidates under this subsection (c)(1) shall have had three years of teaching experience in any of the grades of prekindergarten through grade 12 in the 10 years immediately preceding his or her assignment to the position and meet the requirement for training under subsection (c)(7)~~(c)(8)~~.

~~2) Each proposal shall describe the need for individuals holding the type of endorsements to be awarded upon program completion, including, but not~~

~~limited to, evidence of a shortage of these types of educators (e.g., special education, math, science), either across the State or in certain geographical areas. If the shortage is specific to a certain area, describe the steps to be taken to attract candidates from that area of the State or to place candidates in positions in schools located there.~~

2)~~3)~~ Each proposal shall demonstrate how the program will evaluate the congruence of a candidate's baccalaureate education, his or her employment experience in a field requiring application of that education, and the teaching area for which the candidate seeks preparation and licensure.

3)~~4)~~ For candidates who have not completed a major in the particular content area of the endorsement sought, as required under Section 21B-50(c) of the School Code, the institution or not-for-profit entity shall describe the process and criteria it will use to determine whether the coursework the candidate completed aligns to the standards for the content area of the endorsement and represents at least 32 semester hours of credit in that content area.

A) Any transcript evaluation the program conducts pursuant to this subsection (c)(3)~~(c)(4)~~ shall be provided to the State Superintendent for his or her approval no later than 45 days before the candidate is to be admitted into the program.

B) For candidates seeking an endorsement in early childhood, elementary or special education, a *major in the content area of one of the sciences* (Section 21B-50(c)(3) of the School Code) shall be understood to mean any of the physical or social sciences.

4)~~5)~~ Each proposal shall provide an assurance that all candidates will be required to pass TPA prior to beginning the second year of residency, except as otherwise provided in Section 25.60(b)(3).

5)~~6)~~ Each proposal shall describe the proposed course of study.

A) Each proposal shall demonstrate how candidates will acquire knowledge of content and skills equivalent to the content and skills

contained in a preparation program approved pursuant to Subpart C with regard to:

i) *instructional planning*;

ii) *instructional strategies, including* those meeting the criteria for instruction relative to *special education, reading and English language learning* set forth in Section 25.25(b) ~~of this Part~~;

iii) *classroom management*; and

iv) *the assessment of students and use of data to drive instruction*. (Section 21B-50(b)(1) of the School Code)

B) Each proposal shall include provisions for determining the amount of time individual candidates will need in order to complete the proposed course of study, based upon factors, such as their experience and the type of program offered.

C) Each proposal shall describe the field experiences in which candidates will participate before beginning their first year of residency.

D) Each program shall include a preservice assessment of each candidate's performance, to be conducted by the institution or not-for-profit entity responsible for the program at the conclusion of the course of study in order to determine the candidate's readiness for the two-year teaching assignment. Each proposal shall state the criteria for the institution's or entity's determination of candidates' readiness.

6)~~7)~~ Each proposal shall describe the proposed arrangements for candidates' teaching assignments under this Section and shall provide for these to be set forth in a formal, written agreement between the participating entity responsible for the program and the school districts, early childhood or nonpublic special education facility, or charter school where candidates will practice. Each agreement shall address:

A) the nature and intensity of the support to be provided to candidates by the mentor, as well as any experienced teachers and other staff members of the district, including:

i) the qualifications and experience of the mentor and any of the assisting teachers and staff;

ii) the estimated amount of time the mentor and any assisting teachers and staff will devote to advising and assisting candidates; and

iii) the specific roles of the mentor and any assisting teachers and staff;

B) provisions enabling candidates to compensate for teaching time lost due to emergencies; and

C) the process and criteria to be used by the principal of the school where the candidate is placed and the program coordinator to recommend the candidate's placement in a second year of residency. (Section 21B-50(b)(2) of the School Code)

7)~~8)~~ Each proposal shall describe the proposed method of comprehensively assessing candidates' teaching performance at the conclusion of the second year of residency, which shall at a minimum meet the requirements set forth in 23 Ill. Adm. Code 50.120 (Professional Practice Components for Teachers) and be conducted by an individual who has successfully completed the prequalification process and passed the required assessment authorized by Section 24A-3 of the School Code [105 ILCS 5/24A-3]. The assessment methods shall be set forth in a formal, written agreement between the participating entity responsible for the program and the school districts where candidates will practice. Each agreement shall describe:

A) the roles of the principal and program coordinator who will participate in the evaluation of candidates;

B) assessment methods capable of demonstrating whether a candidate is:

i) knowledgeable about specific subject matter and strategies for teaching that subject matter to students with differing needs; and

ii) skilled in managing and monitoring students' learning; and

C) the professional development process to be used either for those candidates who receive a "needs improvement" rating at the conclusion of the assessment process or in instances when the principal and program coordinator cannot agree, which shall address the candidate's weaknesses and deficiencies identified during the assessment and assist the candidate in making improvement during the third year of residency relative to those weaknesses and deficiencies. The option for professional development and a third year of residency shall not be afforded to any candidate who receives "unsatisfactory" ratings from both the principal and program coordinator or for anyone who receives an "unsatisfactory" rating from either the principal or program coordinator and a "needs improvement" rating from either the principal or program coordinator.

8)~~9)~~ Each proposal shall delineate any criteria, in addition to a candidate's receiving a rating of "proficient" or higher at the conclusion of the comprehensive assessment required under subsection (c)(7)~~(c)(8)~~, by which candidates will be recommended for the professional educator license endorsed in the content area and grade level of the candidate's residency practice by the participating entity responsible for the program.

9)~~10)~~ Proposals shall be submitted to the State Board of Education and addressed as follows:

Alternative Educator Licensure Program
100 North First Street
Springfield, Illinois 62777

d) Program Approval

~~1)~~Proposals for the establishment of alternative programs for teacher licensure meeting the specifications of this Section and Section 21B-50 of the School Code shall be approved by the State Superintendent of Education pursuant to the

requirements set forth in Section 25.145, in consultation with the State Educator Preparation and Licensure Board.

~~2) *Any program offered by a not-for-profit entity also shall be approved by the Board of Higher Education.* [105 ILCS 5/21B-50(b)]~~

e) *Successful completion of the program shall be deemed to satisfy any other practice or student teaching and content matter requirements established by law*. [105 ILCS 21B-50(b)] A candidate successfully completing the program shall receive a professional educator license endorsed in the content area and grade levels of his or her residency practice upon application and payment of the fee required under Section 21B-40 of the School Code.

f) Each alternative program established pursuant to this Section shall be subject to the review process and reporting requirements described in Subpart C.

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

Section 25.70 Endorsement for Career and Technical Educator

The requirements of this Section apply to individuals seeking an educator license with stipulations endorsed for career and technical educator pursuant to Section 21B-20(2)(E) of the School Code [105 ILCS 5/21B-20(2)(E)]. The requirements of this Section (except for those specific to license renewal) do not apply to provisional vocational certificates exchanged for an educator license with stipulations endorsed for career and technical educator under Section 25.15.

a) Each applicant for an educator license with stipulations endorsed for career and technical educator shall present evidence of having completed 60 semester hours of college coursework from a regionally accredited institution, as well as evidence of having completed 2,000 hours of work experience outside the field of education in each area to be taught~~ in the last 10 years immediately preceding application~~. The required evidence of this work experience shall be written statements from former supervisors who can be reached for verification or, in cases in which supervisors are no longer available to verify the individual's employment, affidavits by the applicant describing the work experience.

b) Each educator license with stipulations endorsed for career and technical educator issued on or after July 1, 2013 shall be valid until June 30 immediately following

five years after the license is issued (see Section 21B-20(2)(E) of the School Code). Renewal of the license after that five-year period shall be contingent upon:

1) passage of the test of basic skills required under Section 21B-30 of the School Code [105 ILCS 5/21B-30] and Section 25.720 of this Part, except that individuals holding the educator license with stipulations endorsed for career and technical educator before January 1, 2015 shall be exempt from the provisions of this subsection (b)(1); and

2) the licensee's fulfillment of the applicable requirements of this Section.

c) For purposes of this subsection (c), coursework completed for license renewal purposes shall be considered "related to education" if it leads to a professional educator license or, for individuals holding a professional educator license, an endorsement on that license for the skill area of instruction, or if it relates to the field of an individual's current teaching assignment or any other field of teaching assignment. Beginning July 1, 2014, each affected licensee shall complete:

1) 120 hours of professional development activities in each 5-year renewal cycle that align to the criteria set forth in Section 25.805(a); or

2) 60 hours of professional development activities in each 5-year renewal cycle that align to the criteria set forth in Section 25.805 for any licensee holding a current National Board for Professional Teaching Standards (NBPTS) master teacher designation.

d) Credit for CPDUs generated for completion of activities before June 30, 2014 shall be calculated on the basis of this subsection (d). Licensees shall be responsible for completing any additional professional development activities as may be needed to reach a total of 120 clock hours before the end of their 5-year renewal cycle, as applicable. (See Section 25.800(d) and (e).)

1) One CPDU shall be equivalent to 1 clock hour of credit under the system to be implemented July 1, 2014.

2) One semester hour of college coursework from a regionally accredited institution of higher education shall be equivalent to 15 clock hours under the system to be implemented July 1, 2014.

3) Completion of any of the activities listed in Section 25.800(e) shall fulfill all or a portion of the professional development required.

e) The provisions of Sections 25.855 and 25.865 shall apply to the awarding of credit for activities offered by approved providers, provided that:

1) the references to Section 21B-45 of the School Code are not applicable to the educator license with stipulations endorsed for career and technical educator; and

2) references to Subpart J of this Part shall be understood as referring to this Section where necessary to the context.

f) Each educator license with stipulations endorsed for career and technical educator shall be maintained as "valid and active" or "valid and exempt" for each school year of its validity. Periods of exemption shall be determined as discussed in Section 25.880. In addition, individuals holding the educator license with stipulations endorsed for career and technical educator who are working in a position for less than 50 percent of full-time equivalency in any particular school year *shall be considered to be exempt and shall be required to pay only the registration fee in order to renew and maintain the validity of the license* (Section 21B-45(e)(5) of the School Code).

g) Each licensee shall:

1) enter into ELIS any credit earned on or after July 1, 2014, including the name of the activity completed, the date on which it occurred, the number of professional development hours received and the name of the provider prior to renewal~~not later than 60 days after the activity is completed~~; and

2) at the time of license renewal, electronically sign a statement in ELIS, assuring that he or she has completed the professional development required to renew the license or if required as part of an appeal under Section 25.840.

h) Beginning July 1, 2015, a licensee who fails to enter into ELIS his or her completed professional development prior to renewal~~within the timeline set forth~~

~~in subsection (g)~~ shall be unable to include credit for those activities among the clock hours needed to satisfy renewal requirements.

i) A licensee with respect to whom the State Superintendent of Education has recommended nonrenewal of the educator license with stipulations endorsed for career and technical educator due to failure to complete the professional development requirements set forth in this Section may appeal to the State Educator Preparation and Licensure Board (SEPLB) within 30 days after receipt of the notice of nonrenewal in accordance with the provisions of Section 25.840, except that references to the requirements of Section 21B-45(m) of the School Code shall not apply in the case of the educator license with stipulations endorsed for career and technical educator.

j) Within 90 days after receiving the appeal, the SEPLB shall review the State Superintendent's recommendation regarding the renewal of the educator license with stipulations endorsed for career and technical educator and notify the affected licensee in writing as to whether his or her license has been renewed or not renewed. This notification shall be by certified mail, return receipt requested and shall occur within 30 days after the SEPLB makes its determination, subject to the right of appeal set forth in this subsection (j).

1) Within 60 days after receipt of an appeal filed by a licensee challenging the State Superintendent's recommendation for nonrenewal, the SEPLB shall determine whether it will hold an appeal hearing or make a determination based on the information outlined in Section 21B-45(m)(2) of the School Code. If a hearing will be held, the Board shall notify the licensee of the date, time and place of the hearing.

2) The licensee shall submit to the SEPLB any additional information the Board determines is necessary to decide the appeal.

3) The SEPLB may request that the licensee appear before it. The licensee shall be given at least 10 days' notice of the date, time and place of the hearing.

4) In verifying whether the licensee has met the renewal criteria set forth in this Section, the SEPLB shall review the recommendation of the State Superintendent and all relevant documentation.

k) The SEPLB shall notify the licensee in writing, within 30 days after reaching a decision, as to whether the educator license with stipulations endorsed for career and technical educator has been renewed. Upon receipt of notification of renewal, the licensee shall pay the applicable registration fee for the next 5-year renewal cycle using ELIS. If the decision is not to renew the license, the notice to the licensee shall be transmitted by certified mail, return receipt requested, and shall state the reason for the decision. The decision of the SEPLB is final and subject to administrative review as set forth in Section 21B-70 of the School Code [105 ILCS 5/21B-70].

l) An individual whose educator license with stipulations endorsed for career and technical educator is not renewed because of his or her failure to meet the requirements of this Section may renew the license once it has lapsed (i.e., on September 1 of the calendar year in which the license expired) if he or she has paid all back fees, including registration fees, owed and:

1) either paid the penalty or completed the coursework required under Section 21B-45 of the School Code, the latter of which shall not be counted as both satisfying the penalty and meeting the professional development owed; and

2) presented evidence of having completed the balance of the professional development activities that were required for renewal of the license previously held.

m) The provisions of Section 25.840(e) shall apply to the renewal of the educator license with stipulations endorsed for career and technical educator.

n) An individual who performs services on an educator license with stipulations endorsed for career and technical educator and concurrently also on a professional educator license that is subject to renewal requirements shall be subject to the provisions of Subpart J.

