

2002

# ILLINOIS

## REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



**Volume 26, Issue 44**  
**November 1, 2002**  
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Issue 3 - January 10, 2003: Data through	December 31, 2002 (Annual)
Issue 15 - April 11, 2003: Data through	March 31, 2003 (1 <sup>st</sup> Quarter)
Issue 28 - July 11, 2003: Data through	June 30, 2003 (2nd Quarter)
Issue 41 - October 10, 2003: Data through	September 29, 2003 (3rd Quarter)
Issue 2 - January 9, 2004: Data through	December 29, 2003 (Annual)



## SECRETARY OF STATE

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### DEPARTMENT OF INDEX

111 East Monroe  
Springfield, Illinois 62756

TO: RULEMAKING AGENCIES, BOARDS, COMMISSIONS AND DEPARTMENTS

DATE: October 4, 2002

REF: Compatible Format for Submission of Administrative Rules

To Whom It May Concern:

As publisher of the Illinois Administrative Code (Code) and Illinois Register (Register), the Office of the Secretary of State, Index Department, must, occasionally, make adjustments to the requirements for submission of rules for publication in the Register. Over the past year, the Joint Committee on Administrative Rules (JCAR) and the Legislative Information Systems (LIS) have developed a new (Microsoft Word XP) system to track and maintain their version of the Administrative Code and the Illinois Register. The Secretary of State also has begun utilizing Microsoft XP to process the Register and the Code. **Therefore, effective January 1, 2003, Index Department will no longer accept submissions of entries for the Register from state agencies unless it is on a Microsoft Word format.** Any information that cannot be developed in Microsoft Word due to special characters or mapping will need to be scanned by the agency and embedded into the document.

If you have any questions, please feel welcome to contact me.

Thank you,

Terry Long, Administrator  
Administrative Code Division and  
Public Records Division  
Department of Index

## 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. The Register will also contain the Cumulative Index and Sections Affected Indices will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are the end of March, June, Sept, Dec.

Rulemaking activity consist 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 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'

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

## 2002 REGISTER SCHEDULE VOLUME # 26

Issue#	Copy Due by 4:30 pm	Publication Date	Issue#	Copy Due by 4:30 pm	Publication Date
Issue 1	December 26, 2001	January 04, 2002	Issue 38	September 09, 2002	September 20, 2002
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Issue 8	February 11, 2002	February 22, 2002	Issue 45	October 28, 2002	November 08, 2002
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Issue 10	February 25, 2002	March 08, 2002	Issue 47	November 12, 2002	November 25, 2002
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Issue 33	August 05, 2002	August 16, 2002			
Issue 34	August 12, 2002	August 23, 2002			
Issue 35	August 19, 2002	August 30, 2002			
Issue 36	August 26, 2002	September 06, 2002			
Issue 37	September 02, 2002	September 13, 2002			

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July 2001 - 675 - GA -82

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers:                      Proposed Action:  
Table O                                              Amend
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 5) A Complete Description of the Subjects and Issues Involved:

In Section 310.Appendix A, Table O RC-028 (Paraprofessional Human Services Employees, AFSCME), the abolished titles of Conservation Resource Technician I and II are being replaced with the new Natural Resource Technician I and II, effective October 1, 2002. The new titles only reflect the agency's name change from the Department of Conservation to the Department of Natural Resources. The salary will remain the same as the previous titles.

- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain any incorporations by reference? No
- 9) Are there any proposed amendments pending to this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.Table AA	Amend	26 Ill. Reg. 1774, 02/15/02
310.110	Amend	26 Ill. Reg. 10094, 07/12/02
310.130	Amend	26 Ill. Reg. 10094, 07/12/02
310.230	Amend	26 Ill. Reg. 10094, 07/12/02
310.290	Amend	26 Ill. Reg. 10094, 07/12/02
310.490	Amend	26 Ill. Reg. 10094, 07/12/02
310.510	Amend	26 Ill. Reg. 10094, 07/12/02
310.530	Amend	26 Ill. Reg. 10094, 07/12/02
310.540	Amend	26 Ill. Reg. 10094, 07/12/02
Appendix B	Amend	26 Ill. Reg. 10094, 07/12/02
Appendix C	Amend	26 Ill. Reg. 10094, 07/12/02
Appendix D	Amend	26 Ill. Reg. 10094, 07/12/02

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

Appendix G	Amend	26 Ill. Reg. 10094, 07/12/02
Table AA	Amend	26 Ill. Reg. 13128, 09/06/02
Table AB	Amend	26 Ill. Reg. 13128, 09/06/02
310.280	Amend	26 Ill. Reg. 13735, 09/20/02

10) Statement of Statewide Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Michael Murphy  
Department of Central Management Services  
Division of Technical Services  
504 William G. Stratton Building  
Springfield, Illinois 62706  
Telephone: (217) 782-5601

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.

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

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2002

The full text of the proposed amendment begins on the next page.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

## SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2002
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

## SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

## SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 2002
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A	Negotiated Rates of Pay
TABLE A	HR-190 (Department of Central Management Services – State of Illinois Building – SEIU)
TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois – SEIU) (Repealed)
TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IFPE)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q	RC-033 (Meat Inspectors, IFPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)
TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2002
APPENDIX C	Medical Administrator Rates for Fiscal Year 2002
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2002
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2002

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143,

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effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; peremptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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**Section 310.APPENDIX A Negotiated Rates of Pay****Section 310.TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)**

<u>Title</u>	<u>Salary Grade</u>	<u>Code</u>
Apparel/Dry Goods Specialist III	RC-028-12a	01233
Assistant Reimbursement Officer	RC-028-08	02424
Child Development Aide III	RC-028-10	07183
Clinical Laboratory Associate	RC-028-07	08200
Clinical Laboratory Technician I	RC-028-10	08215
Clinical Laboratory Technician II	RC-028-12	08216
Compliance Officer	RC-028-14	08919
<del>Conservation Resource Technician I</del>	<del>RC-028-10</del>	<del>09385</del>
<del>Conservation Resource Technician II</del>	<del>RC-028-13</del>	<del>09386</del>
Construction Supervisor I	RC-028-13	09561
Construction Supervisor II	RC-028-16	09562
Crime Scene Investigator	RC-028-21	09980
Data Processing Administrative Specialist	RC-028-14	11415
Data Processing Specialist	RC-028-12	11430
Data Processing Technician	RC-028-09	11440
Data Processing Technician Trainee	RC-028-06	11443
Dental Assistant	RC-028-08	11650
Dental Assistant (Eff. 07-01-01)	RC-028-09	11650
Dental Hygienist	RC-028-12	11700
Dental Hygienist (Eff. 07-01-01)	RC-028-13	11700
Electroencephalograph Technician	RC-028-08	13300
Environmental Equipment Operator I	RC-028-12	13761
Environmental Equipment Operator II	RC-028-14	13762
Environmental Protection Technician I	RC-028-08	13831
Environmental Protection Technician II	RC-028-10	13832
Hearing & Speech Technician I	RC-028-06	18261
Hearing & Speech Technician II	RC-028-09	18262
Historic Site Interpreter	RC-028-09	18955
Historic Site Lead I	RC-028-13	18961
Historic Site Lead II	RC-028-14	18962
Housekeeper II	RC-028-03a	19602
Inhalation Therapist	RC-028-08	21259
Intermittent Unemployment Insurance Technician (Hourly)	RC-028-06H	21690



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RC-028-03a	1684	1729	1775	1822	1874	1927	1978	2027	2084	2181	2203
RC-028-03aa	1729	1775	1822	1871	1924	1979	2031	2082	2141	2240	2262
RC-028-03am	1780	1826	1874	1922	1976	2030	2083	2133	2192	2292	2315
RC-028-04	1684	1729	1775	1822	1877	1931	1980	2041	2090	2188	2210
RC-028-04a	1729	1775	1822	1871	1927	1983	2033	2096	2147	2248	2270
RC-028-04m	1780	1826	1874	1922	1979	2034	2085	2148	2198	2299	2322
RC-028-06	1786	1834	1883	1933	1992	2050	2114	2173	2237	2340	2363
RC-028-06a	1834	1883	1933	1985	2046	2106	2171	2232	2298	2404	2428
RC-028-06m	1885	1935	1985	2036	2097	2157	2223	2284	2350	2456	2481
RC-028-06H	10.99	11.29	11.59	11.90	12.26	12.62	13.01	13.37	13.77	14.40	14.54
RC-028-06Ha	11.29	11.59	11.90	12.22	12.59	12.96	13.36	13.74	14.14	14.79	14.94
RC-028-06Hm	11.60	11.91	12.22	12.53	12.90	13.27	13.68	14.06	14.46	15.11	15.27
RC-028-07	1840	1889	1940	1992	2053	2119	2184	2249	2317	2430	2454
RC-028-07a	1889	1940	1992	2046	2109	2177	2244	2310	2381	2497	2522
RC-028-07m	1941	1991	2044	2097	2160	2228	2295	2362	2432	2548	2573
RC-028-08	1896	1947	1999	2053	2124	2193	2269	2335	2408	2526	2551
RC-028-08a	1947	1999	2053	2109	2182	2253	2331	2399	2474	2596	2622
RC-028-08m	1998	2051	2104	2160	2233	2304	2383	2451	2526	2647	2673
RC-028-09	1961	2014	2068	2124	2196	2274	2349	2429	2505	2627	2653
RC-028-09a	2014	2068	2124	2182	2256	2336	2413	2496	2574	2700	2727
RC-028-09m	2065	2120	2176	2233	2307	2388	2465	2547	2626	2751	2779
RC-028-09a	2013	2067	2123	2181	2254	2337	2416	2502	2576	2704	2731
RC-028-09aa	2067	2123	2181	2240	2316	2401	2482	2571	2647	2779	2807
RC-028-09am	2119	2175	2232	2292	2367	2453	2534	2623	2699	2833	2861
RC-028-10	2029	2084	2141	2199	2286	2361	2443	2523	2606	2740	2767
RC-028-10a	2084	2141	2199	2259	2349	2426	2510	2593	2678	2818	2846
RC-028-10m	2135	2192	2251	2310	2400	2477	2562	2644	2730	2872	2901
RC-028-10a	2101	2158	2217	2278	2369	2451	2538	2625	2711	2877	2906
RC-028-10aa	2158	2217	2278	2340	2434	2519	2608	2698	2787	2960	2990
RC-028-10am	2210	2268	2329	2392	2486	2570	2660	2749	2841	3014	3044

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RC-028-11	2110	2167	2226	2287	2373	2454	2545	2633	2715	2859	2888
RC-028-11a	2167	2226	2287	2350	2438	2522	2615	2706	2791	2942	2971
RC-028-11m	2219	2278	2338	2401	2490	2573	2667	2757	2845	2995	3025
RC-028-12	2200	2260	2322	2386	2478	2564	2663	2751	2852	3005	3035
RC-028-12a	2260	2322	2386	2452	2546	2635	2737	2830	2934	3093	3124
RC-028-12m	2312	2373	2437	2503	2598	2686	2789	2883	2988	3148	3179
RC-028-12a	2256	2318	2382	2447	2541	2634	2734	2829	2921	3080	3111
RC-028-12aa	2318	2382	2447	2514	2611	2707	2812	2911	3005	3173	3205
RC-028-12am	2369	2433	2499	2566	2663	2759	2866	2964	3059	3229	3261
RC-028-13	2287	2350	2415	2481	2576	2678	2779	2880	2987	3154	3186
RC-028-13a	2350	2415	2481	2549	2647	2752	2859	2963	3073	3248	3280
RC-028-13m	2401	2466	2533	2601	2699	2805	2913	3017	3129	3304	3337
RC-028-14	2388	2454	2522	2592	2694	2799	2921	3027	3143	3325	3358
RC-028-14a	2454	2522	2592	2664	2769	2880	3005	3118	3238	3426	3460
RC-028-14m	2505	2573	2643	2715	2822	2933	3059	3172	3292	3480	3515
RC-028-16	2600	2672	2746	2824	2951	3080	3210	3343	3477	3682	3719
RC-028-16a	2672	2746	2824	2906	3036	3173	3307	3442	3581	3793	3831
RC-028-16m	2724	2799	2878	2959	3091	3229	3362	3498	3637	3847	3885
RC-028-21	3351	3453	3556	3661	3849	4036	4225	4417	4600	4887	4936
RC-028-21a	3453	3556	3661	3771	3965	4156	4351	4548	4738	5034	5084
RC-028-21m	3507	3612	3717	3827	4020	4211	4407	4604	4793	5089	5140

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S T E P S												Eff.
												1/1/03
	1c	1b	1a	1	2	3	4	5	6	7	8	8
RC-028-03a	1784	1829	1875	1922	1974	2027	2078	2127	2184	2281	2304	2327
RC-028-03aa	1829	1875	1922	1971	2024	2079	2131	2182	2241	2340	2363	2387
RC-028-03am	1880	1926	1974	2022	2079	2130	2183	2233	2292	2392	2416	2440
RC-028-04	1784	1829	1875	1922	1977	2031	2080	2141	2190	2288	2311	2334
RC-028-04a	1829	1875	1922	1971	2027	2083	2133	2196	2247	2348	2371	2395
RC-028-04m	1880	1926	1974	2022	2079	2134	2185	2248	2298	2399	2423	2447

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RC-028-06	1886	1934	1983	2033	2092	2150	2214	2273	2337	2440	2464	2489
RC-028-06a	1934	1983	2033	2085	2146	2206	2271	2332	2398	2504	2529	2554
RC-028-06m	1985	2035	2085	2136	2197	2257	2323	2384	2450	2556	2582	2607
RC-028-06H	11.61	11.90	12.20	12.51	12.87	13.23	13.62	13.99	14.38	15.02	15.16	15.32
RC-028-06Ha	11.90	12.20	12.51	12.83	13.21	13.58	13.98	14.35	14.76	15.41	15.56	15.72
RC-028-06Hm	12.22	12.52	12.83	13.14	13.52	13.89	14.30	14.67	15.08	15.73	15.89	16.04
RC-028-07	1940	1989	2040	2092	2153	2219	2284	2349	2417	2530	2555	2581
RC-028-07a	1989	2040	2092	2146	2209	2277	2344	2410	2481	2597	2623	2649
RC-028-07m	2041	2091	2144	2197	2260	2328	2395	2462	2532	2648	2674	2701
RC-028-08	1996	2047	2099	2153	2224	2293	2369	2435	2508	2626	2652	2679
RC-028-08a	2047	2099	2153	2209	2282	2353	2431	2499	2574	2696	2723	2750
RC-028-08m	2098	2151	2204	2260	2333	2404	2483	2551	2626	2747	2774	2802
RC-028-09	2061	2114	2168	2224	2296	2374	2449	2529	2605	2727	2754	2782
RC-028-09a	2114	2168	2224	2282	2356	2436	2513	2596	2674	2801	2829	2857
RC-028-09m	2165	2220	2276	2333	2407	2488	2565	2647	2726	2854	2883	2911
RC-028-09a	2113	2167	2223	2281	2354	2437	2516	2602	2676	2805	2833	2861
RC-028-09aa	2167	2223	2281	2340	2416	2501	2582	2671	2747	2883	2912	2941
RC-028-09am	2219	2275	2332	2392	2467	2553	2634	2723	2800	2939	2968	2998
RC-028-10	2129	2184	2241	2299	2386	2461	2543	2623	2706	2843	2871	2900
RC-028-10a	2184	2241	2299	2359	2449	2526	2610	2693	2778	2924	2953	2982
RC-028-10m	2235	2292	2351	2410	2500	2577	2662	2744	2832	2980	3010	3040
RC-028-10a	2201	2258	2317	2378	2469	2551	2638	2725	2813	2985	3015	3045
RC-028-10aa	2258	2317	2378	2440	2534	2619	2708	2799	2892	3071	3102	3132
RC-028-10am	2310	2368	2429	2492	2586	2670	2760	2852	2948	3127	3158	3190
RC-028-11	2210	2267	2326	2387	2473	2554	2645	2733	2817	2966	2996	3025
RC-028-11a	2267	2326	2387	2450	2538	2622	2715	2807	2896	3052	3083	3113
RC-028-11m	2319	2378	2438	2501	2590	2673	2767	2860	2952	3107	3138	3169
RC-028-12	2300	2360	2422	2486	2578	2664	2763	2854	2959	3118	3149	3180
RC-028-12a	2360	2422	2486	2552	2646	2735	2840	2936	3044	3209	3241	3273
RC-028-12m	2412	2473	2537	2603	2698	2787	2894	2991	3100	3266	3299	3331
RC-028-12a	2356	2418	2482	2547	2641	2734	2837	2935	3031	3196	3228	3260

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RC-028-12aa	2418	2482	2547	2614	2711	2809	2917	3020	3118	3292	3325	3358
RC-028-12am	2469	2533	2599	2666	2763	2862	2973	3075	3174	3350	3384	3417
RC-028-13m	2501	2566	2633	2701	2800	2910	3022	3130	3246	3428	3462	3497
RC-028-14	2488	2554	2622	2692	2795	2904	3031	3141	3261	3450	3485	3519
RC-028-14a	2554	2622	2692	2764	2873	2988	3118	3235	3359	3554	3590	3625
RC-028-14m	2605	2673	2743	2817	2928	3043	3174	3291	3415	3611	3647	3683
RC-028-16	2700	2772	2849	2930	3062	3196	3330	3468	3607	3820	3858	3896
RC-028-16a	2772	2849	2930	3015	3150	3292	3431	3571	3715	3935	3974	4014
RC-028-16m	2826	2904	2986	3070	3207	3350	3488	3629	3773	3991	4031	4071
RC-028-21	3477	3582	3689	3798	3993	4187	4383	4583	4773	5070	5121	5171
RC-028-21a	3582	3689	3798	3912	4114	4312	4514	4719	4916	5223	5275	5327

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## S T E P S

Eff.  
1/1/04

	1c	1b	1a	1	2	3	4	5	6	7	8	8
RC-028-03a	1884	1929	1975	2022	2074	2127	2178	2227	2284	2381	2429	2452
RC-028-03aa	1929	1975	2022	2071	2124	2179	2231	2282	2341	2440	2489	2513
RC-028-03am	1980	2026	2074	2122	2176	2230	2283	2333	2392	2492	2542	2567
RC-028-04	1884	1929	1975	2022	2077	2131	2180	2241	2290	2388	2436	2460
RC-028-04a	1929	1975	2022	2071	2127	2183	2233	2296	2347	2448	2497	2521
RC-028-04m	1980	2026	2074	2122	2179	2234	2285	2348	2398	2499	2549	2574
RC-028-06	1986	2034	2083	2133	2192	2250	2314	2373	2437	2540	2591	2616
RC-028-06a	2034	2083	2133	2185	2246	2306	2371	2432	2498	2604	2656	2682
RC-028-06m	2085	2135	2185	2236	2297	2357	2423	2484	2550	2658	2711	2738
RC-028-06H	12.22	12.52	12.82	13.13	13.49	13.85	14.24	14.60	15.00	15.63	15.94	16.10
RC-028-06Ha	12.52	12.82	13.13	13.45	13.82	14.19	14.59	14.97	15.37	16.02	16.34	16.50
RC-028-06Hm	12.83	13.14	13.45	13.76	14.14	14.50	14.91	15.29	15.69	16.36	16.68	16.85
RC-028-07	2040	2089	2140	2192	2253	2319	2384	2449	2517	2631	2684	2710
RC-028-07a	2089	2140	2192	2246	2309	2377	2444	2510	2581	2701	2755	2782

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RC-028-07m	2141	2191	2244	2297	2360	2428	2495	2562	2633	2754	2809	2837
RC-028-08	2096	2147	2199	2253	2324	2393	2469	2535	2608	2731	2786	2813
RC-028-08a	2147	2199	2253	2309	2382	2453	2531	2599	2677	2804	2860	2888
RC-028-08m	2198	2251	2304	2360	2433	2504	2583	2653	2731	2857	2914	2943
RC-028-09	2161	2214	2268	2324	2396	2474	2549	2630	2709	2836	2893	2921
RC-028-09a	2214	2268	2324	2382	2456	2536	2614	2700	2781	2913	2971	3000
RC-028-09m	2265	2320	2376	2433	2507	2588	2668	2753	2835	2968	3027	3057
RC-028-09a	2213	2267	2323	2381	2454	2537	2617	2706	2783	2917	2975	3005
RC-028-09aa	2267	2323	2381	2440	2516	2601	2685	2778	2857	2998	3058	3088
RC-028-09am	2319	2375	2432	2492	2567	2655	2739	2832	2912	3057	3118	3149
RC-028-10	2229	2284	2341	2399	2486	2561	2645	2728	2814	2957	3016	3046
RC-028-10a	2284	2341	2399	2459	2549	2627	2714	2801	2889	3041	3102	3132
RC-028-10m	2335	2392	2451	2510	2600	2680	2768	2854	2945	3099	3161	3192
RC-028-10a	2301	2358	2417	2478	2569	2653	2744	2834	2926	3104	3166	3197
RC-028-10aa	2358	2417	2478	2540	2635	2724	2816	2911	3008	3194	3258	3290
RC-028-10am	2410	2468	2529	2592	2689	2777	2870	2966	3066	3252	3317	3350
RC-028-11	2310	2367	2426	2487	2573	2656	2751	2842	2930	3085	3147	3178
RC-028-11a	2367	2426	2487	2550	2640	2727	2824	2919	3012	3174	3237	3269
RC-028-11m	2419	2478	2538	2601	2694	2780	2878	2974	3070	3231	3296	3328
RC-028-12	2400	2460	2522	2586	2681	2771	2874	2968	3077	3243	3308	3340
RC-028-12a	2460	2522	2586	2654	2752	2844	2954	3053	3166	3337	3404	3437
RC-028-12m	2512	2573	2638	2707	2806	2898	3010	3111	3224	3397	3465	3499
RC-028-12a	2456	2518	2582	2649	2747	2843	2950	3052	3152	3324	3390	3424
RC-028-12aa	2518	2582	2649	2719	2819	2921	3034	3141	3243	3424	3492	3527
RC-028-12am	2569	2634	2703	2773	2874	2976	3092	3198	3301	3484	3554	3589
RC-028-13	2487	2550	2616	2684	2783	2889	2998	3108	3223	3403	3471	3505
RC-028-13a	2550	2616	2684	2755	2857	2969	3085	3197	3316	3505	3575	3610
RC-028-13m	2601	2669	2738	2809	2912	3026	3143	3255	3376	3565	3636	3672
RC-028-14	2588	2656	2727	2800	2907	3020	3152	3267	3391	3588	3660	3696
RC-028-14a	2656	2727	2800	2875	2988	3108	3243	3364	3493	3696	3770	3807

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RC-028-14m	2709	2780	2853	2930	3045	3165	3301	3423	3552	3755	3830	3868
RC-028-16	2808	2883	2963	3047	3184	3324	3463	3607	3751	3973	4052	4092
RC-028-16a	2883	2963	3047	3136	3276	3424	3568	3714	3864	4092	4174	4215
RC-028-16m	2939	3020	3105	3193	3335	3484	3628	3774	3924	4151	4234	4276
RC-028-21	3616	3725	3837	3950	4153	4354	4558	4766	4964	5273	5378	5431
RC-028-21a	3725	3837	3950	4068	4279	4484	4695	4908	5113	5432	5541	5595
RC-028-21m	3785	3897	4010	4130	4338	4544	4755	4968	5172	5491	5601	5656

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Certification
- 2) Code Citation: 23 Ill. Adm. Code 25
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
25.15	Amendment
25.444	New Section
25.728	Amendment
25.800	Amendment
25.805	Amendment
25.832	Amendment
25.835	Amendment
25.845	Amendment
25.855	Amendment
25.860	Amendment
25.865	Amendment
25.870	Amendment
25.872	New Section
25.875	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6, 14C-8, and Art. 21
- 5) A Complete Description of the Subjects and Issues Involved:

The amendments contained in this set of rules arise from three recent pieces of legislation, as well as from the staff's experience with approving the providers of continuing professional development for purposes of the renewal of teaching certificates.

New Section 25.444 implements the Illinois Teaching Excellence Program as amended this year by P.A. 92-796 (HB 1436). Under Section 21-27 of the School Code, teachers who have attained certification by the National Board for Professional Teaching Standards (NBPTS) are eligible for an annual \$3,000 stipend and can become eligible for an additional incentive payment of either \$1,000 or \$3,000 for each year during which they provide certain services to other teachers. Section 25.444 identifies the individuals who are eligible for these payments and distinguishes among the activities that qualify for the two levels of incentive payments.

The revisions found in Subpart J (Sections 25.800 through 25.875) of the rules reflect several changes in the certificate renewal requirements enacted as part of P.A. 92-510

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and others enacted in P.A. 92-796. These are highlighted below in the order of their appearance in the body of the rules.

- Under Section 25.800(d), speech-language pathologists who are licensed by the Illinois Department of Professional Regulation are deemed to satisfy the requirements for renewal of their teaching certificates based on the professional development they complete for that license.
- Receipt of advanced degree may now be used to account for 100% of the requirement for continuing professional development (see Section 25.805).
- Under Section 25.832, speech-language pathologists who have received their Certificates of Clinical Competence from the American Speech-Language Hearing Association are permitted to renew their standard teaching certificates on a ten-year cycle, rather than the five-year cycle otherwise required of those holding standard certificates.
- LPDCs are not required to maintain all the material submitted by teachers as evidence of completion for their activities (see Section 25.835).
- There is a new maximum of 200 on the number of plans for which each LPDC outside the Chicago Public Schools will be responsible, with a maximum of 50 additional plans for each member added to an LPDC if that option is chosen (see Section 25.845).
- Preparation of a portfolio of students' and the teacher's work has been added as an activity for which continuing professional development units (CPDUs) may be claimed (see Section 25.875(t)). The requirements for portfolio development are based closely on those aspects of the NBPTS requirements that were feasible to incorporate given this context.

Finally, a new Section 25.872 has been added to deal specifically with providers of continuing professional development activities that are electronically mediated. The requirements stated in this Section are largely parallel to those already stated for other providers, but this rule also sets up requirements for these entities to provide appropriate assistance and indicate how they will verify individuals' participation. (Additionally, this rule also requires exceptions to be inserted into existing Sections 25.855, 25.860, 25.865, and 25.870, which are otherwise not being amended.)

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The revisions to Section 25.728 reflect changes made by P.A. 92-734 regarding institutions' use of test results. Beginning with the 2002-2003 academic year, passage of the test of basic skills is required prior to entry into a teacher education program. Beginning with the 2004-2005 academic year, each candidate must pass the applicable tests of subject matter knowledge before being permitted to engage in student teaching.

The proposed amendments contain additional items of technical updating as well.

- 6) Will these amendments replace any emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
(217) 782-3950

Comments may also be submitted via e-mail, addressed to:

rules@isbe.net

- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: None

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- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2002

The full text of the proposed amendments begins on the next page:

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## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER b: PERSONNEL

## PART 25

## CERTIFICATION

## SUBPART A: DEFINITIONS

Section  
25.10 Definition of Terms Used in This Part

## SUBPART B: CERTIFICATES

Section  
25.11 New Certificates (February 15, 2000)  
25.15 Standards for Certain Certificates  
25.20 Requirements for Initial Elementary Certificate  
25.30 Requirements for Initial Secondary Certificate  
25.35 Temporary Provisions for the Acquisition of Subsequent Standard Certificates  
25.40 Requirements for Initial Special K-12 Certificate  
25.43 Standards for Certification of Special Education Teachers  
25.45 Standards for the Standard Special Certificate – Speech and Language Impaired  
25.50 General Certificate (Repealed)  
25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects  
(Repealed)  
25.65 Alternative Certification  
25.67 Alternative Route to Teacher Certification  
25.70 State Provisional Vocational Certificate  
25.75 Part-time Provisional Certificates  
25.80 Requirements for Initial Early Childhood Certificate  
25.85 Special Provisions for Endorsement in Foreign Language for Individuals  
Currently Certified  
25.86 Special Provisions for Endorsement in Foreign Language for Individuals Prepared  
as Teachers But Not Currently Certified  
25.90 Transitional Bilingual Certificate and Examination  
25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate  
25.99 Endorsing Teaching Certificates

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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, Accreditation of Educational Units, and Approval of Programs
25.120	Standards and Criteria for Institutional Recognition and Program Approval (Repealed)
25.125	Fifth-Year Review of the Educational Unit
25.127	Fifth-Year Review of Individual Programs
25.130	Special Provisions for Institutions Subject to Conditions for Continuing Accreditation
25.135	Interim Provisions for Continuing Accreditation and Approval – July 1, 2000, through Fall Visits of 2001
25.136	Interim Provisions for Continuing Accreditation – Institutions Visited from Spring of 2002 through Spring of 2003
25.137	Interim Provisions for Continuing Accreditation and Approval – July 1, 1999, through June 30, 2000 (Repealed)
25.140	Transitional Requirements for Unit Assessment Systems
25.145	Approval of New Programs Within Recognized Institutions
25.147	Approval of Programs for Foreign Language Beginning July 1, 2003
25.150	The Periodic Review Process (Repealed)
25.155	Initial Recognition Procedures
25.160	Notification of Recommendations; Decisions by State Board of Education
25.165	Discontinuation of Programs

## SUBPART D: SCHOOL SERVICE PERSONNEL

Section	
25.210	Requirements for the Certification of School Social Workers
25.220	Requirements for the Certification of Guidance Personnel
25.230	Requirements for the Certification of School Psychologists
25.240	Standard for School Nurse Endorsement

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF  
ADMINISTRATIVE AND SUPERVISORY POSITIONS

Section	
25.310	Definitions (Repealed)

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25.311	Administrative Certificate
25.313	Alternative Route to Administrative Certification
25.315	Renewal of Administrative Certificate
25.320	Application for Approval of Program (Repealed)
25.322	General Supervisory Endorsement
25.330	Standards and Guide for Approved Programs (Repealed)
25.333	General Administrative Endorsement
25.344	Chief School Business Official Endorsement
25.355	Superintendent Endorsement

## SUBPART F: GENERAL PROVISIONS

Section	
25.400	Registration of Certificates; Fees
25.405	Military Service
25.410	Revoked Certificates
25.415	Credit in Junior College
25.420	Psychology Accepted as Professional Education
25.425	Individuals Prepared in Out-of-State Institutions
25.427	Three-Year Limitation
25.430	Institutional Approval
25.435	School Service Personnel Certificate – Waiver of Evaluations (Repealed)
25.437	Equivalency of General Education Requirements (Repealed)
25.440	Master of Arts NCATE
25.442	Illinois Teacher Corps Programs
<u>25.444</u>	<u>Illinois Teaching Excellence Program</u>
25.445	College Credit for High School Mathematics and Language Courses
25.450	Lapsed Certificates
25.455	Substitute Certificates
25.460	Provisional Special and Provisional High School Certificates
25.465	Credit
25.470	Meaning of Experience on Administrative Certificates
25.475	Certificates and Permits No Longer Issued (Repealed)
25.480	Credit for Certification Purposes
25.485	Provisional Recognition of Institutions (Repealed)
25.490	Rules for Certification of Persons Who Have Been Convicted of a Crime
25.493	Part-Time Teaching Interns
25.495	Approval of Out-of-State Institutions and Programs
25.497	Supervisory Endorsements

## STATE BOARD OF EDUCATION

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SUBPART G: THE UTILIZATION OF TEACHER AIDES AND  
OTHER NONCERTIFIED PERSONNEL

Section	
25.510	Teacher Aides
25.520	Other Noncertificated Personnel
25.530	Specialized Instruction by Noncertificated Personnel
25.540	Approved Teacher Aide Programs

## SUBPART H: CLINICAL EXPERIENCES

Section	
25.610	Definitions
25.620	Student Teaching
25.630	Pay for Student Teaching (Repealed)

## SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section	
25.705	Purpose – Severability
25.710	Definitions
25.715	Test Validation
25.717	Test Equivalence
25.720	Applicability of Testing Requirement
25.725	Applicability of Scores
25.728	Use of Basic Skills Test at Time of Entry into Teacher Education
25.730	Registration
25.732	Late Registration
25.733	Emergency Registration
25.735	Frequency and Location of Examination
25.740	Accommodation of Persons with Special Needs
25.745	Special Test Dates
25.750	Conditions of Testing
25.755	Voiding of Scores
25.760	Passing Score
25.765	Individual Test Score Reports
25.770	Re-scoring
25.775	Institution Test Score Reports
25.780	Fees

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## SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

## Section

25.800	Professional Development Required
25.805	Requirements of the Plan
25.810	State Priorities
25.815	Submission and Review of the Plan
25.820	Review of Approved Plan
25.825	Progress Toward Completion
25.830	Application for Renewal of Certificate(s)
25.832	Validity and Renewal of Master Certificates
25.835	Review of and Recommendation Regarding Application for Renewal
25.840	Action by State Teacher Certification Board; Appeals
25.845	Responsibilities of School Districts
25.848	General Responsibilities of LPDCs
25.850	General Responsibilities of Regional Superintendents
25.855	Approval of Illinois Providers
25.860	Out-of-State Providers
25.865	Awarding of Credit for Activities with Providers
25.870	Continuing Education Units (CEUs)
<u>25.872</u>	<u>Special Provisions for Interactive, Electronically Delivered Continuing Professional Development</u>
25.875	Continuing Professional Development Units (CPDUs)
25.880	"Valid and Exempt" Certificates; Proportionate Reduction; Part-Time Teaching
25.885	Funding; Expenses

APPENDIX A	Statistical Test Equating – Certification Testing System
APPENDIX B	Certificates Available Effective February 15, 2000
APPENDIX C	Exchange of Certificates
APPENDIX D	National Board and Master Certificates

AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, 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,

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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 amendment 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; preemptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; preemptory amendment suspended at 25 Ill. Reg. 3718, effective February 21, 2001; preemptory amendment repealed by joint resolution of the General Assembly, effective May 31, 2001; emergency amendment at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days; emergency expired November 27, 2001; emergency amendment 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. \_\_\_\_\_, effective October 21, 2002; amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: CERTIFICATES

**Section 25.15 Standards for Certain Certificates**

- a) The standards that shall apply beginning ~~October~~ ~~July~~-1, 2003, to each candidate seeking an initial early childhood, elementary, secondary, or special teaching certificate shall be as set forth in Standards for All Illinois Teachers (23 Ill. Adm. Code 24).
- b) The standards that shall apply beginning ~~October~~ ~~July~~-1, 2003, to each candidate seeking an administrative certificate shall be as set forth in Standards for Administrative Certification (23 Ill. Adm. Code 29).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: GENERAL PROVISIONS

**Section 25.444 Illinois Teaching Excellence Program**

The annual payments and incentives established under Section 21-27 of the School Code [105 ILCS 5/21-27] shall be subject to the requirements of this Section and shall be contingent upon

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the appropriation of sufficient funds. For purposes of this Section, "outside the regular school term" means during hours when school is not in session or on days when school is not in session.

- a) An individual who holds an Illinois master certificate pursuant to Section 21-2(d) of the School Code shall be eligible for an annual payment as called for in Section 21-27(1) of the School Code for each year during which:
  - 1) he or she is employed by a school district in a position that requires a teaching certificate;
  - 2) he or she is employed for no less than the equivalent of half the school year, as verified by the employer at or near the conclusion of the school year using a form specified by the State Board of Education; and
  - 3) if the individual is not teaching, he or she is performing duties that draw on the knowledge and skill acquired through successful completion of certification by the National Board for Professional Teaching Standards (NBPTS) to benefit other teachers.
- b) In addition to the payment received pursuant to subsection (a) of this Section, an individual who holds an Illinois master certificate pursuant to Section 21-2(d) of the School Code shall be eligible for an annual incentive payment under Section 21-27(2) of the School Code for each year during which:
  - 1) he or she is employed by a school district in a position that requires a teaching certificate;
  - 2) he or she is employed for no less than the equivalent of half the school year, as verified by the employer at or near the conclusion of the school year using a form specified by the State Board of Education;
  - 3) if the individual is not teaching, he or she is performing duties that draw on the knowledge and skill acquired through successful completion of certification by the National Board for Professional Teaching Standards to benefit other teachers (e.g., by coordinating an induction and mentoring program for the district); and
  - 4) He or she agrees in writing, using a form prescribed by the State Board of Education, to provide, outside the regular school term, at least 60 hours of mentoring to classroom teachers that consists of:
    - A) High-quality professional development for new and experienced teachers; and/or
    - B) Assistance to candidates for certification by the National Board for Professional Teaching Standards in completing that certification process.
- c) Requirements for Professional Development and Assistance to NBPTS Candidates
  - 1) As verification of his or her eligibility for the applicable incentive payment, the holder of the master certificate who provides professional

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development to new or experienced teachers under subsection (b) of this Section shall submit a written log of the assistance provided to each recipient on a form supplied by the State Board of Education demonstrating that he or she addressed one or more of the areas of teaching practice enumerated in this subsection (c)(1), consistent with the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers) and as relevant to the classroom-based needs of the recipient teacher(s):

- A) knowledge of content and pedagogy;
- B) assessment of students' learning and provision of timely and effective feedback to them;
- C) classroom management strategies;
- D) development of instructional goals;
- E) design and delivery of instruction;
- F) reflection on and analysis of recipient teachers' practice and their success in assisting students to reach instructional goals.

- 2) As verification of his or her eligibility for the applicable incentive payment, the holder of the master certificate who assists others in preparing for certification by the National Board for Professional Teaching Standards under subsection (b) of this Section shall submit a written log of the assistance provided to each recipient on a form supplied by the State Board of Education. This record shall identify the activities performed from among those listed as allowable by the State Board based upon their relationship to specific requirements candidates must meet for NBPTS certification.

- d) In addition to the payment received pursuant to subsection (a) of this Section, an individual who holds an Illinois master certificate pursuant to Section 21-2(d) of the School Code shall be eligible for an annual incentive payment under Section 21-27(3) of the School Code for each year during which:

- 1) he or she is employed by a school district in a position that requires a teaching certificate;
- 2) he or she is employed for no less than the equivalent of half the school year, as verified by the employer at or near the conclusion of the school year using a form specified by the State Board of Education;
- 3) if the individual is not teaching, he or she is performing duties that draw on the knowledge and skill acquired through successful completion of certification by the National Board for Professional Teaching Standards to benefit other teachers; and
- 4) he or she agrees in writing, using a form prescribed by the State Board of Education, to provide, outside the regular school term, at least 60 hours of

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*mentoring to classroom teachers in schools on the academic early warning list or in schools in which 50% or more of the students receive free or reduced-price lunches, or both.*

- e) Requirements for Mentoring
- 1) Mentoring provided in accordance with subsection (d) of this Section shall be conducted either:
    - A) as part of and in conformance with a mentoring program formally established by a school district; or
    - B) under the terms of a written agreement among the mentor teacher, the building administrator, mentor coordinator, or other responsible official of the school district employing one or more recipient teachers, and those recipients, that describes the goals of the mentoring, the duration of the mentor teacher's involvement, and the amount of time expected to be devoted to each recipient teacher.
  - 2) Mentoring may be provided to recipients either individually or in groups, provided that:
    - A) the mentor must address one or more of the areas of teaching practice enumerated in subsection (c)(1) of this Section as relevant to the classroom-based needs of each recipient teacher; and
    - B) the mentor must meet with each recipient teacher at least once in the recipient teacher's school, unless the recipient receives services as a member of a group, in which case the mentor must meet with each recipient at least twice, provided that these meetings may take place in any schools that meet the requirements of subsection (d)(4) of this Section where members of the group perform their teaching.
  - 3) An individual who provides mentoring under subsection (d) of this Section shall notify his or her employing district (if different from that of the recipient teacher or teachers) to this effect and, as verification of his or her eligibility for the applicable incentive payment, shall submit to the State Board of Education a written log that:
    - A) meets the requirements of subsection (c)(1) of this Section; and
    - B) discusses how the mentoring was related to the academic needs of the recipient teachers' students.

(Source: Added at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 25.728 Use of Test Results by Institutions of Higher Education**

- a) Beginning with the 2002-2003 academic year, each An institution shall may use the Illinois Certification Testing System's test of basic skills to satisfy the requirement of Section 21-2b of the School Code [105 ILCS 5/21-2b] – Teacher Education Program Entrance. ~~If an institution chooses to use the basic skills test for that purpose, it shall abide by all the rules governing the Illinois Certification Testing System set forth in this Subpart, including, but not limited to, passing score, registration, and fees; and shall make no requirement for the use or administration of this test beyond those set forth in this Subpart.~~
- b) Until the beginning of the 2004-2005 academic year, an An institution shall have the option of using may use an Illinois Certification Testing System subject matter test as a requirement for completion of a teacher education program approved pursuant to Subpart C of this Part or for candidates' progression among the components of a program.
- c) Beginning with the 2004-2005 academic year, each institution shall use the tests of subject matter knowledge in the disciplines relevant to individual's student teaching as provided in Section 21-1a(d) of the School Code.
- d) In using the basic skills and subject matter knowledge tests, institutions shall abide by all the rules governing the Illinois Certification Testing System set forth in this Subpart, including, but not limited to, passing score, registration, and fees; and shall make no requirement for the use or administration of this test beyond those set forth in this Subpart.
- e) Institutions shall be responsible for informing their students of all requirements related to taking the tests and for providing students with registration materials and any other pertinent information in a timely manner. Neither the State Board of Education nor its testing contractor shall assume responsibility for any candidate's inability to progress through or complete an approved program because of failure to take one or more certification tests in a timely manner.
- 1) ~~If an institution chooses to use a subject matter test for any such purpose, it shall abide by all the rules governing the Illinois Certification Testing System set forth in this Subpart, including, but not limited to, passing score, registration, and fees; and shall make no requirement for the use or administration of this test beyond those set forth in this Subpart.~~
- 2) ~~Further, an institution that chooses to use a subject matter test for any such purpose shall assume the responsibility for informing its students of all requirements related to taking the test and for providing its students with registration materials and any other needed information in a timely manner. Neither the State Board of Education nor its testing contractor shall assume responsibility for any candidate's inability to progress~~

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~~through or complete an approved program due to an institution's discretionary use of a certification test.~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

**Section 25.800 Professional Development Required**

- a) Pursuant to Section 21-2 of the School Code [105 ILCS 5/21-2], renewal of standard and master teaching certificates is contingent upon certificate-holders' presentation of proof of continuing education or professional development. For the purposes of this Subpart J, the terms "continuing education" and "professional development" shall be considered synonymous. The terms "certificate renewal plan," "plan for continuing professional development," "continuing professional development plan," and "plan" shall also be considered synonymous.
- b) Except as provided in Section 25.880 of this Part and in subsection (d) of this Section, renewal of an individual's standard or master certificate(s) shall require the certificate-holder's:
  - 1) preparation of an individual plan for continuing professional development that conforms to the requirements of Section 25.805 of this Part and submission of the plan for approval to the local professional development committee in accordance with Section 25.815 of this Part;
  - 2) completion of the activities enumerated in the plan; and
  - 3) presentation of the required form of evidence of completion for each such activity, as specified in Sections 25.865 and 25.875 of this Part.
- c) *A certificate-holder with multiple certificates shall develop a certificate renewal plan that addresses only that certificate or certificates that are required for his or her certificated teaching position, if the certificate-holder is employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, or that certificate or those certificates most closely related to his or her teaching position, if the certificate-holder is employed in a charter school [105 ILCS 5/21-14(e)(2)].*
- d) *A speech-language pathologist or audiologist who is licensed under the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110] and has met the continuing professional development requirement of that Act and the rules of the Illinois Department of professional regulation at 68 Ill. Adm. Code 1465 shall be deemed to have satisfied the requirements of this Subpart J. (Section 21-14(e)(2) of the School Code)*

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- 1) Upon application for certification renewal, a speech-language pathologist licensed as provided in this subsection (d) shall provide to the regional superintendent of schools a copy of his or her currently valid license and a written assurance that the professional development requirements for that license were met.
- 2) Upon application for certificate renewal, a speech-language pathologist licensed as provided in this subsection (d) who held a valid and active standard certificate issued before July 1, 2002, shall also be required to demonstrate to the regional superintendent that he or she has completed the prorated portion of continuing professional development that was required for the period of the certificate's validity prior to that date.
- 3) Speech-language pathologist licensed as provided in this subsection (d) whose standard certificates are issued or renewed on or after July 1, 2002, shall not be required to submit plans for continuing professional development.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.805 Requirements of the Plan**

- a) *The continuing professional development plan of each affected certificate-holder shall include at least three individual improvement goals reflecting the purposes enumerated in subsection (b) of this Section (Section 21-14(e)(2) of the School Code [105 ILCS 5/21-14(e)(2)]). Each goal shall include a brief statement of the knowledge and skill(s) to be enhanced, which shall reflect relevant professional teaching or content area standards set forth in the applicable rules of the State Board of Education (see 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers); 23 Ill. Adm. Code 26 (Standards for Certification in Early Childhood Education and in Elementary Education); 23 Ill. Adm. Code 27 (Standards for Certification in Specific Teaching Fields)) or the policies of the State Board of Education related to certification in special education under the federal court order to August 15, 2001, in the matter of Corey H., et al., v. Board of Education of the City of Chicago, et al~~this Part~~.*
- b) Each continuing professional development plan shall include activities that:
  - 1) *Advance the certificate-holder's knowledge and skills in his or her area(s) of certification, endorsement, or teaching assignment in relationship to the relevant standards set forth in this Part;*
  - 2) *Develop the certificate-holder's knowledge and skills in one or more areas identified by the State Board of Education as "State priorities" (see Section 25.810 of this Part); and*

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- 3) *Address the knowledge, skills, and goals that are relevant to the certificate-holder's local school improvement plan, if the individual is employed in a school that is required to have such a plan.*
- c) A continuing professional development plan may also include activities that *expand the certificate-holder's knowledge and skills in an additional teaching field or advance the individual toward acquisition of an additional teaching certificate, endorsement, or degree in the field of education.*
- d) *Completion of all required activities in pursuit of certification by the National Board for Professional Teaching Standards (NBPTS) may be used to fulfill 100% of the requirement for continuing professional development (Section ~~21-14(e)(3)(D)~~ ~~21-14(e)(3)(C)~~ of the School Code [105 ILCS ~~5/21-14(e)(3)(D)~~ ~~5/21-14(e)(3)(C)~~]).* The presence of an individual's name on the National Board's composite list of those who have completed the certification process (as distinct from having received certification) shall be considered evidence of completion.
- e) *Completion of an advanced degree from an approved institution in an education-related field may be used to fulfill 100% of the requirement for continuing professional development (Section 21-14(e)(3)(A) of the School Code [105 ILCS 5/21-14(e)(3)(A)]).* *Eight semester hours of college coursework in an undergraduate or graduate-level program related to education may be used to fulfill 100% of the requirement for continuing professional development, provided that at least 2 semester hours are chosen to address the purpose described in subsection (b)(1) of this Section (Section ~~21-14(e)(3)(B)~~ ~~21-14(e)(3)(A)~~ of the School Code [105 ILCS ~~5/21-14(e)(3)(B)~~ ~~5/21-14(e)(3)(A)~~]).*
- f) Twenty-four continuing education units ("CEUs"; see Sections 25.865 and 25.870 of this Part) may be used to fulfill 100% of the requirement for continuing professional development, provided that:
- 1) at least half of such units are earned in activities relevant to the purposes described in subsections (b)(1) and (2) of this Section;
  - 2) an identified portion of at least one activity addresses the purpose specified in subsection (b)(3) of this Section, unless the certificate-holder is not employed in or assigned to a school that is required to have a school improvement plan; and
  - 3) any remaining units address the purpose specified in subsection (c) of this Section.
- g) Completion of 120 continuing professional development units ("CPDUs"; see Section 25.875 of this Part) may be used to fulfill 100% of the requirement, provided that:
- 1) at least half of such units are earned in activities relevant to the purposes described in subsections (b)(1) and (2) of this Section;
  - 2) an identified portion of at least one activity addresses the purpose

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specified in subsection (b)(3) of this Section, unless the certificate-holder is not employed in or assigned to a school that is required to have a school improvement plan; and

- 3) any remaining units address the purpose specified in subsection (c) of this Section.
- h) A certificate-holder may choose any combination of the types of activities described in subsections (e), (f), and (g) of this Section, provided that the total effort represents the equivalent of 120 CPDUs or 24 CEUs and the distribution of such units conforms to the requirements of subsection (g) of this Section. For purposes of calculating approvable combinations from different categories:
  - 1) one semester hour of college credit shall be considered the equivalent of 15 CPDUs or three CEUs; and
  - 2) one CEU shall be considered the equivalent of 5 CPDUs.
- i) The provisions of subsections (e) through (h) of this Section, other than the option for completion of an advanced degree, shall be subject to the proportionate reductions specified in Section 21-14 of the School Code with respect to part-time teaching and periods when certificates have been maintained valid and exempt. (See Section 25.880 of this Part.)
- j) Each plan shall be submitted on a form supplied by the State Board of Education and shall:
  - 1) identify the certificate-holder;
  - 2) list all certificates and endorsements held;
  - 3) indicate the period of validity;
  - 4) identify the certificate-holder's current position or assignment;
  - 5) identify the certificate-holder's improvement goals;
  - 6) list and briefly describe the certificate-holder's planned or potential activities or types of activities, relating each to the improvement goal(s) and purpose(s) it will fulfill; and
  - 7) provide a timeline that will ensure the completion of the plan during the certificate's period of validity.
- k) A given professional development activity may be attributed to all of the purposes enumerated in subsections (b) and (c) of this Section to which it relates. However, the units of credit awarded for a particular activity may be counted only once in calculating the total earned.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.832 Validity and Renewal of Master Certificates**

- a) Each application for renewal of a master teaching certificate shall be subject to the

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provisions of Section 25.830 of this Part.