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

Section 25.72 Endorsement for Provisional Career and Technical Educator

The requirements of this Section apply to individuals seeking an educator license with stipulations endorsed for provisional career and technical educator pursuant to Section 21B-20(2)(F) of the School Code [105 ILCS 5/21B-20(2)(F)].

a) Each applicant for an educator license with stipulations endorsed for provisional career and technical educator shall present evidence of having completed 8,000 hours of work experience ~~in the last 10 years immediately preceding application~~ in the skill area for which the applicant is seeking employment. (See Section 21B-20(2)(F).) The required evidence of this work experience shall be written statements from former supervisors who can be reached for verification or, in cases in which supervisors are no longer available to verify the individual's employment, affidavits by the applicant describing the work experience.

b) At the time application is made for the educator license with stipulations endorsed for provisional career and technical educator, the school district that will employ the individual requesting the license shall verify, in writing, to the State Superintendent that:

1) the district is unable to find a qualified individual holding a professional educator license endorsed for the skill area of instruction or educator license with stipulations endorsed for career and technical educator in the skill area of instruction; and

2) the current circumstances existing in the district require the employment of an individual licensed in the skill area of instruction.

c) The educator license with stipulations endorsed for provisional career and technical educator is valid *until June 30 immediately following five years after the endorsement was issued*. [105 ILCS 5/21B-20(2)(F)]

d) In accordance with Section 21B-20(2)(F) of the School Code, the educator license with stipulations endorsed for provisional career and technical educator shall be renewed once only for a five-year period provided that the individual seeking the renewal:

1) has passed a test of basic skills, as required under Section 21B-30 of the School Code and Section 25.720 of this~~the~~ Part, except that individuals holding the educator license with stipulations endorsed for provisional

career and technical educator before January 1, 2015 shall be exempt from the provisions of this subsection (d)(1); and

2) has completed a minimum of 20 semester hours of coursework from a regionally accredited institution, which shall be accepted only in the career and technical education content area of the individual's assignment (i.e., agricultural education; business, marketing, and computer education; family and consumer sciences; health careers; or technology education) or in pedagogy.

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

SUBPART E: REQUIREMENTS FOR THE LICENSURE OF ADMINISTRATIVE AND SUPERVISORY STAFF

Section 25.335 General Administrative Endorsement (Through June 30, 2016~~August 31, 2014~~)

This endorsement, to be affixed to a professional educator license, is required for principals, assistant principals, assistant or associate superintendents, and staff filling other similar or related positions as indicated in 23 Ill. Adm. Code 1.705. (See also 23 Ill. Adm. Code 29.120.) No candidates currently are being admitted to general administrative endorsement programs (see Section 21B-25(2)(A) of the School Code). For candidates who have completed a program on or before September 1, 2014~~currently enrolled~~, a~~no~~ general administrative endorsement shall be issued in accordance with the deadlines set forth at Section 21B-25(2)(A) of the School Code~~after August 31, 2014~~.

a) Each candidate for the general administrative endorsement shall hold a master's degree or equivalent awarded by a regionally accredited institution of higher education~~ and shall have completed the coursework in educational administration and supervision required by Section 21-7.1(e)(2) of the School Code [105 ILCS 5/21-7.1(e)(2)]~~. For the purposes of this subsection (a), "equivalent" shall mean the completion of a degree beyond the bachelor's degree level (e.g., juris doctor (J.D.), doctor of philosophy (Ph.D.), doctor of education (Ed.D.)).

b) Each candidate shall have completed either:

1) an Illinois program approved for the preparation of administrators pursuant to Subpart C~~ of this Part~~; or

2) a comparable approved program in another state or country or hold a comparable certificate or license issued by another state or country (see Section 25.425~~ of this Part~~).

c) Each candidate shall have two years of full-time teaching or school support personnel experience in public schools, schools under the supervision of the Department of Corrections, schools under the administration of the Department of Human Services, or nonpublic schools recognized by the State Board of Education, pursuant to 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools), or meeting comparable out-of-state recognition standards.

d) Each candidate shall be required to pass the applicable content-area test (see Section 25.710), as well as the test of basic skills pursuant to Section 25.720.

e) A candidate who receives the general administrative endorsement on or before June 30, 2016~~August 31, 2014~~ may continue to be employed in the positions listed in this Section after July~~September~~ 1, 2016~~2014~~. (Also see Section 25.337(d).)

f) Nothing in this Section is intended to preclude the candidate from seeking the issuance of an educator license with stipulations endorsed for provisional educator under Section 21B-20 of the School Code in the event that the individual has failed to meet one or more of the requirements for a professional educator license in his or her area of endorsement, subject to the restrictions provided at Section 25.15(a)(2) regarding employment as a principal or assistant principal. All deficiencies identified shall be satisfied within the timelines specified at Section 21B-25(2)(A) of the School Code~~no later than June 30, 2014 and the general administrative endorsement issued no later than August 31, 2014~~.

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

Section 25.337 Principal Endorsement (2013)

a) This endorsement is required for principals and assistant principals.

b) A principal endorsement shall be affixed to a professional educator license provided that the candidate holds a master's degree or equivalent (e.g., juris doctor

(J.D.), doctor of philosophy (Ph.D.), doctor of education (Ed.D.)) and either successfully completes each of the requirements specified in 23 Ill. Adm. Code 30 (Programs for the Preparation of Principals in Illinois) or meets each of the requirements specified in Section 21B-35(b-5) of the School Code (also see Section 25.425 of this Part).

c) Each candidate shall have:

1) *four years of teaching* experience *or, until June 30, 2019, working in the capacity of school support personnel in a public school or nonpublic school recognized by the State Board of Education* [105 ILCS 5/21B-25] in accordance with 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools), which must have been accrued while the individual held a valid professional educator license endorsed in a teaching field or, until June 30, 2019, a school support personnel area (i.e., school counselor, school psychologist, speech language pathologist (non-teaching), school nurse, school social worker, school marriage and family counselor); or

2) four years of experience, which must have been accrued while the individual held a valid teaching or, until June 30, 2019, school support personnel certificate or license issued by another state authorizing employment in an out-of-state public school or in an out-of-state nonpublic school meeting out-of-state recognition standards comparable to those set forth by the State Board of Education at 23 Ill. Adm. Code 425.

d) For the purposes of Section 21B-25(2)(B) of the School Code [105 ILCS 5/21B-25(2)(B)], a candidate may qualify for the principal endorsement with *fewer than 4 years of experience* upon presentation of certain performance evaluation ratings that incorporate data and indicators of student growth (see Article 24A of the School Code [105 ILCS 5/Art. 24A] and 23 Ill. Adm. Code 50 (Evaluation of Educator Licensed Employees under Articles 24A and 34 of the School Code)).

1) A candidate may qualify with three years of experience if he or she has received at least a "proficient" performance evaluation rating in his or her three annual performance evaluations conducted.

2) A candidate may qualify with two years of experience if he or she has received an "excellent" performance evaluation rating in his or her two annual performance evaluations conducted.

e) Each candidate shall be required to pass the applicable content-area test (see Section 25.710), as well as the test of basic skills, pursuant to Section 25.720.

f) An individual holding a general administrative endorsement issued pursuant to Section 25.335 of this Part may have that endorsement converted to a principal endorsement in accordance with the process set forth in Section 21B-25 of the School Code.

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

Section 25.345 Endorsement for Chief School Business Official

This endorsement is required for chief school business officials. (See also 23 Ill. Adm. Code 29.110.)

a) Each candidate for the chief school business official's endorsement shall hold a master's degree or equivalent awarded by a regionally accredited institution of higher education. For the purposes of this subsection (a), "equivalent" shall mean the completion of a degree beyond the bachelor's degree level (e.g., juris doctor (J.D.), doctor of philosophy (Ph.D.), doctor of education (Ed.D.)).

b) Each candidate, other than a candidate whose master's degree was earned in *business administration, finance, or accounting* (Section 21B-25(2)(C)~~21B-25(2)(c)~~ of the School Code [105 ILCS 5/21B-25(2)(C)~~21B-25(2)(c)~~]), shall have completed 24 semester hours of graduate coursework in an Illinois program approved for the preparation of school business officials pursuant to Subpart C of this Part or a comparable approved program in another state or country or hold a comparable certificate or license issued by another state or country (see Section 25.425 of this Part) and either have:

1) *two years' full-time administrative experience in school business management* (Section 21B-25(2)(C)~~21B-25(2)(c)~~ of the School Code); or

2) *two years of university-approved practical experience*.

c) Each candidate whose master's degree was earned in *business administration, finance, or accounting* shall complete *an additional six semester hours of internship in school business management from a regionally accredited institution of higher education* (Section 21B-25(2)(C)~~21B-25(2)(c)~~ of the School Code) that is conducted under the supervision of an individual who holds a current Illinois endorsement for chief school business official or who serves as the school district's chief financial officer. Institutions may consider a candidate's work experience in a school business office that is comparable to the responsibilities of a chief school business official as meeting a portion or all of the six-semester-hour internship requirement. For purposes of this subsection (c), one semester hour shall be equivalent to a minimum of 15-clock hours of experience that a candidate documents as completing.

d) Each candidate shall be required to pass the applicable content-area test (see Section 25.710), as well as the test of basic skills pursuant to Section 25.720.

e) Educator License with Stipulations

1) Nothing in this Section is intended to preclude the candidate from seeking the issuance of an educator license with stipulations endorsed for provisional educator under Section 21B-20(2)(A)~~21B-20~~ of the School Code in the event that he or she has failed to meet one or more of the requirements for a professional educator license endorsed for chief school business official.

2) A candidate who does not meet the requirements of Section 25.25(a) of this Part regarding coursework pertaining to the exceptional child and reading may apply for an educator license with stipulations endorsed for chief school business official by meeting the requirements set forth either in subsection (b) or (c) of this Section. (Also see Section 21B-20(2)(K) of the School Code.) An individual holding an educator license with stipulations endorsed for chief school business official shall be considered fully qualified to serve as a chief school business official provided he or she meets any renewal requirements set forth in Subpart J of this Part.

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

Section 25.355 Endorsement for Superintendent (Beginning September 1, 2016~~2019~~)

The requirements of this Section apply to candidates admitted to superintendent preparation programs on or after September 1, 2016.

a) This endorsement is required for superintendents and assistant superintendents.

b) A superintendent endorsement shall be affixed to a professional educator license provided that the candidate holds a master's degree or equivalent (e.g., juris doctor (J.D.), doctor of philosophy (Ph.D.), doctor of education (Ed.D.)) and either successfully completes each of the requirements specified in 23 Ill. Adm. Code 33 (Programs for the Preparation of Superintendents in Illinois) or meets each of the requirements specified in Section 21B-35(b-5) of the School Code~~has completed a comparable approved program in another state or country or holds a comparable certificate or license issued by another state or country~~ (see Section 25.425). ~~For the purposes of this subsection (b), "comparable" means:~~

~~1) The out-of-state program is offered by an institution that has received approval under Subpart C to offer a superintendent preparation program (see 23 Ill. Adm. Code 33); or~~

~~2) The individual seeking the endorsement has had his or her coursework and preparation program reviewed by an institution approved to offer a superintendent preparation program in Illinois; has successfully completed any deficiencies in that preparation that the institution has identified, as applicable; and has been recommended for entitlement by that institution.~~

c) In accordance with Section 21B-25(2)(D) of the School Code [105 ILCS 5/21B-25(2)(D)], each candidate shall hold an Illinois professional educator license and have two years of experience working full-time in a general administrative position or as a principal, director of special education or chief school business official either:

1) on the Illinois general administrative, principal, director of special education or chief school business officer endorsement in:

A) an Illinois public school; or

B) a nonpublic school recognized under 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools) whose chief administrator is required to hold a professional

educator license endorsed for general administrative or principal and when a majority of the teachers employed in the school are required to hold a professional educator license endorsed in the teaching field specific to each teacher's assignment; or

2) while holding a credential required by the employing state in order to serve as principal, director of special education or chief school business official that is comparable *in validity and educational and experience requirements* (Section 21B-25(2)(D) of the School Code) to the applicable Illinois endorsement, if the candidate completed a comparable out-of-state program for the applicable credential held. (See also Section 25.425 of this Part.)

d) Each candidate shall be required to pass the applicable content-area test (see Section 25.710), as well as the test of basic skills pursuant to Section 25.720.

e) Nothing in this Section is intended to preclude the candidate from seeking the issuance of an educator license with stipulations endorsed for provisional educator under Section 21B-20 of the School Code in the event that he or she has failed to meet one or more of the requirements for a professional educator license endorsed for superintendent.

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

SUBPART F: GENERAL PROVISIONS

Section 25.400 Registration of Licenses; Fees

Section 21B-40 of the School Code [105 ILCS 5/21B-40] requires the registration of an individual's educator license (i.e., professional educator license, educator license with stipulations or substitute teaching license) and establishes the amount of the registration fee to be paid for each full or partial year in the license's validity period. An individual shall register the license immediately (i.e., no later than six months) after the date on which the license initially was issued and between April 1 and June 30 in the last year of each 5-year renewal cycle. (See Sections 21B-40(a)(4) and 21B-45(k) of the School Code.) Registration fees and requirements applicable in specified situations shall be as set forth in this Section.

a) An individual shall pay a separate fee to register each license held (i.e., professional educator license, educator license with stipulations or substitute

teaching license) for the license's period of validity (i.e., the time period during which the license is valid). An individual who does not hold an educator license but who has an approval issued pursuant to this Part is not subject to the requirements of this Section.

b) An individual is required to register his or her license in each region where he or she teaches or in any county of the State, if the individual is not yet employed, but is required to pay a registration fee in only one region. Therefore, an individual who moves from one region to another after paying a registration fee for a particular period of time:

1) shall be required to register his or her license in the new region; but

2) shall not be required to pay any additional registration fee.

c) When a registration fee is paid, the amount due shall be the amount required to register the license for its entire period of validity.

d) Pursuant to Section 25.450 of this Part, a licensee may immediately reinstate the license if it has lapsed (i.e., been expired for a period of six months or more due to failure to register the license) by payment of all accumulated registration fees and either payment of the penalty or completion of the coursework required under Section 21B-45 of the School Code. The amount due for each year in the renewal cycle shall be the fee that was in effect at that time, rather than the annual amount applicable at the time when the fees are paid.

e) The provisions of subsection (d) do not apply to individuals who are ineligible to register their licenses due to the renewal requirements set forth in Section 21B-45 of the School Code and Subpart J not being met by September 1 of the year in which the license expired. A license subject to this subsection (e) shall be immediately (i.e., within six months) reinstated:

1) upon payment of all accumulated registration fees;

2) either payment of the penalty or completion of the coursework required under Section 21B-45, the latter of which shall not be counted as both satisfying the penalty and meeting the professional development owed; and

3) completion of any outstanding professional development activities required for renewal.

f) The amount of the fee that was in effect for any given year shall remain in effect for that year, regardless of when the fee is paid.

g) In accordance with Section 21B-45(e)(5), *a licensee working in a position that does not require* a professional teaching license or an educator license with stipulations *or working in a position for less than 50* percent of full-time equivalency *for any particular* school *year is considered to be exempt and shall be required to pay only the registration fee in order to renew and maintain the validity of the license*.

h) In accordance with Section 21B-45(e)(6), a licensee with a license in retired status *shall not be required to pay registration fees until returning to a position that requires educator licensure, at which time the licensee shall immediately pay a registration fee and complete renewal requirements for that year*. (See Subpart J regarding renewal requirements.) The requirements of this subsection (h) do not apply to a licensee who license is in retired status, who holds a professional educator license, and who works only as a substitute teacher for less than 50 percent of full-time equivalency for any particular school year.

i) *An unregistered license is invalid after September 1 for employment and performance of services in an Illinois public or State-operated school or cooperative and a charter school*. (Section 21B-45(a) of the School Code)

j) The other provisions of this Section notwithstanding, no fee paid in connection with the registration of one or more licenses shall have the effect of extending the period of validity of any other license that is subject to additional renewal requirements that have not been met.

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

Section 25.425 Individuals Prepared in Out-of-State Institutions

a) In accordance with Section 21B-35 of the School Code, an applicant who has completed *a comparable state-approved education program* of another state or country may be granted an Illinois professional educator license endorsed in the area (i.e., teaching, administrative or school support personnel) that corresponds

to the completed program if he or she meets all the generally applicable requirements of Article 21B of the School Code (e.g., age and good character) and the requirements for the license and the endorsement sought, as specified in the applicable Sections of this Part. As used in each of those Sections, a "comparable program" is one that leads to eligibility for service in the same specific capacity in the public schools of the state where the program was completed and is aligned to the standards set forth in Section 25.115(e). A program completed in the United States shall be considered comparable only if it was offered by a regionally accredited institution of higher education or a not-for-profit entity recognized under Subpart C.

1) The individual shall hold a bachelor's *degree* or higher *from a regionally accredited institution of higher education and the degreed major or a constructed major must directly correspond to the license or endorsement sought* and meet the requirements for that endorsement as set forth in Section 25.100. (Section 21B-35(a)(2) of the School Code)

2) Each applicant for an Illinois professional educator license endorsed in a teaching field *who has not been entitled by an Illinois-approved institution of higher education* must have completed a program that met the following requirements.

A) For those who have completed traditional preparation programs, these requirements include:

i) college coursework in professional education, including pre-student teaching clinical experiences or equivalent experience, and student teaching or equivalent experience;

ii) coursework *in the methods of instruction of the exceptional child* in cross-categorical special education (Section 21B-35(a)(3) of the School Code), which shall meet the requirements outlined in Section 25.25(a)(1)(A) of this Part;

iii) *coursework in the methods of reading and reading in the content area* (Section 21B-35(a)(4) of the School Code), which shall meet the requirements outlined in Section 25.25(a)(1)(B) of this Part~~)~~; and

iv) coursework *in instructional strategies for English language learners*, which shall address bilingual education, English as a Second Language or English as a New Language methods (Section 21B-35(a)(5) of the School Code).

B) For those who have completed preparation programs in a school support personnel field listed in Subpart D, these requirements include college coursework in:

i) professional education, including an internship or equivalent experience;

ii) *the methods of instruction of the exceptional child* in cross-categorical special education (Section 21B-35(a)(3) of the School Code), which shall meet the requirements outlined in Section 25.25(a)(1)(A) of this Part;

iii) *the methods of reading and reading in the content area* (Section 21B-35(a)(4) of the School Code), which shall meet the requirements outlined in Section 25.25(a)(1)(C); and

iv) *instructional strategies for English language learners* (Section 21B-35(a)(5) of the School Code), which shall align to standards for addressing second language acquisition and the diverse learner set forth in the Standards for the Speech-Language Pathologist (23 Ill. Adm. Code 28.230) or, for other school support personnel, the applicable standards in 23 Ill. Adm. Code 23 (Standards for School Support Personnel Endorsement).

C) For those who are seeking an endorsement for principal, the applicant's preparation shall be evaluated in accordance with the criteria specified in Section 25.337.

D) For those who have completed alternative certification or licensure programs, these requirements include graduation from a regionally accredited institution with a bachelor's degree that directly

corresponds to the endorsement sought and meets the requirements for that endorsement as set forth in Section 25.100, an intensive course of study approved by that state for this purpose, and student teaching or another structured teaching experience that forms part of the approved alternative program, as well as the coursework specified in subsection (a)(2)(A).

3) Each out-of-state applicant shall have passed each of the Illinois tests required for the professional educator license and the endorsement sought, as set forth in Section 21B-30 of the School Code [105 ILCS 5/21B-30] and Section 25.720.

4) In accordance with Section 21B-30(f) of the School Code, beginning July 1, 2015, each applicant who has not been entitled by an Illinois-approved institution of higher education for a professional educator license endorsed in a teaching field shall pass the TPA (see Section 25.720(e) of this Part). If the applicant has not met this requirement, he or she may:

A) apply for an educator license with stipulations endorsed for the grade levels and content area of the endorsement sought, provided he or she holds a valid, comparable certificate or license from another state and has passed the test of basic skills and applicable content-area test required by Section 21B-30 of the School Code and Section 25.720 of this Part, and complete the TPA while employed as a teacher in an Illinois school district; or

B) enroll in the student teaching portion of an educator preparation program offered by an Illinois institution of higher education approved to offer a program pursuant to Subpart C~~ of this Part~~, during which time the TPA shall be completed; or

C) for purposes of meeting both the requirements of Section 21B-30(f) of the School Code and this subsection (a)(4), an applicant who provides evidence with his or her application of having at least three years of full-time teaching experience and having achieved a "proficient" or higher rating, or the equivalent, on his or her most recent performance evaluation shall not be required to pass the TPA.

b) An individual may receive additional endorsements on a professional educator license endorsed for teaching by meeting the applicable requirements of Sections 25.37 and 25.100.

c) A candidate whose credentials were earned at an institution outside the United States shall submit the documents prepared by the foreign institution to a service whose evaluations are accepted by the State Board pursuant to subsection (d) to determine if the candidate has met the requirements of Section 21B-35(b) of the School Code, including the coursework required under subsection (a)(2)(A).

1) After reviewing the documents submitted, the service shall provide to the State Superintendent of Education a statement identifying the degree held by the individual and indicating whether or not the individual has been prepared as an educator. The service shall also provide a list of the courses completed, with the credits earned equated to semester hours.

2) The transcript provided by the service pursuant to subsection (c)(1) shall be reviewed to determine whether the individual qualifies for a professional educator license and the endorsements for which application was made; if so, he or she shall receive the license and the endorsements indicated by the coursework completed.

3) If the review of the individual's transcript indicates that he or she does not qualify for a professional educator license and the endorsements for which application was made, he or she shall receive a notification of the deficiencies for the license and the endorsement requested.

d) Evaluation services shall be approved to review foreign credentials for purposes of Illinois licensure if they demonstrate experience working on behalf of either the National Association of Foreign Student Affairs or the American Association of Collegiate Registrars and Admissions Officers. However, the State Board of Education may discontinue acceptance of evaluations from any service based on evidence of material inconsistencies in reviews. The State Board shall maintain an up-to-date list of all organizations whose reviews are being accepted and shall make this list readily available.

e) If either a candidate who has not been entitled by an Illinois-approved institution of higher education or an applicant from another country has not met one or more

of the criteria to receive a professional educator license and endorsements for which he or she has applied, the candidate may apply and qualify for an educator license with stipulations endorsed for provisional educator if he or she meets the requirements of Section 21B-20(2)(A) of the School Code, including passage of the Illinois test of basic skills and any Illinois content-area test required for each endorsement sought, as required by Section 21B-30 of the School Code and Section 25.720 of this Part, *either prior to or within one year after issuance of the educator license with stipulations endorsed for provisional educator*. (See Section 21B-20(2)(A) of the School Code.)

1) *Applicants who have not been entitled by an Illinois-approved educator preparation program at an Illinois institution of higher education shall not receive a provisional educator endorsement* on the educator license with stipulations *if the person completed an alternative licensure program in another state, unless the program has been determined to be equivalent to Illinois program requirements*. (Section 21B-20(2)(A) of the School Code)

2) Applicants shall be eligible for an educator license with stipulations endorsed for provisional educator, principal or superintendent, provided that they meet the requirements of Section 21B-35(b-5)(1) and (3) of the School Code regarding completion of a program approved by another state or country and issuance of a certificate or license in a teaching field.

3) The educator license with stipulations endorsed for provisional educator shall be issued only once, valid until June 30 immediately following two years after the license being issued, unless the licensee, during the time in which he or she held the provisional endorsement:

   A) passed the test of basic skills and the applicable content-area test, as required under Section 21B-20(2)(A)(ii) of the School Code; and

   B) did not work in a public school or nonpublic school recognized by the State Board of Education pursuant to 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools) at any time during the validity period of the educator license with stipulations endorsed for provisional educator.

4) An applicant may request one or more endorsements when he or she initially applies for the ~~educator license with stipulations endorsed for provisional~~professional educator license and pays~~pay~~ only one fee required under Section 21B-40 of the School Code. Applications shall be evaluated for only those endorsements requested by the applicant. For those individuals not qualifying for the professional educator license, additional~~Additional~~ endorsements may be requested following issuance of the educator license with stipulations upon application and payment of the fee required under Section 21B-40; however, the date of approval of any additional endorsements shall not extend the validity period of the educator license with stipulations.

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

Section 25.450 Lapsed Licenses

a) A lapsed license is a professional educator license or an educator license with stipulations endorsed for career and technical educator or chief school business official for which renewal requirements have not been completed by September 1 of the year in which it expired, or a professional educator license~~ or an educator license with stipulations endorsed for paraprofessional educator~~ that has not been registered for a period of six or more months since the expiration of its last registration. For purposes of this Section, the licenses listed in subsections (a)(1) through (3) do not lapse.

1) A professional educator license exchanged for a certificate that was issued between July 1, 1929 and July 1, 1951.

2) A substitute teaching license issued under Section 21B-20(3) of the School Code.

3) An educator license with stipulations issued under Section 21B-20(2) of the School Code endorsed in an area other than career and technical educator or chief school business official~~paraprofessional educator~~.

b) In accordance with Section 21B-45(a) of the School Code, a lapsed license shall be immediately (i.e., within six months) reinstated if the individual pays any back fees, including all registration fees, that he or she owes and either:

1) pays a $500 penalty~~ or, if the individual holds only an educator license with stipulations endorsed for paraprofessional educator, a $150 penalty~~; or

2) provides evidence of *completing nine semester hours of coursework from a regionally accredited institution of higher education in the content area that most aligns with one or more of the educator's endorsement areas* [105 ILCS 5/21B-45(b)]. For the purposes of this subsection (b)(2):

A) coursework shall not be counted as both satisfying the penalty and meeting any professional development owed under subsection (b)(3);

B) coursework may include content or methods classes for cross-categorical special education, reading, English language learners (i.e., bilingual education, English as a Second Language or English as a New Language); and

C) the validity period for any coursework used for license reinstatement shall expire on September 1 immediately following the fifth full year after the date of the coursework's completion; or~~.~~

3) for those licensees whose licenses lapsed on September 1 due to failure to complete renewal requirements, completes all outstanding professional development activities required for renewal.

c) The penalty referenced in subsection (b)(1) cannot be paid in advance of the individual's license lapsing. In other words, once the license expires due to failure to pay registration fees or complete license renewal requirements, the individual has the option of:

1) if the license expired due to failure to pay registration fees and the license has not yet lapsed;

A) waiting six months before paying the penalty or presenting evidence of completing the coursework required under subsection (b)(2); or

B) paying all registration fees owed; or

2) if the license expired due to failure to complete renewal requirements and the license has not yet lapsed, completing the applicable renewal requirements and/or paying all registration fees owed.

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

Section 25.480 Supplemental Documentation and Review of Certain License Applications

This Section sets forth the requirements for supplemental documentation and other information that an applicant must submit when he or she has provided an affirmative response or indicated noncompliance with any of the requirements set forth in Sections 25.485 through 25.491 ~~of this Part~~. An application for issuance, renewal, reinstatement or registration of a license shall not be processed until all supplemental documentation has been received. References to "license" in this Section and any of Sections 25.485 through 25.491 shall be understood to mean "certificate" if the sanction affected (or the violation occurred when an individual held) a teaching, administrative, school service personnel or substitute teaching certificate previously issued by the State Board of Education.

a) Personal Statement
When a personal statement is required to be submitted, the applicant shall provide the information required under this subsection (a). A personal statement shall not be afforded full weight by the committee reviewing the application and supplemental documentation if the statement fails to adequately address each of the requirements of this subsection (a) to the degree necessary to enable the review committee to make a determination of whether the applicant has been rehabilitated and should be licensed as a professional educator. Each personal statement shall:

1) be written in the applicant's own words (statements written by an attorney or someone other than the applicant shall be considered a letter of reference);

2) provide a detailed description of the conduct and circumstances that led to the license sanction, or the conviction or a report of child abuse or neglect (whichever is applicable);

3) provide evidence that the applicant has rehabilitated himself or herself, including an explanation of why the applicant believes he or she is of good

character, merits receipt of an educator license and would be an asset to the field of professional educators; and

4) provide any other information that is requested by the State Board of Education that is relevant to the agency's review and understanding of the reasons for license sanction, or circumstances of the conviction or a report of child abuse or neglect (whichever is applicable).

b) Character References
When character references are required, the applicant shall provide at least three letters that meet the requirements set forth in this subsection (b). A character reference shall not be afforded full weight by the committee reviewing the application and supplemental documentation if the reference fails to adequately address each of the requirements of this subsection (b) to the degree necessary to enable the review committee to make a determination of whether the applicant has been rehabilitated and should be licensed as a professional educator. Each character reference shall:

1) be written by a colleague of the applicant who is employed in an educational field or by a faculty member of the applicant's educator preparation program who has first-hand knowledge of or experience working with the applicant; if the applicant has no prior education-related experience, then an employer of the applicant may submit a character reference;

2) state that the purpose of the letter is to assist the applicant in obtaining an educator license and acknowledge the specific conduct and circumstances that led to the applicant's license sanction, or the conviction or a report of child abuse or neglect (whichever is applicable);

3) state the author's relationship (e.g., former instructor, employer, school colleague) with the applicant and the length of time he or she has known the applicant;

4) explain in detail why the author believes that, in spite of the reason for the applicant's license sanction, or the conviction or a report of child abuse or neglect (whichever is applicable), the applicant has been rehabilitated and why the applicant would be an asset to the field of professional educators; and

5) be signed by the author and include the telephone number or email address to be used should the committee reviewing the character reference have questions or need additional information and, as applicable, be presented on the letterhead of the author's place of employment.

c) Application Review Process

1) The application and supplemental documentation shall be reviewed by a committee made up of staff from the State Board of Education's licensure division. The committee may contact the applicant if additional information is needed. Upon conclusion of the committee's review, the committee shall notify the applicant of the agency's decision to deny or its intent to deny an application, by certified mail, return receipt requested mailed to the address shown on the application. A decision to issue the license will be recorded in ELIS and an electronic notification to that effect will be sent to the applicant.