- b) An Illinois master certificate shall have a ten-year period of validity. When an individual receives an Illinois master certificate, any standard certificate(s) held by the same individual shall be renewed as of the date of issuance of the master certificate. Any such standard certificate shall automatically qualify for renewal at the end of its five-year period of validity, as long as the individual continues to hold the master certificate.
- c) When an Illinois certificate-holder successfully renews his or her National Board certification, he or she shall be entitled to renew his or her Illinois master certificate and any other certificate(s) held if the applicable requirements of this Subpart J have also been met.
- d) The holder of an Illinois master certificate whose certification through the NBPTS is not renewed shall nevertheless be entitled to renew the master certificate when it expires, provided that the applicable requirements of this Subpart J have been met during the master certificate's period of validity.
- e) A holder of a standard teaching certificate endorsed for speech-language pathology who has also received a Certificate of Clinical Competence from the American Speech-Language Hearing Association shall be subject to the ten-year renewal cycle set forth in Section 21-2(d) of the School Code [105 ILCS 5/21-2(d)], provided that his or her certificate renewal plan is based upon an assignment that requires the speech-language pathology endorsement. Each such individual shall be required to renew his or her standard teaching certificate at the end of its original five-year period of validity and to pay the applicable registration fee but shall not be required to submit evidence of continuing professional development in order to qualify for renewal of the certificate at that time.
  - 1) An individual who held both a standard teaching certificate endorsed for speech-language pathology and a Certificate of Clinical Competence on June 1, 2002, shall become subject to the ten-year renewal cycle set forth in Section 21-2 (d) of the School Code, beginning with the first year of the teaching certificate's validity. No revision to the individual's approved certificate renewal plan shall be required to reflect the ten-year cycle. However, the individual shall supply a copy of the Certificate of Clinical Competence to the responsible LPDC under cover of a letter calling the LPDC's attention to the applicability of the ten-year cycle.
  - 2) An individual who holds a standard certificate and later receives a Certificate of Clinical Competence shall be subject to the ten-year renewal cycle set forth in Section 21-2(d) of the School Code, beginning with the first year of the certificate's then-current period of validity. No revision to an individual's approved certificate renewal plan shall be required to

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reflect the ten-year cycle. However, the individual shall supply a copy of the Certificate of Clinical Competence to the responsible LPDC under cover of a letter calling the LPDC's attention to the applicability of the ten-year cycle.

- 3) An individual who holds a Certificate of Clinical Competence and later receives a standard teaching certificate shall prepare a plan for certificate renewal that reflects the ten-year cycle set forth in Section 21-2(d) of the School Code and shall submit a copy of the Certificate of Clinical Competence to the responsible LPDC to support the applicability of the ten-year cycle.
- 4) All standard certificates held by an individual to whom this subsection (e) applies shall qualify for renewal along with the standard teaching certificate endorsed for speech-language pathology.
- 5) At the conclusion of a ten-year renewal cycle, an individual who renews his or her standard teaching certificate shall submit a new certificate renewal plan, which shall be based upon a ten-year cycle only if the individual submits to the responsible LPDC a copy of a then-current Certificate of Clinical Competency.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.835 Review of and Recommendation Regarding Application for Renewal**

- a) The LPDC shall review each application that conforms with the requirements of Section 25.830 of this Part and, within 30 days after receiving it, use a form supplied by the State Board of Education to provide 30 days' written notification to the certificate-holder of the recommendation it will forward to the regional superintendent of schools. Such notification shall include a copy of the summary form referred to in Section 25.830(b) of this Part, signed by the chair of the LPDC and indicating whether the quantity and distribution of credit displayed thereon demonstrate that the certificate-holder has met the requirements of his or her approved plan. If the recommendation will be for nonrenewal of the affected certificate(s), such notification shall include a return receipt.
- b) At any time before the recommendation is to be forwarded to the regional superintendent, the certificate-holder may submit a written request to appear before the committee or a written request that the LPDC reconsider its intention to forward an unfavorable recommendation.
- c) If requested to do so, the LPDC shall:
  - 1) permit the certificate-holder to appear before it to justify his or her contention that the certificate(s) held should be renewed; or

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- 2) reconsider its recommendation.
- d) The committee shall forward a recommendation to the regional superintendent, on a form provided by the State Board of Education, no later than 30 days after receipt of the certificate-holder's request pursuant to subsection (b) of this Section. The committee shall provide concurrent notification to the certificate-holder that:
  - 1) states the recommendation and the rationale for it;
  - 2) indicates the date on which the recommendation was forwarded to the regional superintendent; and
  - 3) includes a return receipt.
- e) Upon receipt of notification by the LPDC that a recommendation has been forwarded to the regional superintendent, the certificate-holder shall pay to the regional superintendent the fee required pursuant to Section 21-16(b) of the School Code [105 ILCS 5/21-16(b)].
- f) The certificate-holder may appeal to the responsible RPDRC for consideration of his or her application for renewal if the LPDC does not respond within any of the timelines set forth in subsections (a) and (d) of this Section.
- g) Within 14 days after receiving notice that a recommendation for nonrenewal has been forwarded, the certificate-holder may appeal the recommendation to the RPDRC. Such an appeal shall be transmitted on a form supplied by the State Board of Education, shall include a return receipt, and may include any supporting documentation the certificate-holder deems relevant.
- h) Within seven business days after receipt of such an appeal, the RPDRC shall request the LPDC's record of review. The LPDC's record shall be forwarded to the RPDRC within seven business days and shall include:
  - 1) the individual's approved plan for continuing professional development and any amendments that have been made thereto;
  - 2) ~~any the~~ evidence of completion for activities submitted by the certificate-holder that has been maintained by the LPDC, with respect to each continuing professional development activity for which credit is claimed and the summary form that shows how credits were awarded; and
  - 3) copies of any determinations made by the LPDC not to award credit as claimed by the certificate-holder and any evidence that supports such determinations.
- i) Within 45 days after receiving such an appeal, the RPDRC shall make a recommendation to the regional superintendent in keeping with the requirements of Section 21-14(g)(2) of the School Code [105 ILCS 5/21-14(g)(2)]. The RPDRC shall use a form provided by the State Board of Education for this purpose and shall include the rationale for its recommendation. To assist it in arriving at its recommendation, the RPDRC may require the submission of

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additional information or may request that the certificate-holder appear before it. The RPDRC shall also forward to the regional superintendent the LPDC's record of review, as well as any supporting documentation supplied by the certificate-holder.

- j) Within 14 days after receiving the last recommendation required under subsections (a) through (i) of this Section, the regional superintendent shall forward his or her recommendation to the State Teacher Certification Board along with the information required pursuant to Section 21-14(g)(1) of the School Code [105 ILCS 5/21-14(g)(1)]. Forms supplied by the State Board of Education shall be used for this purpose. A copy of the recommendation shall be sent to the certificate-holder concurrently. If the recommendation is not to renew the certificate(s) held, or if the application indicates the individual is or may be out of compliance with Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65] with regard to child support payments, the certificate-holder's copy shall be sent by certified mail, return receipt requested; and the regional superintendent shall return the registration fee therewith.
- 1) The regional superintendent shall forward to the Secretary of the State Teacher Certification Board a list that identifies each certificate-holder with respect to whom the regional superintendent is concurring with an LPDC's recommendation for certificate renewal. This list shall be prepared on a form supplied by the State Board of Education.
  - 2) If the regional superintendent is recommending certificate renewal despite a local or regional committee's recommendation for nonrenewal, the regional superintendent shall forward to the Secretary of the State Teacher Certification Board:
    - A) the LPDC's record of review;
    - B) the RPDRC's recommendation and the material called for in subsection (i) of this Section, if any; and
    - C) the regional superintendent's rationale for recommending renewal.
  - 3) If the regional superintendent is recommending nonrenewal (regardless of local and/or regional recommendations) the regional superintendent shall forward to the Secretary of the State Teacher Certification Board:
    - A) the LPDC's record of review;
    - B) the RPDRC's recommendation and the material called for in subsection (i) of this Section, if any; and
    - C) the regional superintendent's rationale for recommending nonrenewal.
- k) Within 14 days after receipt of notice that the regional superintendent has recommended nonrenewal of his or her certificate(s), the certificate-holder may appeal that recommendation to the State Teacher Certification Board, using a

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form provided by the State Board of Education.

- 1) The appeal must state the reasons why the recommendation of the regional superintendent should be reversed and must be sent by certified mail, return receipt requested.
  - A) Appeals shall be addressed to:  
  
State Teacher Certification Board Secretary  
100 North First Street  
Springfield, Illinois 62777
  - B) No electronic or facsimile transmissions will be accepted.
  - C) Appeals postmarked later than 14 calendar days following receipt of the nonrenewal notice will not be processed.
- 2) In addition to the appeal form, the certificate-holder may submit the following material when the appeal is filed:
  - A) evidence that he or she has satisfactorily completed activities set forth in his or her approved certificate renewal plan;
  - B) any other relevant documents.
- l) Grounds for a recommendation that a certificate not be renewed shall be limited to the certificate-holder's failure to satisfactorily complete the activities set forth in an approved certificate renewal plan, i.e., to accumulate sufficient units of credit for activities distributed as required among the purposes enumerated in Section 21-14 of the School Code.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.845 Responsibilities of School Districts**

As used in this Section, the term "school district" shall be understood to include charter schools, cooperatives, and joint agreements.

- a) Each school district shall designate an employee who will have the responsibility for making all forms required pursuant to this Subpart J available to certificate-holders, members of local professional development committees, and others who need to use them.
- b) Each school district, in conjunction with its exclusive representative, if any, shall determine the number and type(s) of LPDCs to be established.
  - 1) The number of committees that will operate in a district shall be sufficient to comply with the requirements of Section 21-14(f) of the School Code [105 ILCS 5/21-14(f)] regarding the maximum number of plans for which each committee is to be responsible and to permit the committees to

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accomplish the functions assigned to them in accordance with the timelines set forth in this Subpart J. The maximum number of plans established in Section 21-14(f) of the School Code shall be observed inclusive of the number of initial certificate-holders who notify an LPDC that they have chosen accumulation of continuing professional development units as the requirement they will meet for standard certification under Section 21-2(c)(2) of the School Code [105 ILCS 5/21-2(c)(2)].

- 2) Distribution of responsibility among LPDCs may be according to building, grade level, type of certificate, subject matter area, or any other factor that seems appropriate.
- c) Each school district shall name the administrator and at-large member who will serve on each LPDC. A district superintendent or other chief administrator may identify a designee to represent him or her on an LPDC.
- d) Each school district shall publicize to certificate-holders:
  - 1) the number and respective areas of responsibility of the district's LPDCs;
  - 2) the name of each committee's chairperson; and
  - 3) the method by which individuals may contact the LPDCs and the address to which materials shall be submitted.
- e) Each school district shall convene the first meeting of one LPDC.
- f) Each school district shall file with the regional superintendent, on a form supplied by the State Board of Education, a list of its LPDCs, indicating for each LPDC the area(s) of responsibility, the chairperson's name, and the other members' names. Revisions to these lists shall be submitted as changes occur.
- g) Each school district without an exclusive representative shall make available an opportunity for those classroom teachers who are employed in the district and who are subject to the requirements of this Subpart J to select an adequate number of classroom teachers to serve on the district's LPDCs. For purposes of this Subpart J, "classroom teachers" includes all individuals who are subject to the requirements of this Subpart J.
- h) Each school district shall arrange for secure storage of the files required pursuant to this Subpart J.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.855 Approval of Illinois Providers**

Illinois-based entities that offer professional development activities, such as training organizations, institutions, school districts, regional offices of education, firms, teacher unions and professional associations, and universities and colleges, may apply to the State Board of

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Education and the State Teacher Certification Board for approval to issue CEUs or CPDUs for conferences, workshops, institutes, seminars, symposia, or other similar training events whose goal is the improvement of teaching skills and knowledge. A certificate-holder may not receive credit for CEUs or CPDUs with respect to activities offered by Illinois-based entities that are not so approved, unless Section 25.872 of this Part applies.

- a) Except as provided in subsection (b) of this Section, each provider wishing to receive such approval shall submit an application on a form supplied by the State Board of Education. For each area of professional knowledge or skill in which the provider wishes to secure approval, the application shall include:
  - 1) a description of the intended offerings in terms of relevant standards to be addressed;
  - 2) the qualifications and experience the provider will require of presenters to be assigned in each area;
  - 3) an indication as to whether the application is for approval to issue CEUs or CPDUs and, if approval is sought for both, identification of the activities that will generate each form of credit; and
  - 4) assurances that the requirements of subsection (c) of this Section and the requirements of Section 25.870 of this Part will be met.
- b) An organization that has affiliates based in Illinois may apply for approval on their behalf.
  - 1) The applicant organization shall provide a list of its affiliates for which approval is sought and supply the information required pursuant to subsection (a) of this Section with respect to each one.
  - 2) The applicant organization's provision of the assurances required pursuant to subsection (a)(4) of this Section shall be understood to apply to each affiliate for which approval is sought.
  - 3) The applicant organization shall notify the State Board of Education any time it determines that one or more affiliates should be added to or removed from the list of approved providers or that the areas of training should be changed for one or more of the affiliates. For affiliates to be added, the applicant organization shall supply the information required pursuant to subsection (a) of this Section.
  - 4) The approval status of the applicant organization shall be contingent upon its affiliates' compliance with the applicable requirements of this Subpart J.
- c) Each provider approved to issue CEUs or CPDUs shall:
  - 1) submit written notice to the State Board of Education no later than 30 days prior to the initial date of each of its training activities, including the title, description, target audience, instructional method, intended learning outcomes, location, date, and time of the activity, along with a sample of

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- 2) the syllabus, program, or outline for it;
  - 2) verify attendance at its training activities, provide to participants the standard forms referred to in Section 25.865 of this Part, and require completion of the evaluation portion of these forms;
  - 3) 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;
  - 4) maintain attendance records for each event or activity it conducts or sponsors for a period of not less than five years; and
  - 5) include in each announcement regarding an event or activity whether CEUs or CPDUs will be available.
- d) Applicants may be asked to clarify particular aspects of their materials.
- e) The State Superintendent of Education, on behalf of the State Board of Education and the State Teacher Certification Board, shall respond to each application for approval no later than 30 days after receiving it.
- f) A provider shall be approved to issue CEUs for a given type of activity only if the provider's application provides evidence that:
- 1) the activities will be developed and presented by persons with education and experience in the applicable subject matter area(s);
  - 2) the activities will include an activity such as discussion, critique, or application of what has been presented, observed, learned, or demonstrated; and
  - 3) there is an apparent correlation between the proposed content of the training activities, the relevant standards set forth in Subpart B of this Part, and one or more of the purposes the recipients are required to address in their continuing professional development plans pursuant to Section 21-14(e)(2) of the School Code.
- g) A provider shall be approved to issue CPDUs for a given type of activity only if the provider's application provides evidence that:
- 1) the activities and events it sponsors or conducts will be developed and presented by persons with education and experience in the applicable subject matter area(s); and
  - 2) there is an apparent correlation between the proposed content of the training activities, the relevant standards set forth in Subpart B of this Part, and one or more of the purposes the recipients are required to address in their continuing professional development plans pursuant to Section 21-14(e)(2) of the School Code.
- h) The State Board of Education shall maintain and publicize the list of all approved providers. The list shall indicate any limitations on the type(s) of activities for which an entity has received approval.

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- i) Approval of a provider shall be valid for three years. To request renewal of such approval, a provider shall, no later than March 1 of the year of expiration, submit an application on a form supplied by the State Board of Education and containing:
  - 1) a description of any significant changes in the material submitted as part of its approved application; or
  - 2) a certification that no such changes have occurred.
- j) A provider's approval shall be renewed if the application conforms to the requirements of subsection (i) of this Section, provided that the Boards have received no evidence of noncompliance with the requirements of this Subpart J.
- k) The State Board of Education may evaluate any approved provider at any time to ensure compliance with the requirements of this Section. Upon request by the State Board, a provider shall supply information regarding its schedule of training events, which the State Board may, at its discretion, monitor at any time. In the event such an evaluation indicates that applicable standards have not been met, the State Board of Education and the State Teacher Certification Board may jointly withdraw approval for one or more types of activities or of the provider. Staff of the State Board of Education shall periodically report to the State Teacher Certification Board on the providers reviewed and any changes in their approval status.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.860 Out-of-State Providers**

The requirements for approval of providers not based in Illinois shall be as set forth in this Section unless Section 25.872 of this Part applies.

- a) Entities not based in Illinois that offer professional development activities for which the target audience is groups of Illinois teachers shall be subject to the requirements of Section 25.855 of this Part. A certificate-holder may not receive credit with respect to activities offered by such an entity unless it has been approved pursuant to that Section.
- b) When an entity not based in Illinois conducts an activity outside Illinois, a certificate-holder may receive CPDUs with respect to that activity, provided that:
  - 1) the certificate-holder submits to the LPDC:
    - A) the program, agenda, or other announcement of the event; and
    - B) a completion form supplied by the provider to indicate the certificate-holder's attendance at the event or, if no such form was supplied, a signed statement by the certificate-holder to that effect; and
  - 2) the LPDC determines that the program, agenda, or other announcement of

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the event demonstrates that:

- A) there is an apparent correlation between the content of the training received and one or more of the purposes the recipient has addressed in his or her continuing professional development plan; and
  - B) the activities were conducted or presented by persons with education and experience in the applicable subject matter area(s).
- c) When an entity not based in Illinois conducts an activity outside Illinois, a certificate-holder may receive CEUs with respect to that activity, provided that:
- 1) the requirements of subsection (b) of this Section are met; and
  - 2) the LPDC determines that each activity for which CEUs are claimed included an activity such as discussion, critique, or application of what was presented, observed, learned, or demonstrated.
- d) When a national or regional activity (e.g., the annual conference of the National Council of Teachers of Mathematics) happens to be held in Illinois, that activity shall not be treated as one for which the target audience is groups of Illinois teachers. That is, provider approval shall not be required and credit shall be available as described in subsections (b) and (c) of this Section.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.865 Awarding of Credit for Activities with Providers**

The State Teacher Certification Board and the State Board of Education shall develop the requirements for a standard form that shall be used by approved providers. These forms shall serve two purposes: evaluation of the activity by the certificate-holder and evidence of completion for the certificate-holder with respect to the activity. The State Board of Education shall make available information about the required format and contents of this form so that providers may generate them for their own use, other than providers who are subject to the requirements of Section 25.872 of this Part.

- a) This form shall be provided to each participant who completes the activity, who shall present it to the LPDC as evidence of completion (see Section 25.875(k) of this Part).
  - 1) In the case of a conference, workshop, or other event having more than one session, each session shall be considered an "activity" for purposes of this Subpart J.
  - 2) In the case of a conference, workshop, or other event having more than one session, the certificate-holder shall indicate by marking on the program or agenda which sessions he or she attended.
- b) The provider shall complete the standard form to indicate the title, time, date,

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- location, and nature of the event.
- c) The provider shall indicate the number of CEUs issued, if applicable.
  - d) Local professional development committees shall credit CEUs in the amount issued by the approved provider.
  - e) Local professional development committees shall examine completion forms to determine the number of CPDUs to be credited, in keeping with the provisions of Section 25.875(k) of this Part. Time spent on multiple topics at the same event may be combined to generate CPDUs.
  - f) With respect to activities held in Illinois, LPDCs shall credit CEUs or CPDUs only when the standard form is presented.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.870 Continuing Education Units (CEUs)**

Continuing education units shall be credited only for professional development activities that are conducted or sponsored by an organization, entity, or firm that has been approved to issue CEUs pursuant to Section 25.855 of this Part, unless the activity completed is subject to the requirements of Section 25.872 of this Part.

- a) One CEU shall be issued for five clock-hours of a certificate-holder's direct involvement, exposure, or participation in activities (including related assignments) that contribute to his or her professional knowledge, competence, performance, or effectiveness in education.
- b) Time spent in organizational or administrative activities related to the conduct of a professional development activity or event or related to other business of the sponsoring entity shall not be included in the calculation of time for which CEUs will be issued.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.872 Special Provisions for Interactive, Electronically Delivered Continuing Professional Development**

The requirements of this Section shall apply to the approval of providers and the awarding of credit for activities that are electronically delivered, such as electronically mediated study groups, seminars, and conferences, interactive CD-ROMs, and on-line professional development curricula. The provisions of Sections 25.855, 25.860, 25.865, and 25.870 of this Part shall apply to such activities only to the extent set forth in this Section.

- a) A certificate-holder may accrue professional development credit for an activity under this Section if the provider of the activity is approved for the applicable

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subject area pursuant to subsections (b) through (f) of this Section. Alternatively, a certificate-holder may accrue credit for an activity without an approved provider by meeting the requirements of subsection (h) of this Section.

- b) Each provider wishing to receive approval under this Section shall submit an application using a format prescribed by the State Board of Education. For each area of professional knowledge or skill in which the provider wishes to secure approval, the application shall describe:
- 1) the intended offerings in terms of relevant standards to be addressed;
  - 2) the qualifications and experience the provider will require of the presenters, moderators, and facilitators to be assigned in each area;
  - 3) the means by which individuals' participation and participants' identities will be verified, consistent with subsection (e)(4) of this Section;
  - 4) the assistance that the provider will furnish to participants to foster their understanding of the material covered in the activity and their ability to complete the activity's requirements successfully;
  - 5) the documentation that the provider will furnish to each individual who completes a continuing professional development activity; and
  - 6) whether the provider intends for CEUs or CPDUs to be available to participants.
- c) Each application shall provide assurances that the following requirements will be met.
- 1) The provider shall submit written notice to the State Board of Education no later than 30 days prior to the initial date of each of its training activities, including the title, description, target audience, instructional method, and intended learning outcomes of the activity, along with a sample of the syllabus, program, or outline for it.
  - 2) The provider shall verify individuals' participation in its training activities, provide documentation indicating whether those who participated in a particular activity have completed it, and require participants to complete evaluations of the activities that will gather at least such information as specified by the State Board of Education. The provider shall issue CEUs, if applicable, based upon the average or expected time required to complete a given activity and in accordance with Section 25.870 of this Part. For activities generating CPDUs, the evidence of completion provided to participants shall indicate the average or expected time required so that LPDCs may award one CPDU per hour of participation.
  - 3) The provider shall maintain participants' evaluations 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.

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- 4) The provider shall maintain records of participation and completion for each activity it conducts or sponsors for a period of not less than five years.
- d) Applicants may be asked to clarify particular aspects of their materials.
- e) A provider shall be approved under this Section only if all of the following conditions are met.
- 1) There is an apparent correlation between the content of the training activities, the standards applicable to their intended participants, and one or more of the purposes the participants are required to address in their continuing professional development plans pursuant to Section 21-14(e)(2) of the School Code.
- 2) The activities will be developed and presented by persons with education and experience in the applicable subject area(s).
- 3) The provider makes available to participants a mentor or facilitator who is qualified by education and experience to serve as a presenter of the activity.
- 4) Participation in or completion of any portion of the activity that is not designed to be attended in person is verified by some other means. That is, each individual's participation yields either a product (e.g., a lesson plan, a tape of teaching performance, a completed test) or a record of interaction with a representative of the provider or with other participants (e.g., a discussion board). These products and records are available for evaluation by the provider, and each participant's receipt of the evidence of completion for the activity is contingent upon their presentation to the provider along with a brief written statement in which the certificate-holder discusses the skills and/or knowledge acquired and indicates, where applicable, how the skills or knowledge will be applied in the context of his or her teaching. Alternatively, if the certificate-holder determines that the experience has not yielded knowledge or skills that can be used in his or her teaching, he or she shall indicate that fact and briefly explain why this is the case.
- 5) Each participant who completes the activity receives verification from the provider to that effect.
- f) The State Superintendent of Education, on behalf of the State Board of Education and the State Teacher Certification Board, shall respond to each application for approval no later than 30 days after receiving it.
- g) A certificate-holder may receive continuing professional development credit for an activity conducted by a provider approved under this Section by submitting to the responsible LPDC the evidence of completion furnished by the provider, to

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the extent that the activity is relevant to one of the purposes applicable to the certificate-holder.

- h) A certificate-holder may receive continuing professional development credit for an activity not conducted by a provider approved under this Section (to the extent that the activity is relevant to one of the purposes applicable to the certificate-holder) by meeting the requirements of this subsection (h).
- 1) The certificate-holder shall provide to the responsible LPDC a syllabus, program, or summary prepared by the provider or a summary written by the certificate-holder.
  - 2) The certificate-holder shall provide to the LPDC any documents or other products developed during the activity and any verification of completion supplied by the provider.
  - 3) The certificate-holder shall provide to the LPDC a brief written statement meeting the requirements of subsection (e)(4) of this Section.
  - 4) The certificate-holder shall provide to the LPDC a statement issued by the provider indicating the average or expected amount of time required for completion of the activity, which the LPDC shall credit in the form of CPDUs at a rate of one per hour of direct participation or CEUs in accordance with Section 25.870(a) of this Part, as applicable.

(Source: Added at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.875 Continuing Professional Development Units (CPDUs)**

The number of CPDUs to be awarded for completion of specific activities shall be as set forth in this Section. In addition to the specific requirements described in the various subsections of this Section, the evidence of completion required for each of the activities listed shall include a brief written statement prepared by the certificate-holder which summarizes the activity or experience, discusses the skills and/or knowledge acquired, and indicates, where applicable, how the skills or knowledge will be applied in the context of the participant's teaching. Alternatively, if the certificate-holder determines that the experience has not yielded knowledge or skills that can be used in his or her teaching, he or she shall indicate that fact and briefly explain why this is the case.

- a) *Participation on collaborative planning and professional improvement teams and committees* [105 ILCS 5/21-14(e)(3)(E)(i)]
- 1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group whose function is planning for professional development activities that will benefit groups of teachers and/or the school.
  - 2) Credit: Five CPDUs shall be credited per semester in which the individual

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- attends three to five meetings; eight CPDUs shall be credited per semester in which the individual attends six or more meetings.
- 3) Evidence of Completion: Written description of the purpose and intended product of the team or committee; a record of the team's meetings demonstrating the member's attendance; and the plan, activity description, or other product that results from the group's work.
- b) *Peer review and coaching* [105 ILCS 5/21-14(e)(3)(E)(ii)]
- 1) Definitions
    - A) Peer review: A process of one-on-one assistance between pairs of teachers that is formally established by agreement between a school district and its teachers or their exclusive representative, in which the participants establish specific goals for the teacher being reviewed and conduct a program of intervention to assist that teacher with particular aspects of his or her teaching that includes observation and assessment of the teacher's performance in sessions lasting at least 20 minutes each, discussion of the observations made by the reviewing teacher, and preparation of a written summary by the reviewing teacher.
    - B) Peer coaching: A process of one-on-one assistance between pairs of teachers, whether by formal arrangement under the auspices of the employing district or by mutual agreement, in which the participants observe each other's teaching and discuss the observations made.
  - 2) Credit: For peer review, nine CPDUs shall be credited per semester in which there are three to five observations; 11 CPDUs shall be credited per semester in which there are six or more observations. For peer coaching, five CPDUs shall be credited per semester in which there are three to five observations; eight CPDUs shall be credited per semester in which there are six or more observations.
  - 3) Evidence of Completion
    - A) For peer review: The school's, district's, or exclusive representative's written program description or policy; a record of the certificate-holder's assignment and observation schedule; and a log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.
    - B) For peer coaching: A log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.
- c) *Mentoring in a formal program, including service as a consulting teacher participating in a remediation process formulated under Section 24A-5 of the School Code* [105 ILCS 5/24A-5] [105 ILCS 5/21-14(e)(3)(E)(iii)]

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- 1) Definitions
  - A) For a mentor: A formally established sequence of sessions lasting no less than one quarter of a school year and involving preparation with the recipient teacher prior to observing that teacher in the classroom; observations; and provision of feedback, suggestions, and techniques to the recipient teacher in response to each period of observation.
  - B) For a consulting teacher: Participation in the remediation process, involving assistance in the development of a remediation plan, provision of advice to the teacher under remediation; and
    - i) meetings lasting at least 20 minutes each with the remediating teacher to discuss how to improve teaching skills and successfully complete the remediation plan, to review lesson plans, to conduct demonstrations, or to provide feedback on observations conducted by an administrator; or
    - ii) meetings of the same length with an administrator or other personnel to discuss the remediating teacher's progress or classroom observation; or
    - iii) classroom observation of the remediating teacher, including preparation with the remediating teacher prior to the observation and provision of feedback, suggestions, and techniques to the remediating teacher in response to each period of observation.
  - C) For a recipient or remediating teacher: A formally established sequence of sessions lasting no less than one quarter of a school year and involving consultation with the mentor or consulting teacher in preparation for the lessons to be observed; teaching under observation of the mentor or consulting teacher; and interaction with the mentor or consulting teacher after each such teaching session to reflect upon the teaching and learning, receive feedback, discuss alternatives and suggestions, and determine how this information will be integrated into the teacher's future work.
- 2) Credit
  - A) For a mentor or for a recipient or remediating teacher: Nine CPDUs shall be credited for a semester in which there are three to five observations; 11 CPDUs shall be credited for a semester in which there are six or more observations.
  - B) For a consulting teacher: Six CPDUs shall be credited for a semester in which there are three to five meetings; eight CPDUs

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shall be credited for a semester in which there are six or more meetings; nine CPDUs shall be credited for a semester in which there are three to five meetings and one or more observations; 11 CPDUs shall be credited for a semester in which there are six or more meetings and one or more observations.

- 3) Evidence of Completion
  - A) For a mentor or for a recipient or remediating teacher: The school's, district's, or institution's written description of its mentoring program or remediation process, including the required number and length of cycles of interaction; and a log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.
  - B) For a consulting teacher: The district's written description of its remediation process; a record of assignment as a consulting teacher; and a log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.
- d) *Participating in site-based management or decision-making teams, relevant committees, boards, or task forces related to school improvement plans* [105 ILCS 5/21-14(e)(3)(E)(iv)]
  - 1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group whose function is formulating recommendations or plans related to budgeting or resource allocation, textbook choice, curriculum modification, scheduling, or other aspects of school operations related to issues noted in the school improvement plan.
  - 2) Credit: Eight CPDUs shall be credited per semester in which the individual attends three to five meetings; 11 CPDUs shall be credited per semester in which the individual attends six or more meetings.
  - 3) Evidence of Completion: A written description of the purpose and intended product of the team or committee; a record of the team's meetings; and a copy of the product or recommendation developed by the team or committee.
- e) *Coordinating community resources in schools, if the project is a specific goal of the school improvement plan* [105 ILCS 5/21-14(e)(3)(E)(v)]
  - 1) Definition: Working with representatives of community agencies to structure or facilitate their interaction with the school's or district's staff or students for the purpose of meeting one or more needs identified in the school improvement plan; must include more than the class(es) directly taught by the certificate-holder.
  - 2) Credit: Four CPDUs shall be credited per semester of service, or two CPDUs per quarter.

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- 3) Evidence of Completion: The excerpt from the school improvement plan highlighting the need(s) being met; a written statement prepared by the certificate-holder indicating the purpose or desired outcome of the external entities' involvement; and a statement signed by the district administrator or designee responsible for corroborating the individual's assignment to or performance of this function.
- f) *Facilitating parent education programs for a school, school district, or regional office of education directly related to student achievement or the school improvement plan* [105 ILCS 5/21-14(e)(3)(E)(vi)]
  - 1) Definitions
    - A) Arranging for or coordinating presentations in the context of a formally established program consisting of two or more sessions and designed to serve parents of the students in a particular school or district by informing or training them in one or more areas related either to their children's achievement or to another need identified in a school improvement plan.
    - B) Delivering presentations in the context of a formally established program consisting of two or more sessions and designed to serve parents of the students in a particular school or district by informing or training them in one or more areas related either to their children's achievement or to another need identified in a school improvement plan (to the extent that such presentations are not part of the instruction routinely delivered as a function of the certificate-holder's assignment).
  - 2) Credit: For facilitating a program, four CPDUs shall be credited per semester, or two per quarter. For making presentations, eight CPDUs shall be credited per semester, or four per quarter.
  - 3) Evidence of Completion
    - A) For coordinating: The sponsoring entity's written description of the parent education program and a statement signed by the administrator or designee responsible for corroborating the individual's assignment as facilitator or coordinator or indicating that he or she performed these duties.
    - B) For making presentations: The written program description indicating that the certificate-holder served as a presenter in the program.
- g) *Participating in business, school, or community partnerships directly related to student achievement or school improvement plans* [105 ILCS 5/21-14(e)(3)(E)(vii)]
  - 1) Definition: Formal or informal exchange of information and resources

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- between a teacher and a business, educational institution, or other entity for the purpose of improving student achievement or responding to a need identified in the school improvement plan.
- 2) Credit: Five CPDUs shall be credited per semester in which the individual attends three to five meetings; eight CPDUs shall be credited per semester in which the individual attends six or more meetings.
  - 3) Evidence of Completion: A written description of the partnership that states its goals, identifies the need(s) it is designed to meet, and describes the activities conducted by the certificate-holder; and a copy of the relevant portion of the school improvement plan that includes the specific need(s) identified.
- h) *Supervising a student teacher or teacher education candidate in clinical supervision, provided that the supervision may only be counted once during the course of 5 years [105 ILCS 5/21-14(e)(3)(E)(viii)]*
- 1) Definitions
    - A) Service (as determined by the teacher preparation institution in conformance with Section 25.620 of this Part) as a supervising teacher for a student teacher or a teaching candidate in clinical supervision who is enrolled in an approved teacher preparation program.
    - B) Provision of at least 40 hours of supervisory service connected with the pre-student-teaching practicum to one or more candidates who are enrolled in an approved teacher preparation program.
  - 2) Credit: Thirty CPDUs shall be credited for supervising a student teacher or a teaching candidate in clinical supervision; 12 CPDUs shall be credited for supervising one or more candidates in pre-student-teaching clinical experience. Each of these types of supervision may be counted once during the course of five years.
  - 3) Evidence of Completion: The written agreement between the school district and teacher preparation institution naming the certificate-holder as a supervising teacher for candidates of that institution; and, for supervision of candidates in pre-student-teaching clinical experience, a log showing the dates and times of service and the names of the candidates involved.
- i) *Completing undergraduate or graduate credit earned from a regionally accredited institution in coursework relevant to the certificate area being renewed, including coursework that incorporates induction activities and development of a portfolio of both student and teacher work that provides experience in reflective practices, provided the coursework meets Illinois professional teaching standards or Illinois content area standards and supports the essential characteristics of quality professional development [105 ILCS 5/21-*

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- 14(e)(3)(F)(i)]
- 1) Fifteen CPDUs shall be credited for each semester hour of successfully completed college or university coursework that is related to an individual's certificate(s) and addresses the standards set forth in Subpart B of this Part relative to the certificate-holder's field(s) of teaching or assignment.
  - 2) Evidence of Completion: A grade report or official transcript issued by the institution indicating that the certificate-holder has passed the course.
- j) *Teaching college or university courses in areas relevant to the certificate area being renewed, provided that the teaching may only be counted once during the course of 5 years* [105 ILCS 5/21-14(e)(3)(F)(ii)]
- 1) Definition: Teaching a college-level course in a field that is related to an individual's certificate(s) and results in the granting of college credit to those enrolled.
  - 2) Credit: Twenty CPDUs shall be awarded for teaching a college course. A course shall be considered "the same" if its description is the same in different course catalogues issued by the same institution or, for a course offered at more than one institution, if the syllabus for the course is substantially the same. A course shall not be considered the same as another course if a student may receive credit for successfully completing both. In cases where two courses appear similar, the certificate-holder wishing to claim CPDUs for both shall be required to demonstrate how the two differ.
  - 3) Evidence of Completion: A course syllabus, signed contract or agreement, or other documentation prepared by the college or university that identifies the certificate-holder as the teacher of a particular course.
- k) *Completing non-university credit directly related to student achievement, school improvement plans, or State priorities* [105 ILCS 5/21-14(e)(3)(G)(i)]; *participating in or presenting at workshops, seminars, conferences, institutes, and symposiums* [105 ILCS 5/21-14(E)(3)(G)(ii)]
- 1) Definitions
    - A) Attendance at and participation in a conference, workshop, institute, seminar, symposium, or other similar training event that is organized by an entity approved pursuant to Section 25.855 or Section 25.860 of this Part and addresses educational concerns.
    - B) Making a presentation at a conference, workshop, institute, seminar, symposium, or other similar event whose goal is the improvement of teaching skills and knowledge.
  - 2) Credit: One CPDU shall be credited for each hour of a certificate-holder's attendance or participation. Eight CPDUs shall be credited for an

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individual's first presentation of a given topic; three CPDUs shall be credited for a subsequent presentation of the same topic.

- 3) Evidence of Completion
  - A) For attendance: The standard form issued by the provider at the conclusion of the session or event pursuant to Section 25.865 of this Part, including a statement regarding how the certificate-holder will use what he or she learned in the context of his or her teaching; the program prepared by the entity sponsoring or conducting the event, indicating the topics covered and the length of time devoted to each.
  - B) For presentation: The program prepared by the entity sponsoring or conducting the event, identifying the certificate-holder as presenter in a topic area relevant to his or her certification or teaching assignment.
- l) *Training as external reviewers for quality assurance* [105 ILCS 5/21-14(e)(3)(G)(iii)]
  - 1) Definition: Participation in a complete training sequence regarding the quality assurance process used by the State Board of Education pursuant to the Board's rules for Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1).
  - 2) Credit: Ten CPDUs shall be credited for the first instance of an individual's participation. Five CPDUs shall be awarded for completion of one additional training sequence within any one period of a certificate's validity.
  - 3) Evidence of Completion: A certificate issued by the State Board.
- m) *Training as reviewers of university teacher preparation programs* [105 ILCS 5/21-14(e)(3)(G)(iv)]
  - 1) Definition: Participation in a complete training sequence regarding the process used by the State Board of Education in approving teacher preparation programs or accrediting teacher preparation institutions pursuant to Subpart C of this Part.
  - 2) Credit: Ten CPDUs shall be credited for the first instance of an individual's participation. Five CPDUs shall be awarded for completion of one additional training sequence within any one period of a certificate's validity.
  - 3) Evidence of Completion: A certificate issued by the State Board.
- n) *Participating in action research and inquiry projects* [105 ILCS 5/21-14(e)(3)(H)(i)]
  - 1) Definition: Conducting a teacher-developed study at least one quarter of the school year in length that is based upon a written protocol identifying

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- the aspect of education that will be investigated, the approach to be used, and the desired or expected outcome of the project.
- 2) Credit: Eight CPDUs per semester shall be credited for a project involving the certificate-holder's own class(es); 11 CPDUs per semester shall be credited for a project involving or affecting classes other than or in addition to the certificate-holder's own class(es).
  - 3) Evidence of Completion: The written protocol and a written summary of the inquiry and its results that describes what the certificate-holder has learned and identifies the implications of the experience for the individual's future teaching.
- o) *Observing programs or teaching in schools, related businesses, or industry that is systematic, purposeful, and relevant to certificate renewal [105 ILCS 5/21-14(e)(3)(H)(ii)]*
- 1) Definition: Engaging in a series of observations, either of teaching performed by others or of work activity directly related to the certificate-holder's area(s) of certification.
  - 2) Credit: Five CPDUs shall be credited per semester, or 2.5 CPDUs per quarter.
  - 3) Evidence of Completion: A description of the observations prepared by the certificate-holder, including work to be observed, the purpose for which the observations were to be conducted, the frequency and length of the periods of observation, what was learned, and how the information will be used in the individual's future teaching.
- p) *Traveling related to one's teaching assignment, directly related to student achievement or school improvement plans and approved at least 30 days prior to the travel experience, provided that the traveling shall not include time spent commuting to destinations where the learning experience will occur [105 ILCS 5/21-14(e)(3)(H)(iii)]*
- 1) Definition: Travel lasting no less than three consecutive, full days, which the LPDC has approved based on a plan submitted by the certificate-holder. The plan shall relate the travel to one or more of the individual's improvement goals, identify the activities or aspects of the travel that will contribute to his or her professional development, and describe what is to be accomplished through the travel experience. (Approval by the LPDC shall be understood to mean that CPDUs will be awarded upon submission of the required evidence of completion.)
  - 2) Credit: Twelve CPDUs shall be awarded per year in which the certificate-holder engages in an episode of qualifying travel, except that 15 CPDUs shall be awarded per year in which a certificate-holder who is a teacher of a foreign language engages in an episode of qualifying travel to a

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destination where the foreign language he or she teaches is commonly spoken in public. If a certificate-holder engages in additional episodes of qualifying travel in a year in which he or she has been awarded the maximum number of CPDUs per year for qualifying travel, he or she may carry over and claim such travel in a subsequent year, provided that the certificate-holder may not exceed the maximum number of CPDUs allowable per year for qualifying travel.

- 3) Evidence of Completion: The travel itinerary and a written journal prepared by the certificate-holder that summarizes the experience and reflects on how he or she plans to use what was learned in the context of his or her teaching.
- q) *Participating in study groups related to student achievement or school improvement plans* [105 ILCS 5/21-14(e)(3)(H)(iv)]
- 1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group that investigates one or more aspects of education in a series of regular, structured, collaborative interactions with a view to improving the members' practice or related outcomes among their students.
  - 2) Credit: Six CPDUs shall be credited per semester in which the individual attends three to five meetings; eight CPDUs shall be credited per semester in which the individual attends six or more meetings.
  - 3) Evidence of Completion: A written statement of purpose for the group; a list of the group's members; and summaries of the meetings showing attendance by the certificate-holder.
- r) *Serving on a statewide education-related committee, including but not limited to the State Teacher Certification Board, State Board of Education strategic agenda teams, or the State Advisory Council on Education of Children with Disabilities* [105 ILCS 5/21-14(e)(3)(H)(v)]
- 1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of any such body.
  - 2) Credit: Fifteen CPDUs shall be credited per year of qualifying service, or 7.5 CPDUs per semester.
  - 3) Evidence of Completion: Minutes of the group demonstrating the individual's attendance during the period for which CPDUs are claimed. If submission of minutes would breach confidentiality, a record of attendance shall be sufficient.
- s) *Participating in work/learn programs or internships* [105 ILCS 5/21-14(e)(3)(H)(vi)]
- 1) Definition: Participation in a structured program that pairs the certificate-holder with an employer or other entity under whose auspices the

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certificate-holder can acquire knowledge or skills for use in his or her future teaching or position.