2) If the agency intends to deny an application on character grounds pursuant to Section 21B-15 of the School Code [105 ILCS 5/21B-15], the applicant shall be notified pursuant to subsection (c)(1) of this Section of the opportunity to request a credibility hearing. The applicant's request for a hearing shall be submitted in writing to the agency no later than 10 days after the applicant's receipt of the agency's notification. Requests shall be sent to the Educator Licensure Division, 100 North First Street, S-306, Springfield, Illinois 62777.

A) At this hearing, the applicant may present his or her own statement or provide documentary evidence and present character witnesses who wish to make a statement on behalf of the applicant.

B) The applicant shall not be permitted to pose questions to the review committee. An applicant may be represented by counsel at this hearing, but his or her attorney will not be permitted to address or pose questions to the review committee.

C) No later than 30 days after the conclusion of the credibility hearing, the review committee shall issue to the applicant its decision to grant or deny the application. The decision of the

review committee is a final decision and is reviewable pursuant to the Administrative Review Law [735 ILCS 5/Art. III], as provided in Section 21B-90 of the School Code. A timely filed action for administrative review shall act as a stay of enforcement of the denial.

d) Eligibility to Reapply
An applicant who was denied a license on the grounds that he or she does not have good character or that he or she knowingly misrepresented his or her qualifications to obtain a license pursuant to Section 21B-15 of the School Code is ineligible to apply for any educator license or endorsement on any currently held license for a period of five calendar years from the date of the denial. If an application is submitted during the period of ineligibility, the application shall be denied and the application fee will not be refunded.

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

Section 25.485 Licensure of Persons with Prior Certificate or License Sanctions

A previous denial of licensure or another action against an individual's license may indicate that issuance, renewal, reinstatement or registration of a license would also currently be inappropriate. Accordingly, each applicant for the issuance, renewal, reinstatement or registration of an Illinois professional educator license, an educator license with stipulations or substitute teaching license or for the addition of another credential (e.g., endorsement, approval, designation), including any credential issued under Subpart G~~ of this Part~~, shall be required to indicate on the relevant form whether he or she has ever had a certificate or license denied, suspended or revoked in Illinois or any other state.

a) Each individual providing an affirmative response to this question shall be required to submit a copy of the notice issued by the responsible agency in the state where the action occurred that includes:

1) the date of the action;

2) the reasons for the action;

3) any penalties that were imposed; and

4) the ending date of each penalty, if applicable.

b) Subject to subsection (c) or (d)~~ of this Section~~, the State Superintendent of Education shall review the information submitted pursuant to subsection (a)~~ of this Section~~ and shall determine whether issuance, renewal, reinstatement or registration of a license or issuance of one or more additional credentials, as applicable, is appropriate in light of the circumstances surrounding the previous denial or suspension (including the applicant's age and the background of the applicant at the time of the action), any penalty that was imposed, and any evidence the applicant has provided concerning his or her good character that may mitigate the defect in his or her record. (Also see Section 25.480(b)~~ of this Part~~.)

c) The State Superintendent may review any other license held by the applicant to determine if, based on the severity of the misrepresentation, suspension or revocation is warranted.

d) An application shall not be evaluated from an individual whose previous denial occurred five or fewer years from the date of application.

e) An application from an individual who has had a license revoked either in Illinois or another state shall not be considered except that the provisions of this subsection shall not apply to any individual who voluntarily surrendered his or her license pursuant to Section 21B-45 of the School Code [105 ILCS 5/21B-45), provided that the voluntary surrender was unrelated to a finding of misconduct.

f) An application from an individual whose license had been suspended shall not be evaluated for a period of time that is equal to the length of the suspension. The start date of this waiting period shall begin on the day following the date on which the suspension was lifted. The provisions of this subsection (f) shall not apply to:

1) any application to register or renew the license that was subject to the suspension, provided that the license was maintained as valid during the term of the suspension; and

2) any application to renew another license that was not subject to the suspension.

g) Submission of the application following the time period specified in subsection (e) or (f)~~ of this Section~~ is not a guarantee that the application will be approved and a license, endorsement, approval or designation issued. An individual may

appeal the decision to deny the application in accordance with procedures set forth in the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10].

h) An individual shall not be entitled to a refund of the application fee in the event that his or her application is subsequently denied.

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

Section 25.486 Licensure of Persons Who Are Delinquent in the Payment of Child Support

Pursuant to Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65], each State agency must require an applicant for a license to affirm on the application form, under penalty of perjury, that he or she is not more than 30 days delinquent in complying with a child support order. Accordingly, each applicant for the issuance, renewal, reinstatement or registration of an Illinois professional educator license, an educator license with stipulations or substitute teaching license or for the addition of another credential (e.g., endorsement, approval, designation), including any credential issued under Subpart G ~~of this Part~~, shall be required to make this affirmation on the relevant form.

a) Each individual who fails to provide the affirmation required pursuant to this Section shall be ineligible to receive, register, reinstate or renew a license or to receive an additional credential until he or she provides to the State Superintendent of Education a statement from the Illinois Department of Healthcare and Family Services, issued on that agency's letterhead, indicating the status of the current child support arrangements.

b) The State Superintendent shall review the documentation provided by the applicant and determine whether issuance, renewal, reinstatement or registration of a license or issuance of one or more additional credentials, as applicable, is appropriate based on whether the individual has remedied the delinquency and made satisfactory arrangements to meet future obligations.

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

Section 25.487 Licensure of Persons with Illinois Tax Noncompliance

Pursuant to Section 21B-75(c) of the School Code [105 ILCS 5/21B-75(c)], *the State Board may refuse to issue or may suspend the license of any person who fails to file a return or to pay the tax, penalty, or interest shown in a filed return or to pay any final assessment of tax, penalty, or*

interest, as required by any tax Act administered by the Illinois *Department of Revenue, until such time as the requirements of any such tax Act are satisfied.* Accordingly, each applicant for the issuance, renewal, reinstatement or registration of an Illinois professional educator license, an educator license with stipulations or substitute teaching license or for the addition of another credential (e.g., endorsement, approval, designation), including any credential issued under Subpart G of this Part, shall be required to indicate on the relevant form whether he or she has failed to comply with any of these requirements.

a) Each individual providing an affirmative response to this question shall be ineligible to receive, register, reinstate or renew a license or to receive an additional credential until he or she provides to the State Superintendent of Education either:

1) a tax clearance form issued by the Illinois Department of Revenue, indicating that the individual has remedied the failure; or

2) a statement from the Illinois Department of Revenue, issued on that agency's letterhead, that includes an explanation of the matter, including the relevant tax year, the amount owed, and the status of any disputed amount.

b) If an individual provides the tax clearance form referred to in subsection (a)(1)~~ of this Section~~, he or she shall be eligible for licensure, license registration, license renewal, license reinstatement or issuance of one or more additional credentials based on the tax matter at issue. If an individual provides a statement under subsection (a)(2)~~ of this Section~~, the State Superintendent shall review the documentation provided and determine whether issuance, renewal, reinstatement or registration of a license or issuance of one or more additional credentials, as applicable, is appropriate based on whether the individual has made arrangements to remedy the failure that are satisfactory to the Department of Revenue.

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

Section 25.488 Licensure of Persons Named in Reports of Child Abuse or Neglect

Pursuant to Section 21B-75(b) of the School Code [105 ILCS 5/21B-75(b)], the State Superintendent of Education, in consultation with the State Educator Preparation and Licensure Board, may initiate the suspension or revocation of a license for abuse or neglect of a child. Accordingly, each applicant for the issuance, registration, reinstatement or renewal of an Illinois

professional educator license, an educator license with stipulations or substitute teaching license or for the addition of another credential (e.g., endorsement, approval, designation), including any credential issued under Subpart G~~ of this Part~~, shall be required to indicate on the relevant form whether he or she has been named as a perpetrator by a state agency responsible for child welfare in Illinois or any other state if the finding in the report was not reversed on appeal.

a) Each individual providing an affirmative response to this question shall be ineligible to receive, register, reinstate or renew a license or to receive an additional credential until he or she provides to the State Superintendent of Education:

1) an official copy of the report, including the child's age and sex, the report number assigned by the Department of Children and Family Services or comparable out-of-state agency, the date of the report, and the status of the report ("indicated", "unfounded", or other) with supporting documentation for the determination;

2) a personal statement that meets the requirements outlined in Section 25.480(a)~~ of this Part~~ that includes a detailed explanation of his or her relationship to the child;

3) character references that meet the requirements outlined in Section 25.480(b) of this Part, in which the authors clearly indicate that they have knowledge that the applicant has been found to be a perpetrator of child abuse or neglect but can also attest to the individual's good character, as defined in Section 21B-15 of the School Code, and rehabilitation; and

4) an explanation of the status of any request to expunge, amend, or remove the report from the responsible state agency's records.

b) The State Superintendent shall review the documentation provided by the applicant pursuant to subsection (a) of this Section and determine whether issuance, renewal, reinstatement or registration of a license or issuance of one or more additional credentials, as applicable, is appropriate based on whether the evidence of good character, as defined in Section 21B-15 of the School Code, and rehabilitation provided is convincing when taken together with the gravity of the offense, the individual's age and background at the time of the offense, and any criminal penalty that was imposed.

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

Section 25.489 Licensure of Persons Who Are in Default on Student Loans

Pursuant to Section 21B-75(b) of the School Code, a license may be suspended for failure to establish satisfactory repayment on an educational loan guaranteed by the Illinois Student Assistance Commission. Accordingly, each applicant for the issuance, registration, reinstatement or renewal of an Illinois professional educator license, educator license with stipulations or substitute teaching license or for the addition of another credential (e.g., endorsement, approval, designation), including any credential issued under Subpart G of this Part, shall be required to indicate on the relevant form whether he or she is in default on an Illinois student loan for which no satisfactory repayment plan has been established with the Commission. Each individual providing an affirmative response to this question shall be ineligible to receive, register, reinstate or renew a license or to receive an additional credential until he or she provides to the State Superintendent of Education a statement from the Commission, issued on the Commission's letterhead, indicating that the individual has entered into a satisfactory payment plan.

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

Section 25.490 Licensure of Persons Who Have Been Convicted of a Crime

Convictions related to certain offenses, other than those listed in Section 21B-80 of the School Code [105 ILCS 5/21B-80] that result in automatic revocation or denial of licensure, may lead to denial of licensure if they demonstrate that the applicant is not of good character as required by Section 21B-15 of the School Code. Accordingly, each applicant for the issuance, registration, reinstatement or renewal of an Illinois professional educator license, educator license with stipulations or substitute teaching license or for the addition of another credential (e.g., endorsement, approval, designation), including any credential issued under Subpart G of this Part, shall be required to indicate on the relevant form whether he or she has ever been convicted of a felony or of any sex, narcotics, or drug offense (whether felony or misdemeanor) in Illinois or any other state.

a) Each individual providing an affirmative response to this question shall be ineligible to receive, register, reinstate or renew a license or to receive an additional credential if the offense was one of those enumerated in Section 21B-80 of the School Code or, if the offense was not one of those enumerated, until he or she provides to the State Superintendent of Education:

1) a certified court record of the conviction, to include sentencing information;

2) evidence that at least one year has elapsed since the end of the sentence for the criminal offense, where "sentence" includes any period of supervision or probation that was imposed either alone or in combination with a period of incarceration;

3) a personal statement that meets the requirements outlined in Section 25.480(a)~~ of this Part~~; and

4) character references that meet the requirements outlined in Section 25.480(b) of this Part, in which the authors clearly indicate that they have knowledge of the conviction but can also attest to the individual's good character, as defined in Section 21B-15 of the School Code, and rehabilitation.

b) The State Superintendent shall review the information submitted pursuant to subsection (a) of this Section and determine whether licensure, license registration, license renewal, license reinstatement or issuance of one or more additional credentials, as applicable, is appropriate, based on whether the offense was one of those enumerated in Section 21B-80 of the School Code and, if not, whether the evidence of good character, as defined in Section 21B-15 of the School Code, and rehabilitation provided is convincing when taken together with the gravity of the offense, the individual's age and background at the time of the offense, and any criminal penalty that was imposed.

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

Section 25.491 Licensure of Persons with Unsatisfactory Performance Evaluation Ratings

The State Superintendent may initiate an action under 23 Ill. Adm. Code 475 (Contested Cases and Other Formal Hearings) for revocation, suspension or required professional development against a license based on incompetency. *Incompetency shall include, without limitation, two or more school terms of service for which the* licensee *has received an unsatisfactory rating on a performance evaluation conducted pursuant to Article 24A of the School Code* [105 ILCS 5/Art. 24A] *within a period of seven school terms of service.* [105 ILCS 5/21B-75] A rating of unsatisfactory received following a period of remediation under Section 24A-5 of the School Code shall not count as a "performance evaluation rating" for the purposes of this Section.

a) Each applicant for the issuance, registration, reinstatement or renewal of an Illinois professional educator license issued pursuant to Article 21B of the School Code or for the addition of another credential (e.g., endorsement, approval, designation), including any credential issued under Subpart G of this Part, shall be required to indicate on the relevant form whether he or she has received two unsatisfactory performance evaluation ratings within seven school terms of service. Each applicant providing an affirmative response to this question shall be ineligible to receive, register, reinstate or renew a license or to receive an additional credential until he or she provides to the State Superintendent of Education a statement or documentation responding to each of the items listed in this subsection (a):

1) if known by the applicant, the date upon which the evaluator who provided the unsatisfactory performance evaluation rating successfully completed the prequalification process required under Section 24A-3 of the School Code [105 ILCS 5/24A-3], and any retraining, as applicable;

2) a copy of each remediation plan resulting from the unsatisfactory performance evaluation rating developed for the applicant;

3) an indication of whether the applicant successfully completed each remediation plan (i.e., received a subsequent performance evaluation rating of "proficient" or better);

4) the assignments the applicant held at the time each unsatisfactory performance evaluation rating was received; and

5) the date on which the applicant first began teaching, or in the case of an administrator, the date on which the applicant began his or her first assignment as an administrator, provided that the assignment subjects the applicant to a performance evaluation conducted under Article 24A of the School Code.

b) If the State Superintendent becomes aware of a licensee's having received two unsatisfactory ratings at any time, the State Superintendent shall request from the educator the information required under subsection (a) ~~of this Section~~. The educator shall submit the information no later than three weeks after receiving the State Superintendent's request.

c) The State Superintendent shall consider the factors outlined in Section 21B-75(b) when *determining whether to initiate action against one or more licenses based on incompetency and the recommended sanction for* any *action* (Section 21B-75(b) of the School Code).

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

SUBPART G: PARAPROFESSIONALS; OTHER PERSONNEL

Section 25.520 Substitute Teaching License

a) A substitute teaching license may be issued to an applicant who has met the requirements of Section 21B-20(3) of the School Code [105 ILCS 5/21B-20(3)].

b) A substitute teaching license is valid until June 30 immediately following five years after the license was issued and may be renewed if the individual has passed a test of basic skills, as authorized under Section 21B-30 of the School Code (see Section 25.720). *An individual who has passed a test of basic skills for* his or her *first licensure renewal is not required to retake the test again for further renewals*. (Section 21B-20(3) of the School Code) For purposes of this subsection (b), "a test of basic skills" is either the Illinois test of basic skills, as described in Section 25.720, or the WorkKeys® assessment offered by ACT with at least the score identified by the State Board of Education in consultation with the SEPLB.

c) *If an individual has had his or her professional educator license or educator license with stipulations suspended or revoked or has not met the renewal requirements for licensure* under Subpart J or Section 25.70, *then that individual is not eligible to obtain a substitute teaching license*. (Section 21B-20(3) of the School Code)

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

SUBPART H: CLINICAL EXPERIENCES

Section 25.610 Definitions

"Clinical Experiences". That part of the professional preparation program

enabling candidates preparing for licensure to acquire practical experience along with theoretical knowledge prior to entering into the full responsibilities of the role for which they are seeking licensure. These practical and structured experiences include pre-student teaching field experiences and student teaching and insure gradual and sequential introduction to, and eventual assumption of, the full range of experiences associated with a role for which a professional educator license is required. At appropriate times the candidate shall demonstrate mastery of skills and techniques necessary for effective performance as a beginning practitioner and to enable evaluation by qualified personnel. The sequence of experiences brings the candidate into contact with a variety of populations and educational situations, including public school settings, encountered by practitioners.

"Clinical Practice". Student teaching or internships that provide candidates with an intensive and extensive culminating activity. Candidates are immersed in the learning community and are provided opportunities to develop and demonstrate competence in the professional roles for which they are preparing.

"College Supervisor". That person employed by the institution of higher education to supervise candidates engaged in clinical experiences.

"Cooperating Teacher". That person employed by a school district directly engaged in teaching students in a school and who is immediately responsible for a student engaged in clinical experiences.

"Directed Observation". A clinical experience involving observation of practitioners working under the direction of representatives of schools or educator preparation institutions. This experience is planned, guided and evaluated by a mentor or supervisor and can occur in a variety of educational settings and situations.

"Dispositions". Professional attitudes, values and beliefs demonstrated through both verbal and nonverbal behaviors as educators interact with students, families, colleagues and communities.

"Field Experiences". A variety of early and ongoing field-based opportunities in which candidates may observe, assist, tutor, instruct~~,~~ and/or conduct research. Field experiences may occur in off-campus settings such as schools, community centers~~,~~ or homeless shelters.

"Intern Supervisor". That person employed by a school district directly engaged in school support personnel work in a school building and who is immediately responsible for a school support personnel intern.

"Internship". A sustained, continuous, structured and supervised experience lasting for a substantial period of time in which the candidate engages in performance of various aspects of the role and is gradually introduced to the full range of responsibilities associated with the role. Internships take place in all types of situations and settings. The use of internship is usually restricted to school support personnel and administrative programs.

"Practicum". A type of clinical experience characterized by intensive work with students, in a group or one on one, which is carefully designed as part of an approved program; is supervised by a designated representative of the institution offering the program; and provides evidence that the candidate for the endorsement is able to apply the knowledge and skills relevant to that endorsement area.

"Student Teaching". A form of internship required for approval of educator preparation programs~~established by Illinois statute~~ calling for close and competent supervision. It entails preparation for full responsibility in an instructional setting. In the course of the experience, the candidate shall demonstrate mastery of skills and techniques including, but not limited to, planning, organization, evaluation, parent relations and competence in subject matter areas. The experience is carried out under diligent and systematic supervision by college and local school personnel. (Student teaching is referred to as "clinical practice" by NCATE.)

"Supervised Participation". A wide range of experiences in which the candidate assists or engages in purposeful interaction with students and school personnel under the guidance and evaluation of qualified personnel. These experiences are carried out under continuous supervision by appropriate personnel who can appropriately modify the candidate's behavior.

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

Section 25.620 Student Teaching

a) The SEPLB recognizes and accepts student teaching only when it is earned during the candidate's final year of his or her educator preparation program and conducted in a public school or a nonpublic school recognized or seeking recognition pursuant to 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools).

b) Student teaching shall be structured as part of comprehensive field experiences and clinical practice, as a supervised part of a teacher preparation program approved pursuant to Subpart C, and in accordance with the standards referred to in Section 25.115(d).

c) Student teaching shall be completed within the grade range and in the area of specialization appropriate to the endorsement sought on the professional educator license. Additional student teaching may occur in areas for which the candidate meets the relevant requirements related to staff qualifications in 23 Ill. Adm. Code 1.

d) Beginning with student teaching conducted in the 2014-15 school year, student teaching must be done under the active supervision of a cooperating teacher who is licensed and qualified to teach in the area, has three years of teaching experience in a public school or nonpublic school recognized or seeking recognition pursuant to 23 Ill. Adm. Code 425~~ (Voluntary Registration and Recognition of Nonpublic Schools)~~, has received a proficient or above performance rating in his or her most recent evaluation and is directly engaged in teaching subject matter or conducting learning activities in the area of student teaching. The requirements of this subsection (d) do not apply in cases in which the student teacher:

1) is serving on an educator license with stipulations endorsed for transitional bilingual educator; or

2) is working in a school that is not legally required to employ teachers with licensure and either has two years of teaching experience at that school or presents to the employer the evidence described in Section 25.25(b)~~ of this Part~~ documenting that he or she has two years of teaching experience in one or more other schools in which the chief administrator is required to hold a professional educator license endorsed for either general administrative or principal and the majority of teachers are required to hold a professional educator license endorsed for the grade levels and in

the content area in which they are employed; or

3) holds a substitute teaching license~~certificate~~ and is not subject to the limitations of Section 21B-20(3) of the School Code [105 ILCS 5/21B-20(3)].

e) In order for a recognized Illinois teacher education institution to award credit for student teaching, the following requirements must be met.~~:~~

1) The student teacher must be enrolled in a student teaching course at the institution.~~; and~~

2) The school district or nonpublic school and the institution of higher education shall jointly agree to the student teaching placement and the responsibilities of each person to be involved.

3) The school district or nonpublic school shall ensure the requirements of Section 2-3.25o, 10-21.9 or 34-18.5, as applicable to the school district or nonpublic school, have been met.

f) An individual may receive credit for student teaching or pre-student teaching clinical experiences that are completed during the time for which the individual is paid as a teacher only when the individual:

1) holds no educator license issued pursuant to Article 21B of the School Code [105 ILCS 5/Art. 21B] and performs the student teaching or pre-student teaching clinical experiences in a charter school established under Article 27A of the School Code or a nonpublic school recognized or seeking recognition pursuant to 23 Ill. Adm. Code 425~~ (Voluntary Registration and Recognition of Nonpublic Schools)~~; or

2) is subject to the authorization for payment stated in Section 25(g) of the Grow Your Own Teacher Education Act [110 ILCS 48/25(g)]; or

3) has at least one year of experience in a school or community-based early childhood setting and the student teaching is conducted with his or her current employer and meets the requirements of his or her preparation program; or

4) holds an educator license with stipulations endorsed for transitional bilingual educator, career and technical educator, or provisional career and technical educator and works in a school district; or

5) holds only a substitute teaching license and, as an employee of a school district operating under Article 34 of the School Code [105 ILCS 5/Art. 34], is not subject to the limitations of Section 21B-20(3) of the School Code regarding the number of days a substitute teacher may be employed.

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

SUBPART J: RENEWAL OF PROFESSIONAL EDUCATOR LICENSES

Section 25.800 Professional Development Required (Beginning July 1, 2014)

a) Pursuant to Section 21B-45 of the School Code [105 ILCS 5/21B-45], renewal of professional educator licenses endorsed in a teaching, administrative or school support personnel field or an educator license with stipulations endorsed for chief school business official (see Section 21B-20 of the School Code) is contingent upon licensees' presentation of proof of professional development activities. For the purposes of this Subpart J, "5-year renewal cycle" for any license shall include the time from the date the license was initially issued to June 30 following five years of the license being issued and every five years thereafter, regardless of whether the total validity period exceeds five years. Any portion of an additional year beyond five years that is included in the 5-year renewal cycle shall not increase the amount of professional development that a licensee is required to complete.

b) Except as provided in Section 25.880 and in subsection (c) of this Section, renewal of an individual's professional educator license shall require the licensee's completion of professional development activities sufficient to satisfy the requirements of Section 21B-45 of the School Code. Each licensee shall:

1) enter the information required by Section 21B-45(e) of the School Code into ELIS prior to renewal~~within the timelines specified~~ for each activity completed; and

2) present the evidence of completion upon request by the regional superintendent or a representative of the State Board of Education or if required as part of an appeal under this Subpart J.

c) Professional Educator License Endorsed for School Support Personnel

1) Any licensee who holds a professional educator license endorsed for school support personnel *who is employed and performing services in Illinois public schools and who holds an active and current professional license issued by the Department of Financial and Professional Regulation related to* his or her school support personnel endorsement area may renew his or her professional educator license by paying only the registration fees required under Section 21B-40 of the School Code. (See Section 21B-45(l) of the School Code.) For purposes of this subsection (c), "related to" a school support personnel area shall be:

A) for a school counselor, a license issued under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act [225 ILCS 107];

B) for a marriage and family therapist, a license issued under the Marriage and Family Therapist Licensing Act [225 ILCS 55];

C) for a school psychologist, a license issued under the Clinical Psychologist Licensing Act [225 ILCS 15];

D) for a school speech and language pathologist (school support personnel endorsement only (i.e., nonteaching)), a license issued under the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110];

E) for a school nurse, a license issued under the Nurse Practice Act [225 ILCS 65]; and

F) for a school social worker, a license issued under the Clinical Social Work and Social Work Practice Act [225 ILCS 20].

2) Upon application for renewal of a professional educator license endorsed in school support personnel, the licensee shall indicate in ELIS whether he

or she holds a current and active professional license listed in subsection (c)(1) and electronically sign an assurance that the professional development requirements for that license were met.

3) Any licensee who holds the professional educator license endorsed for school support personnel and does not hold one of the other professional licenses listed in subsection (c)(1) shall complete 120 hours of professional development activities and meet all other requirements for educator licensure renewal set forth in this Subpart J.

4) Any licensee who holds a professional educator license endorsed in a teaching field and for speech-language pathologist but does not hold a school support personnel endorsement shall complete 120 hours of professional development activities and meet all other requirements for educator licensure renewal set forth in this Subpart J regardless of whether he or she also holds a current and active professional license identified in subsection (c)(1)(D).

d) Credit for CPDUs Earned Prior to July 1, 2014
Any licensee who earned continuing professional development units (CPDUs) by completing any of the activities listed in Section 25.875 prior to July 1, 2014 shall have those CPDUs converted to clock hours as set forth in this subsection (d) and have those CPDUs credited to the 5-year renewal cycle during which the CPDUs were completed. For each subsequent 5-year renewal cycle, the licensee shall meet the applicable requirements of Section 25.805. Any licensee who earned CPDUs prior to July 1, 2014 and has not entered those into ELIS shall do so by using the conversion set forth in this subsection (d).

1) One CPDU earned shall equal one clock hour of professional development activities.

2) One semester hour of college coursework related to education from a regionally accredited institution (i.e., completion of an advanced degree, receipt of a subsequent endorsement, completion of coursework in an undergraduate or graduate program) shall equal 15 clock hours of professional development activities.

3) Except as provided in subsection (e)(7) or (e)(8), if the total credit received in the conversion from CPDUs to clock hours is fewer than 120

clock hours, the licensee shall complete a sufficient number of professional development activities, as required under Section 21B-45 of the School Code and this Subpart J, as may be necessary to reach 120 clock hours before the end of his or her 5-year renewal cycle.

e) Credit for Certain Activities Completed Prior to September 1, 2014
Certain activities completed before August 31, 2014 shall qualify a licensee as meeting all or a portion of the 120 clock hours of professional development required and shall be attributed to the 5-year renewal cycle in which the activity was completed. For each subsequent 5-year renewal cycle, the licensee shall meet the applicable requirements of Section 25.805. Any licensee who earned credit for activities completed prior to September 1, 2014 shall enter his or her completed credit into ELIS by noting the activity completed and the credit earned, as set forth in this subsection (e).