- 2) Credit: Five CPDUs per semester shall be credited for one through ten contact hours (or 2.5 CPDUs per quarter for five or fewer contact hours); eight CPDUs per semester shall be credited for 11 through 20 contact hours (or four CPDUs per quarter for 5.5 through ten contact hours); and 11 CPDUs per semester shall be credited for 21 or more contact hours (or 5.5 CPDUs per quarter for more than ten contact hours).
- 3) Evidence of Completion: A signed letter from the employer or other entity verifying the nature of the program or internship and stating the length and frequency of the certificate-holder's direct contact with other individuals from whose knowledge or experience he or she was to benefit.

t) *Developing a portfolio of student and teacher work* [105 ILCS 5/21-14(e)(3)(H)(vii)]

- 1) Definition: Preparation of at least five portfolio "artifacts" or "entries", each of which relates to a different assignment and consists of:
  - A) samples of at least three students' work that responds to the specified assignment; and
  - B) a written analysis prepared by the certificate-holder that describes:
    - i) the assignment to which the work responds and the teacher's goal(s) for that assignment;
    - ii) the instructional strategies and material used and the reasons for their selection;
    - iii) what the student's work reveals about whether the teacher's goal(s) for the assignment were met; and
    - iv) the successful and less than successful elements of the assignment and changes the teacher might make in the assignment or in his or her teaching in order to reach the specified instructional goal(s).
- 2) Credit: 15 CPDUs.
- 3) Evidence of Completion: The materials referred to in subsection (t)(1) of this Section.

u) *Participating in curriculum development or assessment activities at the school, school district, regional office of education, State, or national level* [105 ILCS 5/21-14(e)(3)(I)(i)]

- 1) Definition: Assisting in the planning, development, or refinement of curriculum or assessments, or in their alignment with applicable standards. The activity must be one sanctioned or structured either by the employing school or district or by a statewide, national, or international educational agency or organization. Requires participation in no fewer than two-thirds

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of the group's working sessions.

- 2) Credit: Eight CPDUs shall be credited per semester in which the individual attends five or fewer meetings (or four CPDUs per quarter for three meetings); 11 CPDUs shall be credited per semester in which the individual attends six or more meetings (or 5.5 CPDUs per quarter for more than three meetings).
- 3) Evidence of Completion: Membership list and meeting summaries showing the certificate-holder's presence and participation; and the product of the group's work, such as a curriculum guide or new assessment.

| ~~v)†~~ *Participating in team or department leadership in a school or school district* [105 ILCS 5/21-14(e)(3)(I)(ii)]

- 1) Definition: Service in a position of leadership established by a school or district as part of its formal structure and lasting no less than one semester; limited to those activities that relate to instruction in the area of assignment; shall not include tasks unrelated to teaching knowledge, skills, performance, or competence.
- 2) Credit: Five CPDUs shall be awarded per semester of service.
- 3) Evidence of Completion: A job description or other document created by the district or the administrator responsible for assigning a leadership role to the incumbent that is specific in terms of the responsibilities to be carried out within particular periods of time relative to the instructional goals of the department, school, or district.

| ~~w)†~~ *Participating on external or internal school or school district review teams* [105 ILCS 5/21-14(e)(3)(I)(iii)]

- 1) Definitions
  - A) Participating as an external or internal reviewer in a complete cycle of the quality assurance process used by the State Board of Education pursuant to the Board's rules for Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1).
  - B) Participating on a curriculum review panel convened pursuant to Section 25.125(c) of this Part with respect to the approval of a teacher preparation program.
  - C) Participating on a review team convened pursuant to Section 25.125(e) of this Part with respect to the accreditation of an institution of higher education and its approval to provide teacher preparation programs.
- 2) Credit: Fifteen CPDUs shall be credited for an external quality review visit, for service on a curriculum review panel, or for service on an institutional review team, provided that each of these types of activities

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shall be credited no more than once per semester. Eight CPDUs shall be credited per semester of service on a school's internal quality review team, or four CPDUs per quarter.

- 3) Evidence of Completion: Documentation of the individual's assignment by State Board staff (for an external review team, curriculum review panel, or institutional review team) or by a school district administrator (for an internal review team); and a statement signed by the team's chair or convenor verifying the certificate-holder's participation for the duration of the process.

~~x)w)~~ *Publishing educational articles, columns, or books relevant to the certificate area being renewed* [105 ILCS 5/21-14(e)(3)(I)(iv)]

- 1) Definition: Writing about educational research, experiences, issues, approaches, systems, or another topic that is related to the effective practice of teaching.
- 2) Credit: Forty CPDUs shall be credited for writing a book that is technical or research-based; 20 CPDUs shall be credited for writing a book of any other type. Fifteen CPDUs shall be credited for writing one or more chapters of a book or for writing an article published in a refereed journal. Eight CPDUs shall be credited for writing a column published at the statewide level. Five CPDUs shall be credited for writing a column published at the local level. In cases of multiple authorship, the CPDUs earned shall be divided among the authors as they agree, provided that no more than 100 percent of the available CPDUs shall be credited for any item published.
- 3) Evidence of Completion: A copy of each item published, showing the date, publication, and publisher. In the case of an artistic work or other creative endeavor such as development of a curriculum unit or software package, the copyright shall serve as the evidence of "publication-".

~~y)x)~~ *Participating in non-strike-related professional association or labor organization service or activities related to professional development* [105 ILCS 5/21-14(e)(3)(I)(v)]

- 1) Definition: Service on local professional development committees, regional professional development review committees (including service by certificate-holders in districts without exclusive representatives), or other bodies constituted by professional associations or labor organizations for specified purposes related to the profession of teaching. Requires formal selection by the organization. Examples include positions on committees planning for or formulating educational or professional policies, standards and structures. Activities related to the operations or functioning of the professional association or labor organization shall not

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be eligible.

- 2) Credit: Eight CPDUs shall be credited per semester in which the individual attends three to five meetings; 11 CPDUs shall be credited per semester in which the individual attends six or more meetings.
- 3) Evidence of Completion: A written description of the position or activity; if the purpose of the activity includes the preparation of a tangible product, a copy of that product.

~~z)y~~ Other

- 1) An LPDC may award continuing professional development units for activities not enumerated in subsections (a) through ~~(y)~~ ~~(x)~~ of this Section based upon written evidence presented by the certificate-holder that:
  - A) describes the activity and its purpose, intensity, duration, and outcomes;
  - B) discusses how the activity related to the improvement of the certificate-holder's knowledge and skills;
  - C) identifies which of the activities enumerated in subsections (a) through ~~(y)~~ ~~(x)~~ of this Section the claimed activity most closely resembles (e.g., auditing a college course is most similar to attendance at a workshop or seminar under subsection (k) of this Section); and
  - D) proposes a number of CPDUs that is commensurate with the value assigned to the activity identified pursuant to subsection ~~(z)(1)(C)~~ ~~(y)(1)(C)~~ of this Section.
- 2) Any disagreement regarding the appropriate number of CPDUs to be awarded shall be resolved by appeal to the RPDC as provided in Section 25.825(e) of this Part.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Fire Prevention and Safety
- 2) Code Citation: 41 Ill. Adm. Code 100
- 3) Section Numbers: 100.7                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 9 of the Fire Investigation Act [425 ILCS 25/9]
- 5) A Complete Description of the Subjects and Issues Involved: This amendment modifies the requirements for fire alarm systems on permanently moored vessels and adjacent structures. More specifically, the amendment will require fire alarm systems serving permanently moored vessels occupied as assembly occupancies to be interconnected with fire alarm systems that serve adjacent occupancies if the occupants of the adjacent occupancies must exit across or through the permanently moored vessel to reach a point of safety.
- 6) Will this proposed rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or a expand State mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments in writing within 45 days after publication to:

Mr. Jack Ahern  
Deputy State Fire Marshal  
Division of Fire Prevention  
Office of the State Fire Marshal  
100 W. Randolph Street, Ste. 11-800  
Chicago IL 60601

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312/814-2693

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: The rule potentially impacts moored vessels which serve as assembly occupancies and adjacent structures that depend upon permanently moored vessels for their exiting paths. This may include, although not be limited to, permanently moored vessels occupied as riverboat gaming establishments.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: This issue arose after the most recent agenda was published.

The full text of the proposed amendment begins on the next page:

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TITLE 41: FIRE PROTECTION  
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 100  
FIRE PREVENTION AND SAFETY

## Section

- 100.1 Introduction
- 100.3 Title, Jurisdiction, Powers, Penalties, Right of Entry, Existing Structures
- 100.4 Building Construction Types (Repealed)
- 100.5 Fire Areas (Repealed)
- 100.7 Adoption of NFPA 101, Life Safety Code by Reference
- 100.110 Modification of NFPA 101 (1985) for Existing Day Care ~~Facilities and Programs~~  
(Repealed)
- APPENDIX A Modification of Standards Referenced in NFPA 101 (Repealed)

AUTHORITY: Implementing and authorized by Section 9 of the Fire Investigation Act [425 ILCS 25/9].

SOURCE: Illinois Rules and Regulations for Fire Prevention and Safety, amended September 24, 1973; amended January 8, 1974; Rules and Regulations relating to Fireworks filed October 8, 1974; codified at 5 Ill. Reg. 10673; amended at 6 Ill. Reg. 13021, effective December 15, 1982; amended at 7 Ill. Reg. 16399, effective January 1, 1984; amended at 9 Ill. Reg. 1009, effective July 1, 1985; Sections 100.81, 100.82 and 100.85 recodified to 41 Ill. Adm. Code 105.5, 105.10 and 105.20 at 11 Ill. Reg. 5992; Part repealed, new Part adopted at 12 Ill. Reg. 8017, effective August 1, 1988; emergency amendment at 13 Ill. Reg. 582, effective January 3, 1989, for a maximum of 150 days; emergency expired June 2, 1989; amended at 13 Ill. Reg. 12547, effective July 14, 1989; amended at 17 Ill. Reg. 19127, effective November 1, 1993; amended at 20 Ill. Reg. 13086, effective September 20, 1996; amended at 21 Ill. Reg. 8932, effective July 15, 1997; amended at 22 Ill. Reg. 21330, effective December 15, 1998; amended at 25 Ill. Reg. 11919, effective January 1, 2002; amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 100.7 Adoption of NFPA 101, Life Safety Code by Reference**

The Office of the State Fire Marshal adopts the "Code for Safety to Life from Fire in Buildings and Structures" as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life ~~Safety Saftey~~-Code.

- a) The Life Safety Code becomes the code for Fire Prevention and Safety subject to the modifications set forth in this Part. NFPA 101, Life Safety Code (2000 ~~edition Editions~~) is on file with the Office of the State Fire Marshal at the

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following locations:

1035 Stevenson Drive  
Springfield, Illinois 62703-4259

State of Illinois Building  
100 W. Randolph Street  
Chicago, Illinois 60601

2209 West Main Street  
Marion, Illinois 62959

Copies are available for purchase from:

National Fire Protection Association  
Batterymarch Park  
Quincy MA 02269

- b) Modifications to the Life Safety Code
- 1) Child Care Facilities
    - A) Day Care Centers. Those facilities regulated under Chapters 16 and 17 (Day-Care Centers) of the Life Safety Code shall include only:
      - i) any facility licensed as a Day Care Center by the Department of Children and Family Services;
      - ii) any unlicensed facility that regularly provides day care for less than 24 hours per day for more than 8 children in a family home, or more than 3 children in a facility other than a family home;
      - iii) part day child care facilities, as defined in the Child Care Act of 1969.
    - B) Day Care Homes. Those facilities regulated under Chapters 16 and 17 (Family Day-Care Homes) of the Life Safety Code shall include only:
      - i) any facility licensed as a day care home by the Department of Children and Family Services;
      - ii) any unlicensed facility that is a family home that receives more than 3 up to a maximum of 12 children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons

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under the age of 12. This subsection (b)(1)(B) does not affect facilities that receive only children from a single household.

- C) Group Day Care Homes. Those facilities regulated under Chapters 16 and 17 (Group Day-Care Homes) of the Life Safety Code shall include only:
- i) any facility licensed as a group day care home by the Department of Children and Family Services; or
  - ii) any unlicensed facility that is a family home that receives more than 3 up to a maximum of 16 children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of 12.
- D) For purpose of determining the classification of a child care facility, current Department of Children and Family Services guidelines will be applied.
- 2) Child-to-Staff Ratios  
Child-to-Staff ratios in day care facilities shall comply with 89 Ill. Adm. Code 406 and 407 and with the Child Care Act ~~of~~ 1969. Any conflicting provisions of the Life Safety Code are inapplicable.
- 3) One- and Two-Family Dwellings  
Chapter 24 (One- and Two-Family Dwellings) is adopted as recommended guidelines only.
- 4) When clients occupy a level below the level of exit discharge in a day care home or group day care home occupancy, exiting shall be provided in accordance with the requirements of the applicable edition of the Life Safety Code, or with the following:
- A) Primary Means of Egress
- i) If an exit discharging directly to the outside at the basement level is not provided, and therefore occupants must traverse another level of the home to exit, the path of egress through the level of exit discharge shall be separated from the remainder of that level of the home by construction providing a minimum fire resistance rating of 1-hour, or
  - ii) The home shall be equipped with smoke detectors permanently powered by the building's electrical system and wired so that the actuation of one detector will actuate all the detectors in the dwelling. At least one such smoke detector shall be located on each level of the occupancy (excluding unoccupied attics), and the path of egress

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through the level of exit discharge (from the basement door to the exterior door of the home) must be protected by automatic fire sprinklers. Listed residential sprinklers shall be used and the installation shall be made in accordance with National Fire Protection Association Standard #13D, Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes – 1994 edition.

## B) Secondary Means of Egress

~~If~~ ~~if~~ a window is used where the size is not in accordance with the applicable edition of the Life Safety Code, the owner or operator of the day care or group day care home must demonstrate to an on-site representative of the Office of the State Fire Marshal that all occupants (staff and clients) can escape through the window to the exterior of the home in 3 minutes or less. The bottom sill of any window used as a secondary means of escape shall be within 44 inches of the floor as required by the Life Safety Code, or a permanently fixed stair or ramp shall be installed at the window to allow occupants to be within 44 inches of the bottom window sill when standing atop the stair or ramp.

## 5) Permanently Moored Vessels

A) Occupancies located on permanently moored floating vessels are subject to compliance with the applicable occupancy chapter of the Life Safety Code (2000 edition), the fire safety standards contained in National Fire Protection Association Standard 307, Standard for the Construction and Fire Protection of Marine Terminals, Piers and Wharves (1995 edition) and the criteria listed in this Section.

B) A stability test shall be conducted by the licensee in accordance with 46 CFR, Subchapter S, Part 170, Subpart F. In lieu of a stability test, the licensee may elect to perform a Deadweight Survey to determine the Lightweight Displacement and Longitudinal Center of Gravity. The Vertical Center of Gravity shall be determined by a conservative estimate, subject to approval by a marine authority acceptable to the Office of the State Fire Marshal.

C) The intact stability characteristics for each vessel must comply with the following criteria:

i) 46 CFR, Subchapter S, Part 170, Subpart E, Sections 170.160, 170.170, and 170.173.

ii) In lieu of compliance with Section 170.173, the licensee may elect to comply with alternate criteria for Vessels of

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Unusual Proportion and Form, as may be acceptable to the United States Coast Guard at that time, for certified passenger vessels.

- iii) 46 CFR, Subchapter S, Part 171, Subpart E, Section 171.050.
- D) All permanently moored vessels shall be required to comply with a one-compartment standard of flooding, as outlined in 46 CFR 171.070, regardless of the passenger capacity of the vessel.
- E) All permanently moored vessels shall be required to comply with Damage Stability Standards of 46 CFR, Subchapter S, Part 171, Subpart C, Section 171.080.
- F) Additionally, all vessels must comply with requirements for Stability After Damage (Damage Righting Energy Criteria) as may be acceptable to the United States Coast Guard at that time for certified passenger vessels.
- G) Additionally, an annual survey shall be conducted of permanently moored vessels to determine if structural changes exist which may affect the stability of the vessel. The survey shall consist of the following:
  - i) General inspection of the superstructure and layout of outfitting to ensure there are no changes to the approved arrangement that may affect the stability of the vessel;
  - ii) Inspection of the underdock spaces to ensure watertight integrity of the vessel is maintained;
  - iii) Inspection and report on the condition of the hull and watertight bulkheads;
  - iv) Inspection and report on the condition of water tight doors and water tight bulkhead penetration; and
  - v) Inspection and report on the condition of ventilator, hatch covers, and manhole covers.

This annual survey does not apply to United States Coast Guard Certified Vessels that are subject to their regulatory inspections.
- H) Inspection and Examination of Permanently Moored Vessels
  - i) Permanently moored vessels shall undergo drydock and internal structural examinations at intervals in accordance with 46 CFR 71.50-3 or present evidence of compliance with alternative methods of hull examination as may be deemed acceptable at the time, by the United States Coast Guard, for vessels that operate in fresh water.
  - ii) Inspection of permanently moored vessels having steel or

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aluminum hulls may be performed in dry-dock or in-the-water. In-the-water inspections shall consist of an internal structural examination and a detailed non-destructive examination of the vessel's hull. The non-destructive hull examination may be performed by underwater inspection methods or from inside the vessel if all compartments are safely accessible. ("Safely accessible" shall be dependent upon the issuance of a "gas free certificate" by a certified marine chemist.)-

- iii) All structural and in-the-water examinations and inspections of permanently moored vessels shall be under the direction of a registered professional engineer. Expertise of the engineer, or engineering team, shall include non-destructive testing methods and procedures, materials engineering and naval architecture, material engineering knowledge of both general and specific corrosion types associated with welds and oxygen differential cells, as well as the effects of such types of corrosion on hull longevity.
- iv) The inspection techniques must be under the general direction of an American Society for Nondestructive Testing (ASNT) Level III Non-destructive Certified Technician. Inspections and measurements must be performed by an ASNT Level II (or higher) Non-destructive Certified Technician.
- v) The inspection results must be maintained in a format that will allow for examination by the Office of the State Fire Marshal's representatives, including comparison of results from the previous inspections.
- vi) Repairs using underwater welding shall be subject to periodic reevaluation at subsequent inspections. Such repairs shall be completed in accordance with the standards found in the American Welding Society's "Specifications for Underwater Welding".
- vii) The Office of the State Fire Marshal may require immediate dry-docking of the vessel if structural examinations and underwater inspections or repair work are not conducted in accordance with this Section.
- viii) All work shall be governed by and construed according to Illinois law effective on the execution date.

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- I) Written documentation of compliance with the requirements of subsections (b)(5)(B) through (H) shall be furnished to the Office of the State Fire Marshal by the owner of the permanently moored vessel. Such documentation shall be certified by a marine authority approved by the Office of the State Fire Marshal.
- J) Permanently moored vessels, when occupied as public assembly occupancies in accordance with definitions given in the Life Safety Code, shall:
- i) Be equipped with an on-board electrical generator, sized and installed so as to be capable of supplying emergency back-up power to any required fire alarm systems, fire suppression equipment, emergency lighting circuits, communication equipment, bilge pumps, or vessel propulsion equipment;
  - ii) At all times occupied by more than 50 occupants, be staffed by personnel trained to initiate shipboard/vessel firefighting and evacuation duties; ~~and~~
  - iii) In the event of an emergency that causes the vessel to be set adrift, be either capable of self-propulsion or be serviced by a tugboat or tender capable of controlling the vessel; ~~and-~~
  - iv) have fire alarm systems interconnected with fire alarm systems of adjacent occupancies if any of the required paths of egress from the adjacent occupancy traverse the permanently moored vessel or if the paths of egress from the permanently moored vessel traverse the adjacent occupancy. The activation of either fire alarm system shall cause the other occupancy's fire alarm system to activate.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances
- 2) Code Citation: 41 Ill. Adm. Code 170
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action</u>
170.400	Amendment
170.410	Amendment
170.411	Amendment
170.412	Amendment
170.420	Amendment
170.421	Amendment
170.422	Amendment
170.423	Amendment
170.424	Amendment
170.425	Amendment
170.426	Amendment
170.427	Amendment
170.429	New Section
170.430	Amendment
170.431	Repeal
170.432	Amendment
170.450	Amendment
170.460	Amendment
170.480	Amendment
170.481	Amendment
170.490	Amendment
170.500	Amendment
170.510	Repeal
170.520	Amendment
170.530	Amendment
170.540	Amendment
170.541	Amendment
170.542	Amendment
170.543	Amendment
170.544	Amendment
170.546	Amendment
170.550	Amendment
170.570	Repeal
170.580	Amendment

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170.600	Repeal
170.620	Repeal
170.630	Amendment
170.640	Amendment
170.650	Repeal
170.670	Amendment
170.672	Amendment
170.1000	Amendment
170.1100	Amendment
170.1200	Amendment
170.1300	Amendment
APPENDIX A	Amendment
APPENDIX B	Amendment
APPENDIX C	Amendment
APPENDIX D	Amendment
APPENDIX F	Amendment
APPENDIX G	Repeal
APPENDIX H	Repeal

- 4) Statutory Authority: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].
- 5) A Complete Description of the Subjects and Issues involved: These rules are designed to prevent releases of petroleum and other regulated substances from underground storage tanks into the environment. Control technology and record keeping requirements have been amended.
- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: These rules are not believed to imposed any mandates upon units of local governmental.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

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John J. Pavlou, Chief Counsel  
Office of the State Fire Marshal  
1035 Stevenson Dr.  
Springfield IL 62703-4259  
jpavlou@mail.state.il.us

- 12) Initial Regulatory flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Petroleum marketers and other owners and operators of underground storage tanks.
  - B) Reporting, bookkeeping or other procedures required for compliance: Record keeping requirements are not vastly different from previous rules, however, the records must be available more quickly than under previous rules.
  - C) Types of professional skills necessary for compliance: None other than would be required in the normal course of business to keep tanks with enough product to maintain operations.
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2002

The full text of the proposed amendments begins on the next page:

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## TITLE 41: FIRE PROTECTION

## CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

## PART 170

STORAGE, TRANSPORTATION, SALE AND USE OF PETROLEUM AND OTHER  
REGULATED SUBSTANCES

## SUBPART A: MISCELLANEOUS

Section	
170.10	Definitions
170.11	Incorporation of National Standards
170.15	Bulk Sales Prohibited
170.20	Storage Underground and Limited (Repealed)
170.30	Setting of Tanks (Repealed)
170.40	Clearance Required for Underground Tanks (Repealed)
170.41	Location (Repealed)
170.50	Material and Construction of Tanks (Repealed)
170.60	Venting of Tanks (Repealed)
170.65	Underground Tank Installations (Repealed)
170.70	Fill Pipes (Repealed)
170.71	Registration of Underground Storage Tanks and Payment of Annual Fee (Repealed)
170.72	Late Registration Fee (Repealed)
170.75	Abandonment of Underground Storage Tanks (Renumbered)
170.76	Leaking Underground Tanks (Repealed)
170.80	Unloading Operations
170.90	Pumps (Repealed)
170.91	Labeling of Containers and Pumps
170.100	Piping (Repealed)
170.105	Approval of Plans (Repealed)
170.106	Installer, Repairer or Remover of Underground Storage Tanks (Repealed)
170.107	Tester of Underground Storage Tanks and Cathodic Protection (Repealed)
170.108	Pressure Testing (Repealed)
170.110	Building
170.115	Safe Heat Required
170.120	No Flammable or Combustible Liquids Within Building – Exception
170.130	Greasing Pits
170.140	Wash and Greasing Rooms
170.145	Fire Extinguishers

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- 170.150 Self-Service – No Self-Service Without Permit; Procedures and Regulations
- 170.160 Care and Attendance
- 170.170 Fire Extinguishers (Repealed)
- 170.180 Sale of Fireworks
- 170.190 Approval of Plans (Repealed)
- 170.200 Defective Equipment
- 170.210 Deliveries from Portable Tanks Restricted
- 170.211 Dispensing or Delivery of Flammable or Combustible Motor ~~Vehicle~~ Fuels from Tank Vehicles
- 170.212 Requirements for Permit to Fuel Motor Vehicles from Portable Tank Trucks and Tank Wagons
- 170.310 Unattended Self-Service Other Than Fleet Operations

## SUBPART B: UNDERGROUND STORAGE TANKS – TECHNICAL REQUIREMENTS

## Section

- 170.400 Definitions
- 170.410 Incorporations by Reference
- 170.411 USTs Out of ~~Operation~~ One Year Service
- 170.412 Delegation of Authority to Enforce UST Rules and Regulations
- 170.420 Design, Construction, Installation, Upgrade Procedures and Notification of ~~New~~ UST Systems
- 170.421 Piping
- 170.422 Clearance Required for Underground Storage Tanks
- 170.423 Pressure Testing
- 170.424 Venting of Tanks
- 170.425 Fill Pipes
- 170.426 Pumps
- 170.427 Defective or Non-Compliant Equipment
- 170.428 General Requirements for UST Fuel Dispensing Systems
- 170.429 Unloading Operations
- 170.430 Interior Lining and Lining Inspection ~~Upgrading of Existing~~ UST Systems
- 170.431 Limitation on Interior Lining of USTs (~~Repealed~~)
- 170.440 Notification Requirements for Purposes of UST Registration
- 170.441 Payment of 1988 Annual UST Fee
- 170.442 UST Registration Fees
- 170.450 Owner/Operator Spill and Overfill Release Control Responsibilities
- 170.460 ~~Operation and Maintenance of~~ Corrosion Protection
- 170.470 UST Compatibility with Product Stored
- 170.480 Repairs Allowed

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- 170.481 Emergency Repairs
- | 170.490 Reporting and Recordkeeping (~~Repealed~~)
- 170.500 General Release Detection Requirements for All UST Systems
- | 170.510 Release Detection Requirements for Petroleum UST Systems (~~Repealed~~)
- 170.520 Release Detection Requirements for Hazardous Substance UST Systems
- | 170.530 Methods and Requirements of Release Detection for Tanks
- | 170.540 Methods and Requirements of Release Detection for Piping
- | 170.541 Installer, Repairer, ~~Liner Reliner~~ or Remover of USTs and Obtaining Permits
- 170.542 Site Plans
- 170.543 Notification and Establishment of Time Certain and Date Certain for Underground Storage Tank Activity
- | 170.544 Tester of Underground Storage Tanks, ~~and~~ Cathodic Protection and UST Equipment
- 170.545 USTs Inside or Under Buildings
- 170.546 UST Restrictions at Service Stations
- | 170.550 Release Detection and Cathodic Protection Recordkeeping
- 170.560 Reporting of Suspected Releases
- | 170.570 Investigation Due to Off-Site Impacts (~~Repealed~~)
- | 170.580 Release Investigation ~~and Confirmation Steps~~ Reporting, Site Assessment, Initial Response
- 170.590 Reporting and Cleanup of Spills and Overfills
- 170.600 Initial Response for UST Systems Containing Petroleum or Hazardous Substances (~~Repealed~~)
- | 170.610 Initial Abatement Measures and Site Assessment
- | 170.620 Temporary Out-of-Service Status for UST Systems (~~Repealed~~)
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TABLE A	Schedule for Phase-in of Release Detection
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AUTHORITY: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].

SOURCE: Rules and Regulations Relating to Service Stations filed July 10, 1958; amended March 6, 1963 and April 4, 1977; codified at 5 Ill. Reg. 10692; emergency amendment at 7 Ill. Reg. 1477, effective January 26, 1983, for a maximum of 150 days; emergency expired June 25, 1983; emergency amendment at 8 Ill. Reg. 10058, effective June 29, 1984, for a maximum of 150 days; emergency expired November 26, 1984; amended at 9 Ill. Reg. 9514, effective October 1, 1985; emergency amendment at 10 Ill. Reg. 345, effective January 1, 1986, for a maximum of 150 days; emergency expired June 1, 1986; emergency amendment at 10 Ill. Reg. 12324, effective July 2, 1986, for a maximum of 150 days; emergency expired November 29, 1986; amended at 10 Ill. Reg. 19976, effective January 5, 1987; amended at 12 Ill. Reg. 8023, effective April 26, 1988; emergency amendments at 13 Ill. Reg. 1886, effective January 27, 1989, for a maximum of 150 days; emergency expired June 26, 1989; amended at 13 Ill. Reg. 5669, effective April 21, 1989; amended at 13 Ill. Reg. 7744, effective May 9, 1989; amended at 13 Ill. Reg. 8515, effective May 23, 1989; amended at 13 Ill. Reg. 8875, effective May 24, 1989; amended at 13 Ill. Reg. 14992, effective September 11, 1989; amended at 14 Ill. Reg. 5781, effective April 10, 1990; amended at 15 Ill. Reg. 7042, effective April 29, 1991; amended at 16 Ill. Reg. 4845, effective March 12, 1992; emergency amendment at 17 Ill. Reg. 1186, effective January 12, 1993, for a maximum of 150 days; emergency expired June 11, 1993; amended at 19

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Ill. Reg. 5467, effective April 1, 1995; amended at 20 Ill. Reg. 4698, effective March 11, 1996; amended at 21 Ill. Reg. 8945, effective July 15, 1997; amended at 22 Ill. Reg. 21339, effective December 1, 1998; amended at 24 Ill. Reg. 12462, effective August 1, 2000; amended at 25 Ill. Reg. 9015, effective July 5, 2001; amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: UNDERGROUND STORAGE TANKS – TECHNICAL REQUIREMENTS

**Section 170.400 Definitions**

"Abandonment-in-place" is the permanent placement of a UST in an inoperative condition by filling it with inert material in accordance with Section 170.670.

"American Suction" is any suction system other than European, and requires a tightness test every 3 years.

"Bulk storage" means the containment in a UST or aboveground storage tank of a regulated substance for direct transference for purposes of distribution into a tank vessel, pipeline, tank car, tank vehicle, portable tank or container – except that the minimum size of the "container" is required to be greater than the maximum allowed for "dispensing-".

"Cathodic protection" is a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, a tank system can be cathodically protected through the application of either galvanic anodes or impressed current.

"Cathodic protection tester" means a person who can demonstrate an understanding of the principles and measurement of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. This person shall have education and experience in soil resistivity, stray current, structure-to-soil potential and component electrical isolation measurements of buried metal piping and tank systems.

"Compatible" means the ability of two or more substances to maintain their respective physical properties upon contact with one another for the design life of the tank system under conditions likely to be encountered in the UST.

"Containment sump" means manufactured containments resistant to petroleum and chemical products that contain piping, electrical conduits, pumps and leak sensors.

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"Contractor" is a licensed person, excluding employees of the contractor, who performs any UST activity.

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

"Days" – 30 days when noted refers to calendar days, any other reference to "days" will be considered working days unless otherwise stated.

"Dielectric material" is one that does not conduct direct electric current. Dielectric coatings are used to electrically isolate UST systems from the surrounding soil. Dielectric bushings are used to electrically isolate portions of the UST system (i.e., tank from piping).

"Dispensing" means the transference of a regulated substance from a UST or aboveground storage tank (AST) directly into the fuel tank of a motor vehicle operated by an internal combustion engine, for use by that motor vehicle. Also, "dispensing" is the transference of a regulated substance from a UST or AST directly into a portable container, as prescribed in 41 Ill. Adm. Code 170.150.

"European suction" is a piping system that draws a liquid through the system by suction pump or vacuum pump located at the dispenser. This system shall have the piping sloped back to the tank and may have no more than one check valve, and it shall be located directly under the suction pump. This type of piping system never requires line leak detection.

"Excavation zone" is the volume containing the tank system and backfill material bounded by the ground surface, walls and floor of the pit and trenches into which the UST system is placed at the time of installation.

"Existing tank system" means a tank system used to contain an accumulation of regulated substance or for which installation has commenced before April 21,

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1989. Installation is 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 and~~ installation of the tank system ~~if and system is completed and brought into operation~~;

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

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

"Farm" is a tract of land devoted to the production of crops or raising of animals, including fish. "Farm" includes all contiguous land and structures and other appurtenances and improvements; also, fish hatcheries, rangeland and nurseries with growing operations. "Farm" does not include agribusiness (as defined in 20 ILCS 3605/2(i)), laboratories where animals are raised, land used to grow timber and pesticide aviation operations. Moreover, this definition does not include retail stores or garden centers where the produce of nursery farms is marketed, but not produced.

"Farm tank" means a motor fuel UST located on a farm and used exclusively for farm purposes.

"Flow-through process tank" is a tank that forms an integral part of a production process through which there is a steady, variable, recurring or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction to the process or for the storage of finished products or by-products from the production process. When the process is shut down, flow-through process tanks do not store product to be used once the process is resumed and may contain no more than a de minimis amount of product.

"Gathering lines" are any pipeline, equipment, facility or building used in the transportation of oil or gas during oil or gas production or gathering operations.

"Hazardous substance" means any substance defined in Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 (42 U.S.C. Section 9601); but not including any substance

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regulated as a hazardous waste under subtitle C of the Resource Conservation and Recovery Act (RCRA) of 1976 (42 U.S.C. Section 6901 et seq.).

"Hazardous substance UST system" means an underground storage tank system that contains a hazardous substance or any mixture of such substances and petroleum and which is not a petroleum UST system.

"Heating oil" means petroleum that is No. 1, No. 2, No. 4-light, No. 4-heavy, No. 5-light, No. 5-heavy or No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C) and other fuels when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers or furnaces.

"Heating oil tank for consumptive use on the premises where stored" means heating oil consumed exclusively on the premises where the heating oil UST is located, for space-heating or water-heating purposes. It does not include using heating oil to heat from a boiler or furnace through direct conductivity any product or substance used in a manufacturing or production process or using heating oil as an ingredient in a manufacturing or production process. Heating oil used to heat grain dryers or kilns is used for consumptive use on the premises.

"Hydraulic lift tank" means a tank holding hydraulic fluid for a closed loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators or other similar devices.

"Interior liner" is a person who applies interior or internal lining.

"Interior or internal lining" means corrosion and chemical resistant materials that are sprayed, brushed or applied to the inside of a tank to protect the tank and its product from contamination by corrosion. Interior lining is applied by an interior liner.

"Kerosene" is a refined petroleum distillate consisting of a homogeneous mixture of hydrocarbons essentially free of water, inorganic, acidic or basic compounds, and excessive amounts of particulate contaminants. Two classifications are recognized by ASTM D 3699-92, incorporated by reference in Section 170.410, as follows:

No. 1-K – A special low-sulfur grade kerosene suitable for use in nonflue-connected kerosene burner appliances and for use in wick-fed illuminating

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lamps; and

No. 2-K – A regular grade kerosene suitable for use in flue-connected burner appliances and for use in wick-fed illuminating lamps.

"Liquid traps or associated gathering lines directly related to oil or gas production or gathering operations" refer to sumps, well cellars or other traps used in association with oil or gas production, gathering or extraction operations (including gas production plants), for the purpose of collecting oil, water or other liquids. Such liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream or may collect and separate liquids from a gas stream.

"Motor fuel" means petroleum or a petroleum-based substance that is motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel or any grade of gasohol and is typically used in the operation of a motor engine.

"New tank system" means a tank system that will be used to contain an accumulation of regulated substances and for which installation commenced on or after April 21, 1989. A new tank system may include a tank which has been installed, contained regulated substances, removed and re-certified.

"Noncommercial purposes" with respect to motor fuel means not for resale and shall be exclusively for farm or residential use.

"OMI" – Operational Maintenance Inspection is an inspection performed by a STSS to establish a facility's regulatory compliance.

"On the premises where stored" means tanks located on the same or contiguous property where the stored heating oil is used. "On the premises" is not limited to the building where the heating oil is stored. Thus, centralized heating units using heating oil that serve more than one building on the same property are included.

"Operation" or "use" in reference to underground storage tanks *means that the tank must have had input or output of petroleum, petroleum products, or hazardous substances, with the exception of hazardous wastes, during the regular course of its usage. "Operation" does not include (i) compliance with leak detection requirements as prescribed by rules and regulations of the Office of the State Fire Marsal or (ii) the mere containment or storage of petroleum products, or hazardous substances, with the exception of hazardous wastes.* [430 ILCS

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"Operator" means any person in control of, or having responsibility for, the daily operation of the UST system.

"OSI" – Operational Safety Inspection, an inspection of removal, abandon-in-place, and any tank entry activity, requiring a STSS on site.

"OSFM" means the Office of the State Fire Marshal.

"Overfill release" is a release that occurs when a tank is filled beyond its capacity, resulting in a discharge of the regulated substance to the environment.

"Owner" means:

In the case of a UST system in use on November 8, 1984, or brought into use after that date, any person who owns a UST system used for storage, use or dispensing of regulated substances; and

In the case of any UST system in use before November 8, 1984, but no longer in use on that date, any person who owned such UST immediately before the discontinuation of its use.

"PAI" – Performance Assurance Inspection, an inspection of UST installation and upgrades, where a STSS is scheduled by Date and Time Certain Job Schedules.

"Person" means an individual, trust, firm, partnership, joint stock company, corporation, Federal agency, state, municipality, commission, unit of local government or political subdivision of a state or any interstate body. "Person" also includes consortium, joint venture, commercial entity or the United States Government.

"Petroleum" (including crude oil or any fraction of crude oil that is liquid at standard conditions of temperature and pressure (60° F and 14.7 pounds per square inch absolute)), includes, but is not limited to, petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading or finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents or used oils.

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"Petroleum UST system" means an underground storage tank system that contains petroleum or a mixture of petroleum with de minimis quantities of hazardous substances. Such systems include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents or used oils.

"Pipe or piping" is any hollow cylinder or tubular conduit that is constructed of non-earthen materials.

"Pipeline facilities (including gathering lines)" include new or existing pipe rights-of-way and any equipment, facilities or buildings used in the transportation of gas (or hazardous liquids, which include petroleum or any other liquid designated by the United States Secretary of Transportation) or the treatment of gas or designated hazardous liquids during the course of transportation.

"Re-Certification" of Removed USTs: A re-certified tank is any tank that has been internally and externally inspected. These inspections and recertifications shall be conducted by a member of the Steel Tank Institute or Fiberglass Tank Institutes, or original manufacturer. The re-certified tank must have a warranty remaining for at least 5 years and must be submitted in writing to OSFM.

~~"Re-certification" (of a UST) means when the UST is to be re-certified a certified member of the Steel Tank Institute or Fiberglass Petroleum Tank and Pipe Institute (whichever is appropriate) or the manufacturer has inspected the UST and issued its approval as to the adequacy of integrity of the UST to contain regulated product in accordance with applicable laws and regulations. A re-certified UST that is re-installed is classified as a "new tank system." The Fiberglass Petroleum Tank and Pipe Institute address is: 9801 Westheimer, Suite 606, Houston, TX 77042-3951, (713) 465-3310; the address for the Steel Tank Institute is located in Section 170.410.~~

"Regulated substance" means petroleum or hazardous substance as defined in this Section.

"Release" means any spilling, overfilling, leaking, emitting, discharging, escaping, leaching or disposing from a UST into groundwater, surface water or subsurface soils.

"Reliner" means "interior liner-".

"Repair" means to restore a UST system component that has caused or may cause

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a release of product from the UST system.

"Residence" means single-family dwelling unit or duplex and parcel of property each is located on, with only one unit or duplex per parcel.

"Residential tank" is a motor fuel UST located on residential property used for noncommercial purposes by a single family and located on property on which that family's residence is located. For purposes of this definition, "residence" shall include a single-family dwelling or duplex.

"Service stations" are defined as:

"Automotive service station": That portion of property where regulated substances used as motor fuels are stored and dispensed for retail sale (see Section 2 of the Use Tax Act for a definition of "retail sale" [35 ILCS 105/2]) from fixed equipment into the fuel tanks of motor vehicles operated by internal combustion engines, for use by those motor vehicles.

"Marine service station" or "Marina-": That portion of property where regulated substances used as motor fuels are stored and dispensed from fixed equipment on shore, piers, wharves or floating docks into the fuel tanks of self-propelled craft operated by internal combustion engines, for use by those self-propelled craft.

"Service station," whether automotive ~~or of~~ marine, includes attended service station, attended self-service station and unattended self-service station.

"Site Assessment" is sampling and the analytical results of these samples to make the determination if a release has occurred and if contamination is present on a site. In making this determination consideration shall include, but not be exclusive to the following factors: areas most likely that contamination may exist, nature of the stored substance, the type of initial alarm or cause for suspicion, the types of backfill, the depth of groundwater, and any other factors appropriate for identifying the presence and source of a release.

"Spill release" is a release that usually occurs at the fill pipe opening of a tank when a delivery truck's hose is disconnected from the fill pipe, while product continues to exit the hose, resulting in a discharge of the regulated substance to the environment.

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"Storm-water" or "wastewater" collection system is all piping, pumps, conduit and any other equipment necessary to collect and transport the flow of surface water run-off resulting from precipitation or domestic, commercial or industrial wastewater to and from retention areas or areas where treatment is designated to occur. The collection of storm-water or wastewater does not include treatment, except where incidental to conveyance.

"STSS" means Storage Tank Safety Specialist.

"Surface impoundment" is a natural topographic depression, man-made excavation or diked area formed primarily of earthen materials (although it may be lined with man-made materials) that is not an injection well.

"Tank" is a stationary device designed to contain an accumulation of regulated substances and constructed of non-earthen materials (e.g., steel, fiberglass, concrete or plastic) that provides structural support.

"Ten percent or more beneath the surface of the ground" with reference to a tank, means that its volume (including the volume of its connected underground piping) is 10 percent or more beneath the ground surface or otherwise covered with earthen materials. If a tank is in a vault, it is considered "beneath the surface of the ground," if it cannot be viewed from all sides and top and base.

"Underground pipes connected thereto" means all underground piping, including valves, elbows, joints, flanges and flexible connectors attached to a tank system through which regulated substances flow. For the purpose of determining how much piping is connected to any individual UST system, the piping that joins two UST systems should be allocated equally between the systems. Where tanks are manifolded together with product piping, each tank is considered a separate UST system. Exempt tanks shall not be connected by piping to regulated tanks.

"Underground storage tank system" or "UST" means any one or combination of tanks (including underground pipes, ancillary equipment and cathodic protection connected thereto) used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. A tank system classified as a UST may not be re-classified as being a non-UST unless there has been a change-in-service as provided in Section 170.630. A non-UST system tank used to store a non-regulated substance may not be converted to a UST

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system tank unless the tank has been re-certified and is in compliance with all applicable upgrade requirements. A UST system does include an emergency power generator tank that stores any classification of fuel for use exclusively, alternately or concurrently by an emergency power generator, except as otherwise excluded in this definition. The term "underground storage tank system" or "UST" does not include any pipes connected to any tank excluded from this definition. Underground storage tank system or UST does not include any tank system as follows:

Farm or residential tank with a capacity of 1,100 gallons or less used for storing motor fuel for noncommercial purposes;

Heating oil tank of any capacity used exclusively for storing heating oil for consumptive use on a farm or residence;

Septic tank;

Pipeline facility (including gathering lines):

Regulated under the Natural Gas Pipeline Safety Act of 1968 (49 ~~USC U.S.C.~~ 1671, et seq.);

Regulated under the Hazardous Liquid Pipeline Safety Act of 1979 (49 ~~USC U.S.C.~~ 2001, et seq.); or

Regulated under the Illinois Gas Pipeline Safety Act [220 ILCS 20];

Any wastewater treatment tank system (including oil-water separators) that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act;

Surface impoundment, pit, pond or lagoon;

Storm-water or wastewater collection system;

Flow-through process tank;

Emergency spill protection tank or overflow tank that is emptied expeditiously following use;

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Liquid trap or associated gathering line directly related to oil or gas production and gathering operations;

Storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft or tunnel) if the storage tank is situated upon or above the surface of the floor and can be viewed from all sides and top and base;

Storage tank situated in a vault (whether underground or aboveground), if the storage tank is situated upon or above the surface of the floor or ground and can be viewed from all sides and top and base;

Tank abandoned-in-place by filling with inert material in compliance with Section 170.670 issued by the Office of the State Fire Marshal;

Tank with a capacity of 110 gallons or less;

Any UST system holding hazardous wastes listed or identified under Subtitle C of the Solid Waste Disposal Act (42 ~~USC U.S.C.~~ 3251 et seq.);

Tank that contains a de minimis concentration of regulated substances, except that such tank shall have been in such status as of April 21, 1989 and may not have been converted to a UST system tank on or after that date, unless the tank has been re-certified and is in compliance with applicable upgrade requirements; or

Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks or electrical equipment tanks.

The following UST systems are deferred from the requirements of Sections 170.420 through 170.580 and 170.620 through 170.672 (whether single- or double-wall construction):

Wastewater treatment tank system (including oil-water separators, except that oil-water separators which are components of an oil processing, refining or treatment system are not wastewater treatment tanks);

Any UST system containing radioactive material that is regulated under the Atomic Energy Act of 1954 (42 ~~USC U.S.C.~~ 2011);

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Any UST system that is part of an emergency generation system at a nuclear power generation facility regulated by the United States Nuclear Regulatory Commission;

Airport hydrant fuel distribution system; and

Any field-constructed tank.

Although the systems deferred immediately above are exempt from the requirements in Sections 170.420 through 170.580 and 170.620 through 170.672, they are required to comply with Sections 170.590 through 170.610 and, by December 22, 1998, are required to comply with the following:

Be constructed to prevent releases due to corrosion or structural failure for the operational life of the UST system;

Be cathodically protected against corrosion, constructed of non-corrodible material, steel clad with a non-corrodible material, or designed in a manner to prevent the release or threatened release of any stored substance;

Be constructed or lined with material that is compatible with the stored substance; and

An owner of a UST system with a field-constructed tank shall install a method for leak detection in accordance with written directives issued by the Office of the State Fire Marshal.

"UST activity" means a UST:

Installation – including retrofitting and cathodic protection installation;

Repair – including upgrade, which includes retrofitting and cathodic protection installation;

Removal – decommissioning, which includes abandonment-in-place;

Relining Lining;

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Lining inspections, Lining touchup;

Tank entry;

Tank and/or line precision ~~tightness~~-testing; or

Cathodic protection testing.

"Upgrade" is the addition or retrofit of some portion of a UST system, such as cathodic protection, leak detection, new dispenser islands, new piping, interior lining (~~lining~~relining) or spill and overfill controls, manway, flex connectors or new bungs, to improve the ability of the UST to prevent the release of product.

"Wastewater treatment tank" means a tank that is designed to receive and treat any influent wastewater through physical, chemical or biological methods.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.410 Incorporations by Reference**

- a) The following publications are incorporated by reference in this Subpart:  
American National Standards Institute (ANSI). Available from the American National Standards Institute, 11 W. 42nd Street, New York, NY 10036 (212)642-4900:

~~ANSI/ASME B31.3—1992, with addenda ANSI/ASME B31.3a—1993.~~  
ANSI/ASME B31.3b—1994-2000, "Chemical Plant and Petroleum Refinery Piping-";

ANSI/ASME B31.4—~~1992-1999~~, with addendum ANSI/ASME B31.4a—1994, "Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols-";

ANSI Z117.1—~~1989-1995~~, "Safety Requirements for Confined Spaces-";

American Petroleum Institute (API). Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005 (202) 682-8375:

API Recommended Practice 1604, "Removal and Disposal of Used Underground Petroleum Storage Tanks,"; Third Edition, 1996  
~~Second Edition, December 1987, Supplement 1989.~~

API Recommended Practice 1615, "Installation of Underground Petroleum Storage Systems,"; ~~Fourth-Fifth~~ Edition, November 1987, Supplement 1989-1996.