1) Completion of all requirements for an advanced degree from a regionally accredited institution in an education-related field may be used to fulfill 120 clock hours of professional development. The degree must be conferred no later than December 31, 2014 in order to qualify under this subsection (e)(1).

2) Completion of all required activities in pursuit of certification or recertification by the National Board for Professional Teaching Standards (NBPTS) may be used to fulfill 120 clock hours of professional development.

3) Receipt of a subsequent Illinois endorsement on a professional educator license may be used to fulfill 120 clock hours of professional development. The endorsement must be issued no later than December 31, 2014 to qualify under this subsection (e)(3).

4) Becoming "highly qualified" in an additional teaching area may be used to fulfill 120 clock hours of professional development. The criteria applicable to Illinois teachers and the required evidence of completion shall be as set forth in Appendix D. Each individual using this option shall have completed at least some portion of the requirements in the additional field during the 5-year renewal cycle to which the professional development credit is attributed.

5) Successful completion of four semester hours of graduate-level coursework on the assessment of one's own performance in relation to the Illinois Professional Teaching Standards may be used to fulfill 120 hours of professional development, provided that the coursework was approved by the State Superintendent of Education; offered by a regionally accredited institution of higher education, either in partnership with a teachers' association or union or with a regional office of education, or by another entity authorized to issue college credit; and included demonstration of performance through the activities listed in this subsection (e)(5) for each of the Illinois Professional Teaching Standards set forth in 23 Ill. Adm. Code 24 (Standards for Illinois Teachers).

A) Observation, by the course instructor or another experienced teacher, of the teacher's classroom practice for the purpose of identifying and describing how the teacher:

i) made content meaningful for students;

ii) motivated individuals and the group and created an environment conducive to positive social interactions, active learning and motivation;

iii) used instructional strategies to encourage students' development of critical thinking, problem-solving and performance;

iv) communicated using written, verbal, nonverbal and visual communication techniques; and

v) maintained standards of professional conduct and provided leadership to improve students' learning.

B) Review and analysis by the course instructor or another experienced teacher of written documentation prepared by the teacher for at least two lessons that provides evidence of classroom performance related to the Illinois Professional Teaching Standards, with an emphasis on how the teacher:

i) used his or her understanding of students, assessment data and subject matter to determine learning goals;

ii) designed or selected activities and instructional materials and aligned instruction to the relevant Illinois Learning Standards set forth in 23 Ill. Adm. Code 1.Appendix D;

iii) adapted or modified curriculum to meet individual students' needs; and

iv) sequenced instruction and designed or selected student assessment strategies.

C) Demonstration of professional expertise on the part of the teacher in reflecting on his or her practice in terms of teaching strengths, weaknesses and implications for improvement according to the Illinois Professional Teaching Standards.

6) Successful completion of four semester hours of graduate-level coursework in preparation for meeting the requirements for certification by the National Board for Professional Teaching Standards (NBPTS) may be used to fulfill 120 clock hours of professional development, provided that the coursework was approved by the State Superintendent of Education; offered by a regionally accredited institution of higher education, either in partnership with a teachers' association or union or with a regional office of education, or by another entity authorized to issue college credit; and addressed the five core propositions of NBPTS and relevant standards through the activities described in subsection (e)(5), except that references to the Illinois Professional Teaching Standards shall be understood to mean NBPTS.

7) A licensee who holds a master's degree in an education-related field reduces the 120 clock hours of professional development required by 40 clock hours.

8) A licensee who holds a second master's degree, an education specialist or a doctorate in an education-related field or who has attained NBPTS master teacher designation reduces the 120 clock hours of professional development required by 80 clock hours.

9) A licensee with a school support personnel endorsement who holds one of the certifications specified in this subsection (e)(9) shall be deemed to have satisfied the continuing professional development requirements.

A) Nationally Certified School Psychologist from the National School Psychologist Certification Board;

B) Nationally Certified School Nurse from the National Board for Certification of School Nurses;

C) Nationally Certified Counselor from the National Board for Certified Counselors; or

D) Certificate of Clinical Competence from the American Speech-Language-Hearing Association.

f) Holders of a professional educator license who are working solely in a substitute teaching capacity are not subject to the requirements of Section 21B-45 of the School Code or this Subpart J.

g) The ending date of the licensee's 5-year renewal cycle in effect on July 1, 2014 is not changed by the provisions of this Subpart J.

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

Section 25.805 Continuing Professional Development Options

a) Professional development activities shall generate credit for purposes of renewal of a professional educator license endorsed in a teaching, administrative or school support personnel field or an educator license with stipulations endorsed for chief school business official only if they address one or more of the criteria identified in Section 21B-45(d) of the School Code. For the purposes of this Subpart J:

1) "Sustained period of time" shall mean professional development that includes structured opportunities for educators to apply what they have learned in real-life situations and/or professional development offered over a course of two or more sessions.

2) "Licensee's performance" shall mean professional development identified by the licensee, school or district that is designed to improve the licensee's knowledge and skills relative to district or school performance and/or student achievement.

3) "State-approved standards" shall mean the standards applicable to the licensee's credential, as set forth in Section 25.115(e).

4) "Related to student growth or district improvement" shall mean professional development identified by the teacher, school or district that would contribute to improvements in academic achievement of students in the licensee's classroom or for the school and district as a whole, as may be identified in the school or district improvement plan.

5) "Higher education coursework" shall mean coursework completed at a postsecondary institution.

b) Endorsements in a Teaching Field or for School Support Personnel
Any *licensee shall complete 120* clock *hours of professional development* activities during each *5-year renewal cycle*, unless otherwise specified in this Subpart J. (Section 21B-45(e)(1) of the School Code)

c) Administrative Endorsements

1) Any licensee holding a professional educator license endorsed in an administrative field *who is working in a position that requires* this credential *shall complete one Illinois Administrators' Academy* (see Section 2-3.53 of the School Code) *course each fiscal year, in addition to 100* clock *hours of professional development activities* during each *5-year renewal cycle*. (Section 21B-45(e)(3) of the School Code)

2) *Beginning in his or her first full 5-year renewal cycle*, any licensee holding a professional educator license endorsed in an administrative field *who* is employed in an Illinois public or State-operated school or cooperative or charter school and *is not working in a position requiring* the administrative credential is subject to the requirement of subsection (b) and *shall complete one Illinois Administrators' Academy course* during each 5-year renewal cycle.

A) The licensee is subject to this subsection (c) in *each 5-year renewal cycle in which* he or she has held *the administrative endorsement for at least one year* and was employed on a full-time basis in each year of the 5-year renewal cycle.

B) *The Illinois Administrators' Academy course may count toward the 120 hours* of professional development required in each 5-year renewal cycle on a clock-hour basis (Section 21B-45(e)(2) of the School Code) or toward the 60 hours of professional development required under subsection (d).

d) Master Teacher Designation
Any licensee holding a National Board for Professional Teaching Standards (NBPTS) master teacher designation shall complete a total of 60 clock hours of professional development per 5-year renewal cycle. (Section 21B-45(e)(4) of the School Code) (Also see Section 25.832.).

1) If the master teacher designation is removed during a 5-year renewal cycle, the licensee shall complete at least 20 percent of the professional development required in this Section for each year in which the master teacher designation was not held. (Also see Section 25.832.)

2) Any licensee whose master teacher designation is removed shall be subject to the full renewal requirements that would apply to his or her endorsement area for the 5-year renewal cycle subsequent to the cycle in which the designation was removed.

e) Teacher Leader Endorsements
Any licensee holding a professional educator license endorsed for Teacher Leader issued pursuant to Section 21B-25(2)(E) of the School Code and Section 25.32 of this Part *who is working in an administrative capacity at least 50* percent *of the* school *day shall complete one Illinois Administrators' Academy course each fiscal year, in addition to 100 hours of professional development activities* during each 5-year renewal cycle. (Section 21B-45(e)(3) of the School Code) Licensees not working in administrative positions or those holding Teacher Leader endorsements received on or before December 31, 2012 are subject to the requirements of subsection (b) rather than this subsection (e).

f) Multiple Endorsements

1) Licensees who are performing services on one or more endorsements during a given renewal cycle are subject to the requirements of this subsection (f). The provisions of this subsection (f) also apply to individuals who hold and are performing services on both an educator license with stipulations endorsed for career and technical educator and a professional educator license.

2) When two or more endorsements are being used during a renewal cycle, the licensee shall complete renewal requirements in proportion to each year that he or she worked on a given endorsement or license.

A) Example: If the holder of a professional educator license endorsed for both teaching and administrative fields worked one year as a principal and four years as a teacher, he or she would complete 20 percent of the requirements set forth in subsection (c) (including completion of one Administrators' Academy course) applicable to the year in which the educator served as a principal and 80 percent of the requirements set forth in subsection~~subsections~~ (b) or (d) applicable to the years in which the educator served as a teacher.

B) Example: If the holder of a professional educator license endorsed for both an administrative field and school support personnel worked for one year as an administrator and four years in a school support position, he or she would complete 20 percent of the requirements set forth in subsection (c) (including completion of one Administrators' Academy course) applicable to the year in which the educator served as an administrator and 80 percent of the requirements set forth in subsection (b), subject to any exemption allowed under Section 25.800(c), applicable to the years in which the educator served in a school support position.

g) Retired Status

Any licensee whose license is in retired status, as defined in Section 21B-45(e)(6) of the School Code, and who returns to a position for which educator licensure is required, shall complete at least 20 percent of the professional development required for his or her endorsement area as provided under subsections (b) though (e) for each year in which he or she is employed for 50 percent or more of full-

time equivalency and any Administrators' Academy courses as may be required. (Also see Section 25.880(h).)

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

Section 25.830 Verification of Completed Activities; Renewal Process

a) A licensee shall enter any professional development credit earned *prior to renewal*~~on or after July 1, 2014 within *60 days after completing a professional development activity*~~. The *licensee shall enter electronically into ELIS the name, date, and location of the activity, the number of professional development hours* earned*, and the provider's name* (Section 21B-45(e) of the School Code), except that:

1) any Illinois Administrators' Academy course completed shall be entered by the provider rather than the licensee; and

2) a licensee who holds both a professional educator license endorsed in school support personnel and one of the professional licenses listed under Section 25.800(c) shall indicate in ELIS if his or her professional license is active and current.

b) A~~Beginning July 1, 2015, a~~ licensee who fails to enter into ELIS his or her completed professional development prior to renewal~~within the timeline set forth in subsection (a)~~ shall be unable to include credit for those activities among the clock hours needed to satisfy renewal requirements.

c) A licensee who fails to complete an Administrators' Academy course in a given fiscal year as required by Section 21B-45(e)(2) or (3) of the School Code shall be required to complete two courses for each one missed. He or she may complete these courses at any time during the remainder of the 5-year renewal cycle or prior to the reinstatement of a license that has lapsed pursuant to Section 25.450 of this Part.

d) Accumulation of the number of hours of professional development activities required under Section 21B-45(e) of the School Code and entering them into ELIS shall not entitle the licensee to renewal of the license. Renewal of the licensee's license shall be determined by the State Superintendent of Education.

e) In accordance with Section 21B-45(e)(5), licensees who are working in positions that do not require a professional educator license and those who are working in positions that require a professional educator license for less than 50 percent of full-time equivalency in a school year are "exempt" and do not have to complete professional development activities; however, prior to renewing the license, the licensee shall record that status in ELIS indicating the starting and ending date of the exemption and the reason the exemption was requested. (See Section 25.880.)

f) A licensee whose professional educator license is in "retired status", as defined in Section 21B-45(e)(6) of the School Code, is not subject to renewal requirements; however, prior to renewing the license, the licensee shall record that status in ELIS. The licensee's "retired" status shall take effect in the next full 5-year renewal cycle following the cycle in which the licensee retired. The licensee shall complete and record in ELIS the professional development required to be completed in the 5-year renewal cycle during which the licensee retired (i.e., at least 20 percent of the total professional development required in the 5-year renewal cycle for each year in which the license was valid and active).

g) A licensee who does not enter all of his or her professional development activities prior to September 1 of the year in which the 5-year renewal cycle ends may not be able to preserve his or her right of appeal regarding a recommendation for nonrenewal of his or her license.

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

Section 25.855 Approval of Professional Development Providers

A licensee may not receive credit for professional development activities completed for the purpose of renewing the professional educator license with respect to activities offered by entities that are not approved under Section 21B-45(g) of the School Code or this Subpart J. The State Superintendent of Education shall post by July 1 of each year a list of the entities approved for this purpose.

a) Any provider, other than those listed in subsection (b), that received approval to offer educator preparation programs prior to July 1, 2014 may continue to offer professional development activities until December 31, 2014, provided those activities conform to the requirements of Section 21B-45 of the School Code and this Subpart J. Starting January 1, 2015, a provider meeting the requirements of

subsection (c) must be granted approval under this Section in order to continue to serve as an approved provider for license renewal purposes.

b) In accordance with Section 21B-45(g), the entities listed in this subsection (b) are deemed approved to provide professional development activities for the renewal of the professional educator license ~~beginning July 1, 2014~~. No further approval is necessary.