~~API Recommended Practice 1621, "Bulk Liquid Stock Control at Retail~~

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~~Outlets," Fifth Edition, May 1993.~~

~~API Recommended Practice 1626, "Storing and Handling Ethanol and Gasoline Ethanol Blends at Distribution Terminals and Service Stations," First Edition, April 1985, Reaffirmed 1993.~~

~~API Recommended Practice 1627, "Storage and Handling of Gasoline-Methanol/Consolvent Blends at Distribution Terminals and Service Stations," First Edition, August 1986, Reaffirmed 2000-1993.~~

~~API Recommended Practice 1631, "Interior Lining of Underground Storage Tanks," Fifth Third Edition, 2001 April 1992.~~

~~API Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," Third-Second Edition, 1996 December 1987, Supplement 1989.~~

~~API Standard 2015- 2, "Safe Entry and Cleaning of Petroleum Storage Tanks," Sixth-Fifth Edition, 2001 May 1994.~~

~~API Publication 2200, "Repairing Crude Oil, Liquefied Petroleum Gas, and Product Pipelines," Third Edition, December 1993.~~

American Society for Testing and Materials (ASTM). Available from the American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19103 (610) 832-0500 (215)299-5400:

~~ASTM D 3699-01-3699-92, "Standard Specification for Kerosine," 2, approved 2001-October 15, 1992.~~

~~ASTM D 4021-92, "Standard Specification for Glass Fiber Reinforced Polyester Underground Petroleum Storage Tanks," approved July 25, 1986.~~

~~The ICC Building Code available from Building Officials & Code Administrators International, Inc., 4051 W. Flossmorr Rd., Country Club Hills IL 60477-5795, (708) 799-2300; The BOCA National Codes. Available from Building Officials & Code Administrators International, Inc., 4051 W. Flossmoor Rd., Country Club Hills, IL 60477-5795 (708)799-2300~~

~~Section 707, "Fire Walls and Party Walls," ICC Building Code -BOCA National Building Code, Twelfth Edition, 1999 1993.~~

NACE International (NACE). Available from NACE International, 1440 S. Creek Dr., Houston, TX 77084 (281) 228-6223 (713)492-0535:

~~NACE Standard Recommended Practice RPO169-9692, "Control of Underground Storage Tank System by Cathodic Protection Control of External Corrosion on Underground or Submerged Metallic Piping Systems," 2, revised June 1992.~~

~~NACE Standard Recommended Practice RP0285-95 85, "Corrosion Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," 2, approved March 1985.~~

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

NFPA 30, "Flammable and Combustible Liquids Code," issued ~~2000~~1993. Also available from ANSI.

NFPA 30A, "Automotive and Marine Service Station Code," issued ~~2000~~1993. Also available from ANSI.

NFPA 70, "National Electrical Code," issued ~~1999~~1993. Also available from ANSI.

NFPA 101, "Life Safety Code," issued ~~2000~~1994. Also available from ANSI.

NFPA ~~326~~327, "Standard Procedures for Cleaning or Safeguarding Small Tanks and Containers," issued ~~1999~~1993. Also available from ANSI.

NFPA 385, "Tank Vehicles for Flammable and Combustible Liquids," issued ~~2000~~1990. Also available from ANSI.

National Leak Prevention Association (NLPA). Available from the National Leak Prevention Association, P.O. Box 1643, Boise, ID 83701-1643 (208) 389-2074:

NLPA Standard 631 (ANSI/NLPA 631 Chapters A & B Only), "Entry, Cleaning, Interior Inspection, Repair and Lining of Underground Storage Tanks," Third Edition, 1991.

National Work Group on Leak Detector Evaluations (NWGLDE), 8<sup>th</sup> Edition of list available at [www.nglde.org](http://www.nglde.org)

Petroleum Equipment Institute (PEI). Available from the Petroleum Equipment Institute, Box 2380, Tulsa, OK 74101 (918) 494-9696:

PEI/RP100-~~0094~~, "Recommended Practices for Installation of Underground Liquid Storage Systems," ~~2000~~1994 Edition.

Steel Tank Institute (STI). Available from the Steel Tank Institute, 570 Oakwood Road, Lake Zurich, IL 60047 (~~847~~708) 438-8265:

STI, (~~F841.01~~) "Standard for Dual Wall Underground Steel Storage Tanks," effective ~~June 1, 2001~~February 15, 1991.

STI (~~F894.01~~) (ACT 100), "Specification for External Corrosion Protection of FRP Composite Steel Underground Storage Tanks," revised ~~May 31, 2001~~March 6, 1991.

STI-P3, "Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks," revised ~~May 31, 2001~~1994.

Underwriters Laboratories, Inc. (UL). Available from Underwriters Laboratories, Inc., Publications Stock, 333 Pfingsten Rd., Northbrook, IL 60062-2096 (708) 272-8800:

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UL 58 – ~~1996~~1986, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids and LP-Gas," ~~Ninth~~ Eighth Edition, ~~revised December 31, 1996~~ April 15, 1986. Also available from ANSI.

UL 567 – 1992, "Standard for Pipe Connectors for Flammable and Combustible Liquids and LP-Gas," ~~Eighth~~ Seventh Edition, March 12, 1984, as revised ~~June 7, 1996~~ August 3, 1990. Also available from ANSI.

UL 842 – ~~1997~~1993, "Valves for Flammable Liquids," ~~Eighth~~ Seventh Edition, ~~April 30, 1997~~ June 3, 1993. Also available from ANSI.

UL 1316, "Standard for Glass Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products," Second Edition, January 7, 1994. Also available from ANSI.

UL 1746 – 1993, "External Corrosion Protection Systems for Steel Underground Storage Tanks," Second Edition, July 27, 1993. Also available from ANSI.

Underwriters Laboratories of Canada (UL Canada). Available from Underwriters Laboratories of Canada, 7 Crouse Rd., Scarborough, Ontario M1R 3A9 CANADA (416) 757-3611:

UL Canada Standard CAN/ULC-S603.1-92, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids," Second Edition, August 1992.

UL Canada Standard CAN/ULC-S603-92, "Standard for Galvanic Corrosion Protection ~~Systems~~ for Steel Underground Tanks for Flammable and Combustible Liquids," Second Edition, September 1992.

UL Canada Standard CAN4-S615-~~M83~~, "Standard for Reinforced Plastic Underground Storage Tanks for Petroleum Products," 1998 ~~Edition~~ First Edition, ~~February 1983~~.

"UL Canada Standard CAN4-S631-~~M84~~, "Standard for Isolating Bushings for Steel Underground Tanks Protected with Coatings and Galvanic Systems," 1998 ~~Edition~~ First Edition, ~~May 1984~~.

UL Canada Standard CAN/ULC-S633-M90, "Flexible Underground Hose Connectors for Flammable and Combustible Liquids," Second Edition, June 1990.

"UL Canada Subject ULC/ORD-C107.7-1993. "Glass-Fibre Reinforced Plastic Pipe and Fittings for Flammable and Combustible Liquids," First Edition, February 1993.

Title 35 Ill. Adm. Code 742, Appendix B.

International Conference of Building Officials (ICBO), 2001 Candidate Bulletin –

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Voluntary Certification Program effective January, 2001, 5360 Workman Mill Road, Whittier, California 90601-2278, (800) 423-6587 ext. 3419, www.idbo.org.

- b) Code of Federal Regulations (CFR). Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401 (202) 512-1800:  
40 CFR 302.5 and 302.6 (1993).
- c) This Section incorporates no later editions or amendments.
- d) Where the above-referenced publications conflict with Part 170, the State regulations shall take precedence.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.411 USTs Out of Service Operation One Year**

USTs may remain non-operational, but have to meet the complete upgrade requirements as required by the Office of the Illinois State Fire Marshal and Title 40 CFR Federal Regulations, and may continue in a state of nonuse provided the following is in compliance:

- a) The UST and product lines are completely empty and no more than 1 inch of product in the tank; if not, tank and line release detection must remain in operation and must be maintained.
- b) Cathodic protection shall be maintained and operational for all tanks and lines, and tested as required, to include flex/pipe connectors. This will include any monthly logs that need to be maintained.
- c) The Office of the State Fire Marshal receives written request within 30 days after date last used requesting out of service status.
- d) Leave vent lines open and functioning.
- e) Cap and secure all product and electric lines. Secure all pumps, man-ways and ancillary equipment.
- f) A UST system may be put back in operation any time during the first 12 months with the only requirement that the OSFM be notified in writing, 10 days prior to operation.
- g) A site assessment shall be conducted at the end of one year from the date of non-use, and report submitted to OSFM.
- h) Systems out of use for over 1 year may be put back in service provided that:
  - 1) Tanks and lines are to be precision tested.
  - 2) Line leak detectors must be tested.
  - 3) Tank and line release detection is tested and proven operational.
  - 4) Cathodic protection is tested and proven sufficient
  - 5) Site assessment was conducted at the end of the first year.

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- 6) All test results conducted in (h) (1) thru (5) must be performed within 30 days after placing the tank back in service and submitted to the Office of the State Fire Marshal 10 days prior to reopening, so that, a certification audit can be performed.
- i) The state of non-operations may continue for a period of 5 years from the first date of non-operational status. After 5 years the tank system shall be removed.
- ~~USTs not in operation, as defined in Section 170.400, for a period of one year, do not have to be in compliance with Sections 170.420 through 170.430 or 170.450 through 170.540 and shall not comply with 170.620 or 170.630 (except as applicable), but shall otherwise comply with this Subpart as required.~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.412 Delegation of Authority to Enforce UST Rules and Regulations**

Pursuant to 430 ILCS 15/2, the Office of the State Fire Marshal has authority to delegate to the City of Chicago enforcement of its underground storage tank rules and regulations.

- a) The methods and procedures of this enforcement do not have to be identical with those of the Office; however, the Office has oversight concerning such enforcement.
- b) Subject to the terms of such a delegation agreement, where the Office of the State Fire Marshal is expressly authorized to initiate enforcement action, the City of Chicago has concurrent authority.
- c) The rules and regulations of the City of Chicago shall not be less stringent than those of the Office of the State Fire Marshal in this Part.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.420 Design, Construction, Installation, Upgrade Procedures and Notification of ~~New~~ UST Systems**

- a) Tanks. Each tank shall be properly designed, constructed and installed, and any portion underground that routinely contains product shall be protected from corrosion, in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory, as specified below:
- 1) The tank is constructed of fiberglass-reinforced plastic. (The following industry codes, incorporated by reference in Section 170.410, may be used to comply with this subsection (1): UL 1316; UL Canada Standard CAN4-S615; or ASTM D 4021-92.) To prevent penetration of the tank bottom, all non-metallic tanks shall be equipped with steel striker plates on the

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tank bottom immediately below any opening which might be used for taking dipstick measurements.

- 2) The tank is constructed of steel and cathodically protected (The following codes and standards, incorporated by reference in Section 170.410, may be used to comply with this subsection (2): STI-P3; UL Canada Standard CAN4-S603, CAN4-S603.1 and CAN4-S631; NACE RPO285; or UL 58.) in the following manner:
  - A) Metallic tanks shall be thoroughly coated on the outside with suitable rust-resisting dielectric material.
  - B) Field-installed cathodic protection systems are designed by a corrosion expert.
  - C) Impressed current systems are designed to allow determination of current operating status as required in Section 170.460(c).
  - D) Cathodic protection systems are operated and maintained in accordance with Section 170.460.
- 3) Steel tanks shall be set on firm foundations and surrounded with at least 12 inches of non-corrosive inert material such as clean sand or gravel, well-tamped in place. The tank shall be placed in the hole with care, since dropping or rolling the tank into the hole can break a weld, puncture or damage the tank or scrape off the protective coating of coated tanks.
- 4) Steel tanks shall be covered with a minimum of three feet of earth. USTs existing on October 1, 1985 shall have been buried so that the tops of the tanks will not be less than two feet below the surface of the ground or shall be under at least 12 inches of earth and a slab of reinforced concrete not less than four inches in thickness; the slab shall be set on a firm, well-tamped earth foundation and shall extend at least one foot beyond the outline of the tank in all directions. When asphaltic or reinforced paving is used as part of the protection, it shall extend at least one foot horizontally beyond the outline of the tank in all directions.
- 5) Either:
  - A) The tank is constructed of a steel-fiberglass-reinforced plastic composite (The following industry codes, incorporated by reference in Section 170.410, may be used to comply with this subsection (a)(5): Act-100 or UL 1746.); or
  - B) The tank construction and corrosion protection are determined by the Office of the State Fire Marshal to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health or the environment than subsections (a)(1) and (2) of this Section above. Before the installation of any such tank, its construction and

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corrosion protection shall be submitted to the Office in writing and is subject to written approval by the Office.

- 6) Re-certified tanks may satisfy the requirements of subsections (a)(1) and (2) of this Section above; however, written proof of such re-certification shall be submitted to the Office of the State Fire Marshal and STSS. Re-certified tanks must be reinstalled within 6 months of removal or re-certification, whichever is sooner. Re-certified tanks must have a warranty remaining for at least 5 years. Re-certifications must be conducted by a member of the Steel Tank Institute, Fiberglass Tank Institute, or the original tank manufacturer.
- b) Spill and overfill prevention equipment.
  - 1) To prevent spilling and overfilling associated with product transfer to the UST system, owners or operators shall use the following spill and overfill prevention equipment:
    - A) Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (e.g., a spill catch catchment basin). New or replaced spill prevention equipment must have a minimum of 5 gallon capacity and be maintained in a dry, clean state; and
    - B) Overfill prevention equipment that:
      - i) Automatically shuts off flow into the tank when the tank is no more than 95 percent full;
      - ii) Alerts the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high-level alarm; or
      - iii) Provides alternative methods that are no less restrictive than Subpart A or B and no less protective of human health or the environment, as approved in writing by the Office of the State Fire Marshal.
    - C) Float vent valves for overfill prevention shall not be allowed on any type suction system.
  - 2) Owners or operators are not required to use the spill and overfill prevention equipment specified in subsections (b)(1)(A) and (B) of this subsection, if:
    - A) Alternative equipment is used that is determined by the Office of the State Fire Marshal in writing to be no less protective of human health or the environment than the equipment specified in subsection (b)(1)(A) and (B) of this subsection ; ~~or~~
    - B) The UST system is filled by transfers of no more than 25 gallons at one time, but shall have spill containment.

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- c) Installation tank, piping and upgrade procedures.
- 1) Excavation for USTs shall be made with due care to avoid undermining of foundations of existing structures. All USTs under buildings shall be located with respect to existing building foundations and supports so that the loads carried by the latter cannot be transmitted to the tank.
  - 2) All tanks and piping shall be properly installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions. (Tank and piping system installation practices and procedures described in the following codes, incorporated by reference in Section 170.410, may be used to comply with this subsection (c)(2): API Recommended Practice 1615; PEI Publication RP100; or ANSI B31.3 and B31.4.)
  - 3) Metallic tanks shall not be surrounded or covered by cinders or other material of corrosive effect. Corrosion protection shall be provided in accordance with Section 2-3.3 of NFPA 30, incorporated by reference in Section 170.410, where soil resistivity is 10,000 ohm-centimeters or less. Such corrosion protection shall be in accordance with API 1615, incorporated by reference in Section 170.410.
  - 4) Secure proper permitting and job schedules for installation, piping or upgrades and obtain a stamped acknowledgement from the Office.
  - 5) Conduct on-site inspection to ensure accuracy of approved site plans, drawings and actual equipment being installed.
  - 6) Provide equipment with sufficient lifting capacity to unload and place USTs into the tank excavation. Tanks shall not be rolled, dropped or dragged.
  - 7) Upon delivery at the installation site, tanks and piping shall be inspected to detect any evidence of damage to coatings or structure.
  - 8) Upon discovery of any damage to tanks or piping, repairs shall be in accordance with manufacturer's instructions or supervision.
  - 9) Prepare excavations to ensure safe movement of equipment and materials. Excavations shall provide adequate space for the installation of tanks, piping and ancillary equipment. Special attention shall be given to sloping, benching, stepping or shoring the sides of the excavation to make it stable.
  - 10) Conduct Date and Time Certain inspection by OSFM personnel for testing USTs before installation, as per manufacturers' recommended procedures.
  - 11) To prevent flotation of USTs as a result of high water table or flooding, approved anchorage methods or ballasting shall be installed.

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- 12) Pipe trenches shall meet manufacturer's specifications and API 1615 Section 10.3.1, for depth, width, slope, spacing and placement of pipe within.
- 13) Pipe installation shall meet manufacturer's specifications and API 1615, Sections 9.3 and 9.4. Joint adhesive and thread sealant shall meet manufacturer's requirements for petroleum products, including ethanol or methanol blending gasoline.
- 14) OSFM personnel may conduct Date and Time Certain air test of pipe installation and examine any corrosion protection before backfilling of pipe trenches.
- 15) Wiring of electric pumps and all electrical equipment in connection therewith shall conform to NFPA 70.
- 16) After all work has been completed and the system has been put into service, Office personnel may conduct a Date and Time Certain final inspection. This inspection will be conducted on the UST installation, leak detection equipment, spill and overfill equipment and the electrical system. The completed Notification of Underground Storage Tanks form will be ready to present to the OSFM STSS during the Final Inspection.
- 17) Contractors shall complete the manufacturer's installation checklist for USTs and piping and submit it to the manufacturer or owner as applicable. The contractor shall maintain a copy of the checklist.
- 18) There shall be a minimum of two manufactured slotted or perforated observation wells of at least 4" diameter installed in each new tank field of tanks larger than 1,000 gallon and one well for 1,000 gallon tanks or less and shall have two wells for fields with more than one tank. They shall be placed at opposite ends or opposite corners 1 foot below the invert elevation of lowest UST. Lids shall be securely protected against unauthorized activities.
  - A) Only one well will be required if groundwater flow direction can be proven and such proof is supplied at time of permitting and the well is then installed in the downstream location.
- 19) Containments – submersible and dispensers.
  - A) A water tight containment will be installed on all new tanks or when piping is replaced at the tank.
  - B) Water tight dispenser containments will be installed under dispensers on all new installations or when piping is replaced at dispensers.
  - C) A hydrostatic test will be performed on all containment installations as follows (hydrostatic testing does not apply to piping):

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- i) All penetrations must be completed prior to testing, including electrical.
    - ii) Containment is to be filled with water to a height that covers the highest penetration by 2”.
    - iii) Containment is not to be back filled (backfilling is allowed for support of containment sump, but not to be installed around the sides of the sump) prior to test.
    - iv) Test duration is 30 min. and performed under PAI Time and Date Certain requirements with no drop in water level.
  - 20) All repairs, installations, upgrades and maintenance of UST systems shall be done in accordance with manufacturer’s recommended procedures.
  - 21) Any installation work performed in or around the excavation area must stop at sunset unless adequate lighting is provided.
- d) Certification of installation.
  - 1) Contractors shall certify on the UST notification form that:
    - A) The installer has been certified or licensed by the Office of the State Fire Marshal.
    - B) The installation has been ~~inspected and~~ approved by the Office of the State Fire Marshal.
    - C) All work listed in the manufacturer's installation checklist has been completed if applicable.
    - D) All applicable Office of the State Fire Marshal checklists as located in Appendix A of this Part for installation have been completed. Upgrades are to follow the appropriate Section of the installation guidelines.
    - E2) In addition, Contractors~~contractors~~ shall certify on the UST notification form in accordance with Section 170.440(f) ~~that that at least one of the following has been completed A):~~
      - the The installer has been certified by the tank and piping manufacturers if applicable.;
      - ~~B) The installation has been inspected and certified by a registered Professional Engineer with the State who has education and experience in UST system installation; or~~
      - ~~C) The owner or operator has complied with another method for ensuring compliance with subsection (c) above, that is determined by the Office of the State Fire Marshal in writing to be no less protective of human health or the environment.~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 170.421 Piping**

- a) Piping, valves and fittings for flammable liquids shall be designed for the working pressures and structural stresses to which they may be subjected and approved for their intended use. The application of any material shall not interfere with the normal operation of the shear valves, fusible links or any equipment installed under the dispensers or submersibles. They shall be of steel or other materials suitable for use with the liquid being handled. Pipe-wall thicknesses being determined in accordance with ANSI B31, incorporated by reference in Section 170.410, shall be deemed to comply with this Section, except that carbon steel pipe shall not be thinner than standard wall thickness listed in ANSI B36, incorporated by reference in Section 170.410.
- b) Non-metallic piping systems conforming to the requirements of ANSI B31, incorporated by reference in Section 170.410, for use with flammable and combustible liquids are permitted underground.
- c) After installation, pressurized piping shall be tested for 30 minutes at 1.5 times the working pressure or 50 PSI, whichever is higher. Suction and vent piping shall be tested at a minimum positive pressure of 7 psi or in accordance with the manufacturers' recommended procedures.
- d) Piping that routinely contains regulated substances and is in contact with the ground, backfill or water, shall be properly designed, constructed and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory, as specified below, and all steel risers, vents, and fills in contact with ground, backfill, or water shall be dielectrically wrapped or coated:
  - 1) The piping is constructed of fiberglass-reinforced plastic (the following codes and standards, incorporated by reference in Section 170.410, may be used to comply with this subsection (d)(1): UL 567; UL Canada Subject C107C; or UL Canada Standard CAN4-S633);
  - 2) The piping is constructed of steel and cathodically protected in the following manner:
    - A) The piping is coated with a suitable dielectric material;
    - B) Field-installed cathodic protection systems are designed by a corrosion expert;
    - C) New Impressed current systems are designed to allow determination of system ~~current~~-operating status by means of permanently installed lights, amp, volts and hour gauges as required in Section 170.460(e) and existing impressed current systems must meet these requirements within six months of the effective date of these regulations.;

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- D) Cathodic protection systems are operated and maintained in accordance with Section 170.460 (the following codes and standards, incorporated by reference in Section 170.410, may be used to comply with this subsection (d)(2): NFPA 30; API Recommended Practice 1615; API Recommended Practice 1632; or NACE RPO285); or
- E) The piping construction and corrosion protection are determined by the Office of the State Fire Marshal to be designed to prevent the release or threatened release of any stored regulated substance, in a manner that is no less protective of human health and the environment than the requirements in subsections (b)(1) and (2) above. Before the installation of any such piping, its construction and corrosion protection shall be submitted to the Office in writing, and the Office shall issue written approval.
- e) UST wiring procedures. All wiring at UST locations shall be in accordance with NFPA 70, incorporated by reference in Section 170.410. Wiring within 20 feet of tanks, within 20 feet of dispenser pumps or run in the product line trenches shall be installed in rigid metallic conduit or threaded steel conduit (or any petroleum or product resistant conduit approved for that use). Electrical conduit shall maintain at least six inches of separation from product piping to avoid damage from abrasion or stray electrical current and shall be routed away from product piping. Minimum cover is required in accordance with Table 300-5 of NFPA 70, incorporated by reference in Section 170.410. Intrinsically safe wiring shall be in conduit when installed within Class I locations, as specified in NFPA 70, incorporated by reference in Section 170.410. Caution should be taken when grounding since it impairs cathodic protection of metallic tanks or piping. When locating electrical wiring in the same trench as the product lines, the conduit shall be positioned on either side of the product piping but not above or below the product piping. This electrical conduit shall cross over the top of any product piping whenever a cross-over is necessary. A six-inch separation shall be maintained at all times, even during a cross-over. All cross-overs shall be kept to a minimum. All electrical power shall be shut off at the immediate location where installations, repairs or upgrades are in progress. All electrical seal-offs are to be properly filled whether being used or for future use.
- f) All related wiring shall be inspected during UST Final Inspection Certification of installation shall be as per Section 170.420(d).
- g) A positive shut off valve shall be installed on the product line at the submersible or at the tank for all suction systems on all new installations and when piping is replaced at existing sites and made accessible at grade. Extractor valve will be accepted on European suction instead of positive shut off valve.

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- h) Vent lines will be tested from the tank to grade level at the time of installation. This test will be done at 7 psi minimum or at the pressure recommended by the manufacturer. This test will be performed at the time of the line PAI test.
- i) The application of any material shall not interfere with the normal operation of the shear valves or fusible links, or any equipment installed under dispensers or submersibles.
- j) The new installation or total upgrade of product piping shall be double-walled for the entire length of that product line with the exception of European Suction from the effective date of this amendment.
- k) Any time product piping is broken for repairs, a precision line tightness test must be conducted before the piping is put back into service.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.422 Clearance Required for Underground Storage Tanks**

- a) Distance to basements, etc.:
  - 1) Dispensing USTs shall be 20 or more feet from any basement, cellar, pit or below-grade excavation on or off the property.
  - 2) USTs not used for dispensing may be located under a building or not less than 5 feet from a building.
- b) Distance to sewers, etc. Individual tanks and piping shall be buried so that the tops of the tanks and piping shall be lower than the bottom level of all sewers, manholes, catch-basins, cesspools, septic tanks, septic tank clean out stations, wells or cisterns within twenty feet, on or off the property, or tanks and piping shall maintain a full clearance of twenty feet. The term "sewer" includes sanitary and storm sewer lines out of service station buildings, provided, however, that these clearances shall not be required when a sewer line ~~out of a service station~~ is constructed throughout of cast iron with lead joints or petroleum resistant o-rings.
- c) Distance to property lines. Individual tanks shall be at least twenty feet to property lines, provided, however, that these clearances on the side adjacent to a public street, alley or highway are waived by consent of the authority having immediate jurisdiction over the public street, alley or highway, provided that the required sewer clearances will be maintained.
- d) Distance to special classes of property. Tanks and pumps shall maintain a clearance of not less than 300 feet to any mine shaft, air or escape shaft for any mine and 85 feet to any school, institutional, public assembly or theater occupancy, as defined in NFPA 101, incorporated by reference in Section 170.10. The distance shall be measured from the nearest points of tanks and pumps to the nearest points of buildings or shafts.

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- e) Where the site size makes compliance with these clearance requirements an impossibility or an imposition, as determined by the Office of the State Fire Marshal during a permit review, a double-wall tank or piping system or both with interstitial monitoring, shall be used and is subject to approval by the Office. Interstitial piping monitoring requirements will only be waived for European Suction Piping Systems. Hazardous substance UST systems shall be double-wall, ~~and all such existing systems shall be upgraded to double wall by December 22, 1998.~~
- f) Tanks in service on October 1, 1985 may maintain existing underground tank clearances. Existing service stations' basements less than 20 feet from a UST system shall be provided with mechanical ventilation, and only non-sparking explosion proof motors and compressors shall be permitted in such basements and proof of compliance shall be submitted to OSFM. ~~New setback distances will be required when upgrading these existing systems, if existing tanks are removed or if new tanks or islands are installed.~~
- g) The minimum setback distances indicated above will be required when upgrading existing systems, only for the portion of that system that is being upgraded, including tank replacement, island replacement or piping.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.423 Pressure Testing of Existing Tanks or Lines**

~~After installation, Pressure pressure~~ testing, with air or other gases, of underground storage tanks or piping containing, or which have contained, flammable or combustible liquids is prohibited. Except, approved tank or line tightness testing with inert gases (nitrogen and helium) may be utilized. Preliminary air test may be used for tanks cleaned and vapor freed for the purposes of testing coverplates or gaskets ~~as specified in Sections 170.530(i) and 170.540(b).~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.424 Venting of Tanks**

This Section is applicable to motor fuel tanks located at service stations, unless otherwise noted.

- a) Each tank shall be provided with a separate normal working vent pipe, connected with the top of the tank and carried up to the outer air. Underground manifolding of normal working vents, is prohibited. The pipe shall be arranged for proper drainage to the storage tank, and its lower end shall not extend through top of tank for a distance of more than one inch; it shall have no traps or pockets. Float vent valve overfill devices are not considered an extension of the standard vent.

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Manifolded normal vents installed on UST's located at facilities which were existing prior to April 1, 1995 only, may be left in place provided that the vents can be shown, by field verification, to comply with NFPA 30 vent requirements, incorporated by reference in Section 174.10.

- b) The upper end of the pipe shall be provided with an updraft vent device only, with 40 gauge screening, unless alterations are required by Stage II Vapor Recovery.
  - c) The vent pipe shall be of sufficient cross-sectional area to permit escape of air and vapor during the filling operation and in compliance with NFPA 30, incorporated by reference in 170.410, and in no case less than one and one-fourth inches in diameter. If a power pump is used in filling the storage tank, and a tight connection is made to the fill pipe, the vent pipe shall not be smaller than the fill pipe.
  - d) The vent pipe shall terminate outside buildings at a point one foot above the level of the highest remote fill or any fill from which the tank may be filled, not less than 12 feet above the adjacent ground level and not less than ~~five four~~ feet, measured vertically and horizontally, from any window or other building opening, such as a basement, cellar, pit, ventilated soffit or any air intake of any building, and in a location which will not permit pocketing of vapor or liquid. The vent piping shall project above the canopy facia no less than four feet adjacent roof lines.
  - e) Underground manifolding of normal working vents is prohibited. Manifolding of special purpose vents such as vapor recovery is allowed in accordance with NFPA 30 2-3.6.3 incorporated by reference in Section 170.410.
    - 1) Manifolding on normal working vents aboveground is allowed providing the following steps are followed:
      - A) Manifolding will be installed no less than 3 feet above grade and no more than 5 feet above ground.
      - B) Each vent shall be capable of being separated and isolated from the manifold
      - C) Class II & III products can not be attached to a manifold that includes class I products.
      - D) Final riser shall be of adequate sizing as specified per NFPA 30 as referenced in Section 170.410.
- ~~Manifolding of tank vent piping shall be avoided, except for required special purposes such as vapor recovery (NFPA 30 2-3.6.3, incorporated by reference in Section 170.410).~~
- f) No vent piping is allowed inside buildings. Existing vent piping inside buildings may remain if approved by OSFM Division of Fire Prevention. It is recommended that Stage II Vapor Recovery vent piping be connected to an individual tank opening.

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- g) Adequate collision protection to protect against physical damage shall be provided for vent piping.
- h) Hazardous substance tanks ~~and non-motor fuel tanks~~ shall be vented in accordance with NFPA 30, incorporated by reference in Section 170.410 or as approved by the Office of the State Fire Marshal to be no less protective of human health or the environment.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.425 Fill Pipes**

- a) Fill pipes shall be extended to a location outside of any building, as remote as possible from any doorway or other opening into any building and in no case closer than five feet from any such opening. Remote fills are subject to approval by the Office of the State Fire Marshal, on a case by case basis. Fill pipes for used oil tanks are permissible when located inside buildings.
- b) Location shall be in a place where there is a minimum danger of breakage from trucks or other vehicles.
- c) Each fill pipe shall be closed by a screw cap or other tight fitting cap of a type which can be locked. It is the responsibility of the owner/operator to maintain the security of the UST system ~~The cap shall be locked at all times when filling or gauging process is not being performed.~~
- d) Each loading pipe or fill pipe riser shall be identified by color code or labeling to indicate the product contained in the tank.
- e) Adequate collision protection to protect against physical damage shall be provided for fill pipes which protrude above-grade.
- f) All remote fills shall be double walled and constructed of non-corrosive material or cathodically protected except for gravity flow waste oil.
- g) All tanks shall be equipped with a drop tube that extends to within 6 inches of the bottom of the tank, with the exception of waste oil.
- h) Any new installation with a remote fill over 20 ft. in length shall have interstitial monitoring, overfill alarm, both audible and visible and all remote fills shall be sloped back to the tank.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.426 Pumps**

- a) Petroleum and hazardous substances shall be transferred from tanks by means of fixed pumps so designed and equipped as to allow control of the flow and to

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prevent leakage or accidental discharge except that siphon bars meeting the requirements below shall be allowed between tanks. Siphon bars shall meet the requirements in subsection (a)(2) below or be removed ~~from the UST system by December 22, 1998~~. Supplemental means shall be provided outside of the dispensing device whereby the source of power may be readily disconnected in the event of fire or other dangerous condition.

- 1) ~~All dispensing~~ Dispensing devices for petroleum and applicable hazardous substances shall be UL approved and meet the requirements of UL 842, incorporated by reference in Section 170.410. Liquid shall be withdrawn from tanks by means of pumps in conformity with ~~Chapter 5 of~~ NFPA 70, incorporated by reference in Section 170.410, and equipped with static wire hose and non-ferrous discharge nozzle, except that used oil tanks are not subject to the requirement of transfer by means of fixed pumps.
- 2) Siphon bars between tanks that are used to transfer petroleum and hazardous substances between tanks by means of gravity or negative atmospheric pressure shall be permitted subject to the following requirements:
  - A) The height of the tops of the tanks shall be within 6 inches,
  - B) Piping shall meet the requirements of Section 170.421,
  - C) Release detection methods for tanks and piping shall be of a type approved for tanks connected by siphon bars in accordance with Section 170.530. ~~(j), and~~
  - ~~D) Siphon bars piping shall be at the top of the tanks with a slope not to exceed 1/4 inch per foot.~~
- b) No pump or dispensing device shall be located within a building. This does not include pump houses designed to house transfer pumps only; also, this does not include pump houses designed to house transfer pumps at refineries used in conjunction with pipeline product transfers or any refinery processing. Transfer pumps located at industrial or commercial facilities are excluded from the requirements of this Section. Dispensers located at industrial or commercial facilities that contain a regulated substance shall be approved by the Office of the State Fire Marshal.
  - 1) Existing pumps and dispensing devices within garages, as of October 1, 1985, are permitted provided the dispensing area is:
    - A) Not below-grade;
    - B) Separated from motor vehicle repair areas, pits and basements;
    - C) Protected against physical damage from vehicles by mounting the dispensing unit on a concrete island or by equivalent means;
    - D) Located in a position where it cannot be struck by a vehicle descending a ramp or other slope out of control;

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- E) Provided with an approved mechanical or gravity ventilation system; and
  - F) Provided with a clearly identified switch, readily accessible in case of fire or physical damage to any dispensing units to shut off the power to dispensing units.
- 2) Existing dispensing units located below-grade, as of October 1, 1985, shall have independent mechanical ventilation systems and the entire dispensing area shall be protected by an automatic sprinkler system conforming to the requirements of 41 Ill. Adm. Code 100.220.
- A) The ventilation systems shall be electrically interlocked with the gasoline dispensing units, so that the dispensing units cannot be operated unless the ventilation fan motors are energized and operating.
  - B) Existing dispensing units located below-grade within buildings shall also comply with subsection (b)(1) of this Section above, as applicable.
- c) Curb pumps or pumps located in any portion of a public street are prohibited.
  - d) Wiring of electric pumps and all electrical equipment in connection therewith shall conform to ~~Chapter 5 of~~ NFPA 70, incorporated by reference in Section 170.410 ~~(product piping and electrical wiring shall be as directed in Section 170.421(e))~~.
  - e) Devices which discharge by gravity are prohibited and were to have been removed by January 1, 1986. Gravity devices at service stations ~~that which~~ are retained for their novelty or historical interest may be retained at the facility but shall be rendered non-functional.
  - f) Systems which employ continuous air pressure on storage tanks in connection with gauging or vending devices are prohibited, with the exception of those systems utilized in Stage II Vapor Recovery.
  - g) The use of aboveground storage tanks in connection with gauging or vending devices is prohibited, as clarified elsewhere in this Section. Retail sale from aboveground tanks is prohibited except as allowed in 41 Ill. Adm. Code 180.
  - h) New installations of apparatus for dispensing petroleum into fuel tanks of vehicles shall not be connected to either aboveground or underground bulk storage tanks. This does not include cargo tanks mounted on tanker trucks for transporting purposes. Requests to install new bulk loadout terminals connected to new underground storage tanks located at either self-serve or unattended self-serve service stations must be reviewed and approved by both OSFM Division of Fire Prevention and Division of Petroleum and Chemical Safety. These requests will be evaluated for new installations and on a case-by-case basis only.
  - i) Dispensing devices at an automotive service station shall be so located that all

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parts of the vehicle being served will be on the premises of the service station. For dispensing devices located inside buildings, openings beneath dispenser enclosures shall be sealed to prevent the flow of leaking fuel to lower building spaces. Pump houses designed to house transfer pumps only are not considered buildings, as per this Section.

- j) Dispensing devices at marine service stations may be located on open piers, wharves, floating docks, on shore or on piers of the solid-fill type and shall be located away from other structures so as to provide room for safe ingress and egress of craft to be fueled. Openings beneath marina dispensing enclosures shall be sealed to prevent the flow of leaking fuel into the water beneath them. ~~Marina installations shall follow guidelines located in Appendix E of this Part, as established by the Office of the State Fire Marshal.~~ Spill containment shall be provided on docks adjacent to dispensers to contain spills that may occur during the filling of approved portable containers.
- k) Dispensing units existing prior to September 15, 1978, may be located inside buildings if specific written approval of the Office of the State Fire Marshal was granted by October 1, 1985, and proof of such was submitted by the applicant and verified by the Office. The dispensing area shall be separated from other areas by two-hour fire resistive construction, as defined in ~~Section 707 of the~~ BOCA National Building Code, incorporated by reference in Section 170.410. The dispensing area shall be provided with a mechanical or gravity ventilation system; all components of which shall comply with the requirements of NFPA 70, incorporated by reference in Section 170.410.
- l) Kerosene dispensers installed after April 1, 1995 shall not be located on the same island ~~or within 20 ft. of any with~~ petroleum or hazardous substances. Labeling of dispensers shall comply with the Space Heating Safety Act [425 ILCS 65].
- m) Hoses at service stations shall not exceed 18 feet in length, as required in NFPA 30A-~~4-2-6~~, referenced in Section 170.410, except as permitted in subsection (n) of this Section below.
- n) Mechanical retractable ~~devices hose reels~~ are required on dispenser hoses in excess of 18 feet in length. Hose length on mechanical retractors shall not exceed 50 feet and may only be installed with written approval of the Office of the State Fire Marshal.
- o) Dispenser pumps shall be located outside of buildings and not less than five feet from any building ~~and or~~ less than five feet measured vertically and horizontally from any window or other building opening, such as a basement, cellar, pit, ventilated soffit or any air intake or exhaust of any building, and in a location that will not permit pocketing of vapor or liquid. The Office of the State Fire Marshal shall approve dispenser locations only where in its judgment a safety hazard does not exist. Location of new dispenser pumps shall be in accordance with the

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following:

- 1) Not below-grade;
- 2) Separated from motor vehicle repair areas, pits and basements;
- 3) Protected against physical damage from vehicles by mounting the dispensing unit on a concrete island or by equivalent means; and
- 4) Located in a position where it cannot be struck by a vehicle descending a ramp or other slope out of control.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.427 Defective or Non-Compliant Equipment**

- a) Failed precision tank or line tests and defective tank or line leak detection equipment will require this particular tank system to be shut down until repaired and functioning properly. Another approved method of leak detection may be implemented if approved by OSFM on an interim basis.
- b) Defective or improperly operating equipment such as, but not limited to, spill, overfill and cathodic protection, shall have repairs or have replacement commencing within 48 hours from the time of discovery. Failure to act within this time frame will require the tank system to be taken out of service until repairs are completed.

~~Equipment that is defective or does not comply with this Subpart shall be taken out of service until repaired, replaced or upgraded by owners or operators with Office of the State Fire Marshal approved equipment. Equipment that has not met an upgrade deadline requirement is in compliance until that deadline; this does not include equipment that has received a variance from the Office.~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.429 Unloading Operations**

- a) The unloading hose from a tank truck into an underground tank shall have a static wire or its equivalent and shall be equipped with a non-ferrous nozzle or tight connection metal nipple.
- b) The driver, operator, or attendant of any tank vehicle shall not remain in the vehicle but shall not leave the vehicle unattended during the loading or unloading process. Delivery hose, when attached to a tank vehicle, shall be considered to be a part of the tank vehicle.
- c) Before unloading operations begin, the depositor shall determine the following:

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- 1) The facility has a Green Tag, issued by the Office of the State Fire Marshal, and that, this tag is current and valid and in plain view.
- 2) Any fill or remote fill that has a Red Tag, issued by Office of the State Fire Marshal, attached, depositing into the associated tank is prohibited.
- 3) The depositor shall determine the quantity of product which can be unloaded into each tank (i.e., the tank ullage) without overflow of product. The volume shall be logged with the facility owner/operator. The log may consist of the bill of lading.
  - A) Any overriding or tampering with an over-fill device, that may result in the overfilling of any tank is prohibited.
  - B) The depositor shall inspect the fill device, prior to unloading, to assure that no tampering has occurred. Before unloading may begin into a remote fill, the depositor shall ensure that all fill caps are secure and tight.
- d) When transferring Class I liquids, motors of tank vehicles or motors of auxiliary or portable pumps shall be shut down during making and breaking hose connections. If loading or unloading is done without requiring the use of the motor of the tank vehicle, the motor shall be shut down throughout the transfer operations of Class I liquids.
- e) Tank trucks and tank wagons used for the transport and delivery of Class I, II or III liquids shall not be parked for other than delivery purposes in residential districts, as defined in the Illinois Vehicle Code (625 ILCS 5/1-172).
- f) When unloading product into underground tanks which are equipped with tank vapor recovery equipment, the driver, operator, or attendant of the tank truck shall ensure that all vapor return paths are liquid and vapor tight to prevent the discharge of vapors at grade level.
- g) Smoking on or about any tank truck while unloading any flammable or combustible liquid is forbidden. Extreme care shall be taken during unloading operations to keep fire away and to prevent persons in the vicinity from smoking, lighting matches or carrying any flame or lighted cigar, pipe, or cigarette.

(Source: Added at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.430 Interior Lining and Lining Inspection ~~Upgrading of Existing~~ UST Systems**

- a) ~~Alternatives allowed. Not later than December 22, 1998, all existing petroleum and hazardous substance UST systems were to have complied with one of the following requirements:~~
  - 1) ~~New UST system performance standards under Section 170.420;~~
  - 2) ~~The upgrading requirements in subsections (b) through (d) below; or~~

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- ~~3) Temporary out of service status, abandonment in place or removal requirements under Section 170.620 or 170.670, including applicable requirements for initial response and initial abatement under Sections 170.600 and 170.610, respectively.~~
- ab) Tank lining upgrading requirements. ~~Steel tanks must be upgraded to meet one of the following requirements in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory:~~
- 1) Interior lining procedures. ~~(Refer to reline checklist located in Appendix B.) A tank may be lined as needed by following the steps outlined in this Section below upgraded by internal lining if the lining is installed in accordance with the requirements of Section 170.480, and the following are complied with:~~
    - A) Tank Entry. Before entering tanks, the procedures described in API Publication 2015 and 2015A, incorporated by reference in Section 170.410, shall be complied with. This includes checking the oxygen content inside the tank with a properly calibrated oxygen monitor. At all times, personnel entering the tank shall be equipped with positive pressure air supplied equipment with full face enclosure and safety harness connected to a safety line held by an attendant outside the tank. Oil and water-resistant rubber or neoprene boots and gloves shall be worn. Clothing shall cover the arms, legs, torso and head of tank entry personnel. Disposable clothing, impervious to product, is preferred. Clothing saturated with product shall be removed immediately upon departure from the tank. All personnel working inside the tank shall be familiar with ANSI Z117.1, incorporated by reference in Section 170.410. Tests with the combustible gas indicator and oxygen monitor shall be performed periodically in the tank to ascertain that the tank vapors and oxygen content are in the safe range. It shall be recognized that if the tank is perforated, product or vapors that have leaked into the soil may re-enter the tank through a perforation. The vent line shall remain clear and unobstructed to allow continuous ventilation. All other lines and openings shall be plugged or capped off to insure no liquids or vapors may enter the tank during the lining operation.
    - B) Application of Lining. Prior to the application of lining material, a ¼ inch steel reinforcing plate rolled to the contour of the tank and with minimum dimensions of 8 inches by 8 inches shall be installed under the fill (drop) tube and gauging tube. This plate shall be covered with fiberglass cloth embedded in resin. The

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blast-cleaned surface shall be coated within eight hours after blasting and before any visible rusting occurs. Only those lining materials meeting the specifications in API Publication 1631 and NLPA 631-1991 edition, incorporated by reference in Section 170.410, shall be used. Manufacturer's instructions are to be complied with on handling and mixing of resin compounds, and these compounds shall be applied to the entire interior surface of the tank by the manufacturer or the manufacturer's designated distributor following the specified method of application, to the designated thickness and at the recommended application temperature. If a heater is used to accelerate the curing process, all other work which might release flammable vapors shall be halted, and the heating unit shall be attended whenever it is in operation. The coating shall be cured thoroughly to the manufacturer's specifications and checked for air pockets and pinholes using a Holiday Detector. If any exceptions are found, they shall be repaired to manufacturer's specifications. The contractor shall protect the coated surfaces from contamination by foreign matter. The coating thickness shall be checked with an Elcometer Thickness Gauge or equivalent and tested for hardness using a Barcol Hardness Tester or equivalent to ensure compliance with manufacturer's specifications.

- C) Tank Closing. If a tank has been previously lined and on its internal inspection passes, the following may be done in lieu of the manway requirements ~~If an opening has been cut, the tank shall be sealed as follows:~~
- i) A ¼ inch thick steel cover plate, rolled to the contour of the tank, shall be made to overlap the hole at least two inches on each side (e.g., should measure at least 26 inches by 26 inches, if manhole was cut 22 inches by 22 inches);
  - ii) The cover shall be used as a template to locate ¾ inch diameter holes not exceeding five inch centers, one inch from the edge of the cover;
  - iii) The cover plate shall be sandblasted to White Metal on both sides, and the entire inside surface shall be coated with coating material to act as a gasket;
  - ~~iv) Before the coating on the cover cures, the cover shall be fastened to the tank using ½ inch (minimum) diameter bolts. The bolt shafts are to be placed through the holes from the inside of the tank and held in place by spring~~

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- ~~clips, then fastened with local washers and nuts as illustrated in accordance with API Publication 1631, incorporated by reference in Section 170.410; and~~
- ~~iv~~) After being bolted to the tank, the coverplate and surrounding tank surface shall be properly sandblasted, coated with coating material and allowed to cure before backfilling the hole.
- v) A precision test shall be performed any time an underground storage tank is entered to install a manway, install a coverplate after lining, or do an internal inspection of the tank. This shall be done within three days after backfilling and is the responsibility of the contractor.
- D) Tank closing after entry procedures – if a tank is being lined for the first time or total subsequent lining, the following shall apply.
- i) Attach a manway no less than 18 inches in diameter that fits the contour of the tank. This manway shall be surrounded with self-supporting material and be accessible from surface grade.
- ii) The manway shall be used as a template to be located  $\frac{3}{4}$  inch diameter holes not exceeding 5 inch centers, one inch from the edge and made to overlap the entry hole at least 2 inches on each side, or welded in place if soil conditions will allow (no contamination is present). The lining material shall extend into the neck of the manway.
- E) Initial tank lining or subsequent total lining shall conform to NLPA Standard 631 copyright 1991. The inspection of the manway installation and internal lining shall be made by OSFM, STSS prior to installation of manway lid.
- ~~F~~) After the STSS inspection, a tank precision test shall be performed  
~~Tank Tightness Testing. Before backfilling, the tank shall be tightness tested in accordance with Section 170.530(e). It shall be the responsibility of the contractor to have a precision test performed within three days of the lining procedure completion and submit the results within ten days after completion of the test to the OSFM: test results that fail must be reported in writing on the prescribed form to the OSFM within 3 working days. Particular attention shall be paid to the cover plate and all exposed fittings.~~
- ~~G~~) Within 10 years after lining, and every five years thereafter, the lined tank shall be internally inspected and found to be structurally sound with the lining still performing in accordance with original

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design specifications. An interior lining permit must be obtained ~~whenever an existing tank is either cut open, or an existing entrance patch is broken open~~ to do an internal inspection. ~~This does not apply to bolted manway entrances.~~

- ~~2) Cathodic protection. A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements of Section 170.420(a)(2)(B) through (D), and the integrity of the tank is ensured using one of the following methods:~~
- ~~A) The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic protection system;~~
  - ~~B) The tank has been installed for less than 10 years and is monitored monthly for releases in accordance with Section 170.530(d) through (h);~~
  - ~~C) The tank has been installed for less than 10 years and is assessed for corrosion holes by conducting two tightness tests that meet the requirements of Section 170.530(e). The first tightness test shall be conducted prior to installing the cathodic protection system. The second tightness test shall be conducted between three and six months following the first operation of the cathodic protection system; or~~
  - ~~D) The tank is assessed for corrosion holes by a method that is determined by the Office of the State Fire Marshal to prevent releases in a manner that is no less protective of human health or the environment than subsections (b)(2)(A) through (C) above; before the utilization of any such method, it shall be submitted to the Office in writing and is subject to written approval by the Office.~~
- 23) Internal lining combined with cathodic protection. A tank may be upgraded by both internal lining and cathodic protection if:
- A) The lining is installed in accordance with the requirements of subsection (b)(1) above and Section 170.480; and
  - B) The cathodic protection system meets the requirements of Section 170.420(a)(2)(B) through (D). (The following codes and standards, incorporated by reference in Section 170.410, may be used to comply with this Section: API Recommended Practice 1631; NLP Standard 631; NACE RPO285; or API Recommended Practice 1632.)

An interior inspection for an installation of internal lining combined with cathodic protection is required only once, provided an interior inspection

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was performed in compliance with subsection (3)(A) or (B) above.

- b) Within 10 years after initial lining or total subsequent lining of a tank, a physical internal inspection shall be performed as follows:
- 1) The procedures in tank lining shall be followed while entry is made into an existing UST for internal inspection purposes.
  - 2) Once access has been made into a UST, a visual inspection of the lining shall be made. The lining shall be visually inspected for obvious evidence of peeling, blistering, surface wrinkling or roughing of the lining material. Repairs (touchup) to existing linings will be allowed up to 30% of the total surface area of the lining being inspected on a single tank.
    - A) Testing shall be done to check the thickness of the shell and heads of the tank. The average metal thickness shall be at least 75% of the original tank metal thickness. Ultrasonic testing shall be done in accordance with Chapter B7 of NLP Standard 631 copyright 1991.
      - i) Tanks not meeting the wall thickness requirements shall be condemned and not put back into service as referenced in Section 8.1 of NLP 631, 1991 edition.
      - ii) No welding or cutting will be allowed inside the tank to repair holes or patch thin areas in any part of the tank.
    - B) After a lined tank passes both the visual and the tank wall thickness test, it must be tested for holidays (air pockets) in the lining material. This test shall be performed using a holiday detector with a silicon brush electrode or other acceptable instrument to ensure the integrity of the lining material. The internal inspection holiday test shall be conducted at a rate of at least 100 volts per mil of nominal lining thickness, but in no case less than 12,500 volts, or more than 35,000 volts. Any holidays discovered during this internal inspection may be repaired as long as the repairs do not exceed 30% of the total surface area of a single tank. Tanks with over 30% repaired areas shall be condemned, and not put back into service. The repair contractor must certify to the OSFM that the coating materials used for repair are compatible to both the existing coating and the product being stored in the tank.
    - C) If all previous testing ensures the integrity of the lining, it shall then be tested for hardness. Lining hardness test shall be performed using a Barcol Hardness Tester or another acceptable instrument to determine that the lining was properly cured when installed or that it has not been affected by the product stored. The overall hardness must meet the lining manufacturer's specifications for the product stored. In the event that some areas pass the hardness test and other areas fail the hardness test, the failed area may be removed and replaced as long as the failed area does not exceed 30% of the total surface area of a single tank. Tanks with over 30% repaired areas shall be condemned, and not put back into service. The repair contractor must certify to the OSFM that

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- the coating materials used for repairs are compatible to both the existing coating and the product being stored in the tank.
- D) The final test to verify that an existing lining still meets the manufacturer's original specifications is to test for the thickness of the coating. The entire interior tank lining wall surface shall be no less than 100 mils thick and a nominal thickness of 125 mils thick. If any areas of the existing coating do not meet the 100 mils minimum thickness requirements, those areas may be overlaid to build up the coating thickness to meet or exceed the minimum requirements. Newly overlaid areas may not exceed a total of 30% of the total surface area on a single tank. Tanks with over 30% of their coating needing overlay to meet the 100 mils minimum thickness requirement shall be condemned and not put back into service. The repair contractor must certify to the OSFM that the coating materials used for repairs are compatible to both the existing coating and the product being stored in the tank.
- E) Tanks that are condemned due to the 30% requirements in subsection (b)(2)(B)(C), and (D) of this Section above can be lined if the tank meets recertification requirements and if not, must be decommissioned within six months after condemnation.
- F) Where applicable, interior inspections of lined fiberglass tanks shall be the same as lined steel tanks, except testing will not be required for tank thickness and for holidays in the lining material.
- G) The manufacturer shall certify compatibility of the lining material with product to be stored by submitting to OSFM the following data.
- i) Laboratory Data:
- Bonded Linings: When applied to properly prepared steel, concrete, fiberglass, and other tank surfaces, bonded linings shall maintain a minimum useful life of 10 years.
  - Coefficient of Thermal Expansion: The coefficient of thermal expansion of the lining shall not result in loss of bonding due to normal operating temperature changes.
  - Immersion Tests: Representative lining samples shall be tested to determine compatibility of the lining material with stored products. Samples shall be immersed in the liquids listed below at either 38 degrees C (100 degrees F) for periods of one, three, six and twelve months. Upon completion of each immersion period, testing of the samples must

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- verify that the lining and repair material have not substantially deteriorated.
- ii) Test Data: The following test, standards and equipment shall be conducted as indicated in the following:
- Bonding Strength, ASTM D4541 using Elecometer 106 with rating of 0-2000 lbs. Per sq. inch
  - Flexural Strength, ASTM D790
  - Impact Resistance, ASTM D2794
  - Barcol Hardness, ASTM D2583 using Barber Coleman GYZJ 935-1
  - Film Integrity ASTM D543 Procedure 1
- iii) Liquids for Immersion Testing shall follow ASTM Reference Fuel C, Unleaded Gasoline, Leaded Gasoline, No. 2 Fuel Oil or Diesel Fuel, Toluene, Xylene, Gasohol (10% Ethanol), Oxinol-50 (90.0% gasoline 5.00%, methanol and 5.00% GTBA) 85 % methanol, 15 % gasoline, and distilled water. Physical properties, after the final immersion period, shall be a minimum of 30% of the original physical properties before immersion with a stable trend indicating little or no further long-term deterioration for Toluene, Xylene, and distilled water; and, 50% for all other listed material.
- 3) During the Operational Safety Inspection, the contractor will not be allowed to either cut a new access hole into the tank, nor break open an existing entrance patch until all the required testing equipment is on site to satisfy paragraphs 1 through (4). Also, a complete set of OSFM reporting forms must also be onsite before the entering process may begin.
- 4) In cases where the tank itself passes the 75% minimum steel thickness test, yet the lining is condemned, the total original lining may be removed and a new lining installed. This will require another lining permit. However, the tank thickness must be re-tested after lining has been removed to verify that it will still meet minimum thickness requirements of Chapter B of NLP 631, 1991 edition.
- 5) The entrance manhole, hole or patch opening shall be closed and sealed. When a bolted man-way is to be installed as a new access opening for future access use, an upgrade permit will be required to make this type of improvement to the tank, no upgrade permit will be required if a manway is installed in conjunction with a lining permit or lining inspection permit, with manholes bolted to the tank top only when in conjunction with an inspection as not to damage the existing lining.
- 6) After all work is completed on the inspection process, the tank must be precision tested. This precision test is the responsibility of the contractor. Test results must be submitted to OSFM within 10 days after test. In the event of a test failure results must be submitted within 3 days.

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- 7) Written documentation of all inspection data must be submitted to the OSFM within 10 days of a passed inspection and within 10 days of repairs to the coating on a form approved by the OSFM.
- 8) Every 5 years after the 10-year internal inspection, the tank must be re-inspected. This can be done by a physical inspection or by another method approved by OSFM.
- 9) All interior inspections require an Internal Inspection Permit.
- c) UST lining, subsequent lining, and internal inspections shall follow OSFM procedures. The following steps shall be adhered to as prescribed by the Office of the State Fire Marshal (OSFM) regulations.
  - 1) Secure proper permitting and obtain OSI schedule.
  - 2) Contractor shall present to OSFM inspector their OSHA Confined Space Entry permit for this job.
  - 3) All monitoring equipment shall be maintained according to manufacturer's specifications.
  - 4) Establish an exclusion zone, within which smoking is prohibited. The use of spark producing/non-explosion proof equipment is prohibited in the vapor hazard area.
  - 5) USTs to be entered shall be isolated from all distribution lines, siphons, manifolds and manifold vent systems.
  - 6) Remove all liquids from the tank using explosion proof pumps or hand pumps.
  - 7) The tank atmosphere and the excavation area shall be regularly monitored with a combustible gas indicator, for flammable or combustible vapor concentration. Monitoring of the UST shall be done at 3 levels in the tank, top, middle and bottom. Lower explosive limits (LEL) 5% or less or oxygen 5% or less shall be attained.
  - 8) Vapor freeing shall be done in accordance with API 1631 Section 2.4. When vapor freeing the tank with compressed air or using inert gases under pressure, all devices shall be bonded to the tank, and the tank shall be grounded to a separated ground. When using inert gases, the cylinder shall be equipped with a pressure gauge, so that no more than 5 psi can be discharged into the tank during vapor freeing procedures. To ensure and maintain proper grounding and bonding, such connections shall be tested by the contractor for continuity. This testing shall be done with equipment designed for continuity testing.
  - 9) OSFM personnel shall be on site before cutting and cleaning or entry operations may proceed.
  - 10) If no access exists, an opening with the minimum dimensions of 18 inches by 18 inches shall be cut in the top of the UST using non-sparking equipment in preparation for a manway. Manways must be installed and be accessible from surface grade by way of a non-collapsible structure.
  - 11) Personal protective equipment shall be in accordance with API 1631.
  - 12) Cutting, cleaning and application of lining material shall be done in accordance with manufacturer's specifications and OSFM requirements.

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- 13) It shall be the responsibility of the lining contractor to have a precision test performed within three days after backfilling and shall submit the results to the OSFM within 10 days on forms prescribed by OSFM
- 14) Tank owner shall file an amended Notification form prescribed by the OSFM within 30 days after the tank has been lined.
- 15) For performing internal inspections, once a tank has been reclassified as a non-hazardous confined space, a positive flow of fresh air must be supplied into the tank in lieu of supplied air and continuous monitoring must be performed during the operation.
- ~~e) Piping upgrading requirements. Metal piping that routinely contains regulated substances and is in contact with the ground shall be cathodically protected in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and shall meet the requirements of Section 170.421 (The codes and standards listed in Section 170.421 may be used to comply with this requirement.)~~
- ~~d) Spill and overfill prevention equipment. To prevent spilling and overfilling associated with product transfer to the UST system, all existing UST systems shall comply with new UST system spill and overfill prevention equipment requirements specified in Section 170.420(b).~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.431 Limitation on Interior Lining of USTs (Repealed)**

~~Effective April 1, 1995, an underground storage tank may only have interior lining applied once without the UST being re-certified. Any additional relinings shall require re-certification prior to each application. This Section supercedes any incorporation by reference as cited in Section 170.410.~~

(Source: Repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.450 Owner/Operator Spill and Overfill Release Control Responsibilities**

- a) Owners or operators shall ensure that releases due to spilling or overfilling do not occur. The owners or operators shall ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling. (The transfer procedures described in NFPA 385, incorporated by reference in Section 170.410, may be used to comply with this subsection. Further guidance on spill and overfill prevention appears in API Recommended Practice 1621 and NFPA Standard 30, incorporated by reference

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in Section 170.410.)

- b) Owners or operators shall report, investigate and clean up any spills and overfills in accordance with ~~Section Sections 170.570 and~~ 170.580.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.460 ~~Operation and Maintenance of~~ Corrosion Protection**

- a) Cathodic Protection. A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements of this Part, and the integrity of the tank is ensured using one of the following methods:
- 1) To be suitable for upgrading by cathodic protection, the integrity of the tank must be ensured by one of the following methods:
- A) For tanks installed for less than 10 years, the following methods apply.
- i) The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic protection system;
- ii) The tank is monitored monthly for releases using a permanent method of leak detection as approved by OSFM. Monthly inventory control, manual tank gauging and SIR do not meet this requirement.
- iii) Two tank precision tests must be conducted that meet the requirements of OSFM precision tank tightness testing. The first precision test shall be conducted prior to the installation of the cathodic protection system. The second precision test shall be conducted between three and six months following the first operation of the installed cathodic protection system. Both tests must indicate tightness of the tanks.
- iv) Use of approved alternate methods approved by OSFM. These acceptable alternate methods are indicated in the subsection (a)(1)(b) for tanks that are over 10 years old.
- B) For tanks installed for more than 10 years, the following methods apply.
- i) An invasive inspection method that ensures the tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic system. The internal inspection procedures meet the requirements of NLP 631, 1991

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- edition, Internal Inspection of Steel Tanks for Retrofit of Cathodic Protection. This standard for interior lining meets this requirement.
- ii) An invasive remote video camera test is conducted prior to the installation of this cathodic protection system. The video system must be capable of recording a video survey of the interior surface of the tank with a suitable lighting source.
- iii) A noninvasive tank life/corrosion model test is conducted to examine the soil environment in the immediate vicinity of the tank and the relationship of the metal UST to this environment. A statistical model is used to assess the relationship between the aggressiveness of the environment and the rate of corrosion and to predict the remaining life of the UST prior to corrosion failure. Some examples of non-invasive methods are Mean Time to Corrosion Failure (MTCF) and International Lubrication and Fuel Consultants (ILFC). There are other similar methods such as these just referenced that will also comply with this method.
- iv) The tanks are assessed for corrosion holes by other methods determined by OSFM, the implementing agency, to prevent releases in a manner that is no less protective of human health and the environment than the mentioned methods of subsection (a)(i)(B)(i), (ii), (iii).
- 2) OSFM requires a tank integrity assessment even if both cathodic protection and interior lining systems are being installed. If the cathodic protection and interior lining are installed at the same time, only one approved integrity assessment is required. Even if both systems have been installed, OSFM requires routine inspection and maintenance of both systems to continue for each system.
- 3) In all situations, no matter which method is used to assess the integrity of the tank prior to addition of cathodic protection, the cathodic protection system being field installed, in Illinois, must be designed by a NACE certified corrosion expert. Those contractors installing the cathodic protection systems in Illinois must be licensed as cathodic protection installers. These contractors must successfully pass the International Conference Building Officials (ICBO) certification exam module for cathodic protection.

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- 4) If one of the non-invasive methods described have been used to assess tank integrity of a tank older than 10 years, the leak detection method used on these tanks after installing the cathodic protection system may not be either the monthly inventory control method, SIR, or manual tank gauging method of leak detection. Acceptable leak detection methods that can be used are as follows: automatic tank gauging, vapor monitoring, ground water monitoring, interstitial monitoring, fiber optics or tracer elements.
- 5) For UST systems equipped with both interior lining and cathodic protection (sacrificial anodes or impressed current), the following maintenance procedures shall apply:
- A) For those UST systems that have documentation, including original field notes from the initial lining of an invasive method of initial tank integrity assessment that verifies that there were no holes in the tank, only the external cathodic protection system must be maintained and tested.
- i) Sacrificial anodes must be tested every 3 years and records kept on site for 3 years.
- ii) Impressed current records of operation must be recorded every 30 days and records kept on site for 3 years. The system must be tested yearly and records kept on site for 3 years.
- iii) In the event that a reading of  $-.875$  millivolts or less is recorded, and testing shall be conducted above the structure, on any type of corrosion protection system, then yearly testing will be required thereafter. In the event that upgrading of the cathodic protection system results with readings greater than  $-.875$  millivolts and with readings being conducted above the structure, then testing may continue back to every three years, unless the six month test after upgrading produces a reading of  $-.875$  millivolts or less, then yearly testing will be required thereafter.
- B) For those UST systems where a non-invasive tank integrity assessment method was used or if there were any holes present in the tank, the interior lining must be maintained and inspected as described in OSFM lining requirements.
- C) Nothing prohibits the maintenance of both systems.
- D) Owners of UST systems with both interior lining and cathodic protection must submit a UST notification form and declare what system they intend to maintain.

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- b) Act-100 Tanks. Tank owners with these types of tanks may chose to use either type of protection on the tank. However, the tank owner must be able to produce ACT-100 warranty papers to prove that they actually do have ACT-100 tanks.
- c) Internal lining combined with cathodic protection. A tank may be upgraded by both internal lining and cathodic protection if:
- 1) The lining is installed in accordance with the requirements of section 170.430; and
  - 2) The cathodic protection system meets the requirements of Section 170.420(a)(2)(B) through (D). (The following codes and standards, incorporated by reference in Section 170.410, may be used to comply with this Section: API Recommended Practice 1631; NLP Standard 631; NACE RPO285; or API Recommended Practice 1632.)
- An interior inspection for an installation of internal lining combined with cathodic protection is required only once, provided an interior inspection was performed in compliance with subsection (d)(1) or (d)(2) of this Section if performed within 90 days of each other.
- d) Piping corrosion protection requirements. All UST metal product piping that is in contact with backfill, ground or water, shall be cathodically protected. All metal risers, vents and fills in contact with backfill, ground or water, shall be dielectrically coated. Shrink-wrap or boots are not acceptable as a form of cathodic protection in a water environment.
- e) When installing, upgrading, or repairing a cathodic protection system, the following steps shall be taken.
- 1) Secure proper permitting and provide required Cathodic Protection Upgrade Job Schedule to Office and obtain the stamped acknowledgment receipt.
  - 2) Conduct on-site inspection to ensure accuracy of approved site plans, drawings and actual equipment being installed.
  - 3) OSFM personnel must conduct a Time Certain inspection of the corrosion protection installation before backfilling.
  - 4) Wiring of all associated electrical equipment shall conform to NFPA 70.
    - A) All wiring that is connected to any anode of an impressed current system, shall be no less than No. 10 stranded, with jacketing that is suitable for direct burial and that is petroleum or hazardous resistant (including but not limited to HMWPE). Such jacketing is to have a thickness so as to cause the wiring to have a diameter-thickness of at least 5/16 inch. Systems existing prior to the date of these regulations may remain.

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- B) All wiring connected to any anode of a sacrificial anode system shall be suitable for direct burial and shall be petroleum and/or hazardous resistant.
- C) All structural lead wiring of any cathodic protection system shall be suitable for direct burial and shall be petroleum and/or hazardous resistant.
- D) For installation of cathodic protection systems to existing facilities, anode wiring may be placed into pavement saw-cuts provided that the following conditions are met:
- i) No part of the wiring is less than one inch below the finished pavement surface, and provided that the portion of the saw-cut groove above the wiring is filled with a combination of at least 1/2-inch of backerrod and at least 1/2 inch of self-leveling caulk suitable as a concrete filler; and
  - ii) Structure lead wiring of impressed current systems shall consist of at least two separate leads. Such leads running from the Junction Box or Rectifier to the UST system structures in separate saw-cuts, and jumpering from one UST system structure to the next. One lead shall connect to the first structure to be protected and continue on to all structures in the UST system. The second lead will connect to the last structure to be protected. Such loop is to ensure that if one lead were to become cut or disconnected, the other lead would ensure the continued connection of the UST system structures and the Junction Box or Rectifier.
  - iii) All wiring from anodes shall terminate and be identified (as to location per approved site plan), in strategically located junction boxes, placed in and around the protected field. This will facilitate the testing of each anode.
- E) For installation of cathodic protection systems to new facilities all wiring runs outside of manholes or sumps shall be located at least 12 inches below the finished grade, and installed in electrical PVC conduit approved for petroleum and/or hazardous installation. The conduit trenches shall be continuously marked with yellow plastic Caution tape, and placed not less than six inches above the conduit.
- 5) After all work has been completed and the system has been put into service, OSFM personnel may conduct a two-hour Time Certain Final Inspection on the corrosion protection system and the electrical system.
- 6) The completed Notification of Underground Storage Tanks form will be ready to present to the OSFM, STSS during the Final Inspection.

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- f) Operation and Maintenance of Cathodic Protection. Owners or operators of steel UST systems with corrosion protection shall comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the UST system is used to store regulated substances:
- 1a) All corrosion protection systems shall be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances and are in contact with the ground, backfill or water.
- 2b) All UST systems equipped with sacrificial anode cathodic protection systems shall be tested and inspected for proper operation, when prior to being put into operation, by a certified ICBO qualified cathodic protection tester, or OSFM approved tester, in accordance with the following requirements:
- A1) Frequency. All cathodic protection systems shall be re-tested within no less than 24 weeks and no more than 28 weeks from the date of six months of installation or repairs and at least every three years thereafter. All sacrificial anode systems shall be tested every three years by a certified ICBO tester or OSFM approved tester. In the event that a reading of -.875 millivolts or less is recorded, and testing shall be conducted above the structure, on any type of corrosion protection system, then yearly testing will be required thereafter. In the event that upgrading of the Cathodic Protection system results with readings greater than -.875 millivolts and with readings being conducted above the structure, then testing may continue back to every three years, unless the six month test after upgrading produces a reading of -.875 millivolts or less, then yearly testing will be required thereafter.
- B2) Inspection criteria. The criteria that are used to determine that cathodic protection is adequate as required by this subsection (b) shall be in accordance with NACE Standard Recommended Practice RP0169-9683 and RP0285-9585, incorporated by reference in Section 170.410. Subject to the technical applicability of such criteria given actual site conditions, one or more of the following criteria shall apply for adequacy of cathodic protection.
- i) A negative (cathodic) potential of at least 850 millivolts with cathodic protection applied. This potential is measured with respect to a saturated copper/copper sulfate reference electrode contacting the electrolyte.
- ii) A minimum 100 millivolt of cathodic polarization between the structure and a saturated copper/copper sulfate

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- reference electrode contacting the electrolyte. Such polarization shall be determined from the tanking of a valid "instant-off" test, which, for each testing point determines the voltage reading at the second drop in voltage following the interruption in cathodic protection being applied, and determining if such voltage reading is at least 100 millivolts higher than either the native reading or any other reading after the structure has had time to depolarize with no cathodic protection applied.
- 3e) UST systems with impressed current cathodic protection systems shall also be tested and inspected, prior to being put into operation and every 3060 days thereafter, to ensure the equipment is running properly and the entire system must be tested yearly.
- 4d) For UST systems using cathodic protection, records of the operation of the cathodic protection shall be maintained (~~in accordance with Section 170.490~~) to demonstrate compliance with the performance standards in this Section. These records shall provide the following:
- A1) The results of testing for sacrificial anode systems, the 6-month test and 3 year or yearly tests must be maintained on site for 3 years from the last two inspections required in subsection (b) above; and
- B2) For impressed current systems, a log of the 30-day inspections shall be kept for 3 years and the yearly system test shall be kept for 3 years and these records shall be kept on site. The inspection shall include date of inspection, initials of person inspecting, power status, volt, hour and amp readings. The results of testing from the last three inspections required in subsection (c) above.
- 5e) Alternative methods of corrosion protection may be used if approved in writing by the Office of the State Fire Marshal provided they are no less protective of human health or the environment.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.480 Repairs Allowed**

Owners and operators of UST systems shall ensure that repairs will prevent releases due to structural failure or corrosion as long as the UST system is used to store regulated substances. Any hole or penetration made into a tank such as is required for new bung openings or any entrance way established for interior lining inspection or repair shall be installed and closed as per this Section. The repairs must meet the following requirements:

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- a) Repairs to UST systems shall be properly conducted in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory. (The following codes and standards, incorporated by reference in Section 170.410, may be used to comply with this subsection: NFPA 30; API Publication 2200; API Recommended Practice 1631; or ~~NLPANLPA~~ Standard 631.)
- b) Repairs to fiberglass-reinforced plastic tanks ~~shall may~~ be made by the manufacturer's authorized representative of ~~a fiberglass tank the manufacturer and NLPA 631, 1991 edition, or in accordance with ANSI Z117.1 or API Recommended Practice 1631.~~
- c) Metal pipe sections and fittings that have released product as a result of corrosion or other damage shall be replaced. Fiberglass pipes and fittings may be repaired in accordance with the manufacturer's specifications.
- d) Repaired tanks and piping shall be tightness tested in accordance with Sections 170.530(c) and 170.540(b) within 30 days following the date of the completion of the repair except as provided in subsection ~~(d)(1) through (3) of this Section below.~~
- 1) The repaired tank is internally inspected in accordance with ~~Section 170.430; ANSI Z117.1 or API Recommended Practice 1631;~~
  - 2) The repaired portion of the UST system is monitored monthly for releases in accordance with a method specified in Section 170.530(d) through (h);  
or
  - 3) Another test method is used that is determined by the Office of the State Fire Marshal to be not less protective of human health and the environment than those listed in subsections ~~(d)(1) and (2) of this Section;~~ before the utilization of any such method, it shall be submitted to the Office in writing, and the Office shall issue written approval.
- e) Frequency. All cathodic protection systems shall be re-tested no less than 24 weeks and no more than 28 weeks from the date of installation or repairs. All sacrificial anode systems shall be tested every three years by a certified ICBO tester or OSFM approved tester. Within six months following the repair of any cathodically protected UST system, the cathodic protection system must be tested in accordance with Section 170.460(b) and (c) to ensure that it is operating properly. In the event that a reading of -.875 millivolts or less is recorded, and testing shall be conducted above the structure, on any type of corrosion protection system, then yearly testing will be required thereafter. In the event that upgrading of the Cathodic Protection system results with readings greater than -.875 millivolts and with readings being conducted above the structure, then testing may continue back to every three years, unless the six month test after upgrading produces a reading of -.875 millivolts or less, then yearly testing will be required

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- thereafter.
- f) UST system owners or operators shall maintain records of each repair for the remaining operating life of the UST system that demonstrate compliance with the requirements of this Section. The last 3 years of records shall be retained on site.
  - g) All materials used to make necessary repairs shall comply with Section 170.420.
  - h) When a tank is determined to be leaking, it can be permanently abandoned-in-place (subject to Section 170.670), removed (subject to Section 170.670), replaced (subject to Section 170.420) or repaired (subject to this Section).
  - i) Removal or abandonment-in-place of a leaking tank shall be in compliance with Section 170.670. Leaking piping shall be removed or abandoned-in-place in compliance with Section 170.670.
  - j) Storage tanks may be ~~glass or epoxy~~-lined, provided that:
    - 1) Such repair and the proposed materials are compatible with the product to be stored in such repaired tank.
    - 2) The manufacturers of materials used to ~~line~~ reline or repair leaking tanks for the storage of petroleum or hazardous substances shall register with the Office of the State Fire Marshal. The manufacturers shall provide and maintain a current annual list of installers of their particular methods and materials for lining ~~relining~~ and repairing tanks. Such lists shall only contain the names of installers who are certified by the respective manufacturers. This manufacturer's registration shall include the submission of evidence for materials and tank specifications as indicated in NLP Standard 631, incorporated by reference in Section 170.410.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.481 Emergency Repairs**

- a) An emergency consists of a defect in an underground storage tank system that is causing or threatens to cause harm to human health or the environment, or presents a threat to fire safety, and contact of the regulated substance with the defect cannot be prevented. In the event of a release, Section 170.~~580560~~ and any other applicable Section in this Subpart shall be followed.
- b) If minor or temporary repairs are required to correct the defect, only the defective area can be repaired.
- c) Economic loss or the threat of economic loss does not constitute such an emergency.
- d) Minor or temporary repairs, as a result of an emergency, to tanks or piping may begin on weekends, holidays and after business hours, when the repairs would otherwise require a permit prior to being performed. Permit applications, are if

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required, for any such UST activity and shall be submitted to the Office of the State Fire Marshal after-the-fact, on the next business day. All such repairs shall be inspected and tested prior to the repaired UST system being put back into operation unless otherwise directed by the Office.

- e) Contractor shall telephone OSFM office and obtain authorization to proceed with the emergency repair. After obtaining authorization, the contractor shall fax a statement to the OSFM office indicating what facility and what specific repair is being requested.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.490 Reporting and Recordkeeping**

- a) Reporting. Owners and operators must submit the following information to the Office of the State Fire Marshal:
- 1) Notification for all UST systems (Section 170.440), which includes certification of installation for new UST systems (Section 170.420~~(e)~~);
  - 2) Reports of all releases including suspected releases (Section 170.560), spills and overfills (Section 170.590), and confirmed releases (Section 170.580~~600~~);
  - 3) Initial response, including leak abatement, site characterization, and fire and explosion mitigation (40 CFR 280, Subpart F, incorporated by reference in Section 170.410); and
  - 4) A notification before removal or change-in-service (40 CFR 280, Subpart F, incorporated by reference in Section 170.410).
- b) Recordkeeping. Owners and operators must maintain the following information:
- 1) Documentation of operation of corrosion protection equipment (Section 170.460);
  - 2) Documentation of UST system repairs ~~{Section 170.480(4)}~~;
  - 3) Recent compliance with release detection requirements (Section 170.550); and
  - 4) Results of the site investigation conducted at removal or change-in-service (Section 170.660).
- c) Availability and Maintenance of Records. Owners or operators shall keep the required records ~~required at the UST site or available to the OSFM inspector in 30 minutes or less via fax, email, or other transfer of information. either:~~
- d) Unmanned sites will be given prior notification of inspection/audit.
- 1) ~~At the UST site and immediately available for inspection by the Office of the State Fire Marshal; or~~
  - 2) ~~At a readily available alternative site in the State and be provided for~~

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- ~~inspection to the Office of the State Fire Marshal upon request.~~
- ~~3) In the case of removal records required under 40 CFR 280, Subpart F, incorporated by reference in Section 170.410, owners and operators are also provided with the additional alternative of mailing removal records to the Office of the State Fire Marshal if they cannot be kept at the site or an alternative site as indicated in subsections (c)(1) and (2).~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.500 General Release Detection Requirements for All UST Systems**

- a) Owners or operators of new and existing UST systems shall provide a method, or combination of methods, of release detection that:
- 1) Can detect a release from the entire tank and any portion of the connected underground piping that routinely contains product;
  - 2) Is installed, calibrated, operated and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running condition; and
  - 3) Meets the performance requirements in Sections 170.530 and 170.540, with any performance claims and their manner of determination described in writing by the equipment manufacturer or installer. In addition, methods used on or after December 22, 1990 (except for methods permanently installed prior to that date) shall be capable of detecting the leak rate or quantity specified for that method in Section 170.530 and 170.540 with a probability of detection of 0.95 and a probability of false alarm of 0.05.
  - 4) All leak detection equipment must be evaluated and be listed in the NWGLDE publication – "List of Leak Detection Evaluations for Underground Storage Tank Systems", as referenced in Section 170.410.
- b) When a release detection method operated in accordance with the performance standards in Sections 170.530 and 170.540 indicates a release may have occurred, owners or operators shall notify the Illinois Emergency Management Agency in accordance with Sections 170.560, 170.590 and 170.580600.
- ~~c) Owners or operators of all UST systems shall comply with the release detection requirements of this Section by December 22 of the year listed in Table A.~~
- ~~d) Any existing UST system that has not applied or installed a method of release detection that complies with the requirements of this Section shall perform the removal procedures in Section 170.670 on such UST system, upon issuance of an Administrative Order to do so by the Office of the State Fire Marshal.~~

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(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.510 Release Detection Requirements for Petroleum UST Systems (Repealed)**

~~Owners and operators of Petroleum UST Systems must provide release detection for tanks and piping as follows:~~

- ~~a) Tanks. Tanks must be monitored at least every 30 days for releases using one of the methods listed in Section 170.530(d) through (h) except that:~~
  - ~~1) UST systems that meet the performance standards in Sections 170.420 or 170.430, and the monthly inventory control requirements in Section 170.530(a) or (b), may use tank tightness testing [conducted in accordance with Section 170.530(c)] at least every five years until December 22, 1988, or until 10 years after the tank is installed or upgraded under Section 170.430(b), whichever is later;~~
  - ~~2) UST systems that do not meet the performance standards in Section 170.420 or 170.430 may use monthly inventory controls [conducted in accordance with Section 170.530(a) or (b)] and annual tank tightness testing [conducted in accordance with Section 170.530(c)] until December 22, 1998 when the tank must be upgraded under Section 170.430 or removed under Section 170.630; or~~
  - ~~3) Tanks with a capacity of 550 gallons or less may use weekly tank gauging [conducted in accordance with Section 170.530(b)].~~
- ~~b) Piping. Underground piping that routinely contains regulated substances must be monitored for releases in a manner that meets one of the following requirements:~~
  - ~~1) Pressurized piping. Underground piping that conveys regulated substances under pressure must:
    - ~~A) Be equipped with an automatic line leak detector conducted in accordance with Section 170.540(a); and~~
    - ~~B) Have an annual line tightness test conducted in accordance with Section 170.540(b) or have monthly monitoring conducted in accordance with Section 170.540(c).~~~~
  - ~~2) Suction piping. Underground piping that conveys regulated substances under suction must either have a line tightness test conducted at least every three years and in accordance with Section 170.540(b), or use a monthly monitoring method conduct in accordance with Section 170.540(c). No release detection is required for suction piping that is designed and constructed to meet the following standards:
    - ~~A) The below grade piping operates at less than atmospheric pressure;~~
    - ~~B) The below grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released;~~~~

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- ~~C) — Only one check valve is included in each suction line;~~
- ~~D) — The check valve is located directly below and as close as practical to the suction pump; and~~
- ~~E) — A method is provided that allows compliance with subsections (b)(2)(B) through (D) to be readily determined.~~

(Source: Repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.520 Release Detection Requirements for Hazardous Substance UST Systems**

Owners or operators of hazardous substance UST systems shall provide release detection that meets the following requirements:

- a) Release detection at existing UST systems shall meet the requirements for petroleum UST systems in Section 170.510. ~~All By December 22, 1998, all~~ existing and new hazardous substance UST systems shall meet the release detection requirements for new systems in subsection (b) of this Section below and comply with Section 170.530~~(g)~~.
- b) Release detection ~~for at new~~ hazardous substance UST systems shall meet the following requirements:
  - 1) Secondary containment systems shall be designed, constructed and installed to:
    - A) Contain regulated substances released from the tank system until they are detected and removed and must have interstitial monitoring capable of detecting a failure from the inner and outer wall;
    - B) Prevent the release of regulated substances to the environment at any time during the operational life of the UST system; and
    - C) All interstitial monitoring must be checked every 30 days. This can be done by keeping reports from an ATG interstitial monitoring system status report tape showing a pass, normal, etc., or by keeping a log showing the date of inspection, initials of inspector, system status (Pass, Normal, etc.). The monthly records for the previous 3 years must be kept on site. Be checked for evidence of a release at least every 30 days.
    - D) Interstitial monitoring components shall be tested for operation every three years and the records for the previous 3 years must be kept on site. This testing shall be done by a person trained by the manufacturer or a licensed contractor.
  - 2) Double-wall tanks shall be designed, constructed and installed to:
    - A) Contain a release from any portion of the inner tank within the

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- outer wall; and
- B) Detect the failure of the inner wall.
- 3) External liners (including vaults) shall be designed, constructed and installed to:
- A) Contain 100 percent of the capacity of the largest tank within its boundary;
- B) Prevent the interference of precipitation or groundwater intrusion with the ability to contain or detect a release of regulated substances; ~~and~~
- C) Surround the tank completely (i.e., it is capable of preventing lateral as well as vertical migration of regulated substances); ~~and-~~
- D) Detect the failure of the tanks and the external liner.
- 4) Underground piping shall be equipped with secondary containment that satisfies the requirements of subsections (b)(1) through (3) of this Section ~~above~~ (e.g., trench liners, jacketing or double-walled pipe). In addition, underground piping that conveys regulated substances under pressure shall be equipped with an automatic line leak detector in accordance with Section 170.540(a) and an interstitial monitor in accordance with 170.530(g).
- 5) Other methods of release detection may be used if owners or operators:
- A) Demonstrate to the Office of the State Fire Marshal that an alternate method can detect a release of the stored substance as effectively as the method allowed in Section 170.530(g); written approval is required from the Office to use the alternate release detection method before the installation and operation of the new UST system; and
- B) Provide written information to the Office of the State Fire Marshal on effective corrective action technologies, health risks and chemical and physical properties of the stored substance, and the characteristics of the UST site.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.530 Methods and Requirements of Release Detection for Tanks**

Owners and operators of petroleum UST systems shall provide release detection on tanks. These tanks must be monitored at least every 30 days for releases using one or more of the methods listed below:~~Each method of release detection for tanks used to meet the requirements of Section 170.510 shall be conducted in accordance with the following:~~

- a) Monthly inventory control.

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- 1) Product inventory control (or another test of equivalent performance) shall be conducted monthly to detect a release of at least 1.0 percent of the flow-through plus 130 gallons on a monthly basis in the following manner:
  - A) Inventory volume measurements for regulated substance inputs, withdrawals and the amount still remaining in the tank are recorded each operating day;
  - B) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth of an inch;
  - C) The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery;
  - D) Deliveries are made through a drop tube that extends to within 6 inches ~~one foot~~ of the tank bottom;
  - E) Product dispensing is metered and recorded pursuant to Section 8 of the Weights and Measures Act ~~[(225 ILCS 470/8)]~~;
  - F) The measurement of any water level in the bottom of the tank is made to the nearest one-eighth of an inch at least once a month (practices described in API Recommended Practice 1621, incorporated by reference in Section 170.410, may be used, where applicable, as guidance in meeting the requirements of this subsection (a)); ~~and~~
  - G) To the extent the above measurements or recordkeeping are the responsibility of the UST owner, the owner or whoever performs those activities on the owner's behalf, shall be knowledgeable in such performance;-
  - H) Records of Monthly Inventory Control records for the previous 3 years must be kept on site;
  - I) This method can only be used for a period of 10 years from the date cathodic protection was installed on the tank. A precision tank test must be performed at 5 years and 10 years and these records kept on site for 10 years. At 10 years, another form of leak detection is required;
  - J) Inventory control will only be allowed on sites currently using this method until the 10-year time allowance expires. No new sites will be allowed to use this method from the effective date of these regulations;
  - K) Inventory control may not be used on systems with blending pumps or siphon tanks.

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- 2) Monthly inventory control cannot be used as a method of release detection for any tank that, after passing only a noninvasive tank integrity assessment, was upgraded using the cathodic protection method.
- b) Manual tank gauging. Only tanks of ~~600~~550 gallons or less nominal capacity may use this subsection as the sole method of release detection. Tanks of 601 to 2,000 gallons may use this method for a period of 10 years from the date cathodic protection was installed on the tank. Tanks over 2,000 gallons may not use this method. Tanks 601 gallons to 2,000 gallons must perform a precision tank test once every year. The monthly records required for manual tank gauging and the yearly tank tests must be kept for 3 years on site. At the end of 10 years, another form of tank leak detection is required for tanks 601 gallons to 2,000 gallons. Tanks of 551 to 2,000 gallons may use this method in place of monthly inventory control in subsection (a) of this Section. Tanks of greater than 2,000 gallons nominal capacity may not use this method to meet the requirements of this subsection (b).
  - 1) Manual tank gauging shall meet the following requirements:
    - A) Tank liquid level measurements are taken at the beginning and ending of a period of at least 36 hours during which no liquid is added to or removed from the tank;
    - B) Level measurements are based on an average of two consecutive stick readings at both the beginning and ending of the period;
    - C) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth of an inch;
    - D) A leak is suspected and subject to the requirements of Sections 170.560 through 170.610, if the variation between beginning and ending measurements exceeds the weekly or monthly standards in Table B;
    - E) The measurement of any water level in the bottom of the tank is made to the nearest one-eighth of an inch at least once a month (practices described in API Recommended Practice 1621, incorporated by reference in Section 170.410, may be used, where applicable, as guidance in meeting the requirements of this subsection (b)); and
    - F) To the extent the above measurements or recordkeeping are the responsibility of the UST owner, the owner or whoever performs those activities on the owner's behalf, shall be knowledgeable in such performance.
  - 2) Manual tank gauging cannot be used as a method of release detection for any tank that, after passing only a noninvasive tank integrity assessment,

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was upgraded using the cathodic protection method.

- 3) This method will not be allowed for tanks 601 gallons to 2,000 gallons from the effective date of these regulations except for those currently using the method until the 10-year allowance expires.

- c) Precision tank tightness testing, as approved by the Office of the State Fire Marshal. Tank tightness testing (or another test of equivalent performance) shall be capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank that routinely contains product while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table. There are four types of precision testing:

- 1) 100 percent volumetric overfill;
- 2) Volumetric underfill with an approved ullage test of negative pressure or inert gas as approved by the Office of the State Fire Marshal;
- 3) A negative pressure; or
- 4) Other approved methods, in accordance with subsection (i) below.

In the case of a suspected release, tracer elements and ATGs are not an approved method of precision tank testing.

- d) Automatic tank gauging (ATG). Equipment for automatic tank gauging that tests for the loss of product and conducts inventory control shall meet the following requirements:

- 1) The automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product; and
- 2) The ~~Automatic Tank Gauge (ATG)~~ must be third party evaluated by and contained in the NWGLDE publication "List Leak Detection, Evaluations for Underground Tank Systems" USEPA format and the evaluation must be submitted to the OSFM. The ATG must be installed, calibrated and in compliance with the protocol of the third party evaluation.
- 3) All new or replacement ATG monitors shall be mounted no more than 6 feet from the floor and must be unobstructed and accessible.
- 4) All new ATG systems must be equipped with printers. Existing ATG systems must be equipped with printers within 12 months of the effective date of these regulations. If a system has to be retrofitted, a permit will be required. Systems with remote printers will be accepted.

- e) Vapor monitoring. Testing or monitoring for vapors within the soil gas of the excavation zone shall meet the following requirements:

- 1) The materials used as a backfill are sufficiently porous (e.g., gravel, sand or crushed rock) to readily allow diffusion of vapor from releases into the excavation area;
- 2) The stored regulated substance or a tracer compound placed in the tank

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system is sufficiently volatile (e.g., gasoline) to result in a vapor level that is detectable by the monitoring devices located in the excavation zone in the event of a release from the tank;

- 3) The measurement of vapors by the monitoring device is not rendered inoperative by groundwater, rainfall, soil moisture or other known interferences so that a release could go undetected for more than 30 days;
  - 4) The level of background contamination in the excavation zone will not interfere with the method used to detect releases from the tank;
  - 5) The vapor monitors are designed and operated to detect any significant increase in concentration above the background of the regulated substance stored in the tank system, a component or components of that substance, or a tracer compound placed in the tank system; vapor monitor sensors must be permanently installed in the vapor monitor wells; a monthly inspection of the vapor monitoring system must be made and a log maintained showing the date of inspection, results, and initials of the party doing the inspection;
  - 6) In the UST excavation zone, the site is assessed to ensure compliance with the requirements in subsections (e)(1) through (4) of this Section above and to establish the number and positioning of monitoring wells that will detect releases within the excavation zone from any portion of the tank that routinely contains product;
  - 7) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering;
  - 8) Vapor monitoring wells shall be of sufficient design to allow vapors to be detected from any portion of the tank being monitored and shall be a minimum of four inches in diameter or as approved by the Office of the State Fire Marshal on the applicable permit; and
  - 9) An adequate number of vapor monitoring wells shall be provided to ensure that a release can be detected from any portion of the tank. Adequacy of such wells is subject to approval of the Office of the State Fire Marshal on the applicable permit.
- f) Groundwater monitoring. Testing or monitoring for liquids on the groundwater shall meet the following requirements:
- 1) The regulated substance stored is immiscible in water and has a specific gravity of less than one;
  - 2) Groundwater is never more than 20 feet from the ground surface, the hydraulic conductivity of the soil between the UST system and the monitoring wells or devices is not less than 0.01 cm/sec (e.g., the soil should consist of gravels, coarse to medium sands, coarse silts or other permeable materials), and groundwater shall be present in the groundwater

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- monitoring wells at all times;
- 3) The slotted or perforated portion of the monitoring well casing shall be designed to prevent migration of natural soils or filter pack into the well and to allow entry of regulated substance on the water table into the well under both high and low groundwater conditions;
  - 4) Groundwater monitoring ~~Monitoring~~ wells shall be sealed from the ground surface to the top of the filter ~~filer~~-pack;
  - 5) Monitoring wells or devices intercept the excavation zone or are as close to it as is technically feasible;
  - 6) The continuous monitoring devices or manual methods used can detect the presence of at least one-eighth of an inch of free product on top of the groundwater in the monitoring wells;
    - A) The continuous monitoring devices must be fixed sensors mounted permanently inside the well or samples must be taken by a mechanical bailer capable of detecting the presence of at least one-eighth inch (1/8") of free product on top of the ground water in the monitoring wells.
    - B) Ground water monitoring must be done monthly and a log of the inspection made showing the date of the inspection, initials of the person conducting the inspection, and results of the well sampling. This log must be done every 30 days and kept on-site for 3 years or available within 30 minutes.
  - 7) Within and immediately below the UST system excavation zone, the site is assessed to ensure compliance with the requirements in subsections (f)(1) through (5) of this Section above and to establish the number and positioning of monitoring wells or devices that will detect releases from any portion of the tank that routinely contains product;
  - 8) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering;
  - 9) The minimum diameter of groundwater monitoring wells shall be 8 ~~six~~ inches or as approved by the Office of the State Fire Marshal on the applicable permit; and
  - 10) An adequate number of groundwater monitoring wells shall be provided to ensure that a release can be detected from any portion of the tank. Adequacy of such wells is subject to approval of the Office of the State Fire Marshal on the applicable permit. On new installations, there shall be two 8" diameter monitoring wells for the first tanks and 1 additional well for each additional tank installed. The wells will be of manufactured slotted or perforated type. They shall be at opposite ends and corners, one foot below the invert elevations of the lowest UST.