1) The State Board of Education;

2) Regional offices of education and intermediate service centers;

3) Regionally accredited institutions of higher education that have been approved under Subpart C to offer educator preparation programs;

4) Illinois public school districts;

5) Charter schools authorized under Article 27A of the School Code [105 ILCS 5/Art. 27A]; ~~and~~

6) Joint education programs established under Article 10 of the School Code [105 ILCS 5/Art. 10] for the purposes of providing special education services or career and technical education; and~~.~~

7) Any other entity as identified in Section 21B-45(g) of the School Code.

c) An Illinois professional association that represents one of the groups of educators listed in this subsection (c) may be approved as a provider under this Section. (See Section 21B-45(g)(3) of the School Code.) For purposes of this subsection (c), "represents" means advocating for a group or advocating for or representing a group's interests in local, State or federal legislative processes; acting for, in place of, or on behalf of a group; and/or serving as a spokesman, proxy or attorney for a group. "Represent" also shall refer to Illinois professional associations whose primary purpose is to provide support to or promote the goals of a group of educators or conduct research about issues of interest to a group. An eligible Illinois professional association shall represent one or more of the following:

1) School administrators holding Illinois educator licensure;

2) Principals holding Illinois educator licensure;

3) School business officials serving in Illinois public schools;

4) Teachers holding Illinois educator licensure (e.g., special education teachers, bilingual education teachers, early childhood teachers, career and technical educators, teachers in various content areas~~content areas~~);

5) Boards of education established under Article 10 or Article 34 of the School Code;

6) Illinois public school districts;

7) Parents of students enrolled in Illinois public schools; or

8) School support personnel holding Illinois educator licensure.

d) Each association eligible under subsection (c) wishing to receive approval shall submit an application in a format specified by the State Board of Education that shall include:

1) evidence that the professional development activities to be provided will align to the Standards for Professional Learning (2011) promulgated by Learning Forward, 504 South Locust Street, Oxford OH 45056 and posted at http://learningforward.org/;

2) a description of the intended offerings in terms of relevant State learning standards to be addressed, including identification of the expected effect on student achievement or school improvement that will result from the skills and knowledge the licensee is expected to acquire from the activity;

3) a description linking the professional development activities to one or more of the purposes listed in Section 21B-45(h) of the School Code, which are to:

A) *increase the knowledge and skills of school and district leaders who guide continuous professional development*;

B) *improve the learning of students*;

C) *organize adults into learning communities*, the goals of which *are aligned to those of the school and district*;

D) *deepen educator's content knowledge*;

E) *provide educators with research-based instructional strategies to assist students in meeting rigorous academic standards*;

F) *prepare educators to appropriately use various types of classroom assessments*;

G) *use learning strategies appropriate to the intended goals*;

H) *provide educators with the knowledge and skills to collaborate*; and

I) *prepare educators to apply research to decision-making*;

4) the qualifications and experience the provider will require of presenters to be assigned in each area;

5) the mode of delivery of the professional development; and

6) assurances that the requirements of subsection (e) will be met.

e) Each provider approved to issue credit for professional development activities under Section 21B-45 of the School Code and this Section shall:

1) verify attendance at its professional development activities, provide to participants the standard forms referred to in Section 25.865, and require completion of the evaluation form;

2) maintain participants' evaluation forms for a period of not less than three years and make them available for review upon request by staff of the State Board of Education; and

3) maintain attendance records for each event or activity it conducts for a period of not less than six years.

f) Applicants may be asked to clarify particular aspects of their materials.

g) The State Superintendent of Education shall respond to each application for approval no later than 45 days after receiving it.

h) A provider shall be approved to issue credit for clock hours completed in increments of at least a quarter hour for a given type of activity only if the provider's application provides evidence that:

1) the activities it sponsors or conducts will be developed and presented by persons with education and experience in the applicable content areas; and

2) there is an apparent correlation between the proposed content of the professional development activities, the relevant standards set forth in Section 25.115(e), and one or more of the criteria set forth in Section 21B-45(d) of the School Code and Section 25.805(a) of this Part.

i) A provider not approved under this Section may work with any provider listed under subsection (b) to offer professional development activities.

j) Approval of a provider shall be valid until June 30 following the approval's being in effect for two years. Continuation of that approval in year 2 shall be contingent upon the State Superintendent receiving no evidence of noncompliance with the requirements of this Subpart J.

k) To request renewal of approval, a provider shall, by no later than March 1 of the year of expiration, submit an application in a format specified by the State Board of Education containing:

1) a description of any significant changes in the material submitted as part of its approved application, which shall include changes in the courses' sequence, content, materials used, assessments, outcomes or purpose; or

2) a certification that no significant changes of the type outlined in subsection (k)(1) have occurred.

(Source: Amended at 40 Ill. Reg. 4940, effective March 2, 2016)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Voluntary Registration and Recognition of Nonpublic Schools

2) Code Citation: 23 Ill. Adm. Code 425

3)

Section Numbers:	Adopted Actions:
425.20	Amendment
425.30	Amendment

4) Statutory Authority: 105 ILCS 5/2-3.6 and 2-3.51.5

5) Effective Date of Rules: March 2, 2016

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 14491; November 6, 2015

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: In Sections 425.20(a)(2)(F) and 425.30(d)(9), "school" was used in place of "they" for clarity.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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

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

15) Summary and Purpose of the Rulemaking: PA 98-795, effective August 1, 2014, amended Section 22-30 of the School Code, in part, to authorize (but not require) the administration of an epinephrine auto-injector by school nurses (as that term is defined in Section 22-30) or trained personnel to "any person (who) the school nurse or trained personnel in good faith believes is having an anaphylactic reaction". In such cases, the epinephrine auto-injector is "undesignated", meaning it is not prescribed to a particular

individual. PA 99-480, effective September 9, 2015, added administration of opioid antagonists by school nurses and trained personnel in situations when an individual is having an opioid overdose.

The agency has promulgated rules at Section 1.540 (23 Ill. Adm. Code 1.540; Public Schools Evaluation, Recognition and Supervision) that clarify the process for the use of undesignated epinephrine auto-injectors and opioid antagonists by school nurses or trained personnel. The requirements of Section 1.540 apply to public schools; therefore, this cross-reference is needed in Part 425 to make the requirements applicable to nonpublic schools that seek registration with or recognition by the State Board of Education.

Reference has been made to nonpublic schools' responsibilities under Section 22-80 of the School Code, added by PA 99-245, effective August 3, 2015. The new law addresses concussion policies and practices in schools. Referencing the law in Part 425 will alert nonpublic schools to the requirements that apply.

16) Information and questions regarding these adopted rules should be directed to:

Melina Wright, Division Administrator
Division of Title Grant Administration
Illinois State Board of Education
100 West Randolph Street, Suite 14-300
Chicago IL 60601

312/814-2220

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER l: NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS

PART 425
VOLUNTARY REGISTRATION AND RECOGNITION OF NONPUBLIC SCHOOLS

Section
425.10 Purpose and Applicability
425.20 Requirements for Registration
425.30 Requirements for Recognition
425.40 Process for Initial Recognition
425.50 Renewal of Recognition
425.60 Changes in Recognition Status
425.70 Appeals
425.80 Block Grant Funds
425.90 Textbook Block Grant Program

AUTHORITY: Implementing Sections 2-3.25o, 3.51.5, 2-3.155 and authorized by Sections 2-3.6 and 2-3.51.5 of the School Code [105 ILCS 5/2-3.25o, 2-3.51.5, 2-3.155 and 2-3.6].

SOURCE: Adopted at 33 Ill. Reg. 17123, effective December 7, 2009; amended at 36 Ill. Reg. 2241, effective January 26, 2012; amended at 37 Ill. Reg. 9492, effective June 19, 2013; amended at 39 Ill. Reg. 2219, effective January 22, 2015; amended at 40 Ill. Reg. 5027, effective March 2, 2016.

Section 425.20 Requirements for Registration

a) The State Superintendent of Education shall make available a form to be used for nonpublic schools' voluntary registration. A school's initial registration may occur at any time from October 1 through June 30 of the relevant school year. Initial registration of a school shall occur by means of a paper submission. Each paper registration form shall bear the signature of the school's chief administrative officer and must be received by the Illinois State Board of Education no later than June 25 for the school to be registered by June 30.

1) Descriptive information that must be submitted shall include:

A) the name of the school, its location and telephone number, its affiliation and the name of the chief administrator;

B) data on the students enrolled by race, ethnicity~~,~~ and grade level; and

C) data on the staff employed in various capacities.

2) The chief administrator of each school shall provide assurances that:

A) the school offers an academic term of at least 176 days of pupil attendance annually, with at least five clock hours of instruction daily or at least 880 clock hours of instruction annually;

B) the school *provides instruction in English*, except as otherwise permitted pursuant to Section 27-2 of the School Code [105 ILCS 5/27-2], *in the branches of education taught to children of corresponding age and grade in the public schools* [105 ILCS 5/26-1], *including the language arts, mathematics, the biological, physical and social sciences, the fine arts, and physical development and health* [105 ILCS 5/27-1];

C) the school requires the students who are enrolled to attend daily during the entire regular school term;

D) the physical facilities occupied by the school comply with the applicable local building code and fire safety requirements;

E) the school will require evidence that, and will furnish to the State Superintendent of Education the required reports regarding the extent to which, students have complied with the requirements of Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] and the rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 665 with respect to health examinations, immunizations, eye examinations, and dental examinations; and will cooperate in the implementation of the Child Vision and Hearing Test Act [410 ILCS 205] and the rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 675 and 685 regarding hearing and vision screenings, respectively; ~~and~~

F) the school complies with the applicable requirements of Section 22-30 of the School Code [105 ILCS 5/22-30], to the extent that the school allows the self-administration and self-carry of asthma medication and/or epinephrine auto-injectors, and the applicable requirements of Section 22-30 of the School Code and 23 Ill. Adm. Code 1.540 (Undesignated Epinephrine Auto-injectors; Opioid Antagonists), to the extent that the school allows the administration of undesignated epinephrine auto-injectors or opioid antagonists;

G) the school complies with the requirements of Section 22-80 of the School Code [105 ILCS 5/22-80]; and

H) the school complies with applicable federal and State laws prohibiting discrimination, including, but not limited to, Title IX of the Education Amendments of 1972 (20 USC 1681 et seq.), the Individuals with Disabilities Education Improvement Act (20 USC 1400 et seq.), the Age Discrimination in Employment Act of 1967 (29 USC 621 et seq.), Titles VI and VII of the Civil Rights Act of 1964 (42 USC 2000d et seq., 2000e et seq.), the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.), the Illinois School Code [105 ILCS 5], and relevant case law, including Plyler v. Doe, 457 U.S. 202, 102 S. Ct. 2382 (1982).

3) The chief administrator of each school shall provide assurances that the school is a not-for-profit entity that is subject to the General Not For Profit Corporation Act of 1986 [805 ILCS 105] or incorporated as a not-for-profit entity in another state and authorized to do business in the State of Illinois pursuant to the Business Corporation Act of 1983 [805 ILCS 5]. The evidence provided shall consist of the file number assigned to the not-for-profit entity by the Illinois Secretary of State, Department of Business Services.

b) Upon receipt of complete information for initial registration, including the required assurances, the State Superintendent shall assign a unique identifying number to the school. This number shall be evidence of completed registration and shall permit the school's chief administrator to apply for a user account affording access to the Illinois Web Application Security (IWAS) System, which the school may then use to exchange information with the State Superintendent of Education as relevant to its situation.

c) The application for renewal of a school's registration in any subsequent year must be submitted no sooner than October 1 and no later than November 15 of that school year. Annual renewal of a school's registration shall be performed electronically and shall be submitted only by the chief administrator.

d) The chief administrator of each school applying to renew its registration shall submit to the Illinois State Board of Education the same information and assurances required in subsection (a).

(Source: Amended at 40 Ill. Reg. 5027, effective March 2, 2016)

Section 425.30 Requirements for Recognition

No nonpublic school shall apply for recognition unless it was registered for the previous school year, except that a school whose educational program is delivered via correspondence may seek recognition without registration, in acknowledgment of the fact that students participating in a school of this type do not gather in a physical location and thus the school does not provide assurances about its compliance with requirements for health examinations, as required for registration under Section 2-3.25o(b) of the School Code. Recognition shall be granted only to schools that meet the requirements of this Section. A nonpublic school applying for recognition that has not applied for registration renewal by November 15 of the year in which the recognition application is submitted shall not be considered for recognition during the remainder of that school year.

a) Administrative Requirements

1) Each school's recognition shall be contingent upon evidence of compliance with the administrative requirements that are made applicable to nonpublic schools by relevant statutes.

A) The school shall offer an academic term of at least 176 days of pupil attendance annually, with at least five clock hours of instruction daily or at least 880 clock hours of instruction annually.

B) The school shall require the students who are enrolled to attend daily during the entire regular school term.

C) The school shall comply with applicable federal and State laws prohibiting discrimination, including, but not limited to, Title IX of the Education Amendments of 1972 (20 USC 1681 et seq.), the

Individuals with Disabilities Education Improvement Act (20 USC 1400 et seq.), the Age Discrimination in Employment Act of 1967 (29 USC 621 et seq.), Titles VI and VII of the Civil Rights Act of 1964 (42 USC 2000d et seq., 2000e et seq.), the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.), the Illinois School Code [105 ILCS 5], and relevant case law, including Plyler v. Doe, 457 U.S. 202, 102 S. Ct. 2382 (1982).

D) The school shall comply with the requirements of Section 4 of the Abused and Neglected Child Reporting Act [325 ILCS 5/4], Section 5 of the Missing Children Records Act [325 ILCS 50/5], Section 5 of the Missing Children Registration Law [325 ILCS 55/5], and the rules of the State Board of Education promulgated pursuant to Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a] (see 23 Ill. Adm. Code 375.75).

E) The school shall comply with the requirements of the School Reporting of Drug Violations Act [105 ILCS 127].

F) The school shall comply with the requirements of Sections 10-27.1A and 10-27.1B of the School Code [105 ILCS 5/10-27.1A and 10-27.1B] regarding firearms and drug-related incidents in schools.

G) The school shall comply with the requirements of Section 10-21.7 of the School Code [105 ILCS 5/10-21.7] regarding the reporting of attacks on school personnel.

2) Recognition shall also be contingent upon evidence of compliance with the additional administrative requirements of this subsection (a)(2).

A) The school shall maintain written descriptions of its governance structure and its policy-making procedure, shall maintain its policies in written form, and shall make its policies routinely available to parents of the students enrolled and to school staff, as well as to other individuals upon request.

B) The school shall maintain a written description of its methods for complying with the nondiscrimination requirements identified in subsection (a)(1)(C).

b) Educational Program
Each school's recognition shall be contingent upon evidence of compliance with the programmatic requirements that are made applicable to nonpublic schools by relevant statutes.

1) *Instruction shall be provided in English*, except as otherwise permitted pursuant to Section 27-2 of the School Code, *in the branches of education taught to children of corresponding age and grade in the public schools* (Section 26-1 of the School Code), *including the language arts, mathematics, the biological, physical and social sciences, the fine arts, and physical development and health* (Section 27-1 of the School Code).