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- g) Interstitial monitoring. Interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it may be used but only if the system is designed, constructed and installed to detect a leak from any portion of the tank that routinely contains product and, also, meets one of the following requirements:
- 1) For double-wall UST systems, the sampling or testing method can detect a release through the inner wall in any portion of the tank that routinely contains product; the provisions specified in STI, "Standard for Dual Wall Underground Storage Tanks," incorporated by reference in Section 170.410, may be used as guidance for aspects of the design and construction of underground steel double-wall tanks.
  - 2) For UST systems with a secondary barrier within the excavation zone, the sampling or testing method used can detect a release between the UST system and the secondary barrier.
    - A) The secondary barrier around or beneath the UST system consists of artificially constructed material that is sufficiently thick and impermeable (not in excess of 0.000001 cm/sec for the regulated substance stored) to direct a release to the monitoring point and permit its detection;
    - B) The barrier is compatible with the regulated substance stored so that a release from the UST system will not cause a deterioration of the barrier allowing a release to pass through undetected;
    - C) For cathodically protected tanks, the secondary barrier shall be installed so that it does not interfere with the proper operation of the cathodic protection system;
    - D) The groundwater, soil moisture or rainfall will not render the testing or sampling method used inoperative so that a release could go undetected for more than 30 days;
    - E) The site is assessed to ensure that the secondary barrier is always above the groundwater and not in a 25-year flood plain unless the barrier and monitoring designs are for use under such conditions;
    - F) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering; and
    - G) An adequate number of monitoring wells shall be provided to ensure that a release can be detected from any portion of the tank. Adequacy of the number of such wells is subject to the approval of the Office of the State Fire Marshal.
  - 3) For tanks with an internally fitted liner, an automated device can detect a release between the inner wall of the tank and the liner, and the liner is compatible with the substance stored.

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- 4) The interstitial monitoring system must be tested every 3 years to verify its operation and records from the previous test must be kept on site, or available within 30 minutes. Testing of the system sensors shall be done in such a way as to verify their function but in a way so as not to damage the sensors.
  - 5) Recordkeeping requirements for interstitial monitoring of tanks and lines requires an inspection once every 30 days and records for the previous 3 years must be kept on-site, or available within 30 minutes. The records can be from an ATG system showing the interstitial monitors status (pass/normal/other/) on a print out tape or by maintaining a log showing date of inspection, initials of inspector, status of system (pass/normal/other).
- h) Statistical Inventory Reconciliation (SIR).
- 1) The company that uses this method shall provide the Office of the State Fire Marshal a written affirmation that their data collection staff is trained in the data gathering procedures and that only trained staff will be utilized for data collection. Each tank monitored by SIR shall be identified to the Office in writing within 30 days of the commencement of such monitoring, specifying tank size, product stored, facility location and any other pertinent identification information necessary;
  - 2) SIR methods may only be used in conjunction with precision tank tightness testing conducted yearly. ~~SIR methods may only be used in conjunction with precision tank tightness testing conducted either annually for tanks that are not upgraded or every five years for tanks that have been upgraded with corrosion protection and spill/overfill prevention devices;~~
  - 3) A precision tank tightness test, as approved by the Office of the State Fire Marshal, shall be mandatory, if any data analysis indicates a possible release, inconclusive, indeterminate, or for any other reason than a PASS~~if two successive monthly data analyses indicate a possible release or are inconclusive;~~ and
  - 4) The measurement of any water level in the bottom of the tank is made to the nearest one-eighth of an inch at least once a month (practices described in API Recommended Practice 1621, incorporated by reference in Section 170.410, may be used, where applicable, as guidance in meeting the requirements of this subsection (h)).
  - 5) SIR test records for the previous 3 years must be kept on-site. A lag time of 60 days will be allowed for on-site records, or available within 30 minutes.
  - 6) New requests to use SIR after the effective date of this amendment will no longer be accepted. If SIR is discontinued at a site, it will not be allowed

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- again.
- 7) After January 1, 2006, SIR may not be used on systems with blending pumps or siphon tanks.
- i) Other methods. Any other type of release detection method or combination of methods, approved by the Office of the State Fire Marshal, may be used if: The owner or operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in subsections (c) through (h) of this Section. Demonstration of any such method shall be in writing submitted to the Office of the State Fire Marshal. In comparing methods, the Office shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner or operator shall comply with any conditions imposed by the Office on its use to ensure the protection of human health or the environment. Before the utilization of the method, the Office shall issue written approval.
- j) One copy of each independent third-party evaluation and its protocol, for the release detection methods in subsections (c), (d), (e), (g), (h) and (i) above, shall be submitted to the Office of the State Fire Marshal. Any deviation from the third-party evaluation shall be resubmitted for approval.
- k) Only one approved method of primary release detection is required for each tank; although, multiple methods are acceptable.
- l) No method of release detection shall be used, unless that method has been approved by the Office of the State Fire Marshal.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.540 Methods and Requirements of Release Detection for Piping**

Owners and operators of petroleum UST systems shall provide release detection for piping that routinely contains regulated substances by the following methods: For pressurized lines- 170.540(a) and (b), for suction lines-170.540(c). Each method of release detection for piping used to meet requirements of Section 170.510 shall be conducted in accordance with the following:

- a) Automatic-Line line leak detectors for pressurized systems. Mechanical and electronic line leak detectors. Methods which alert the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or triggering an audible or visual alarm may be used only if they detect leaks of three gallons per hour at 10 pounds per square inch line pressure within one hour. All line leak detectors must have an operational test performed annually. An annual test of the operation of the leak detector shall be conducted in accordance with the manufacturer's requirements. One copy of an independent third-party evaluation and its protocol for each piping release detection method

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shall be submitted to the Office of the State Fire Marshal. Any deviation from the third-party evaluation shall be resubmitted for approval.

- b) Line tightness testing requirements may be met by one of the following methods:
- 1) Pressurized lines must have an annual precision test that must detect a 0.1 gallon per hour leak rate at 1 ½ times the operating pressure for 30 minutes.
  - 2) Use of an inert gas to pressurize piping as approved by the OSFM is also acceptable.
  - 3) The use of electronic line leak detection that performs a 0.1 gallon per hour test annually is acceptable as the annual test if records can be supplied that confirm a test pass at the 0.1 rate. These records must be kept on site for three years, or available within 30 minutes.
  - 4) A method meeting the requirements of NWGLDE publication "Leak Detection Evaluations for Underground Tank Systems".
- c) Suction lines – American suction shall be tested annually using any of the following methods in NWGLDE publication "Leak Detection Evaluations for Underground Tank Systems":
- 1) If using positive pressure use at least 7 psi for 30 minutes.
  - 2) The use of a monthly monitoring method.
  - 3) European suction does not require a test if it is designed and constructed to meet the following:
    - A) The below grade piping operates at less than atmospheric pressure;
    - B) The below grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released;
    - C) Only one check valve is included in each suction line;
    - D) The check valve is located directly below and as close as practical to the suction pump, and;
    - E) A method is provided that allows compliance with subsections (C)(3)(B), (D) and (E) of this Section, to be readily determined.
- ~~b) Line tightness testing. A periodic test of piping may be conducted only if it can detect a 0.1 gallon per hour leak rate at one and one-half times the operating pressure for 30 minutes. Use of an inert gas to pressurize piping, as approved by the Office of the State Fire Marshal, is also acceptable. Suction piping shall be tested under a positive pressure of approximately seven PSI for 30 minutes.~~
- de) Applicable tank methods. Any of the methods in Section 170.530(a) through (i) may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances, as approved by the Office of the State Fire Marshal. S.I.R. is not acceptable as a form of line leak detection or precision test. Interstitial piping leak detection system that are third party approved (as addressed in the OSFM regulations) that has an audible alarm

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or shuts down the product flow, can be used in place of annual testing in conjunction with a mechanical line leak detector.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.541 Installer, Repairer, ~~Liner Reliner~~ or Remover of USTs and Obtaining Permits**

Any person who is an installer, repairer, ~~liner reliner~~ or remover of underground storage tanks is a contractor. However, in order for a contractor to do lining inspections, lining touch up, cathodic protection, install, repair, ~~line, reliner~~ upgrade, abandon or remove any UST, the contractor is required to be licensed and obtain a permit for that activity, in compliance with the following:

- a) Pay \$100 per site to the Office of the State Fire Marshal for a permit to install, repair, ~~line, reliner~~ lining touch up, lining inspections, cathodic protection, abandonment, upgrade or remove underground storage tanks.
  - 1) A separate fee is required for each type of activity.
  - 2) This fee is to be paid by check or money order made payable to "Office of the State Fire Marshal" and is to be from the installer, repairer, ~~liner reliner~~ or remover.
  - 3) Only contractors licensed and certified in accordance with Subpart E (or their respective employees, who do not have to be licensed and certified), and not barred pursuant to Subpart D, may obtain permits. Contractors are required to be licensed and certified in the UST activity for which they are applying.
  - 4) Only contractors, their employees or subcontractors may perform the permitted UST activity in accordance with Subpart E.
  - 5) Only the most current permit application for the activity is to be submitted.
  - 6) Insufficient information submitted with the permit application or an illegible permit application submission is cause for return or denial.
  - 7) Permits expire six months from the date they are issued, ~~except that~~ The applicant may apply for additional 6 month extensions. Each extension request will be accompanied by a \$100 fee. Contractors may apply for one extension at the time of the original application. A new permit application and fee must be submitted if the permit lapses in writing and be entitled to one six-month extension of the permit during the time the permit is valid, with no additional fee required.
  - 8) Permit applications denied or rejected the second time will require a new application submission fee.

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- 9) Permit applications and issued permits are not transferable.
- 10) Permit applications and issued permits may only be submitted and amended by contractors licensed and certified in the area of UST activity for which they are applying.
- 11) Amended permits. Granted permits may be amended only once in the office or in the field without a new application fee. Additional amendments may be allowed with an additional \$100 fee; except, each change that requires a new contractor, a new site plan or another engineering review to determine acceptability will require a new permit application submission and \$100. fee.
- 12) A person who is the owner of a UST for which a permit is obtained shall be listed on the permit application as the owner.
- 13) In the event there is a delegation of authority to the City of Chicago to enforce UST rules and regulations, pursuant to 430 ILCS 15/2, subject to the terms of such an agreement, the City has the authority to modify this subsection (a) to issue the permits and collect the fees for its own use, regarding UST activities within the jurisdiction of the City.
- 14) A permit is closed:
  - A) When the work under the permit is completed and the required notification forms have been submitted to the Office, or
  - B) When the permit has lapsed, expired or been revoked.
- b) No permit may be issued when a current owner is listed on a permit application who owes fees pursuant to Section 170.441 or 170.442 until any such fee is paid in full.
- c) No UST activity requiring a permit may proceed without a granted permit in the possession of the contractor or representative of the contractor at the UST site, except pursuant to Section 170.481, and the permit shall be available upon request of an Office of the State Fire Marshal representative. Performance by a contractor of a UST activity in violation of this Section may result in the suspension or revocation of the license of that contractor to perform any UST activity. This does not preclude suspension or revocation for a violation of any other applicable Section.
- d) No UST owners or operators may perform any UST activity on their UST, unless the owner complies with the licensing and certification requirements of Subpart E.
- e) UST activity performed that is not in compliance with the conditions of a permit issued to a contractor is cause for permit revocation, or suspension or revocation of the license of that contractor to perform any UST activity. This does not preclude suspension or revocation for a violation of any other applicable Section.
- f) For purposes of this Section, the term "installer" includes "replacer" and "install" includes "replace"; the term "repairer" includes a person who upgrades and

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"repair" includes "upgrade"; and the term "remover" includes a person who "abandons-in-place" and "remove" includes "abandon-in-place" a UST.

- g) A permit is required to remove, abandon-in-place, upgrade, repair, line, inspect linings, lining touch ups, emergency repairs, repair or install cathodic protection, install manways (except in cases associated with a lining permit), or lining inspection permit, with manholes bolted to the tank top only when in conjunction with an inspection as not to damage the existing lining ~~refine~~ and install all UST tanks and piping, or any time a tank is entered. Primary leak detection systems, corrosion protection, spill containment, overfill prevention and new dispenser islands also require permits.
- h) No permit is required to do routine maintenance or like-for-like replacements for items listed below: No permit is required for routine maintenance such as replacement of existing dispensers, provided no new piping is installed. No permit is required for existing equipment located in existing containment sumps, not in direct contact with the earth or covered with backfill, such as submersible pump, a third party approved line leak detector, shear valve, swing joint or flex connector. Existing automatic tank gauge probes, if defective, may be replaced with those of identical manufacture and model of existing equipment without a permit. Tightening loose fittings does not require a permit. Excavations needed to investigate releases do not require permits provided there is no installation or removal of UST equipment.
- 1) Submersible pumps, spill containment devices, drop tube valves for drop tube valves, ball floats for ball floats, ATG probes, mechanical line leak detectors for mechanical line leak detectors, electronic line leak detectors for electronic line leak detectors, wireless electronic line leak detectors for wireless electronic line leak detectors, rectifiers for rectifiers, or tightening of loose fittings.
  - 2) The above listed equipment are the only exceptions that do not require a permit. If the equipment is not present or another type of equipment is to be used a permit shall be required. Any pipe or flex connector work shall require a permit.
  - 3) In the event that equipment is not installed like-for-like and/or equipment is installed without a permit, the owner/operator will be required and responsible to do the following:
    - A) Hire an OSFM recognized contractor other than the original contractor having done the unauthorized/non-permitted work.
    - B) Office of State Fire Marshal, Engineering Department, will determine if the equipment is approved for this application.

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- C) Contractor will submit a Date and Time Certain Job Schedule to review the installation and determine that the equipment has been installed as per manufacturer's specifications.
- D) Contractor will schedule a Date and Time Certain Final Inspection. The contractor will have a representative at the final inspection that is knowledgeable and able to work with this equipment. An amended notification form for this installation shall be available for the STSS. The representative will review the equipment with the STSS.
- 4) Replacing of any of the above equipment must be reported in writing to the OSFM, on an OSFM approved form, as to the make, model, and manufacturer of the equipment, indicating where this equipment is being installed within 24 hours of the activity.
- 5) When replacing an electronic line leak detector that is capable of detecting a release within 0.1gph with a mechanical line leak detector, notification must be made by the contractor to the Office in writing within 8 working hours from activity on an approved OSFM form. An original replacement must be completed within 10 working days and notification of completion shall be submitted to the Office within 8 working hours of the replacement activity.
- 6) A valid permit does not comply a violation until the work is completed and does not allow for any extensions of time over Compliance Orders or Administrative Orders.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.542 Site Plans**

- a) Site plans showing setback distances ~~made to scale~~ shall be submitted in triplicate, by the contractor listed on the permit application, to the Office of the State Fire Marshal and are subject to approval by the Office before any new construction, addition or remodeling which alters building size, dispenser locations or locations or sizes of vehicle service area or storage tanks. Removals, lining relines and upgrades, which involve replacing equipment with that of identical manufacture and model, do not require the submission of site plans; however, permits are required in accordance with Section 170.541. Site plans shall be legible and sizes shall be 8 ½" x 11", 8 ½" x 14" or 11" x 17" only; blueprints are not acceptable as site plans. Separate permit application forms are provided for installation, removal, upgrade or repair, relining or abandonment-in-place. Drawings shall carry the name of the contractor proposing the installation,

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the location with reference to city, village or town, and shall show the following:

- 1) The plot to be utilized and its immediate surroundings on all sides. All property lines are to be designated and adjacent streets and highways shall be named.
  - 2) The complete installation as proposed, including tanks and their capacities, class of liquids to be stored, pumps, buildings, drives and all UST equipment.
  - 3) Clearance from tanks to property lines as required by Section 170.422.
  - 4) Type of construction of service station building or buildings, clearly showing that there will be no new basement, cellar or excavation within 20 feet of any underground storage tank system.
  - 5) Location of basements, cellars or pits of other buildings on the property or on adjacent property and location of tanks with reference thereto, as required by Section 170.422. If a building has no basement, cellar or pit, a notation to that effect should be made in the proper place. No basements are allowed within 20 feet of a UST system or its' components at the time of site plan submittal or system installation.
  - 6) If within the setback area, the location ~~Location~~ of sewers, manholes, catch basins, cesspools, septic tanks, wells or cisterns (whether on the property, adjacent property or in adjoining streets, highways or alleys), and location of tanks with reference thereto, as required by Section 170.422. If there is no sewer, manhole or catch basin in a street or alley or no sewer, cesspool, septic tank, well or cistern on a property, a notation to that effect should be made in the proper place.
  - 7) Location of vent pipe and outlets as required by Section 170.424(d) and location of fill pipes including remote fills as required by Section 170.425.
  - 8) Ventilation of greasing pits as required by Section 170.130, if greasing pit is located within a building or an enclosure.
  - 9) Drawings shall be accompanied by an application for approval made out in triplicate on forms furnished by the Office of the State Fire Marshal.
  - 10) Plans will be approved if they meet the requirements contained in this Subpart, and a written granted permit will be issued when the conditions are met.
- b) In the event there is a delegation of authority to the City of Chicago to enforce UST rules and regulations, pursuant to 430 ILCS 15/2, subject to the terms of such an agreement, the City has the authority to modify this Section to change any reference to "Office of the State Fire Marshal," or variation thereof, to the appropriate City authority.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 170.543 Notification and Establishment of Time Certain and Date Certain for Underground Storage Tank Activity**

- a) This subsection applies to underground storage tank activity requiring a permit and consisting of removal, abandonment-in-place, repair, lining or any tank entry or reline.
- 1) Notification:  
Notice of UST activity shall be given to the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety, in writing (the permit application, as specified in Section 170.541, shall constitute such writing) by the contractor and must be scheduled. ~~Notice of removal of a UST shall be given to the Office at least 30 days prior thereto, unless such action is in response to a known or suspected release, which has been assigned an incident number by Illinois Emergency Management Agency. In the event of a known or suspected release, the Office of the State Fire Marshal may waive the 30-day waiting period; however, a permit is still required.~~
- 2) Establishment of a Date Certain:
- A) The contractor the permit was issued to or an employee of that contractor (this does not include a subcontractor) shall establish a date certain to perform the UST activity by contacting the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety, by telephone between 8:30 a.m. and 3:00 ~~12:00~~ p.m., at which time a mutually agreed upon date and time for the UST activity shall be scheduled.
- B) No ~~permitted~~ removal, abandonment-in-place, ~~repair~~ or ~~reline~~ interior lining, lining inspection, installation of manways, (except in cases where manway installation is a part of a lining permit or lining inspection permit) is to be performed without an Office of the State Fire Marshal Storage Tank Safety Specialist (STSS) present, as deemed necessary by the Office (see appropriate Appendix).
- 3) In the event there is a delegation of authority to the City of Chicago to enforce UST rules and regulations, pursuant to 430 ILCS 15/2, subject to the terms of such an agreement and to the extent the City is authorized to supervise the above-referenced activities, the City is authorized to substitute references in this Section to the Office of the State Fire Marshal or its agents or employees with comparable terminology.
- b) This subsection applies to underground storage tank activity requiring a permit

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and consisting of installation and upgrade (including corrosion protection upgrades).

- 1) Notification and Establishment of Time Certain and Date Certain:
  - A) After the approved permit is issued by the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety (DPCS) and received by the contractor, a Job Schedule (see appropriate Appendix) shall be submitted for the installation or upgrade by transmitting it (by mail, express mail, package service, fax, or e-mail) to the Office of the State Fire Marshal, DPCS. Permitted activity will be scheduled no less than ~~5~~ 10 working days from the approval date shown on the permit and no less than ~~2, five~~ working days from the submission date of the Job Schedule. Time Certain and Date Certain activities will only be scheduled on State working days. The DPCS will transmit a stamped acknowledgement receipt back to the contractor within one working day. A copy of this receipt, along with a copy of the permit, will be kept on the job site at all times. Work will not commence until the contractor obtains this receipt.
  - B) Time Certain activities in reference to tank installation are Air Test on the Tanks prior to installation, Air Test on Primary Lines, Hydrostatic Test on containments prior to backfill, and Final inspection. Date Certain activities are Tank Installation and Air Test on Secondary Containment. Time Certain activities will be scheduled for a period of at least two working hours and subsequent activities will not proceed until the time period is over. ~~Date Certain activities will be scheduled to start on the scheduled day after appropriate Time Certain events have been completed.~~
  - C) No permitted and scheduled Time Certain or Date Certain activity is to be performed outside the schedule without the prior notice to the Office of the State Fire Marshal, DPCS. Changes made to Time Certain and Date Certain schedules will occur a maximum of two times, except for new tank installations where two additional changes may be used for final inspection only. These changes must be received, using the appropriate form (by mail, express mail, package service, fax, or e-mail) a minimum of ~~one~~ two working days or ~~8~~ 16 working hours before the event is scheduled. A new Time Certain or Date Certain cannot be scheduled prior to ~~3~~ five working days or ~~24~~ 40 working hours from the submission date of the revised Job Schedule. The DPCS will transmit a stamped acknowledgement receipt of the revised Job Schedule

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back to the contractor within one working day. Time or Date Certain activities will not resume until the contractor obtains this receipt. A copy of the revised Job Schedule Receipt will be kept, along with the original Job Schedule Receipt and a copy of the permit, on site during all permitted activities.

- D) Time Certain and Date Certain activities may be cancelled, with consent of the OSFM Storage Tank Safety Specialist (STSS), without the ~~one two~~-working day or ~~8 16~~-working hour notice, due to adverse natural occurrences or other emergency. A cancelled activity may be rescheduled, either inside or outside of the ~~3 five~~ working day/~~2440~~-working hour waiting period. These cancellations do not count as a scheduled Time Certain or Date Certain change under subsection (b)(1)(C).
- E) A new permit and fee will be required when there is a failure to meet any of the Time & Date Certain schedules. This includes not showing for inspection, not being totally ready for inspection, allowing permit to expire before completing the final, or not canceling job within the allowed time frame.
- F) For spill or overfill final time and date certain inspections a contractor representative is not required to be on site but the scheduling of the final inspection is required.
- 2) In the event authority is delegated to the City of Chicago to enforce UST rules and regulations under 430 ILCS 15/2, and subject to the terms of the delegation agreement and the City's authority to supervise the activities regulated by this subsection (b), the City may substitute, for references to the OSFM or its agents or employees, comparable references to the City or its agents or employees.
- 3) There shall be no sale of product from a newly installed UST system until the OSFM green tag has been issued.
- 4) Any time an emergency repair permit is issued, the contractor shall schedule and complete the final inspection within 30 days of the issuing of the permit.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.544 Tester of Underground Storage Tanks, ~~and~~ Cathodic Protection and UST Equipment**

- a) Any person who is a tester of underground storage tanks or its piping, ~~or~~ cathodic protection, or other UST equipment for another, except a lessor for his or her lessee, is a contractor.

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Testers shall be licensed and certified in accordance with Subpart E, except they shall not be licensed if they are so barred pursuant to Subpart D. ~~The results of such tests are to be reported to the Office within one month from the date of each such test on a form prescribed by the Office, except when a tank fails a test and is suspected of leaking, the result shall be submitted within three working days of the test.~~

- a) The following are the requirements for testers for UST systems:
- 1) Cathodic protection – to qualify as a tester of cathodic protection, you must be ICBO certified in the CP module or be approved by the OSFM.
  - 2) Precision tanks and piping – to qualify as a tester to perform precision tests on tanks or piping you must be certified by ICBO in the tank tightness testing module.
    - Ab) Tank tightness methods shall be evaluated by an independent third-party as contained in the NWGLDE publication "List Leak Detection Evaluations for Underground Tank Systems" and are subject to approval by the Office of the State Fire Marshal.
    - Be) Tank tightness testers shall be trained by the manufacturer of the testing equipment relied upon to ensure proficiency in the tightness testing method.
  - 3) UST equipment (including all other equipment other than that listed in subsection (a)(1) and (a)(2) of this Section 1) – to qualify as a tester an individual must be an employee of an ICBO certified contractor that has been trained in the testing of the equipment being evaluated for its operation in accordance with manufacturers' specifications.
- b) Test results shall be handled as follows:
- 1) Test results that pass are to be issued to the facility and owner.
  - 2) Test results that fail must be reported to the OSFM within 3 working days.
  - 3) Test results required due to Notice of Violation must be reported to the OSFM within 10 working days.
  - 4) All test results must be reported on a form prescribed by the OSFM.
- cd) For purposes of this Section, "license" (or any comparable variation of the term) is synonymous with "registration" (or any comparable variation of the term).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.546 UST Restrictions at Service Stations**

- a) Service station storage shall be underground and the capacity of any single compartment of an underground storage tank for petroleum shall not exceed 20,000 gallons unless approved by the OSFM. ~~(See 41 Ill. Adm. Code 180 "Storage, Transportation, Sale and Use of Gasoline and Volatile Oils" for~~

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- ~~exclusions.)~~
- b) The total aggregate storage at service stations of petroleum shall be limited by the ability to achieve and maintain clearances to basements, sewers, property lines and special classes of property, in accordance with Sections 170.420 and 170.422, and clearance between tanks is a minimum of 24 12 inches for all tanks installed after April 1, 2003.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.550 Release Detection and Cathodic Protection Recordkeeping**

UST system owners or operators shall maintain records in accordance with Section 170.490, demonstrating compliance with all applicable Sections of this Subpart. All records are to be kept on site or available within 30 minutes or less via fax, email, or other transfer of information. Failure to meet this 30 minute time frame at two separate facilities with the same registered ownership, will then require the owner to maintain all records at all of their sites thereafter; the 30 minute time frame will no longer be allowed. Multiple incidents of not complying with the 30 minute time frame at one site will also cause the owner to lose this time option. These records shall include the following:

- a) All written performance claims pertaining to any release detection system used and the manner in which these claims have been justified or tested by the equipment manufacturer or installer, shall be maintained for five years from the date of installation;
- b) The results of any sampling, testing or monitoring conducted or otherwise required shall be maintained for at least 3 years~~one year~~, except that the results of tank tightness testing conducted in accordance with Section 170.530(c) shall be retained until the next test is conducted; and
- c) Written documentation of all calibration, maintenance and repair of release detection equipment permanently located on-site shall be maintained for at least 3 years~~one year~~ after the servicing work is completed. Any schedules of required calibration and maintenance provided by the release detection equipment manufacturer shall be retained for five years from the date of installation.
- d) The following is a comprehensive list of record keeping required at the time of a compliance inspection/audit:
- 1) Corrosion Protection
    - A) Lined tanks – a physical internal inspection 10 years after installation. Then internally inspected every 5 years thereafter and records kept on site for 5 years.
    - B) STIP 3 tanks are to be tested every 3 years for proper corrosion protection operation and records from the previous test must be kept on site.



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- C) Inventory control is allowed for 10 years only from date of corrosion protection installation. A precision tank tightness test must be performed at 5 years and 10 years prior to changing leak detection methods. Daily inventory control records and monthly reconciliation records (minimum 3 years worth) and tightness test records are to be kept on site for 5 years.
  - D) Automatic tank gauge – a print out tape of the tank leak test showing one pass per tank per month must be kept for 3 years minimum. If no tape is available from unit, a log showing date, initials of person conducting the test, and leak results with a minimum of 3 years records kept on site.
  - E) SIR – a tank tightness test is required yearly from start date and the test results must be kept on site for 3 years. Also, the monthly SIR reports are to be saved and records for the previous 3 years must be kept on site.
  - F) Vapor and ground water monitoring – a monthly record must be taken on a log showing date of inspector, status (Pass or Fail), for each well and a minimum of 3 years records kept on site.
- 3) Line Leak Detection
- A) American suction must have a line tightness test performed yearly and the test report kept on site for 3 years.
  - B) Mechanical line leak detector and lines must be tested yearly and records kept on site for 3 years.
  - C) Electronic line leak detectors must supply a 0.1 line test annually and 3 years worth of records be kept or they must be tested yearly along with their associated line and records kept on site for 3 years.
  - D) Interstitial monitoring of lines must be done monthly and comply with the same requirements as interstitial monitoring for tanks (d)(2)(B).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.570 Investigation Due to Off-Site Impacts (Repealed)**

~~When required in writing by the Office of the State Fire Marshal, owners or operators of UST systems shall follow the procedures in Section 170.580 to determine if the UST system is the source of off-site impacts. These impacts include the discovery of regulated substances (such as the presence of free product or vapors in soils, basements, sewer or utility lines or nearby surface or drinking waters) that have been observed by the Office or brought to its attention by another party.~~

(Source: Repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.580 Release Investigation Reporting, Site Assessment, Initial Response and Confirmation Steps**

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- a) Investigation Due to Off-Site Impact. When required in writing by OSFM, owners or operators of UST systems shall determine if the UST system is the source of off-site impacts. These impacts include the discovery of regulated substances, such as the presence of free product or vapors in soils, basements, sewer or utility lines or nearby surface or drinking water that have been observed by the Office or brought to its attention by another party.
- b) Release Investigations and Confirmation Steps. Unless corrective action is initiated, owners or operators shall investigate and confirm all suspected releases of regulated substances requiring reporting within 14 days, using the following procedures:
- 1) Owners or operators shall repair, replace or upgrade the UST system and begin corrective action, if the test results for the system, tank or delivery piping indicate that a leak exists;
  - 2) Further investigation is not required if the test results for the tank system, and delivery piping do not indicate that a leak exists and if environmental contamination is not the basis for suspecting a release ; and
  - 3) Owners or operators shall conduct a site assessment if the test results for the system, tank and delivery piping do not indicate that a leak exists but environmental contamination is the basis for suspecting a release.
- c) Site Assessment. Owners or operators shall measure for the presence of a release where contamination is most likely to be present at the UST site. In selecting sample types, locations and measurement methods, owners or operators shall consider the nature of the stored substance, the type of initial alarm or cause for suspicion, the types of backfill, the depth of groundwater and other factors appropriate for identifying the presence and source of the release.
- 1) If the test results for the excavation zone or the UST site indicate that a release has occurred, owners or operators shall begin initial response and initial abatement procedures.
  - 2) If the test results for the excavation zone or the UST site do not indicate that a release has occurred, further investigation is not required.
- d) Initial Response. Upon confirmation of a release or after a release from the UST system or hazardous substance is identified in any other manner, owners or operators shall perform the following initial response actions immediately:
- 1) Report the release to Illinois Emergency Management Agency, by way of telephone or electronic mail within 24 hours;
  - 2) Take immediate action to prevent any further release of the regulated substance into the environment; and
  - 3) Identify and mitigate fire, explosion and vapor hazards.
- e) Notification of Suspected Release. The owner, operator or designated representative of the UST must notify the Illinois Emergency Mangement Agency

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of a suspected release, when directed to do so by the OSFM STSS. This is to be done at the time of discovery and the incident number given to the STSS prior to his/her leaving the site.

~~Unless corrective action is initiated in accordance with Sections 170.600 and 170.610, owners or operators shall investigate and confirm all suspected releases of regulated substances requiring reporting under Section 170.560 within seven days, using the following procedures:~~

- ~~a) System test. Owners or operators shall conduct tests (according to the requirements for tightness testing in Sections 170.530(c) and 170.540(b)) that determine whether a leak exists in that portion of the tank that routinely contains product or the attached delivery piping, or both.
  - ~~1) Owners or operators shall repair, replace or upgrade the UST system and begin corrective action in accordance with Sections 170.600 and 170.610, if the test results for the system, tank or delivery piping indicate that a leak exists;~~
  - ~~2) Further investigation is not required if the test results for the system, tank and delivery piping do not indicate that a leak exists and if environmental contamination is not the basis for suspecting a release; and~~
  - ~~3) Owners or operators shall conduct a site assessment as described in subsection (b) below, if the test results for the system, tank and delivery piping do not indicate that a leak exists but environmental contamination is the basis for suspecting a release.~~~~
- ~~b) Site assessment. Owners or operators shall measure for the presence of a release where contamination is most likely to be present at the UST site. In selecting sample types, sample locations and measurement methods, owners or operators shall consider the nature of the stored substance, the type of initial alarm or cause for suspicion, the type of backfill, the depth of groundwater and other factors appropriate for identifying the presence and source of the release.
  - ~~1) If the test results for the excavation zone or the UST site indicate that a release has occurred, owners or operators shall begin initial response and initial abatement in accordance with Sections 170.600 and 170.610;~~
  - ~~2) If the test results for the excavation zone or the UST site do not indicate that a release has occurred, further investigation is not required.~~~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.600 Initial Response for UST Systems Containing Petroleum or Hazardous Substances (Repealed)**

~~Upon confirmation of a release in accordance with Section 170.580 or after a release from the UST system is identified in any other manner, owners or operators shall perform the following~~

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~~initial response actions within 24 hours:~~

- ~~a) Report the release to Illinois Emergency Management Agency (e.g., by telephone or electronic mail); in the event of a release of a hazardous substance, the release is to be reported immediately [40 ILCS 100 and 29 Ill. Adm. Code 430];~~
- ~~b) Take immediate action to prevent any further release of the regulated substance into the environment; and~~
- ~~c) Identify and mitigate fire, explosion and vapor hazards.~~

(Source: Repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.620 Temporary Out-of-Service Status for UST Systems (Repealed)**

- ~~a) The owner of a UST system in a state of non use who wants the system classified as temporarily out of service shall submit a written request to the Office of the State Fire Marshal. The written request shall be submitted within three months from the date of non use.~~
- ~~b) When a UST system is temporarily out of service, owners or operators shall continue operation and maintenance of corrosion protection in accordance with Sections 170.460, and any release detection in accordance with all applicable Sections of this Subpart. Sections 170.560 through 170.610 shall be complied with if a release is suspected or confirmed. However, release detection is not required as long as the UST system is empty. A UST system is empty when its contents have been removed using commonly employed practices, so that no more than 2.5 centimeters (one inch) of residue, or 0.3 percent by weight of the total capacity of the UST system, remain in the system.~~
- ~~c) When a UST system is temporarily out of service for three months or more, owners or operators shall also comply with the following requirements:
  - ~~1) Leave vent lines open and functioning; and~~
  - ~~2) Cap and secure all other lines, pumps, manways and ancillary equipment.~~~~
- ~~d) When a UST system is temporarily closed for 12 months, owners or operators shall remove the UST system, within the subsequent 12 months. The UST system shall be removed if it does not meet performance standards in Sections 170.420 and 170.421 for new UST systems; however, this does not include spill and overfill equipment requirements. However, release detection is not required as long as the UST system is empty, as defined in subsection (b) above. Owners or operators shall remove a substandard UST system at the end of this 12-month period in accordance with Section 170.670.~~
- ~~e) Owners or operators of temporary out of service UST systems in compliance with subsections (a), (b) and (c) above, may apply for a second 12-month extension period. To be eligible for this second 12-month extension period, a site~~

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- ~~assessment in accordance with Section 170.640 shall be completed, and the site assessment and request for an extension shall be submitted in writing to the Office of the State Fire Marshal within the first 12-month period.~~
- f) ~~Temporarily out-of-service tanks, which have received the extension in subsection (e) above, shall be removed at the end of that 12-month period in accordance with Section 170.670.~~
- g) ~~An underground storage tank brought back into use during either 12-month period, for which it had received authorized temporary out-of-service status, is no longer so classified and its owner shall submit an amended notification form, so stating. Any such system shall meet all applicable requirements of Sections 170.420 and 170.421.~~
- h) ~~Any change in the status of a UST system, as a result of adherence to this Section, requires compliance with notification requirements, as specified in Section 170.440(g).~~

(Source: Repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.630 Change-in-Service of UST Systems**

- a) From a Regulated Substance to a Non-Regulated Substance:  
Continued use of a UST system to store a non-regulated substance (so that it is no longer classified as an UST system) is considered a change-in-service. Before a change-in-service, owners or operators shall empty and clean the tank by removing all liquid and accumulated sludge and conduct a site assessment. The minimum requirements for the site assessment will be two samples: one from each end of the tanks at opposite corners to a depth 2 feet below the invert elevation of the tank and one from under each dispenser in accordance with Section 170.640. However, a change-in-service may only occur during the first two years, commencing with the date of installation of the tank.
- b) From a Regulated Substance to a Regulated Substance:  
A change-in-service also consists of a conversion of a petroleum UST to a petroleum UST or a hazardous substance UST or of a petroleum UST to a hazardous substance UST and vice versa. Before a change-in-service, owners or operators shall empty and clean the tank by removing all liquid and accumulated sludge and verify that the UST system meets the requirements of a Hazardous Material system if being changed over to a Hazardous Material substance and conduct a site assessment in accordance with Section 170.640.
- c) From a Non-Regulated Substance to a Regulated Substance:  
A non-UST system tank, which is used to store a non-regulated substance, may not be converted to a UST system tank unless the tank has been re-certified and is

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in compliance with all applicable upgrade requirements for new UST systems.

- d) A waste oil tank that is supplying fuel to a waste oil furnace and is taken out of series shall be no longer classified as a heating oil tank. If the tank does not meet all upgrade requirements for release detection, spill, overfill and corrosion protection, then the tank shall be removed.
- e) In all the above, the equipment must be compatible with the product being stored.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.640 Assessing the Site at Removals, Previously Removed or Change-in-Service of UST Systems**

- a) After removal is completed, the owner or operator shall:
  - 1) Perform a site assessment by measuring for the presence of a release where contamination is most likely to be present at the UST site. In selecting sample types, sample locations and measurement methods the owner or operator shall consider the method of removal, the nature of the stored substance, the type of backfill, the depth to groundwater, and other factors appropriate for identifying the presence of a release. OSFM provides no additional guidance to performing a site assessment. This is the responsibility of the owner or operator.
  - 2) The owner/or operator, or his or her designated representative, shall report a release or suspected release to the Illinois Emergency Management Agency and secure an incident number. The incident number shall be provided to the STSS at the conclusion of the removal and prior to the departure of the STSS.
  - 3) If contaminated soils, groundwater or free product as a liquid or vapor, resulting from a UST system release is discovered, owners or operators shall begin initial response and initial abatement procedures in accordance with Section 170.580.
- b) When directed in writing by the Office of the State Fire Marshal, the owner or operator of a UST system removed before April 21, 1989, shall assess the excavation zone (including, if so ordered, re-excavating and assessing the site where the tank had been located) in accordance with Section 170.640 if a release from the UST may, in the judgment of the Office, pose a current or potential threat to human health or the environment.
- c) A site assessment shall be performed when so ordered in writing by the OSFM, when a registered or unregistered regulated UST is removed without the required permit and STSS on site at time of removal. The site assessment shall be at a minimum of 2 borings/samples from directly under the tank bottom at opposite ends, 2 from outside the tank field, one on each side of tank field, 1 under each dispenser, and 1 for every 20 feet

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of product piping. A drawing of the site, location of borings and results of testing shall be supplied to the OSFM. A report to IEMA shall be made and an incident number shall be obtained if any of the samples fall within reportable guidelines as detailed in 35 Ill. Admin. Code 742, Appendix B.

- a) ~~After removal or a change in service is completed, the owner or operator shall perform a site assessment by measuring for the presence of a release where contamination is most likely to be present at the UST site. In selecting sample types, sample locations and measurement methods, the owner or operator shall consider the method of removal, the nature of the stored substance, the type of backfill, the depth to groundwater, and other factors appropriate for identifying the presence of a release. The requirements of this Section are satisfied if an external release detection method allowed in Section 170.530(e) and (f) is operating in accordance with the requirements in Section 170.530 at the time of removal and indicates no release has occurred.~~
- b) ~~The Office of the State Fire Marshal provides no additional guidance to performing a site assessment. This is the responsibility of the owner or operator.~~
- c) ~~If contaminated soils, contaminated groundwater, or free product as a liquid or vapor, resulting from a UST system release, is discovered under subsection (a) above, or by any other manner, owners or operators shall begin initial response and initial abatement in accordance with Sections 170.600 and 170.610.~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.650 Applicability to Previously Removed UST Systems (Repealed)**

~~When directed in writing by the Office of the State Fire Marshal, the owner or operator of a UST system removed before April 21, 1989, shall assess the excavation zone (including, if so ordered, re-excavating and assessing the site where the tank had been located) in accordance with Section 170.640 if a release from the UST may, in the judgment of the Office, pose a current or potential threat to human health or the environment.~~

(Source: Repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.670 Removal or Abandonment-in-Place of Underground Storage Tanks**

- a) ~~When an underground storage tank has been out of operation for 12 consecutive months, the owner of the tank shall remove it within the immediate subsequent 12-month period, subject to the following exceptions:~~
  - 1) ~~If the tank is placed in a "temporary out of service" status, pursuant to Section 170.620, upon termination of such status, the tank shall be removed pursuant to Section 170.620(d) or (f) of this Part.~~

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- ~~2) If there is a "change in service" during the first 12-month period, pursuant to Section 170.630(a).~~
- ~~3) A waiver to "abandoned in place," pursuant to this Section is issued.~~
- ~~4) USTs that have not been in operation at any time after January 1, 1974, may not be required to be removed, unless the Office of the State Fire Marshal has determined that a release from the USTs poses a current or potential threat to human health and the environment.~~
- ~~5) Heating oil USTs, for consumptive use on the premises where stored, do not have to be removed, unless the Office of the State Fire Marshal has determined that a release from the USTs poses a current or potential threat to human health and the environment.~~

ab)

Removal:

- 1) Remove all petroleum or hazardous substances and all accumulated sludges from the tank and connecting lines;
- 2) Disconnect piping at all tank openings;
- 3) Remove all sections of connecting lines ~~that which~~ are not to be used further and cap or plug all tank openings. At least one plug or cap must have ? inch hole;
- 4) Before removal and at any time thereafter, as determined by the Office of the State Fire Marshal, the tank shall be gas freed (vapors from the combustible or flammable liquid from the tank are not present in a concentration sufficient to support combustion) on the premises in accordance with API Recommended Practice 1604, incorporated by reference in Section 170.410 Remove tank from ground;
- 5) Remove tank from ground ~~Before removal and at any time thereafter, as determined by the Office of the State Fire Marshal, the tank shall be gas freed (vapors from the combustible or flammable liquid from the tank are not present in a concentration sufficient to support combustion) on the premises in accordance with Section 4 of API Recommended Practice 1604, incorporated by reference in Section 170.410, or shall be transported, in compliance with Illinois Environmental Protection Agency regulations (including 35 Ill. Adm. Code 807.210, 807.310, 809.201 or 809.301, as applicable), to an area not accessible to the public and the gas freeing completed at that location;~~
- 6) ~~In the event of a tank releasing or suspected of releasing a flammable or combustible liquid, the tank shall be gas freed on the premises in accordance with Section 4 of API Recommended Practice 1604, incorporated by reference in Section 170.410, prior to removal from the excavation zone and may not be gas freed elsewhere; and~~
- ~~67) In subsections (b)(5) and (6) above, references to Section 4 of API~~

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~~Recommended Practice are so modified that~~ ~~At~~ at least 5 percent of the lower flammable limit shall be obtained before the tank is considered safe for removal, instead of 20 percent, as required in the above cited API Recommended Practice 1604. Dry ice shall not be allowed as a form of inserting tanks as referred to in the API 1604;

~~78)~~ Compliance with this subsection (~~a~~~~b~~) is the responsibility of the contractor.

~~b~~e) Disposal of Tanks:

If a tank is to be disposed of as ~~salvage~~~~junk~~, it shall be retested for combustible or flammable vapors and, if necessary, rendered gas free. ~~After removal and before releasing to a junk dealer, a sufficient number of holes or openings (at least two percent of the total surface area of the tank) shall be made in it to render inoperative for further use as a UST. Sections 4.3 and 7 of API Recommended Practice 1604, incorporated by reference in Section 170.410, provide information on safe procedures for such an operation.~~ If the tank last contained leaded gasoline, an unknown petroleum product or a hazardous substance, it may only be scrapped as ~~junk~~ or re-certified. If being re-certified, the contractor must give written notice to the OSFM on the removal permit as to the intent to re-certify and re-use the tanks being removed. The re-certified tank must be re-installed within 6 months from removal. Compliance with this subsection (~~b~~e) is the responsibility of the contractor.

~~c~~) Removal Procedures:

- 1) Secure proper permitting and provide required notice of removal to OSFM;
- 2) All removal monitoring equipment shall be maintained according to manufacturer's specifications;
- 3) Establish an exclusion zone, within which smoking is prohibited. The use of spark producing/non-explosion proof equipment is prohibited in the vapor hazard area;
- 4) Excavate to the top of the tank, drain and remove all piping except the vent lines. Pipe trenches shall remain open for inspection by the OSFM Storage Tank Safety Specialist (STSS);
- 5) Remove all liquids from the tank using explosion-proof pumps or hand pumps. When suctioning of product out of tanks, plastic pipes shall not be allowed as a suction tube;
- 6) The tank atmosphere and the excavation area shall be regularly monitored with a combustible gas indicator for flammable or combustible vapor concentration until the tank is removed from both the excavation and the site. Monitoring the UST shall be done at 3 levels in the tank, top, middle and bottom;

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- 7) Monitor the tank to insure explosive conditions do not exist. Lower explosive limit (LEL) 5% or less or oxygen 5% or less shall be attained;
- 8) Vapor freeing shall be done in accordance with API 1604 Section 4.2. When vapor freeing the tank with compressed air or using inert gases under pressure, all devices shall be bonded to the tank, and the tank shall be grounded to a separate ground. When using inert gases the cylinder shall be equipped with a pressure gauge, so that no more than 5 psi can be discharged into the tank during vapor freeing procedures. To ensure and maintain proper grounding and bonding, such connections shall be tested by the contractor for continuity. This testing shall be done with equipment designed for continuity testing. When vapor freeing of tanks, plastic pipes shall not be allowed as a vent tube on eductors;
- 9) Plug and cap all accessible tank holes. One plug should have a ? inch vent hole;
- 10) Excavate around the tank to prepare for removal. This shall include the excavation along one side and one end, from top to bottom; and
- 11) OSFM STSS is to be on site before cutting and cleaning operations or tank removal can proceed.
- 12) Protective equipment for tank cleaning personnel shall be a minimum personal protection of:
  - A) supplied air with full face mask;
  - B) level B personal protective equipment with body harness and tag line;
  - C) protective booties;
  - D) continual monitoring of LEL and oxygen during cleaning;
  - E) attendant/observer;
  - F) confined space entry permit to include MSDS sheets;
  - G) positive flow of fresh air shall be supplied, during the cleaning operations;
  - H) Requirements in this subsection (C)(12)(A) – (G) shall not apply in the event that no physical entry is made into the tank.
- 13) Equipment with sufficient lifting capacity shall be used to lift the tank from the excavation.
- 14) Any UST removed from the excavation zone shall be cleaned on site the day of the removal and removed from the site within 24 hours.
- 15) Tanks larger than 2,000 gallons in capacity shall have holes or openings no less than 3 ft. x 3 ft., one on each end or side, for cleaning. Tanks less than 2,000 gallons capacity shall have one entire side removed from end to end and no less than 3 ft. wide.

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16) Continuous spark producing equipment will only be allowed when proper inerting procedures have been followed according to API 1604 Section 4.2.3.

17) Tank owner must file an amended Notification of Underground Tanks form with OSFM within 30 days after the tank removal.

Any tank being removed without a State permit will be required to be put back in the excavation if it has not been removed from the site and covered with backfill until a permit and licensed contractor can remove it properly.

d) Abandonment-in-Place:

- 1) Tanks, outside the jurisdiction of the City of Chicago, filled with inert material, as described in subsection (d)(2)(C) of this Section below, prior to October 1, 1985, need not be removed; however, the owners shall provide documentation of fill material and date of fill, upon request by the Office of the State Fire Marshal. The documentation shall be a receipt or a written statement from the contractor who did the fill, a statement from the inspector who inspected the tank or a written statement from anyone designated by the State Fire Marshal or the Director of the Division of Petroleum and Chemical Safety. Tanks, inside the jurisdiction of the City of Chicago, which were abandoned-in-place prior to July 28, 1989 (the date of repeal of home rule by the City over USTs) in accordance with City laws, regulations or ordinances, need not be removed.
- 2) Waiver of the removal requirement for a tank and piping, allowing them to be abandoned-in-place, shall be granted where it would be infeasible to remove the UST due to loss of adjacent or subjacent support of nearby structures, railroad tracks, streets (as defined in Section 1-201 of the Illinois Vehicle Code [625 ILCS 5/1-201]), other USTs or in unusual situations where removal is infeasible due to other reasons, as determined by the Office of the State Fire Marshal, or is infeasible because of inaccessibility, as determined by the Office. The following criteria shall be met:
  - A) A complete plan or diagram of the area shall be provided and show the location of tanks, fill pipes, vent lines, sewers, streets, product lines and buildings;
  - B) A Certification of Site Condition shall be provided, which includes but is not limited to, facility name and location, number and size of USTs involved and that the subject UST site is clean or contaminated. This certification of site condition shall be based on a professional site assessment from soil sampling and this site assessment must accompany the site certification form;
  - C) The tank shall be filled with inert material such as sand, gravel,

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clay, bentonite or inert material mixed with portland cement to increase flowability. The portland cement concentration may not exceed 50 lbs. per cu. yd. of mixed material. ~~Inert foam material may be used upon written approval by the Office of the State Marshal, if a sufficient amount of other inert material is used to counteract buoyancy of the tank. Calculations are necessary to insure that sufficient ballast is provided to counteract buoyant forces created by 100 percent submersion of the tank being filled. Filling a tank with ready mix concrete is prohibited.~~ The procedure for filling shall be in accordance with ~~Sections 3.1 through 3.5 and 4.1.1 of~~ API Recommended Practice 1604, incorporated by reference in Section 170.410;

- D) When a UST is allowed to be abandoned-in-place, as specified in this subsection (d), the abandoned-in-place UST shall be removed when the condition for issuing the abandonment permit no longer exists. The removal ~~procedures~~ procedure is exempt shall be followed and a removal permit is required; from this Part. ~~Issuance of the waiver was conditioned upon compliance with this subsection;~~
- ~~E) Contractors seeking a waiver shall provide all documentation required in this subsection (d) to the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety or any such person duly delegated such authority, shall grant such a waiver;~~
- EF) Compliance with this subsection (d) is the responsibility of the contractor ~~subsections (A) through (E) of this subsection (d)(2) is the responsibility of the contractor;~~
- FG) When a UST is abandoned-in-place, the owner of the UST shall keep a permanent record of the UST location, the date of abandonment-in-place and the procedure used for abandonment-in-place. Upon request by the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety, the owner shall forward a copy of such record to the Office, within 14 days after of receipt of a written request by the Office sent to the last know address by United States registered or certified mail; and
- GH) In the event there is a delegation of authority to the City of Chicago to enforce UST rules and regulations, pursuant to 430 ILCS 15/2, subject to the terms of such agreement, the City has the authority to modify subsection (d)(2) of this Section, to issue permits to abandon-in-place USTs located within the jurisdiction of the City and request records of abandonment-in-place; however,

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any such criteria for abandonment-in-place shall be as stringent as that of the Office of the State Fire Marshal.

H) UST Abandonment-in-Place. The following steps shall be adhered to as prescribed by the Office of the State Fire Marshal (OSFM) regulations:

- i) Secure proper permitting and provide required notice of abandonment-in-place to OSFM;
- ii) An on-site inspection shall be done to determine the accuracy of the Certification of Site Condition and the submitted site drawing. If the ability to abandon-in-place is questioned a third-party professional structural engineer may be used to determine the feasibility of removal;
- iii) All health and safety monitoring equipment shall be maintained according to manufacturer's specifications;
- iv) Establish an exclusion zone, within which smoking is prohibited. The use of spark producing/non-explosion proof equipment is prohibited in the vapor hazard area;
- v) Excavate to the top of the tank, drain and remove all piping except the vent line. Any associated piping to be abandoned-in-place shall have prior approval by OSFM. Pipe trenches shall remain open for inspection by the OSFM Storage Tank Safety Specialist (STSS);
- vi) Removal all liquids from the tank using explosion-proof pumps or hand pumps;
- vii) The tank atmosphere and the excavation area shall be regularly monitored with a combustible gas indicator for flammable or combustible vapor concentration. Monitoring the UST shall be done at 3 levels in the tank, top, middle and bottom. Confined space entry permit and MSDS sheets will be required;
- viii) Vapor freeing shall be done in accordance with API 1604. When vapor freeing the tank with compressed air or using inert gases under pressure, all devices shall be bonded to the tank and the tank shall be grounded to a separate ground. When using inert gases, the cylinder shall be equipped with a pressure gauge so that no more than 5 psi can be discharged into the tank during vapor freeing procedures. To ensure and maintain proper grounding and bonding, such connections shall be tested by the contractor

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- for continuity. This testing shall be done with equipment designed for continuity testing;
- ix) Monitor tank to insure explosive conditions do not exist. Lower explosive limits (LEL) 5% or less or oxygen 5% or less shall be attained.
  - x) OSFM STSSs shall be on site before cutting and cleaning operations of abandonment-in-place can proceed.
  - xi) A sufficient number of holes or openings shall be made in the tank for abandonment-in-place procedures if existing openings are not adequate.
  - xii) Cleaning procedures, as per API 2015, and protection respiratory equipment for tank cleaning personnel shall be the type that provides positive air pressure to a full-face mask throughout the breathing cycle, in accordance with API 2015;
  - xiii) Proceed to introduce an approved, inert material through openings in the top of the tank to minimize any surface settling subsequent to disposal of the tank in place;
  - xiv) After the tank is filled with inert material, all tank openings shall be plugged or capped unless it was necessary to cut open the tank top. Disconnect and cap or remove the vent line; and
  - xv) Tank owner shall file an amended Notification of Underground Storage Tanks form with the OSFM within 30 days after the abandonment-in-place.
- e) ~~Office of the State Fire Marshal checklists, located in Appendix C or D of this Part, shall be adhered to for removal and abandonment in place.~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 170.672 Pre-'74 and Heating Oil USTs

- a) Although USTs not in operation at any time after January 1, 1974 (commonly referred to as "pre-'74 USTs") are not registrable (see Section 170.440) and are not required to be removed, unless the Office of the State Fire Marshal has determined that a release from the USTs poses a current or potential threat to human health and the environment, they remain classified as USTs; consequently, they must be if they are removed or abandoned-in-place, Permits permits secured in accordance with Section 170.541 are required, as well as compliance with all other applicable Sections in this Subpart.

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- b) Heating oil USTs (for consumptive use on the premises where stored), regardless when last in operation, are not required to be removed, unless the Office of the State Fire Marshal has determined that a release from the USTs poses a current or potential threat to human health and the environment. However, they remain classified as USTs; consequently, if they are removed or abandoned-in-place, permits ~~secured in accordance with Section 170.541~~ are required. Also, they are subject to the notification requirements ~~in Section 170.440~~, as well as compliance with all other applicable Sections in this Subpart.
- c) All USTs referenced in subsections (a) and (b) of this Section, which the Office of the State Fire Marshal has not determined are the source of a release that poses a current or potential threat to human health and the environment, remain classified as USTs and are subject to all applicable Sections in this Subpart.
- d) Heating oil USTs installed prior to April 1, 1995 are not required to meet the new tank performance standards or leak detection requirements contained in this Part. Heating oil USTs installed after April 1, 1995, must meet all current upgrade requirements as per OSFM regulations, including permitting.
- e) Any pre-'74 tank, heating oil or otherwise, if discovered during any activity is found to be damaged or is damaged at the time of discovery shall be removed. No structure shall be erected over pre-'74 tanks, heating oil or otherwise, and they must be removed by an approved contractor and all applicable permits apply.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: LICENSING, CERTIFICATION AND IDENTIFICATION CARDS

**Section 170.1000 Definitions**

"Certification" is the passage by an individual of the ICBO ~~IFCI~~ Certification Examination.

"Contractor" is a licensed person, excluding employees, who performs any UST activity.

"ICBO" means International Conference of Building Officials.

~~"IFCI" means International Fire Code Institute.~~

"Person" means an individual, trust, firm, partnership, joint stock company, corporation, federal agency, state, municipality, commission, unit of local government or political subdivision of a state or any interstate body. "Person" also includes consortium, joint venture, commercial entity or the United States

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Government.

"UST" means underground storage tank system.

"UST activity" means a UST:

Installation – including retrofitting and cathodic protection installation;

Repair – including upgrade, which includes retrofitting and cathodic protection installation;

Removal – decommissioning, which includes abandonment-in-place;

Lining~~Relining~~ (interior lining);

Tank tightness testing; or

Cathodic protection testing.

Lining inspections, lining touch ups, installation of manways, and any tank entry.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 170.1100 Contractor Licensing

In order for a contractor to be considered licensed with the Office of the State Fire Marshal, it is necessary for the contractor to submit to the Office a current contractor license application form, as provided by the office, and comply with the following:

- a) Pay an annual licensing fee of \$100 per type of UST activity to the Office of the State Fire Marshal on or before 30 days from the date on the invoice requesting payment of the fee. The payment is to be by check or money order made payable to "Office of the State Fire Marshal".
- b) Each contractor shall provide a list of its certified individual contractors or certified employees to the Office of the State Fire Marshal, stating any UST activity in which the individual contractor or employee is certified, and sign an affidavit that the rules of the Office promulgated pursuant to the Gasoline Storage Act [430 ILCS 14] have~~41 Ill. Adm. Code 170 has~~ been distributed to all certified individual contractors and certified employees of the contractor as a prerequisite to becoming licensed. This information shall be submitted on forms as prescribed by the Office. A contractor is required to have a certified individual contractor or certified employee certified in each area of UST activity for which it is applying to be licensed.
- c) Each person who is a contractor shall notify the Office of the State Fire Marshal on a form prescribed by the Office, within 10 days:
  - 1) After the termination of employment of a certified individual contractor or certified employee, of such termination;

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- 2) After the re-certification to perform a UST activity by a individual contractor or employee; or
- 3) Upon certification to perform a UST activity by an individual contractor or employee not previously certified or not previously certified to perform that activity.
- d) Each contractor shall maintain a general liability insurance policy of \$1,000,000 net, issued to the contractor, proof of which is to be submitted annually to the Office of the State Fire Marshal on a certificate of insurance issued by the insurer. This submission is required for a contractor to be licensed.
- e) Any registration ~~or license prior to April 1, 1995 will be valid for one year and will expire on its anniversary date or June 1, 1995, whichever date is later, and will be considered the equivalent of a license. All license applicants on or after June 1, 1995, shall comply with the requirements of this Section in order to be considered licensed.~~
- f) No contractor shall apply for a license who is otherwise barred pursuant to Subpart D.
- g) For purposes of this Section, "license" (or any comparable variation of the term) is synonymous with "registration" (or any comparable variation of the term).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.1200 Contractor and Employee Certification**

- a) In order to be certified to perform a UST activity, ~~The the~~ individual must receive a passing score on the ~~ICBO IFCI~~ Certification Examination for that UST activity, ~~The the~~ address and telephone number for ICBO at 5360 Workman Mill Rd., Whittier CA 90601 or by calling Fire Service Division, Order Dept. at (800) 824-4406 or ICBO's web site at www.icbo.orgis for IFCI are 9300 Jollyville Road, Suite 105, Austin, TX 78759-7455, (512)345-2633.
  - 1) Certification for ~~lining relining~~ is regulated by OSFM lining regulation Section 170.430 Section 170.480.
  - 2) Certification for tank tightness testing is regulated by Section 170.544.
  - 3) Any contractor performing a tank entry must be certified by ICBO in the decommissioning module.
- b) A contractor is considered certified in any UST activity in which an employee of that contractor is certified, except that if the contractor itself is an individual contractor, in order to be considered certified, the contractor shall meet the requirements of subsection (a) above.
- c) A contractor shall have at least one employee certified for the UST activity permitted, except, if the contractor itself is an individual contractor who is so

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- certified, no such employee is required.
- d) A contractor shall have at least one employee certified in the UST activity for which the permit was issued, ~~actively activity~~ supervising the UST activity being performed on the job site, except, if the contractor itself is an individual who is so certified, no such employee is required, but the individual contractor shall so supervise. At all times during UST operations, there shall be such a certified employee or certified individual contractor on the job site; subcontractors are not employees.
- e) Certified individual contractors and certified employees shall possess ~~ICBO IFCI~~ Identification Cards on UST job sites at all times, and such cards shall be available upon request by any Office of the State Fire Marshal representative.
- f) Certified individual contractors and certified employees shall possess OSHA Identification Cards (as described in Section 170.1300) on UST ~~job jobs~~-sites at all times, and such cards shall be made available upon request by any Office of the State Fire Marshal representative.
- g) UST activities may be shut down by any Office of the State Fire Marshal representative if individual contractors or their employees are not in compliance with subsections (d) or (e) ~~of this Section above~~. Such work shall not resume until approval is granted by the Office.
- h) Individuals certified by ~~ICBO IFCI~~ for UST activity, who passed the National Certification Examination in another state, are considered certified in this State; however, any such individual shall comply with State licensing requirements in Section 170.1100 and the requirements of this Section in order to perform any UST activity for which they are certified.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.1300 Possession of OSHA Identification Cards by Certified Individual Contractors and Certified Employees of Contractors**

- a) Certified individual contractors, certified employees of contractors and subcontract excavation operators (involved in UST related operations) shall possess 40 hour General Site Worker Program Identification Cards and any valid Refresher Cards, which comply with Occupational Safety and Health Administration (OSHA) standards, on UST job sites at all times, and such cards shall be produced upon request by any Office of the State Fire Marshal representative. This is applicable only to UST installations, repairs, ~~lining~~~~relinings~~, removals, abandonments-in-place and physical interior inspections. Subcontractors, such as electricians, truck drivers, concrete masons, canopy erectors, or crane operators would not be required to have the Site Worker

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Program Identification Card but must comply with the standards established by the OSHA General Site Worker Program. During times when the certified contractor is present and performing work, The compliance to these standards will be accomplished by direct (line of sight) supervision by the permit holding certified individual contractors and their employees, over those people that may enter the work area. These OSHA standards are located in the document titled: "Occupational Safety and Health Standards and Interpretations," OSHA Standard 1910.120, "Hazardous Waste Operations and Emergency Response," 55 Fed. Reg. F.R. 14074, April 13, 1990 and 56 Fed. Reg. F.R., 15833, April 18, 1991, available from United States Department of Labor, Occupational Safety and Health Administration (OSHA), 230 South Dearborn Street, Room 3244, Chicago, IL 60604, (312) 353-2220.

- b) UST activities may be shut down by any Office of the State Fire Marshal representative if individual contractors or their employees are not in compliance with this Section. Such work shall not resume until approval is granted by the Office.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 170.APPENDIX A Checklist for Underground Storage Tank Installation** **(Repealed)**

~~UST installations shall follow 41 Ill. Adm. Code 170 and any referenced material. The following checklist shall be adhered to as prescribed by the Office of the State Fire Marshal (OSFM) regulations, including adopted standards. These requirements do not exempt anyone from any other State or federal law or regulations. Underground storage tanks of "UST" includes underground pipes and cathodic protection connected thereto.~~

- ~~\_\_\_A. Secure proper permitting and provide required notice of installation to OSFM.~~
- ~~\_\_\_B. Conduct on site inspection to ensure accuracy of approved site plans, drawings, and actual equipment being installed.~~
- ~~\_\_\_C. Equipment with sufficient lifting capacity shall be used to unload and place USTs into the tank excavation. Tanks shall not be rolled, dropped or dragged.~~
- ~~\_\_\_D. Upon delivery at the installation site, tanks and piping shall be inspected to detect any evidence of damage to coatings or structure.~~
- ~~\_\_\_E. Upon discovery of any damage to tanks or piping, repairs shall be in accordance with~~

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~~manufacturer's instructions or supervision.~~

- ~~\_\_\_F. Prepare excavations to ensure safe movement of equipment and materials. Excavations shall provide adequate space for the installation of tanks, piping and ancillary equipment. Special attention shall be given to sloping or shoring the sides of the excavation to make it stable.~~

**~~TIME CERTAIN INSPECTION!~~**

- ~~\_\_\_G. To prevent flotation of USTs as a result of high water table or flooding, approved anchorage methods or ballasting shall be installed.~~
- ~~\_\_\_H. Pipe trenches shall meet manufacturer's specifications and API 1615, Section 10.3.1, for depth, width, slope, spacing and placement of pipe within.~~
- ~~\_\_\_I. Pipe installation shall meet manufacturer's specifications and API 1615, Sections 9.3 and 9.4. Joint adhesive and thread sealant shall meet manufacturer's requirements for petroleum products, including ethanol or methanol blended gasoline.~~

**~~TIME CERTAIN INSPECTION!~~**

~~Conduct two hour Time Certain Air Test of pipe installation and examine any corrosion protection before backfilling of pipe trenches.~~

- ~~\_\_\_J. Wiring of electric pumps and all electrical equipment in connection therewith shall conform to Chapter 5 of NFPA 70.~~

~~After all work has been completed and the system has been put into service, a two hour Time Certain Final Inspection will be made on leak detection equipment, spill and overflow equipment and the electrical system.~~

- ~~\_\_\_K. The completed Notification of Underground Storage Tanks form will be ready to present to the OSFM Storage Tank Safety Specialist during the Final Inspection.~~
- ~~\_\_\_L. Contractors shall complete the manufacturer's installation checklist for USTs and piping and submit it to the manufacturer or owner, as applicable. The contractor shall maintain a copy of such checklist.~~

(Source: Repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 170.APPENDIX B Checklist for Underground Storage Tank Reline (Repealed)**

~~UST relines shall follow 41 Ill. Adm. Code 170 and any referenced material. The following checklist shall be adhered to as prescribed by the Office of the State Fire Marshal (OSFM) regulations, including adopted standards. These requirements do not exempt anyone from any other State or federal laws or regulations. Underground storage tank or "UST" includes underground pipes and cathodic protection connected thereto.~~

- ~~\_\_\_A. Secure proper permitting and provide required notice of relining to OSFM.~~
- ~~\_\_\_B. All monitoring equipment shall be maintained according to manufacturer's specifications.~~
- ~~\_\_\_C. Establish an exclusion zone (within which smoking is prohibited). The use of spark producing/non explosion proof equipment is prohibited in the vapor hazard area.~~
- ~~\_\_\_D. USTs to be relined shall be isolated from all distribution lines, siphons, manifolds and manifolded vent systems.~~
- ~~\_\_\_E. Remove all liquids from the tank using explosion proof pumps or hand pumps.~~
- ~~\_\_\_F. The tank atmosphere and the excavation area shall be regularly monitored with a combustible gas indicator, for flammable or combustible vapor concentration. Monitoring of the UST shall be done at 3 levels in the tank (top, middle and bottom).~~
- ~~\_\_\_G. Vapor freeing shall be done in accordance with API 1631 Section 2.4. When vapor freeing the tank with compressed air or using inert gases under pressure, all devices shall be bonded to the tank, and the tank shall be grounded to a separate ground.~~

**STOP!**

~~OSFM Storage Tank Safety Specialists are to be on site before cutting and cleaning operations may proceed.~~

- ~~\_\_\_H. If no manway exists, an opening with the minimum dimensions of 18" x 18" shall be cut in the top of the UST using non-sparking equipment.~~

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- ~~\_\_\_I. Personnel protective equipment shall be in accordance with API 1631 Section 3.2.2.~~
- ~~\_\_\_J. Cutting, cleaning and application of lining material shall be done in accordance with manufacturer's specifications and OSFM requirements.~~
- ~~\_\_\_K. Before backfilling, the tank shall be tightness tested.~~
- ~~\_\_\_L. Tank owners shall file an amended Notification of Underground Storage Tanks form with OSFM within 30 days after the tank has been relined.~~

(Source: Repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.APPENDIX C Checklist for Underground Storage Tank Removals (Repealed)**

~~UST removals shall follow 41 Ill. Adm. Code 170 and any referenced material. The following checklist shall be adhered to as prescribed by the Office of the State Fire Marshal (OSFM) regulations, including adopted standards. These requirements do not exempt anyone from any other State or federal laws or regulations. Underground storage tank or "UST" includes underground pipes and cathodic protection connected thereto.~~

- ~~\_\_\_A. Secure proper permitting and provide required notice of removal to OSFM.~~
- ~~\_\_\_B. All monitoring equipment shall be maintained according to manufacturer's specifications.~~
- ~~\_\_\_C. Establish an exclusion zone (within which smoking is prohibited). The use of spark producing/non-explosion proof equipment is prohibited in the vapor hazard area.~~
- ~~\_\_\_D. Excavate to the top of the tank, drain and remove all piping except the vent lines. Pipe trenches shall remain open for inspection by the OSFM Storage Tank Safety Specialist (STSS).~~
- ~~\_\_\_E. Remove all liquids from the tank using explosion proof pumps or hand pumps.~~
- ~~\_\_\_F. The tank atmosphere and the excavation area shall be regularly monitored with a combustible gas indicator for flammable or combustible vapor concentration until the tank is removed from both the excavation and the site. Monitoring the~~

## OFFICE OF THE STATE FIRE MARSHAL

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~~UST shall be done at 3 levels in the tank (top, middle and bottom).~~

- ~~\_\_\_G. Vapor freeing shall be done in accordance with API 1604 Section 4.2. When vapor freeing the tank with compressed air or using inert gases under pressure, all devices shall be bonded to the tank, and the tank shall be grounded to a separate ground.~~
- ~~\_\_\_H. Monitor tank to insure explosive conditions do not exit. Lower explosive limit (LEL) 5% or less or oxygen 5% or less shall be attained.~~
- ~~\_\_\_I. Plug and cap all accessible tank homes. One plug should have a 1/8" vent hole.~~
- ~~\_\_\_J. Excavate around the tank to prepare for removal.~~

**STOP!**

~~OSFM STSSs are to be on site before cutting and cleaning operations or tank removal can proceed.~~

- ~~\_\_\_K. Equipment with sufficient lifting capacity shall be used to lift the tank from the excavation.~~
- ~~\_\_\_L. Any UST removed from the excavation zone shall be cleaned on site the day of the removal, except as otherwise allowed in 41 Ill. Adm. Code 170.670.~~
- ~~\_\_\_M. A sufficient number of holes or openings shall be made in the tank for cleaning if existing tank openings are no adequate or for disposal, except as otherwise allowed in 41 Ill. Adm. Code 170.670. Continuous spark producing equipment will only be allowed when proper inerting procedures have been followed according to API 1604 Section 4.2.3.~~
- ~~\_\_\_N. Tank owner must file an amended Notification of Underground Storage Tanks form with OSFM within 30 days after the tank removal.~~

(Source: Repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.APPENDIX D Checklist for Abandonment-in-Place of Underground Storage Tanks (Repealed)**

~~UST abandonment in place shall follow 41 Ill. Adm. Code 170 and any referenced material. The following checklist shall be adhered to as prescribed by the Office of the State Fire Marshal~~

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~~(OSFM) regulations, including adopted standards. These requirements do not exempt anyone from any other State or federal laws or regulations. Underground storage tank or "UST" includes underground pipes and cathodic protection connected thereto.~~

- ~~\_\_\_A. Secure proper permitting and provide required notice of abandonment in place to OSFM.~~
- ~~\_\_\_B. An on-site inspection shall be done to determine the accuracy of the Certification of Site Condition and the submitted site drawing. If this on-site inspection reveals that removal of any tanks will not cause structural damage, the abandonment in place permit will be voided and removal for such tanks shall be mandatory.~~
- ~~\_\_\_C. All monitoring equipment shall be maintained according to manufacturer's specifications.~~
- ~~\_\_\_D. Establish an exclusion zone (within which smoking is prohibited). The use of spark producing/non explosion proof equipment is prohibited in the vapor hazard area.~~
- ~~\_\_\_E. Excavate to the top of the tank, drain and remove all piping except the vent line. Any associated piping to be abandoned in place shall have prior approval by OSFM. Pipe trenches shall remain open for inspection by the OSFM Storage Tank Safety Specialist (STSS).~~
- ~~\_\_\_F. Remove all liquids from the tank using explosion proof pumps or hand pumps.~~
- ~~\_\_\_G. The tank atmosphere and the excavation area shall be regularly monitored with a combustible gas indicator for flammable or combustible vapor concentration. Monitoring the UST shall be done in 3 levels in the tank (top, middle and bottom).~~
- ~~\_\_\_H. Vapor freeing shall be done in accordance with API 1604 Section 4.2. When vapor freeing the tank with compressed air or using inert gases under pressure, all devices shall be bonded to the tank and the tank must be grounded to a separate ground.~~
- ~~\_\_\_I. Monitor tank to insure explosive conditions do not exist. Lower explosive limits (LEL) 5% or less or oxygen 5% or less shall be attained.~~

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**STOP!**

~~OSFM STSSs are to be on site before cutting and cleaning operations or abandonment in place can proceed.~~

~~\_\_\_J. A sufficient number of holes or openings shall be made in the tank for abandonment in place procedures if existing tank openings are not adequate.~~

~~\_\_\_K. Proceed to introduce an approved, inert material through openings in the top of the tank to minimize any surface settling subsequent to disposal of the tank in place.~~

~~\_\_\_L. After the tank is filled with inert material, all tank openings shall be plugged or capped unless it was necessary to cut open the tank top. Disconnect and cap or remove the vent line.~~

~~\_\_\_M. Tank owner shall file an amended Notification of Underground Storage Tanks form with OSFM within 30 days after the abandonment in place.~~

~~**IF A RELEASE OF A REGULATED SUBSTANCE IS IDENTIFIED,** the UST owner shall report such to Illinois Emergency Management Agency (IEMA) within 24 hours (1-800-782-7860 or outside Illinois 217-782-7860) and sample taking/closure reports will have to comply with IEPA requirements for corrective action; except, if there is a release of a hazardous substance, it shall be reported to IEMA immediately.~~

(Source: Repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.APPENDIX F Required Job Schedule for Cathodic Protection Upgrade  
(Repealed)**

~~REQUIRED JOB SCHEDULE FOR CATHODIC PROTECTION UPGRADE~~

~~(1) FACILITY—name and address  
where tanks are located~~

~~(2) CONTRACTOR—person, firm or  
company performing work~~

~~Name~~

~~Name~~

~~Street Address~~

~~Street Address~~

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<del>City</del>	<del>County</del>	<del>Zip</del>	<del>City</del>	<del>State</del>	<del>Zip</del>
<del>Permit Number</del>	<del>Facility Number</del>		<del>Contact</del>	<del>Phone</del>	<del>Fax</del>
<del>Permit Approval Date</del>			<del>Job Schedule Submission Date</del>		
<del>—/—</del>	<del>First allowable Job Schedule Revision</del>		<del>—/—</del>	<del>Last allowable job Schedule Revision</del>	
(3)	<del>Excavation</del>				
	<del>Start:</del>	<del>Date</del>	<del>Mo./Day/Year</del>		
	<del>(Excavation Start will be no less than 10 working days from Permit Approval or no less than 5 working days from Submission Date)</del>				
(4)	<del>Inspect</del>				
	<del>Installation:</del>				
	<del>Date</del>	<del>Mo./Day/Year</del>	<del>Time</del>	<del>AM/PM</del>	<del>Begin</del>
	<del>Inspect</del>	<del>End</del>	<del>(Two hour inspection of all underground work, prior to backfilling)</del>		
(5)	<del>Final:</del>				
	<del>Date</del>	<del>Mo./Day/Year</del>	<del>Time</del>	<del>Begin Final</del>	<del>End Final</del>
	<del>(Representative of Contractor to be present for two hours between the Begin Final and End Final)</del>				

~~No permitted and scheduled Time Certain or Date Certain activity is to be performed outside of the schedule without prior notice to the Office of the State Fire Marshal, Department of Petroleum and Chemical Safety (DPCS). Changes made to Time Certain and Date Certain schedules will occur a maximum of two times. These changes must be received, using the appropriate form (by mail, express mail, package service, fax, or e-mail) a minimum of two working days, or 16 working hours, before the event is scheduled. A new Time Certain or Date Certain cannot be scheduled prior to five working days or 40 working hours from the submission date of the revised Job Schedule. The DPCS will transmit a stamped acknowledgement receipt of the revised Job Schedule back to the contractor within one working day. Time or Date Certain activities will not resume until the contractor obtains this receipt. A copy of the revised Job Schedule Receipt will be kept, along with the original Job Schedule Receipt and a copy of the permit, on site during all permitted activities.~~

(Source: Repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## OFFICE OF THE STATE FIRE MARSHAL

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**Section 170.APPENDIX G Required Job Schedule for Underground Piping Upgrade  
(Repealed)**~~REQUIRED JOB SCHEDULE FOR UNDERGROUND PIPING UPGRADE~~~~(1) FACILITY—name and address  
where tanks are located~~~~(2) CONTRACTOR—person, firm or  
company performing work~~~~Name~~~~Name~~~~Street Address~~~~Street Address~~~~City County Zip~~~~City State Zip~~~~Permit Number Facility Number~~~~Contact Phone Fax~~~~Permit Approval Date~~~~Job Schedule Submission Date~~~~—/— First allowable Job  
Schedule Revision~~~~—/— Last allowable job  
Schedule Revision~~~~(3) Excavation~~~~Start: Date Mo./Day/Year  
(Excavation Start will be no less than 10 working days from Permit Approval  
or no less than 5 working days from Submission Date)~~~~(4) Air Test~~~~Primary: Date Mo./Day/Year Time Begin Test—End Test End AM/PM  
(Air Test for primary pipe performed from Begin Test time and to  
(stay on at least two hours to End Test time)~~~~(5) Air Test~~~~Secondary: Date Mo./Day/Year/  
(Air Test Secondary if necessary to be performed after Air Test Primary)~~~~(6) Final:~~~~Date Mo./Day/Year Time Begin Final—End Final AM/PM  
(Representative of Contractor to be present for two hours between the Begin~~

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

~~Final and End Final)~~

~~No permitted and scheduled Time Certain or Date Certain activity is to be performed outside of the schedule without prior notice to the Office of the State Fire Marshal, Department of Petroleum and Chemical Safety (DPSC). Changes made to Time Certain and Date Certain schedules will occur a maximum of two times. These changes must be received, using the appropriate form (by mail, express mail, package service, fax, or e-mail) a minimum of two working days, or 16 working hours, before the event is scheduled. A new Time Certain or Date Certain cannot be scheduled prior to five working days or forty working hours from the submission date of the revised Job Schedule. The DPSC will transmit a stamped acknowledgement receipt of the revised Job Schedule back to the contractor within one working day. Time or Date Certain activities will not resume until the contractor obtains this receipt. A copy of the revised Job Schedule Receipt will be kept, along with the original Job Schedule Receipt and a copy of the permit, on site during all permitted activities.~~

(Source: Repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 170.APPENDIX H Required Job Schedule for Underground Storage Tank Installation (Repealed)**

~~REQUIRED JOB SCHEDULE FOR UNDERGROUND STORAGE TANK INSTALLATION~~

~~(1) FACILITY—name and address  
where tanks are located~~

~~(2) CONTRACTOR—person, firm or  
company performing work~~

~~Name~~

~~Name~~

~~Street Address~~

~~Street Address~~

~~City County Zip~~

~~City State Zip~~

~~Permit Number Facility Number~~

~~Contact Phone Fax~~

~~Permit Approval Date~~

~~Job Schedule Submission Date~~

~~— First allowable Job  
Schedule Revision~~

~~— Last allowable job  
Schedule Revision~~

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## (3) Excavation

Start:           Date    Mo./Day/Year            
 (~~Excavation Start will be no less than 10 working days from Permit Approval or no less than 5 working days from Submission Date~~)

## (4) Air Test

Tanks:           Date    Mo./Day/Year    Time    Begin Test—End Test    End    AM/PM            
 (~~Air Test for primary pipe performed from Begin Test time and will stay on at least two hours to End Test time~~)

## (5) Tank

Installation:           Date    Mo./Day/Year/            
 (~~Tank installation will not proceed until Air Test Tanks is complete~~)

## (6) Air Test

Primary:           Date    Mo./Day/Year    Time    Begin Test—End Test    AM/PM            
 (~~Air test for primary pipe performed from Begin Test time and to stay on at least two hours to End Test time~~)

## (7) Air Test

Secondary:           Date    Mo./Day/Year            
 (~~Air Test Secondary if necessary to be performed after Air Test Primary~~)

## (8) Final:

          Date    Mo./Day/Year    Time    Begin Final—End Final    AM/PM            
 (~~Representative of Contractor to be present for two hours between the Begin Final and End Final~~)

~~No permitted and scheduled Time Certain or Date Certain activity is to be performed outside of the schedule without prior notice to the Office of the State Fire Marshal, Department of Petroleum and Chemical Safety (DPCS). Changes made to Time Certain and Date Certain schedules will occur a maximum of two times. These changes must be received, using the appropriate form (by mail, express mail, package service, fax, or e-mail) a minimum of two working days, or 16 working hours, before the event is scheduled. A new Time Certain or Date Certain cannot be scheduled prior to five working days or forty working hours from the submission date of the revised Job Schedule. The DPCS will transmit a stamped acknowledgement receipt of the revised Job Schedule back to the contractor within one working day. Time or Date Certain activities will not resume until the contractor obtains this receipt. A copy of the revised Job Schedule Receipt will be kept, along with the original Job Schedule Receipt and a copy of the permit, on site during all permitted activities.~~

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(Source: Repealed at 27 Ill. Reg \_\_\_\_\_, effective \_\_\_\_\_)

## OFFICE OF THE STATE FIRE MARSHAL

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**Section 170.APPENDIX I Required Checklist for Underground Storage Tank System Upgrade (Repealed)**~~REQUIRED CHECKLIST FOR UNDERGROUND STORAGE TANK SYSTEM UPGRADE~~

~~UST installations shall follow 41 Ill. Adm. Code 170 and any referenced material. The following checklist shall be adhered to as prescribed by the Office of the State Fire Marshal (OSFM) regulations, including adopted standards. These requirements do not exempt anyone from any other State or federal laws or regulations. Underground storage tank or UST includes underground pipes and cathodic protection connected to the tank.~~

- ~~\_\_\_A. Secure proper permitting and provide required Piping Upgrade Job Schedule or Cathodic Protection Upgrade Job Schedule to OSFM and obtain the stamped acknowledgement receipt. Copies of stamped Job Schedule Receipt and Permit must be kept on site.~~
- ~~\_\_\_B. Conduct on site inspection to ensure accuracy of approved site plans, drawings and actual equipment being installed.~~
- ~~\_\_\_C. Upon discovery of any damage to piping, repairs shall be in accordance with manufacturer's instructions or supervisions.~~
- ~~\_\_\_D. Prepare excavations to ensure safe movement of equipment and materials. sides Excavations shall provide adequate space for the installation of piping and ancillary equipment. Special attention shall be given to sloping or shoring the of the trench to make it stable.~~
- ~~\_\_\_E. Pipe trenches shall meet manufacturers specifications and API 1615, Section 10.3.1, for depth, width, slope, spacing and placement of pipe.~~
- ~~\_\_\_F. Pipe installation shall meet manufacturer's specifications and API 1615, Sections 9.3 and 9.4. Joint adhesive and thread sealant shall meet manufacturer's requirements for petroleum products, including ethanol or methanol blended gasoline.~~

**~~TIME CERTAIN INSPECTION!~~**

~~Conduct two hour Time Certain Air Test of pipe installation or examine any corrosion protection installation before backfilling of pipe trenches.~~

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- ~~—G. Wiring of electric pumps and all associated electrical equipment shall conform to Chapter 5 of NFPA 70.~~
- ~~—H. Backfill trenches per PEI RP 100 manufacturer's instructions. Backfilling will not commence until Time Certain inspection or Air Test has concluded.~~

**~~TIME CERTAIN INSPECTION!~~**

~~After all work has been completed and the system has been put into service, a two hour Time Certain Final Inspection will be made on leak detection equipment, spill and overflow equipment and the electrical system.~~

- ~~—I. The completed Notification of Underground Storage Tanks form will be ready to present and submit it to the manufacturer or owner, as applicable. The contractor shall maintain a copy of the checklist.~~

~~Contractors shall complete the manufacturer's installation checklist for USTs and piping and submit it to the manufacturer or owner, as applicable. The contractor shall maintain a copy of the checklist.~~

~~The OSFM requires compliance when a tank system is upgraded with this Required Checklist for Underground Tank Upgrade, pursuant to 430 ILCS 15, the Gasoline Storage Act. Failure to do so may result in the issuance of Contractor Notice of Violation (CNOV) for violations of 41 Ill. Adm. Code 170, potentially resulting in fines.~~

(Source: Repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS STATE TOLL HIGHWAY AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: State Toll Highway Rules
- 2) Code Citation: 92 Ill. Adm. Code 2520
- 3) 

<u>Section Number:</u>	<u>Proposed Action:</u>
2520.105	Amend
2520.110	Amend
2520.201	Amend
2520.204	Amend
2520.206	Amend
2520.223	Amend
2520.224	Amend
2520.401	Amend
2520.403	Amend
2520.701	Amend
2520.702	Amend
2520.705	Amend
2520.706	Amend
2520.707	Amend
2520.708	Amend
2520.714	Repeal
- 4) Statutory Authority: 605 ILCS 10/10 (a), 625 ILCS 5/3-704.2 and 625 ILCS 5/6-306.7.
- 5) A complete description of the subjects and issues involved: These proposed amendments are necessary due to safety concerns, the evolution of I-PASS, and the outsourcing of the violation enforcement system.
- 6) Will these proposed amendments replace an emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate.

## ILLINOIS STATE TOLL HIGHWAY AUTHORITY

## NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Persons who wish to comment on this proposed rule may submit written comments within 30 days after the publication of this notice in the *Illinois Register* to:

Mr. Eugene J. Kennelly, Chief Counsel  
Illinois State Toll Highway Authority  
2700 Ogden Avenue  
Downers Grove 60515  
(630) 241-6800

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 12) Initial Regulatory Flexibility Analysis: Not Applicable
- A) Types of small businesses, small municipalities and not for profit corporation affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: The Illinois State Toll Highway Authority had not obtained complete comments from staff and required internal agency authorizations.

The full text of the proposed amendments is identical to the text of the emergency amendments that appears in this issue of the *Illinois Register* on page \_\_\_\_\_.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
703.100	Amend
703.101	Amend
703.110	Amend
703.120	Amend
703.121	Amend
703.122	Amend
703.123	Amend
703.124	Amend
703.125	Amend
703.126	Amend
703.140	Amend
703.141	Amend
703.150	Amend
703.151	Amend
703.152	Amend
703.153	Amend
703.154	Amend
703.155	Amend
703.156	Amend
703.157	Amend
703.159	Amend
703.160	Amend
703.161	Amend
703.180	Amend
703.181	Amend
703.182	Amend
703.183	Amend
703.184	Amend
703.185	Amend
703.186	Amend
703.187	Amend
703.188	Amend
703.191	Amend
703.192	Amend
703.193	Amend

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

703.200	Amend
703.201	Amend
703.202	Amend
703.203	Amend
703.204	Amend
703.205	Amend
703.206	Amend
703.207	Amend
703.208	Amend
703.209	Amend
703.210	Amend
703.211	Amend
703.212	Amend
703.213	Amend
703.214	Amend
703.220	Amend
703.221	Amend
703.222	Amend
703.223	Amend
703.224	Amend
703.225	Amend
703.230	Amend
703.231	Amend
703.232	Amend
703.234	Amend
703.240	Amend
703.241	Amend
703.243	Amend
703.245	Amend
703.246	Amend
703.247	Amend
703.248	Amend
703.260	Amend
703.270	Amend
703.281	Amend
703.282	Amend
703.283	Amend
703.300	Amend
703.301	Amend
703.302	Amend

## POLLUTION CONTROL BOARD

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703.303	Amend
703.304	Amend
703.305	Amend
703.306	Amend
703.320	Add
APPENDIX A	Amend

- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.
- 5) A complete description of the subjects and issues involved: The amendments to Part 703 are a single segment of a larger rulemaking that also affects 35 Ill. Adm. Code 703, 705, 720, 724, 725, and 726, 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 larger rulemaking in this *Illinois Register* only in the answer to question 5 in the Notice of Proposed Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of October 3, 2002, proposing amendments in docket R03-7 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

Specifically, the amendments to Part 703 implement segments of the federal interim emission standards for hazardous waste combustors adopted by USEPA on February 13, 2002 and the February 14, 2002 amendments intended to facilitate implementation of the hazardous waste combustion rule. Further, the Board uses the occasion of the federally-derived amendments to make various minor, non-substantive corrective amendments to the text of Part 703.

Tables appear in the Board's opinion and order of October 3, 2002 in docket R03-7 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 October 3, 2002 opinion and order in docket R03-7.

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Will these proposed amendments replace any emergency amendments currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No. Part 703 includes references to documents incorporated by reference. In fact, one of those documents incorporated by reference is updated in the larger R03-7 proceeding of which the amendments to Part 703 are a single segment. However, 35 Ill. Adm. Code 720.111 is the centralized listing of all documents incorporated by reference for the purposes of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, 738, and 739. No documents are themselves incorporated by reference in Part 703.
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates imposed by federal law.
- 11) 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 R03-7 and be addressed to:

Ms. Dorothy M. Gunn, 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 R03-7:

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

Chicago IL 60601  
Phone: 312-814-6924  
E-mail: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

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>.

12) Initial regulatory flexibility analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. The present amendments do not appear to increase the impact of the existing regulations on these entities beyond that already imposed under federal law.
- 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. The present amendments do not appear to increase the impact of the existing regulations on these entities beyond that already imposed under federal law.
- 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. The present amendments do not appear to increase the impact of the existing regulations on these entities beyond that already imposed under federal law.