2) Each school shall provide instruction *in American patriotism, the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag*. The Pledge of Allegiance shall be recited *daily in nonpublic schools supported or maintained in whole or in part by public funds*. (Sections 27-3 and 27-4 of the School Code) *Not less than one hour per week shall be devoted to the study of this subject matter in the seventh and eighth grades or their equivalent and in all high school grades. No student shall receive a certificate of graduation from the eighth grade or from high school without passing an examination on these subjects. No student shall be graduated from the eighth grade unless he or she has received instruction in the history of the United States and has given evidence of a comprehensive knowledge of the subject*. (Section 27-21 of the School Code [105 ILCS 5/27-21])

3) The school shall provide health education as required by the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].

c) Personnel Requirements

1) Each school's recognition shall be contingent upon evidence of compliance with the requirements of ~~subsection (c-5) of~~ Section 2-3.25o(c-5) of the School Code.

2) Each school shall require of each new employee evidence of freedom from communicable disease. A new or existing employee may be subject to additional health examinations, including screening for tuberculosis, as may be required under rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 696.

3) Each school's personnel policies shall require:

A) monitoring the performance of each employee who provides or assists with instruction or has other instructional responsibilities (e.g., teachers, teacher aides, administrators, department chairs); and

B) formal evaluation at least every two years in terms of proficiency and competency.

4) Students' needs for support services such as counseling and social work shall be evaluated when school staff believe consideration is needed, such as when there are changes in the student body or stresses within the surrounding community, and the school's staffing configuration shall reflect decision-making about how those needs should be addressed.

5) Each individual first assigned to a full-time teaching or administrative position at or after the beginning of the 2011-12 school year shall hold a bachelor's or higher degree.

6) Each individual first assigned to a full-time teaching or administrative position prior to the beginning of the 2011-12 school year who does not hold a bachelor's or higher degree shall participate annually in professional development that is demonstrably designed to strengthen his or her knowledge and skills in areas directly related to job duties (e.g., content-area knowledge or pedagogy for teaching staff, and administration, supervision, evaluation, or school management for administrators).

7) Each individual employed in a field requiring licensure shall hold and practice within the scope of the relevant license.

d) Health and Safety

Each school's recognition shall be contingent upon evidence of compliance with the health and safety requirements that are made applicable to nonpublic schools by the following relevant statutes.

1) The physical facilities occupied by the school shall comply with the applicable local building code and fire safety requirements.

2) If the school provides food service, the nutrition program and the facilities used shall comply with the Richard B. Russell National School Lunch Act (42 USC 1751 et seq.), the Child Nutrition Act of 1966 (42 USC 1771 et seq.), and the School Breakfast and Lunch Program Act [105 ILCS 125].

3) The school shall have a wellness policy on file that complies with the requirements of the Child Nutrition and WIC Reauthorization Act of 2004 (section 204 of Public Law 108-265; 42 USC 1751 et seq.).

4) The school shall require evidence that, and shall furnish to the State Superintendent of Education the required reports regarding the extent to which, students have complied with the requirements of Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] and the rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 665 with respect to health examinations, immunizations, eye examinations, and dental examinations; and shall cooperate in the implementation of the Child Vision and Hearing Test Act [410 ILCS 205] and the rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 675 and 685 regarding hearing and vision screenings, respectively.

5) The school shall comply with the requirements of the School Safety Drill Act [105 ILCS 128], including conducting a review of the plan in accordance with Section 25(f) of that Act.

6) The school shall comply with the requirements of the Eye Protection in School Act [105 ILCS 115].

7) The school shall comply with the requirements of the Toxic Art Supplies in Schools Act [105 ILCS 135].

8) The school shall comply with the applicable requirements of the Asbestos Abatement Act [105 ILCS 105].

9) The school shall comply with the applicable requirements of Section 22-30 of the School Code [105 ILCS 5/22-30], to the extent that the school allows the self-administration and self-carry of asthma medication and/or epinephrine auto-injectors, and the applicable requirements of Section 22-30 of the School Code and 23 Ill. Adm. Code 1.540 (Undesignated Epinephrine Auto-injectors; Opioid Antagonists), to the extent that the school allows the administration of undesignated epinephrine auto-injectors or opioid antagonists.

10) The school shall comply with the requirements of Section 22-80 of the School Code [105 ILCS 5/22-80].

(Source: Amended at 40 Ill. Reg. 5027, effective March 2, 2016)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Regional Offices of Education and Intermediate Services

2) Code Citation: 23 Ill. Adm. Code 525

3)

Section Numbers:	Adopted Actions:
525.20	Amendment
525.50	Amendment

4) Statutory Authority: 105 ILCS 5/2-3.62

5) Effective Date of Rule: March 2, 2016

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 principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 14502; November 6, 2015

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreement letter was issued, and no changes were requested.

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 the Rulemaking: Part 525 establishes the responsibility of regional offices of education (ROEs) and the intermediate service centers (ISCs) for carrying out the programs and services authorized under Sections 2-3.62 and 2-3.53 of the School Code. Subsection(f) of the law had required that the 10 smallest ROEs work in cooperation with one of the larger ROEs to provide programs and services. The

provision was put into the School Code in the 1990s when the number of ROEs was reduced from 57 ROEs to 45 ROEs, with further consolidation to occur several years later when the total number of ROEs was to become 35. No further consolidation occurred in the late 1990s, as originally contemplated, and the number of ROEs remained at 45. More recent consolidation has resulted in 35 ROEs as of July 1, 2015, and the original need to have smaller regions work with larger ones dissipated. For this reason, the agency successfully sought legislation to eliminate the requirement (i.e., PA 99-30, effective July 10, 2015), necessitating a cleanup at Sections 525.20 and 525.50 of the rules.

16) Information and questions regarding these adopted rules should be directed to:

Jeff Aranowski, Deputy
Regulatory Support
Illinois State Board of Education
100 West Randolph Street, Suite 14-300
Chicago IL 60601

312/814-2220

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER o: MISCELLANEOUS

PART 525
REGIONAL OFFICES OF EDUCATION AND INTERMEDIATE SERVICES

Section

525.10 Purpose
525.20 Regional Offices of Education
525.30 Cook County Intermediate Service Centers Outside of the City of Chicago
525.40 City of Chicago Intermediate Service Center
525.50 Annual Application
525.60 Program Evaluation Standards and Procedures
525.70 Fiscal Procedures

AUTHORITY: Implementing Sections 2-3.62 and 2-3.53 and authorized by Section 2-3.62 of the School Code [105 ILCS 5/2-3.62 and 2-3.53].

SOURCE: Adopted at 18 Ill. Reg. 17447, effective November 28, 1994; amended at 21 Ill. Reg. 2172, effective January 29, 1997; amended at 28 Ill. Reg. 15487, effective November 22, 2004; old Part repealed at 39 Ill. Reg. 10044, and new Part adopted at 39 Ill. Reg. 10046, effective June 30, 2015; amended at 40 Ill. Reg. 5038, effective March 2, 2016.

Section 525.20 Regional Offices of Education

a) Each of the 35 Regional Offices of Education established pursuant to Section 3A-4 of the School Code [105 ILCS 5/3A-4] shall provide the services and programs required under Section 525.10 of this Part. The counties comprising each of these offices are as follows:

1) Region 1: Adams, Brown, Cass, Morgan, Pike and Scott counties

2) Region 3: Bond, Christian, Effingham, Fayette and Montgomery counties

3) Region 4: Boone and Winnebago counties

4) Region 8: Carroll, JoDaviess and Stephenson counties

5) Region 9: Champaign and Ford counties

6) Region 11: Clark, Coles, Cumberland, Douglas, Edgar, Moultrie and Shelby counties

7) Region 12: Clay, Crawford, Jasper, Lawrence and Richland counties

8) Region 13: Clinton, Jefferson, Marion and Washington counties

9) Region 16: DeKalb County

10) Region 17: DeWitt, Livingston, Logan and McLean counties

11) Region 19: DuPage County

12) Region 20: Edwards, Gallatin, Hamilton, Hardin, Pope, Saline, Wabash, Wayne and White counties

13) Region 21: Franklin, Johnson, Massac and Williamson counties

14) Region 24: Grundy and Kendall counties

15) Region 26: Fulton, Hancock, McDonough and Schuyler counties

16) Region 28: Bureau, Henry and Stark counties

17) Region 30: Alexander, Jackson, Perry, Pulaski and Union counties

18) Region 31: Kane County

19) Region 32: Iroquois and Kankakee counties

20) Region 33: Henderson, Knox, Mercer and Warren counties

21) Region 34: Lake County

22) Region 35: LaSalle, Marshall and Putnam counties

23) Region 39: Macon and Piatt counties

24) Region 40: Calhoun, Greene, Jersey and Macoupin counties

25) Region 41: Madison County

26) Region 44: McHenry County

27) Region 45: Monroe and Randolph counties

28) Region 47: Lee, Ogle and Whiteside counties

29) Region 48: Peoria County

30) Region 49: Rock Island County

31) Region 50: St. Clair County

32) Region 51: Menard and Sangamon counties

33) Region 53: Mason, Tazewell and Woodford counties

34) Region 54: Vermilion County

35) Region 56: Will County

b) The Regional Superintendent of Schools in each ROE shall serve as the chief administrator for the services and programs specified by Section 525.10. The chief administrator shall have the following responsibilities:

1) oversee personnel who are necessary to carry out the services and programs pursuant to Section 525.10;

2) oversee fiscal accounts and the receipt and disbursement of funds; and

3) prepare and submit information as directed by the State Superintendent of Education.

~~e) Pursuant to Section 2-3.62(f) of the School Code, the 10 ROEs with the lowest populations shall enter into cooperative agreements with one or more of the larger regions to provide those services and programs required under Section 525.10 of this Part, provided that:~~

~~1) approval for the agreement is obtained from each Regional Superintendent of Schools involved in the cooperative; and~~

~~2) if one or more of the 10 ROEs cannot enter into a cooperative agreement with one or more of the larger regions, then the State Board of Education shall work with regions so that they enter into a cooperative agreement or, if necessary, assign regions to participate in a cooperative agreement.~~

(Source: Amended at 40 Ill. Reg. 5038, effective March 2, 2016)

Section 525.50 Annual Application

a) Each ROE, Cook County ISC, or CPS shall submit an annual application. The application shall include the following components.

1) A cover page that identifies the ROE, ISC or CPS and, in the case of an Intermediate Service Center Governing Board, shows that the Board has formally approved a motion granting authority to submit the application.

2) A description of the services, along with specific activities and timelines, that will be provided by the ROE, ISC or CPS pursuant to Sections 2-3.62 and 2-3.53 of the School Code and this Part, either directly or in cooperation with other ROEs or ISCs.

A) The proposed services shall be based upon the identification of the school improvement needs of the school districts to be served and how those will be provided (e.g., on-site consultations, meetings, workshops, conferences, other means).

B) Those entities that voluntarily choose to work in cooperation with each other ~~or those that are providing services and programs on behalf of certain ROEs in accordance with the provisions of Section 525.20(c)~~ shall ensure that the school improvement needs of the school districts in each region are considered.

3) A plan for evaluating the usefulness of the services provided and whether they meet the needs of the school districts in the respective service region, service center, or in the case of CPS, its schools. The evaluation shall specify the progress made toward meeting each need identified and describe the procedures to be taken to address those needs in which inadequate progress was made and those that continue to be a priority.

4) Job descriptions for the professional and nonprofessional staff to be employed to provide the services and programs specified under Section 525.10. If there will be part-time employees, then the approximate percentage of time they will be assigned to activities shall be submitted. Resumes shall not be submitted.

5) A budget summary and payment schedule, as well as a budget breakdown (i.e., a detailed explanation of each line item of expenditure).

6) The certifications, assurances and program-specific terms of the grant as the State Superintendent of Education may require, to be signed by each applicant that is a party to the application and submitted with the proposal.

b) Applications shall be reviewed by State Board of Education staff. If an application does not meet the criteria set forth in Section 2-3.62 of the School Code and this Part, then State Board staff shall contact the applicant and request the submission of an amended application.

c) Upon determining that an application is in compliance with Sections 2-3.62 and 2-3.53 of the School Code and this Part, the contents of the approved application shall be incorporated into a grant agreement to be signed by the State Superintendent of Education or designee, and the Regional Superintendent of Education, Chief Administrative Officer for the ISC or Chief Executive Officer or designee for CPS, as applicable.

(Source: Amended at 40 Ill. Reg. 5038, effective March 2, 2016)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notice was received during the period of March 1, 2016 through March 7, 2016. The rulemaking is scheduled for review at the Committee's April 12, 2016 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
4/15/16	Department of Central Management Services, Marking, Inventory, Transfer and Disposal of State-Owned Personal Property (44 Ill. Adm. Code 5010)	10/23/15 39 Ill. Reg.13880	4/12/16

PROCLAMATION

2016-34
Illinois Flag Display Act – Francis Scot Fitzgerald

WHEREAS*, all citizens owe a tremendous debt of gratitude to the men and women of law enforcement who selflessly serve to protect our lives and keep our families safe; and,*

WHEREAS*, every day, these men and women face great risks and in many cases put their safety on the line to perform their duties; and,*

WHEREAS*, on Saturday, March 5, 2016, South Jacksonville police officer Francis Scot Fitzgerald died in the line of duty; and,*

WHEREAS*, Officer Scot Fitzgerald devoted his life to public service. He was a dedicated South Jacksonville police officer and EMT for the Murrayville-Woodson EAS and Winchester EMS, and formerly a Scott County Sheriff's Deputy, and Winchester and Bluffs police officer; and,*

WHEREAS*, Officer Scot Fitzgerald was a volunteer firefighter for the Murrayville Fire District and a member of the Morgan County 911 Board, and will always be remembered for the countless lives he impacted; and,*

WHEREAS*, throughout his career in law enforcement, Officer Scot Fitzgerald represented the State of Illinois admirably; and,*

WHEREAS*, a funeral service will be held on Wednesday, March 9, 2016, at First Christian Church in South Jacksonville for Officer Scot Fitzgerald;*

THEREFORE*, I, Bruce Rauner, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff starting immediately until sunset on Wednesday, March 9, 2016, in honor and remembrance of Officer Scot Fitzgerald whose selfless service and sacrifice is an inspiration to the residents of the Land of Lincoln.*

Issued by the Governor March 7, 2016
Filed by the Secretary of State March 7, 2016

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 40, Issue 12 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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