13) Regulatory agenda on which this rulemaking was summarized: July 2002

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER b: PERMITSPART 703  
RCRA PERMIT PROGRAM

## SUBPART A: GENERAL PROVISIONS

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

## SUBPART B: PROHIBITIONS

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

## SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

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

## POLLUTION CONTROL BOARD

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- 703.158 Permits for Less Than an Entire Facility
- 703.159 Closure by Removal
- 703.160 Procedures for Closure Determination
- 703.161 Enforceable Document for Post-Closure Care

## SUBPART D: APPLICATIONS

## Section

- 703.180 Applications in General
- 703.181 Contents of Part A
- 703.182 Contents of Part B
- 703.183 General Information
- 703.184 Facility Location Information
- 703.185 Groundwater Protection Information
- 703.186 Exposure Information
- 703.187 Solid Waste Management Units
- 703.188 Other Information
- 703.191 Public Participation: Pre-Application Public Notice and Meeting
- 703.192 Public Participation: Public Notice of Application
- 703.193 Public Participation: Information Repository
- 703.200 Specific Part B Application Information
- 703.201 Containers
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- 703.203 Surface Impoundments
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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

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

## SUBPART A: GENERAL PROVISIONS

**Section 703.100 Scope and Relation to Other Parts**

- a) This Part requires RCRA permits pursuant to Section 21(f) of the Environmental Protection Act [\[415 ILCS 5/21\(f\)\]](#), for hazardous waste management (HWM) facilities, which may include one or more treatment, storage, or disposal (TSD) units. This Part also contains specific rules on applications for and issuance of RCRA permits;
- b) 35 Ill. Adm. Code 702 contains general provisions on applications for and issuance of RCRA permits. 35 Ill. Adm. Code 705 contains procedures to be followed by the Illinois Environmental Protection Agency (Agency) in issuing RCRA permits;
- c) The definitions of 35 Ill. Adm. Code 702.110 apply to this Part. 35 Ill. Adm. Code 720 contains definitions applicable to the RCRA operating standards, ~~and~~ 35 Ill. Adm. Code 721 defines "solid waste" and "hazardous waste";
- d) The standards of 35 Ill. Adm. Code 724 and 725 apply to HWM facilities required to have RCRA permits. 35 Ill. Adm. Code 722 and 723 contain standards applicable to generators ~~and transporters~~ of hazardous waste.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.101 Purpose**

- a) The purpose of this Part is to provide for the issuance of RCRA permits to satisfy the permit requirement of Section 21(f) of the Environmental Protection Act [\[415 ILCS 5/21\(f\)\]](#);
- b) This Part is adopted in order to obtain final authorization from the United States Environmental Protection Agency (USEPA) for the State of Illinois to participate in permit issuance pursuant to the federal Resource Conservation and Recovery Act (RCRA) (42 [USC U.S.C.](#) 6901).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 703.110 References**

35 Ill. Adm. Code 720.111 ~~lists includes~~ all documents sources incorporated by reference for the Illinois RCRA and UIC programs.

BOARD NOTE: This Section corresponds with 40 CFR 270.6.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: PROHIBITIONS

**Section 703.120 Prohibitions in General**

- a) Violation of the provisions of this Subpart may result in an enforcement action and sanctions pursuant to Titles VIII and XII of the Environmental Protection Act [415 ILCS 5];
- b) This Subpart B serves the following functions:
  - 1) ~~It prohibits Prohibits~~ the conduct of hazardous waste management operations without a RCRA permit (Sections 703.121 and 703.122);
  - 2) ~~It specifies Specifies~~ exclusions from the permit requirement (Section 703.123);
  - 3) ~~It sets Sets~~ times for the filing of applications and reapplications (Sections 703.125 and 703.126);
  - 4) ~~It prohibits Prohibits~~ violation of the conditions of RCRA permits (Section 703.122);
- c) Subpart C of this Part grants permits by rule, and sets the conditions for interim status, which allows operation of certain facilities prior to permit issuance. Subpart C of this Part contains prohibitions applicable during the interim status period;
- d) The following definitions apply to this Subpart B:
  - 1) 35 Ill. Adm. Code 702.110; and
  - 2) 35 Ill. Adm. Code 721, the definitions of "solid waste" and "hazardous waste.";

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.121 RCRA Permits**

- a) No person ~~may shall~~ conduct any hazardous waste storage, hazardous waste treatment, or hazardous waste disposal operation as follows:
  - 1) Without a RCRA permit for the HWM (hazardous waste management)

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facility; or

- 2) In violation of any condition imposed by a RCRA permit.
- b) ~~An owner or operator~~ ~~Owners and operators of a~~ HWM ~~unit must~~ ~~units shall~~ have permits during the active life (including the closure period) of the unit. ~~An owner or operator~~ ~~Owners and operators of a~~ surface ~~impoundment-impoundments,~~ ~~landfill landfills,~~ land treatment ~~unit or a~~ ~~units and~~ waste pile ~~unit~~ ~~units~~ that received wastes after July 26, 1982, or that certified closure (according to 35 Ill. Adm. Code 725.215) after January 26, 1983, ~~must shall~~ have a post-closure care ~~permit-permits,~~ unless ~~it demonstrates~~ ~~they demonstrate~~ closure by removal or decontamination, as provided under Sections 703.159 and 703.160, or ~~obtains~~ ~~obtain~~ enforceable documents containing alternative requirements, as provided under Section 703.161. If a post-closure care permit is required, the permit must address applicable 35 Ill. Adm. Code 724 groundwater monitoring, unsaturated zone monitoring, corrective action, and post-closure care requirements.
- c) The denial of a permit for the active life of a hazardous waste management facility or unit does not affect the requirement to obtain a post-closure care permit under this Section.

BOARD NOTE: Derived from 40 CFR 270.1(c) ~~(2001)(1998), as amended at 63 Fed. Reg. 56735 (Oct. 22, 1998).~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.122 Specific Inclusions in Permit Program**

Owners and operators of certain facilities require RCRA permits as well as permits under other programs for certain aspects of the facility operation. RCRA permits are required for the following activities and facilities:

- a) Injection wells that dispose of hazardous waste, and associated surface facilities that treat, store or dispose of hazardous waste. However, the owner and operator with a UIC permit will be deemed to have a RCRA permit for the injection well itself if they comply with the requirements of Section 703.141(b) (permit by rule for injection wells);
- b) Treatment, storage, or disposal of hazardous waste at facilities requiring an NPDES (National Pollutant Discharge Elimination System) permit issued pursuant to 35 Ill. Adm. Code 309. However, the owner and operator of a publicly owned treatment works (POTW) receiving hazardous waste will be deemed to have a RCRA permit for that waste if they comply with the requirements of Section 703.141(c) (permit by rule for POTWs);
- c) Barges or vessels that dispose of hazardous waste by ocean disposal and onshore hazardous waste treatment or storage facilities associated with an ocean disposal

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operation. However, the owner and operator will be deemed to have a RCRA permit for ocean disposal from the barge or vessel itself if they comply with the requirements of Section 703.141(a) (permit by rule for ocean disposal barges and vessels).

(~~BOARD NOTE: Derived from Board Note See~~ 40 CFR 270.1(c)(1) (2001).)

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.123 Specific Exclusions from Permit Program**

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

- a) Generators that accumulate hazardous waste on-site for less than the time periods provided in 35 Ill. Adm. Code 722.134;
- b) Farmers that dispose of hazardous waste pesticides from their own use as provided in 35 Ill. Adm. Code 722.170;
- c) Persons that own or operate facilities solely for the treatment, storage, or disposal of hazardous waste excluded from regulations under this Part by 35 Ill. Adm. Code 721.104 or 721.105 (small generator exemption);
- d) ~~An owner or operator~~ ~~Owners or operators~~ of a totally enclosed treatment ~~facility,~~ ~~facilities~~ as defined in 35 Ill. Adm. Code 720.110;
- e) ~~An owner or operator~~ ~~Owners and operators~~ of an elementary neutralization ~~unit~~ ~~units~~ or wastewater treatment ~~unit,~~ ~~units~~ as defined in 35 Ill. Adm. Code 720.110;
- f) ~~a transporter that stores~~ ~~Transporters storing~~ manifested shipments of hazardous waste in containers ~~that meet meeting~~ the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;
- g) ~~A person who adds~~ ~~Persons adding~~ absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) ~~or a person who adds~~ and persons adding waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and 35 Ill. Adm. Code 724.117(b), 724.271, and 724.272 are complied with; and
- h) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that manages the wastes listed ~~in subsections (h)(1) through (h)(4) of this Section below.~~ Such a handler or transporter is subject to regulation under 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) Thermostats, as described in 35 Ill. Adm. Code 733.104; and
  - 4) Lamps, as described in 35 Ill. Adm. Code 733.105.

BOARD NOTE: Derived from 40 CFR 270.1(c)(2) (2001) (1999), as amended at 64 Fed. Reg. 36488 (July 6, 1999).

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(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.124 Discharges of Hazardous Waste**

- a) A person is not required to obtain a RCRA permit for treatment or containment activities taken during immediate response to any of the following situations:
- 1) A discharge of a hazardous waste;
  - 2) An imminent and substantial threat of a discharge of hazardous waste;
  - 3) A discharge of a material ~~that-which~~, when discharged, becomes a hazardous waste; or
  - 4) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.
- b) Any person who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part for those activities.
- c) In the case of an emergency response involving military munitions, the responding military emergency response specialist's organizational unit ~~must shall~~ retain records for three years after the date of the response that identify the following: the date of the response, the responsible persons responding, the type and description of material addressed, and the disposition of the material.

BOARD NOTE: Derived from 40 CFR 270.1(c)(3) ~~(2001)-(1997)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.125 Reapplications**

Any HWM facility with an effective permit ~~must shall~~ submit a new application at least 180 days before the expiration date of the effective permit, unless permission for a later date has been granted by the Agency. (The Agency ~~must shall~~ not grant permission for applications to be submitted later than the expiration date of the existing permit.)

BOARD NOTE: Derived from 40 CFR 270.10(h) ~~(2001)-(1992)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.126 Initial Applications**

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Except as provided in ~~703~~.Subpart C of this Part, no person ~~must shall~~ begin physical construction of a new HWM facility without having submitted Part A and Part B of the permit application and received a finally effective RCRA permit.

BOARD NOTE: Derived from 40 CFR 270.10(f)(1) ~~(2001)~~(1992).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

**Section 703.140 Purpose and Scope**

- a) The Sections of this Subpart are divided into two groups, as follow:
  - 1) Section 703.141, Permits by Rule; and
  - 2) Sections 703.151 through 703.158, relating to interim status;
- b) The interim status rules correspond to 40 CFR 270, Subpart G, which relates to interim status. Other portions of the federal rules may be found in ~~703~~.Subpart B of this Part. The intent is to group the interim status rules so they can be more easily ignored by those to whom they do not apply, and so they can be conveniently repealed after the interim status period.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.141 Permits by Rule**

Notwithstanding any other provision of this Part or 35 Ill. Adm. Code 705, the following ~~must shall~~ be deemed to have a RCRA permit if the conditions listed are met:

- a) Ocean disposal barges or vessels. The owner or operator of a barge or other vessel ~~that which~~ accepts hazardous waste for ocean disposal, if the owner or operator does the following:
  - 1) ~~It has Has~~ a permit for ocean dumping issued under 40 CFR 220, incorporated by reference in 35 Ill. Adm. Code 720.111;
  - 2) ~~It complies Complies~~ with the conditions of that permit; and
  - 3) ~~It complies Complies~~ with the following hazardous waste regulations, incorporated by reference in 35 Ill. Adm. Code 720.111:
    - A) 40 CFR 264.11, Identification number;
    - B) 40 CFR 264.71, Use of manifest system;
    - C) 40 CFR 264.72, Manifest discrepancies;
    - D) 40 CFR 264.73(a) and (b)(1), Operating record;
    - E) 40 CFR 264.75, Biennial report; and
    - F) 40 CFR 264.76, Unmanifested waste report;

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- b) Injection wells. The owner or operator of an underground injection well disposing of hazardous waste, if the owner or operator fulfills the following conditions:
- 1) ~~It has~~ Has-a permit for underground injection issued under 35 Ill. Adm. Code 704; and
  - 2) ~~It complies~~ Complies-with the conditions of that permit and the requirements of ~~Subpart F of~~ 35 Ill. Adm. Code 704. ~~Subpart F~~ (requirements for wells managing hazardous waste); and
  - 3) For UIC permits issued after November 8, 1984, the following:
    - A) ~~It complies~~ Complies-with 35 Ill. Adm. Code 724.201; and
    - B) Where the UIC well is the only unit at the facility ~~that~~which requires a RCRA permit, it complies with Section 703.187.
- c) Publicly owned treatment works (POTW). The owner or operator of a POTW ~~that which~~-accepts for treatment hazardous waste, if the owner or operator fulfills the following conditions:
- 1) ~~It has~~ Has-an NPDES permit;
  - 2) ~~It complies~~ Complies-with the conditions of that permit; and
  - 3) ~~It complies~~ Complies-with the following regulations:
    - A) 35 Ill. Adm. Code 724.111, Identification number;
    - B) 35 Ill. Adm. Code 724.171, Use of manifest system;
    - C) 35 Ill. Adm. Code 724.172, Manifest discrepancies;
    - D) 35 Ill. Adm. Code 724.173(a) and (b)(1), Operating record;
    - E) 35 Ill. Adm. Code 724.175, Annual report;
    - F) 35 Ill. Adm. Code 724.176, Unmanifested waste report; and
    - G) For NPDES permits issued after November 8, 1984, 35 Ill. Adm. Code 724.201; and
  - 4) If the waste meets all Federal, it complies with State and local pretreatment requirements ~~that which~~-would be applicable to the waste if it were being discharged into the POTW through a sewer, pipe, or similar conveyance.  
(BOARD NOTE: Illinois pretreatment requirements are codified in 35 Ill. Adm. Code 307 and 310.)

(BOARD NOTE: See 40 CFR 270.60 (2001). ~~(1987)~~, ~~as amended at 52 Fed. Reg. 45787, December 1, 1987.~~)

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.150 Application by Existing HWM Facilities and Interim Status Qualifications**

- a) The owner or operator of an existing HWM facility or of an HWM facility in

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existence on the effective date of statutory or regulatory amendments that render the facility subject to the requirement to have a RCRA permit must submit Part A of the permit application to the Agency no later than the following times, whichever comes first:

- 1) Six months after the date of publication of regulations ~~that which~~ first require the owner or operator to comply with standards in 35 Ill. Adm. Code 725 or 726; or
- 2) Thirty days after the date the owner or operator first becomes subject to the standards in 35 Ill. Adm. Code 725 or 726; or
- 3) For generators ~~that which~~ generate greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and treat, store or dispose of these wastes on-site, by March 24, 1987.

~~BOARD NOTE: Derived from 40 CFR 270.10(e)(1) (1994).~~

- b) In granting a variance under subsection (c), ~~of this Section below~~, the Board will consider whether there has been substantial confusion as to whether the owner or operator of such facilities were required to file a Part A application and whether such confusion was attributable to ambiguities in 35 Ill. Adm. Code 720, 721, or 725.

~~BOARD NOTE: Derived from 40 CFR 270.10(e)(2) (1994).~~

- c) The time for filing Part A of the permit application may be extended only by a Board Order entered pursuant to a variance petition.

~~BOARD NOTE: Derived from 40 CFR 270.10(e)(3) (1994).~~

- d) The owner or operator of an existing HWM facility may be required to submit Part B of the permit application. The Agency will notify the owner or operator that a Part B application is required, and set a date for receipt of the application, not less than six months after the date the notice is sent. The owner or operator may voluntarily submit a Part B application for all or part of the HWM facility at any time. Notwithstanding the above, any owner or operator of an existing HWM facility must submit a Part B permit application in accordance with the dates specified in Section 703.157. Any owner or operator of a land disposal facility in existence on the effective date of statutory or regulatory amendments ~~that which~~ render the facility subject to the requirement to have a RCRA permit must submit a Part B application in accordance with the dates specified in Section 703.157.

~~BOARD NOTE: Derived from 40 CFR 270.10(e)(4) (1994), as amended at 60 Fed. Reg. 33914 (June 29, 1995).~~

- e) Interim status may be terminated as provided in Section 703.157.

BOARD NOTE: Derived from 40 CFR 270.10(e)(2001) (~~5~~)-(1994).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 703.151 Application by New HWM Facilities**

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

BOARD NOTE: Derived from 40 CFR 270.10(f) (2001) (1994), ~~as amended at 60 Fed. Reg. 33914 (June 29, 1995)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.152 Amended Part A Application**

- a) If any owner or operator of an HWM facility has filed Part A of a permit application and has not yet filed Part B, the owner or operator ~~must shall~~ file an amended Part A application with the Agency, as follows:
  - 1) No later than the effective date of revised regulations under 35 Ill. Adm. Code 721 listing or identifying additional hazardous wastes, if the facility is treating, storing or disposing of any of those newly listed or identified wastes;
  - 2) As necessary to comply with provisions of Section 703.155 for changes during interim status.

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- b) The owner or operator of a facility who fails to comply with the updating requirements of subsection (a) of this Section does not receive interim status as to the wastes not covered by duly filed Part A applications.

BOARD NOTE: Derived from 40 CFR 270.10(g) (2001) (1994), as amended at 60 Fed. Reg. 33914 (June 29, 1995).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.153 Qualifying for Interim Status**

- a) Any person who owns or operates an existing HWM facility or a facility in existence on the effective date of statutory or regulatory amendments that which render the facility subject to the requirement to have a RCRA permit must shall have interim status and must shall be treated as having been issued a permit to the extent he or she has:
- 1) Complied with the requirements of Section 3010(a) of the federal Resource Conservation and Recovery Act (42 USC 6930(a)) pertaining to notification of hazardous waste activity;  
(BOARD NOTE: Board Note: Some existing facilities may not be required to file a notification under Section 3010(a) of the federal Resource Conservation and Recovery Act (42 USC 6930(a)). These facilities may qualify for interim status by meeting subsection (a)(2).)
  - 2) Complied with the requirements of Sections 703.150 and 703.152 governing submission of Part A applications;
- b) Failure to qualify for interim status. If the Agency has reason to believe upon examination of a Part A application that it fails to meet the requirements of 35 Ill. Adm. Code 702.123 or 703.181, it must shall notify the owner or operator in writing of the apparent deficiency. Such notice must shall specify the grounds for the Agency's belief that the application is deficient. The owner or operator must shall have 30 days from receipt to respond to such a notification and to explain or cure the alleged deficiency in its Part A application. If, after such notification and opportunity for response, the Agency determines that the application is deficient it may take appropriate enforcement action.
- c) Subsection (a) must shall not apply to any facility that which has been previously denied a RCRA permit or if authority to operate the facility under the federal Resource Conservation and Recovery Act (42 USC 6901 et seq.) has been previously terminated.  
(BOARD NOTE: derived from Board Note: See 40 CFR 270.70 (2001).)

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 703.154 Prohibitions During Interim Status**

During the interim status period the facility ~~must shall~~-not do any of the following:

- a) Treat, store, or dispose of hazardous waste not specified in Part A of the permit application;
- b) Employ processes not specified in Part A of the permit application; or
- c) Exceed the design capacities specified in Part A of the permit application.

BOARD NOTE: Derived from 40 CFR 270.71(a) (2001)(1992).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.155 Changes During Interim Status**

a) Except as provided in subsection (b) of this Section, below, the owner or operator of an interim status facility may make the following changes at the facility:

- 1) Treatment, storage, or disposal of new hazardous wastes not previously identified in Part A of the permit application (and, in the case of newly listed or identified wastes, addition of the units being used to treat, store, or dispose of the hazardous wastes on the date of the listing or identification) if the owner or operator submits a revised Part A permit application prior to such treatment, storage, or disposal;
- 2) Increases in the design capacity of processes used at the facility if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the Agency approves the change because either of the following conditions exist:
  - A) There is a lack of available treatment, storage, or disposal capacity at other hazardous waste management facilities; or
  - B) The change is necessary to comply with a federal, State, or local requirement, including 35 Ill. Adm. Code 725, 728, or 729;
- 3) Changes in the processes for the treatment, storage or disposal of hazardous waste may be made at a facility or addition of processes if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for change) and the Agency approves the change because either of the following conditions exist:
  - A) The change is necessary to prevent a threat to human health or the environment because of an emergency situation; or
  - B) The change is necessary to comply with a federal, State or local

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- requirement, including 35 Ill. Adm. Code 725, 728<sub>2</sub> or 729;
- 4) Changes in the ownership or operational control of a facility if the new owner or operator submits a revised Part A permit application no later than 90 days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator must shall comply with the requirements of Subpart H of 35 Ill. Adm. Code 725.Subpart H (financial requirements), until the new owner or operator has demonstrated to the Agency that it is complying with the requirements of that Subpart. The new owner or operator must shall demonstrate compliance with the financial assurance requirements within six months after the date of the change in the ownership or operational control of the facility. Upon demonstration to the Agency by the new owner or operator of compliance with the financial assurance requirements, the Agency must shall notify the old owner or operator in writing that the old owner or operator no longer needs to comply with Subpart H of 35 Ill. Adm. Code 725.Subpart H as of the date of demonstration. All other interim status duties are transferred effective immediately upon the date of the change of ownership or operational control of the facility;
  - 5) Changes made in accordance with an interim status corrective action order issued by: USEPA under Section 3008(h) of the federal Resource Conservation and Recovery Act (42 USC 6901 et seq.) or other federal authority; a court pursuant to a judicial action brought USEPA; a court pursuant to the Environmental Protection Act; or, the Board. Changes under this subsection (a)(5) are limited to the treatment, storage<sub>2</sub> or disposal of solid waste from releases that originate within the boundary of the facility;
  - 6) Addition of newly regulated units for the treatment, storage or disposal of hazardous waste if the owner or operator submits a revised Part A permit application on or before the date on which the unit becomes subject to the new requirements.
- b) Except as specifically allowed under this subsection (b), changes listed under subsection (a) of this Section, above, must not be made if they amount to reconstruction of the HWM facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds fifty percent of the capital cost of a comparable entirely new HWM facility. If all other requirements are met, the following changes may be made even if they amount to a reconstruction:
- 1) Changes made solely for the purpose of complying with requirements of 35 Ill. Adm. Code 725.293 for tanks and ancillary equipment.
  - 2) If necessary to comply with federal, State or local requirements, including 35 Ill. Adm. Code 725, 728<sub>2</sub> or 729, changes to an existing unit, changes

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solely involving tanks or containers, or addition of replacement surface impoundments that satisfy the statutory standards of Section 35 Ill. Adm. Code 728.139.

- 3) Changes that are necessary to allow an owner or operator ~~owners or operators~~ to continue handling newly listed or identified hazardous wastes that have been treated, stored or disposed of at the facility prior to the effective date of the rule establishing the new listing or identification.
- 4) Changes during closure of a facility or of a unit within a facility made in accordance with an approved closure plan.
- 5) Changes necessary to comply with an interim status corrective action order issued by: USEPA under Section 3008(h) of the federal Resource Conservation and Recovery Act (42 USC 6930(a)) or other federal authority; a court pursuant to a judicial action brought by USEPA; a court pursuant to the Environmental Protection Act; or, the Board. Changes under this subsection (b)(5) are limited to the treatment, storage, or disposal of solid waste from releases that originate within the boundary of the facility.
- 6) Changes to treat or store, in tanks, containers, or containment buildings, hazardous wastes subject to land disposal restrictions imposed in 35 Ill. Adm. Code 728, provided that such changes are made solely for the purpose of complying with 35 Ill. Adm. Code 728.
- 7) Addition of newly regulated units under subsection (a)(6) of this Section, above.
- 8) Changes necessary to comply with the federal Clean Air Act (CAA) Maximum Achievable Control Technology (MACT) emissions standards of 40 CFR 63, Subpart EEE – National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors.

BOARD NOTE: Derived from 40 CFR 270.72 ~~(2001)-(1997), as amended at 63 Fed. Reg. 33829 (June 19, 1998).~~ The federal CAA MACT standards are directly implemented in Illinois pursuant to Section 39.5 of the Environmental Protection Act [415 ILCS 5/39.5].

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.156 Interim Status Standards**

During interim status, an owner or operator must ~~owners or operators shall~~ comply with the interim status standards of at 35 Ill. Adm. Code 725.

BOARD NOTE: Derived from 40 CFR 270.71(b) ~~(2001)-(1992).~~

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(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.157 Grounds for Termination of Interim Status**

Interim status terminates when either of the following occurs:

- a) Final administrative disposition is made of a permit application, except an application for a remedial action plan (RAP) under Subpart H of this Part; or
- b) The owner or operator fails to furnish a requested Part B application on time, or to furnish the full information required by the Part B application, in which case the Agency ~~must shall~~ notify the owner and operator of the termination of interim status following the procedures for a notice of intent to deny a permit pursuant to 35 Ill. Adm. Code 705.
- c) For an owner or operator ~~owners or operators~~ of a each land disposal facility that which has been granted interim status prior to November 8, 1984, on November 8, 1985, unless the following conditions are fulfilled:
  - 1) The owner or operator submits a Part B application for a permit for such facility prior to that date; and
  - 2) The owner or operator certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.
- d) For an owner or operator ~~owners or operators~~ of a each land disposal facility that which is in existence on the effective date of statutory or regulatory amendments under the federal Resource Conservation and Recovery Act (42 USC 6901 et seq.) that render the facility subject to the requirement to have a RCRA permit and which is granted interim status, twelve months after the date on which the facility first becomes subject to such permit requirement, unless the owner or operator of such facility does as follows:
  - 1) It submits ~~Submits~~ a Part B application for a RCRA permit for such facility before the date 12 months after the date on which the facility first becomes subject to such permit requirement; and
  - 2) It certifies ~~Certifies~~ that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.
- e) For an owner ~~owners~~ or operator ~~operators~~ of any land disposal unit that is granted authority to operate under Section 703.155(a)(1), (a)(2), or (a)(3), on the day 12 months after the effective date of such requirement, unless the owner or operator certifies that such unit is in compliance with all applicable groundwater monitoring and financial responsibility requirements (Subparts F and H of 35 Ill. Adm. Code 725.190 et seq. and 725.240 et seq.).
- f) For an owner ~~owners~~ and operator ~~operators~~ of each incinerator facility that which achieved interim status prior to November 8, 1984, on November 8, 1989, unless

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the owner or operator of the facility submits a Part B application for a RCRA permit for an incinerator facility by November 8, 1986.

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

BOARD NOTE: Derived from 40 CFR 270.10(e)(5) ~~(2001)(1998)~~ and 270.73 ~~(2001)(1998, as amended at 63 Fed. Reg. 65941 (Nov. 30, 1998))~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.159 Closure by Removal**

~~An owner or operator Owners and operators~~ of a surface ~~impoundment-impoundments~~, a land treatment ~~unit, units or a and~~ waste ~~pile that is piles-~~ closing by removal or decontamination under 35 Ill. Adm. Code 725 standards must obtain a post-closure permit, unless ~~it demonstrates they demonstrate~~ to the Agency that the closure met the standards for closure by removal or decontamination in 35 Ill. Adm. Code 724.328, 724.380(e), or 724.358, respectively. The demonstration may be made in the following ways:

- a) If the owner or operator has submitted a Part B application for a post-closure permit, the owner or operator may request a determination, based on information contained in the application, that 35 Ill. Adm. Code 724 closure by removal standards are met. If the Agency makes a tentative decision that the 35 Ill. Adm. Code 724 standards are met, the Agency will notify the public of this proposed decision, allow for public comment and reach a final determination according to the procedures in Section 703.160.
- b) If the owner or operator has not submitted a Part B application for a post-closure permit, the owner or operator may petition the Agency for a determination that a post-closure permit is not required because the closure met the applicable 35 Ill. Adm. Code 724 standards.
  - 1) The petition must include data demonstrating that closure by removal or decontamination standards were met.
  - 2) The Agency ~~must~~ shall approve or deny the petition according to the procedures outlined in Section 703.160.

(BOARD NOTE: ~~See-Derived from~~ 40 CFR 270.1(c)(5) ~~(2001)~~, ~~as adopted at 52 Fed. Reg. 45787, December 1, 1987.)~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 703.160 Procedures for Closure Determination**

- a) If a facility owner or operator seeks an equivalency determination under Section 703.159, the Agency ~~must shall~~ provide the public, through a newspaper notice, the opportunity to submit written comments on the information submitted by the owner or operator within 30 days from the date of the notice. The Agency ~~mustshall~~ also, in response to a request or at its own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning the equivalence of the 35 Ill. Adm. Code 725 closure to a 35 Ill. Adm. Code 724 closure. The Agency ~~must shall~~ give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the two notices may be combined.)
- b) The Agency ~~must shall~~ determine whether the 35 Ill. Adm. Code 725 closure met the 35 Ill. Adm. Code 724 closure by removal or decontamination requirements within 90 days after receipt of the request or petition. If the Agency finds that the closure did not meet the applicable 35 Ill. Adm. Code 724 standards, it ~~must shall~~ provide the owner or operator with a written statement of the reasons why the closure failed to meet 35 Ill. Adm. Code 724 standards. The owner or operator may submit additional information in support of an equivalency demonstration within 30 days after receiving such written statement. The Agency ~~mustshall~~ review any additional information submitted and make a final determination within 60 days.
- c) If the Agency determines that the facility did not close in accordance with 35 Ill. Adm. Code 724 closure by removal standards, the facility is subject to post-closure permitting requirements.

(BOARD NOTE: See 40 CFR 270.1(c)(6) ~~(2001)~~, as adopted at 52 Fed. Reg. 45787, December 1, 1987)

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.161 Enforceable Document for Post-Closure Care**

- a) An owner or operator may obtain an enforceable document containing alternative requirements for post-closure care that imposes the requirements of 35 Ill. Adm. Code 725.221. "Enforceable document containing alternative requirements" or "other enforceable document," as used in this Part and in 35 Ill. Adm. Code 724 and 725, means an order of the Board, an Agency-approved plan, or an order of a court of competent jurisdiction that meets the requirements of subsection (b) of this Section. An "enforceable document containing alternative requirements" or

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"other enforceable document," may also mean an order of USEPA (such as pursuant to section 3008(h) of RCRA, 42 USC 6928(h), or under section 106 of the federal Comprehensive Environmental Response, Compensation and Liability Act, 42 USC 9606).

BOARD NOTE: Derived from 40 CFR 270.1(c)(7) ~~(2001)-(1999)~~.

- b) Any alternative requirements issued under this Section or established to satisfy the requirements of 35 Ill. Adm. Code 724.190(f), 724.210(c), 724.240(d), 725.190(f), 725.210(c), or 725.240(d) ~~must shall~~ be embodied in a document that is enforceable and subject to appropriate compliance orders and civil penalties under Titles VIII and XII of the Act [415 ILCS 5].

BOARD NOTE: Derived from 40 CFR 271.16(e) ~~(2001)-(1999)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: APPLICATIONS

**Section 703.180 Applications in General**

- a) This Subpart D contains requirements for applications for RCRA permits. A "Part A" application is required of all facilities to obtain interim status. The "Part B" application is a prerequisite to an actual permit, and need be filed for an existing facility with interim status only when requested. New facilities must file Part A and Part B at the same time;
- b) Subpart E of this Part contains requirements for applications for emergency permits, trial burn permits and land treatment demonstration permits;
- c) The application package must consist ~~consists~~ of the following:
- 1) Information required by 35 Ill. Adm. Code 702.123;
  - 2) Part A (Section 703.181);
  - 3) Part B, as follows:
    - A) General information (Section 703.183);
    - B) Facility location information (Section 703.184);
    - C) Groundwater protection information, if required (Section 703.185);
    - D) Specific information for each type of TSD unit, i.e. tanks, surface impoundments, landfills, etc. (Sections 703.200 et seq.);
    - E) Additional information to demonstrate compliance with 35 Ill. Adm. Code 724 (Section 703.183(t));
    - F) Information for trial burn permits and land treatment demonstrations (Subpart E of this Part).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 703.181 Contents of Part A**

In addition to the information in 35 Ill. Adm. Code 702.123, Part A of the RCRA application ~~must shall~~ include the following information:

- a) The latitude and longitude of the facility;  
~~(BOARD NOTE: Derived from 40 CFR 270.13(b).)~~
- b) The name, address, and telephone number of the owner of the facility;  
~~(BOARD NOTE: Derived from 40 CFR 270.13(e).)~~
- c) An indication of whether the facility is new or existing and whether it is a first or revised application;  
~~(BOARD NOTE: Derived from 40 CFR 270.13(g).)~~
- d) For existing facilities, a scale drawing of the facility showing the location of all past, present, and future treatment, storage, and disposal areas;  
~~(BOARD NOTE: Derived from 40 CFR 270.13(h)(1).)~~
- e) For existing facilities, photographs of the facility clearly delineating all existing structures; existing treatment, storage and disposal areas; and sites of future treatment, storage and disposal areas;  
~~(BOARD NOTE: Derived from 40 CFR 270.13(h)(2).)~~
- f) A description of the processes to be used for treating, storing, and disposing of hazardous waste, and the design capacity of these items;  
~~(BOARD NOTE: Derived from 40 CFR 270.13(i).)~~
- g) A specification of the hazardous wastes listed or designated under 35 Ill. Adm. Code 721 to be treated, stored or disposed at the facility, an estimate of the quantity of such wastes to be treated, stored, or disposed of annually, and a general description of the processes to be used for such wastes.  
~~(BOARD NOTE: Derived from 40 CFR 270.13(j).)~~
- h) For hazardous debris, a description of the debris ~~categories category(ies)~~ and containment ~~categories category(ies)~~ to be treated, stored, or disposed of at the facility.  
~~(BOARD NOTE: Derived from 40 CFR 270.13 (2001)(n).)~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.182 Contents of Part B**

Part B information requirements presented in Sections 703.183 et seq. reflect the standards promulgated in 35 Ill. Adm. Code 724. These information requirements are necessary in order for the Agency to determine compliance with the 35 Ill. Adm. Code 724 standards. If an owner or operator ~~owners and operators~~ of a HWM facility ~~facilities~~ can demonstrate that the

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information prescribed in Part B cannot be provided to the extent required, the Agency may make allowance for submission of such information on a case by case basis. Information required in Part B ~~must shall~~ be submitted to the Agency and signed in accordance with requirements in 35 Ill. Adm. Code 702.126. Certain technical data, such as design drawings and specifications and engineering studies, ~~must shall~~ be certified by a registered professional engineer. For post-closure care permits, only the information specified in Section 703.214 is required in Part B of the permit application. Part B of the RCRA application includes the following:

- a) General information (Section 703.183);
- b) Facility location information (Section 703.184);
- c) Groundwater protection information (Section 703.185);
- d) Exposure information (Section 703.186); **and**
- e) Specific information (Section 703.200 et seq.).

BOARD NOTE: Derived from 40 CFR 270.14(a) ~~(2001)(1998), as amended at 63 Fed. Reg. 56734 (Oct. 22, 1998).~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.183 General Information**

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

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

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724.~~Subpart D~~;

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

- h) A description of procedures, structures, or equipment used at the facility as follows to:
- 1) To prevent Prevent hazards in unloading operations (for example, ramps, or special forklifts);
  - 2) To prevent Prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, or trenches);
  - 3) To prevent Prevent contamination of water supplies;
  - 4) To mitigate Mitigate effects of equipment failure and power outages;
  - 5) To prevent Prevent undue exposure of personnel to hazardous waste (for example, protective clothing); and
  - 6) To prevent Prevent releases to the atmosphere;
- i) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes, as required to demonstrate compliance with 35 Ill. Adm. Code 724.117, including documentation demonstrating compliance with 35 Ill. Adm. Code 724.117(c);
- j) A description of the area traffic pattern, the estimated traffic volume (number and types of vehicles), and area traffic control (for example, show turns across traffic lanes and stacking lanes, if appropriate); a description of access road surfacing and load bearing capacity; and the locations and types of traffic control signals;
- k) Facility location information, as required by Section 703.184;
- l) An outline of both the introductory and continuing training programs by the owner or operator to prepare persons to operate or maintain the HWM facility in a safe manner, as required to demonstrate compliance with 35 Ill. Adm. Code 724.116. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in 35 Ill. Adm. Code 724.116(a)(3);
- m) A copy of the closure plan and, where applicable, the post-closure plan required by 35 Ill. Adm. Code 724.212, 724.218, and 724.297. Include, where applicable, as part of the plans, specific requirements in 35 Ill. Adm. Code 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451, 724.701, and 724.703;
- n) For hazardous waste disposal units that have been closed, documentation that notices required under 35 Ill. Adm. Code 724.219 have been filed;
- o) The most recent closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.242, and a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.243. For a new

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facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;

- p) Where applicable, the most recent post-closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.244, plus a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.245. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;
- q) Where applicable, a copy of the insurance policy or other documentation ~~that~~which comprises compliance with the requirements of 35 Ill. Adm. Code 724.247. For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 724.247(a) and, if applicable, 35 Ill. Adm. Code 724.247(b) that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal. A request for an alternative level of required coverage for a new or existing facility may be submitted as specified in 35 Ill. Adm. Code 724.247(c);
- r) This subsection corresponds with 40 CFR 270.14(b)(18), pertaining to state financial mechanisms that do not apply in Illinois. This statement maintains structural parity with the federal regulations-;
- s) A topographic map showing a distance of 1000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). An owner or operator ~~Owners and operators~~ of a HWM facility ~~facilities~~ located in a mountainous area ~~must areas shall~~ use larger contour intervals to adequately show topographic profiles of facilities. The map must clearly show the following:
- 1) Map scale and date;
  - 2) 100-year floodplain area;
  - 3) Surface waters including intermittent streams;
  - 4) Surrounding land uses (e.g., residential, commercial, agricultural, recreational, etc.);
  - 5) A wind rose (i.e., prevailing windspeed and direction);
  - 6) Orientation of the map (north arrow);
  - 7) Legal boundaries of the HWM facility site;
  - 8) Access control (e.g., fences, gates, etc.);
  - 9) Injection and withdrawal wells both on-site and off-site;

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- 10) Buildings; treatment, storage, or disposal operations; or other structures (e.g., recreation areas, runoff control systems, access and internal roads, storm, sanitary and process sewage systems, loading and unloading areas, fire control facilities, etc.);
- 11) Barriers for drainage or flood control; and
- 12) Location of operational units within the HWM facility site, where hazardous waste is (or will be) treated, stored, or disposed of (include equipment cleanup areas);

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

- t) Applicants must shall-submit such information as the Agency determines is necessary for it to determine whether to issue a permit and what conditions to impose in any permit issued;
- u) For land disposal facilities, if a case-by-case extension has been approved under 35 Ill. Adm. Code 728.105 or if a petition has been approved under 35 Ill. Adm. Code 728.106, a copy of the notice of approval of the extension or of approval of the petition is required; and
- v) A summary of the pre-application meeting, along with a list of attendees and their addresses, and copies of any written comments or materials submitted at the meeting, as required under 35 Ill. Adm. Code 703.191(c).

BOARD NOTE: Derived from 40 CFR 270.14(b) (2001) (1999).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.184 Facility Location Information**

- a) In order to show compliance with the facility location requirements of Section 21(1) of the Environmental Protection Act [415 ILCS 5/21(1)], the owner or operator must shall-include the following information, or a demonstration that Section 21(1) does not apply:
  - 1) Location of any active or inactive shaft or tunneled mine below the facility;
  - 2) Location of any active faults in the earth's crust within two 2 miles of the facility boundary;
  - 3) Location of existing private wells or existing sources of a public water supply within 1000 feet of any disposal unit boundary;
  - 4) 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 above-request information necessary to allow the Agency to

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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\(l\)\]](#);

- c) ~~An owner Owners~~ and ~~operator operators~~ of all facilities ~~must shall~~ 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 shall~~ 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 ~~is~~.

- d) ~~An owner Owners~~ and ~~operator operators~~ of facilities located in the 100-year floodplain ~~must shall~~ 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 above~~, a detailed description of procedures to be followed to remove

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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, 724, and 725;
  - 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 ~~Owners~~ and operator ~~operators~~ of existing facilities not in compliance with 35 Ill. Adm. Code 724.118(b) must shall provide a plan showing how the facility will be brought into compliance and a schedule for compliance. Such an owner or operator must ~~owners and operators shall~~ file a concurrent variance petition with the Board; and
- f) An owner ~~Owners~~ or operator ~~operators~~ of a new regional pollution control facility ~~facilities~~, as defined in Section 3 of the Environmental Protection Act [415 ILCS 5/3], must shall 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: Subsections (b) through (e) of this Section are derived from 40 CFR 270.14(b)(11)(iii) through (b)(11)(v) (2001)-(1992). 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 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.185 Groundwater Protection Information**

The following additional information regarding protection of groundwater is required from an owner or operator ~~owners or operators~~ of a hazardous waste facility ~~facilities~~ containing a regulated unit, except as provided in 35 Ill. Adm. Code 724.190(b):

- a) A summary of the groundwater monitoring data obtained during the interim status period under 35 Ill. Adm. Code 725.190 through 725.194, where applicable;
- b) Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including groundwater flow direction and rate, and

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the basis for such identification (i.e., the information obtained from hydrogeologic investigations of the facility area);

- c) On the topographic map required under Section 703.183(s), a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined under 35 Ill. Adm. Code 724.195, the proposed location of groundwater monitoring wells as required under 35 Ill. Adm. Code 724.197 and, to the extent possible, the information required in subsection (b) of this Section;
- d) A description of any plume of contamination that has entered the groundwater from a regulated unit at the time that the application is submitted that does the following:
  - 1) It delineates ~~Delineates~~ the extent of the plume on the topographic map required under Section 703.183(s);
  - 2) It identifies ~~Identifies~~ the concentration of each Appendix I to 35 Ill. Adm. Code 724.~~Appendix I~~ constituent throughout the plume or identifies the maximum concentrations of each Appendix I to 35 Ill. Adm. Code 724.~~Appendix I~~ constituent in the plume;
- e) Detailed plans and an engineering report describing the proposed groundwater monitoring program to be implemented to meet the requirements of 35 Ill. Adm. Code 724.197;
- f) If the presence of hazardous constituents has not been detected in the groundwater at the time of permit application, the owner or operator must shall submit sufficient information, supporting data and analyses to establish a detection monitoring program that which meets the requirements of 35 Ill. Adm. Code 724.198. This submission must address the following items as specified under that Section:
  - 1) A proposed list of indicator parameters, waste constituents or reaction products that can provide a reliable indication of the presence of hazardous constituents in the groundwater;
  - 2) A proposed groundwater monitoring system;
  - 3) Background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and
  - 4) A description of proposed sampling, analysis, and statistical comparison procedures to be utilized in evaluating groundwater monitoring data;
- g) If the presence of hazardous constituents has been detected in the groundwater at the point of compliance at the time of permit application, the owner or operator must shall submit sufficient information, supporting data and analyses to establish a compliance monitoring program that which meets the requirements of 35 Ill. Adm. Code 724.199. Except as provided in 35 Ill. Adm. Code 724.198(h)(5), the owner or operator must shall also submit an engineering feasibility plan for a

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corrective action program necessary to meet the requirements of 35 Ill. Adm. Code 724.200, unless the owner or operator obtains written authorization in advance from the Agency to submit a proposed permit schedule to submittal of such a plan. To demonstrate compliance with 35 Ill. Adm. Code 724.199, the owner or operator ~~must shall~~ address the following items:

- 1) A description of the wastes previously handled at the facility;
- 2) A characterization of the contaminated groundwater, including concentrations of hazardous constituents;
- 3) A list of hazardous constituents for which compliance monitoring will be undertaken in accordance with 35 Ill. Adm. Code 724.197 and 724.199;
- 4) Proposed concentration limits for each hazardous constituent, based on the criteria set forth in 35 Ill. Adm. code 724.194(a), including a justification for establishing any alternate concentration limits;
- 5) Detailed plans and an engineering report describing the proposed groundwater monitoring system, in accordance with the requirements of 35 Ill. Adm. Code 724.197; and
- 6) A description of proposed sampling, analysis, and statistical comparison procedures to be utilized in evaluating groundwater monitoring data;

- h) If hazardous constituents have been measured in the groundwater ~~that which~~ exceed the concentration limits established under 35 Ill. Adm. Code 724.194, Table 1, or if groundwater monitoring conducted at the time of permit application under 35 Ill. Adm. Code 725.190 through 725.194 at the waste boundary indicates the presence of hazardous constituents from the facility in groundwater over background concentrations, the owner or operator ~~must shall~~ submit sufficient information, supporting data, and analyses to establish a corrective action program ~~that which~~ meets the requirements of 35 Ill. Adm. Code 724.200. However, an owner or operator is not required to submit information to establish a corrective action program if it demonstrates to the Agency that alternate concentration limits will protect human health and the environment after considering the criteria listed in 35 Ill. Adm. Code 724.194(b). An owner or operator who is not required to establish a corrective action program for this reason ~~must shall~~ instead submit sufficient information to establish a compliance monitoring program ~~that which~~ meets the requirements of subsection (f) and 35 Ill. Adm. Code 724.199. To demonstrate compliance with 35 Ill. Adm. Code 724.200, the owner or operator ~~must shall~~ address, at a minimum, the following items:

- 1) A characterization of the contaminated groundwater, including concentrations of hazardous constituents;
- 2) The concentration limit for each hazardous constituent found in the groundwater, as set forth in 35 Ill. Adm. Code 724.194;

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- 3) Detailed plans and an engineering report describing the corrective action to be taken; and
- 4) A description of how the groundwater monitoring program will assess the adequacy of the corrective action.
- 5) The permit may contain a schedule for submittal of the information required in subsections (h)(3) and (h)(4) of this Section, provided the owner or operator obtains written authorization from the Agency prior to submittal of the complete permit application.

(BOARD NOTE: See 40 CFR 270.14(c) ~~(2001) (1987)~~, as amended at ~~52 Fed. Reg. 25942, July 9, 1987, 52 Fed. Reg. 33936, September 9, 1987 and 52 Fed. Reg. 45787, December 1, 1987.~~)

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.186 Exposure Information**

- a) Any Part B permit application submitted by an owner or operator of a facility that stores, treats, or disposes of hazardous waste in a surface impoundment or a landfill must be accompanied by information, reasonably ascertainable by the owner or operator, on the potential for the public to be exposed to hazardous wastes or hazardous constituents through releases related to the unit. At a minimum, such information must address the following:
  - 1) Reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;
  - 2) The potential pathways of human exposure to hazardous wastes or constituents resulting from the releases described under subsection (a)(1) of this Section above; and
  - 3) The potential magnitude and nature of the human exposure resulting from such releases.
- b) By August 8, 1985, an owner or operator ~~owners and operators~~ of a landfill or a surface impoundment ~~that had who have~~ already submitted a Part B application must have submitted ~~submit~~ the exposure information required in subsection (a) of this Section.

BOARD NOTE: Derived from 40 CFR 270.10(j) ~~(2001)(1992)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.187 Solid Waste Management Units**

- a) The following information is required for each solid waste management unit at a

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facility seeking a permit:

- 1) The location of the unit on the topographic map required under Section 703.183(s);-
  - 2) Designation of the type of unit;-
  - 3) General dimensions and structural description (supply any available drawings);-
  - 4) When the unit was operated; ~~and-~~
  - 5) Specification of all wastes that have been managed at the unit, to the extent available.
- b) The owner or operator of any facility containing one or more solid waste management units must submit all available information pertaining to any release of hazardous wastes or hazardous constituents from such unit or units.
- c) The owner or operator must conduct and provide the results of sampling and analysis of groundwater, ~~land surface landsurface~~ and subsurface strata, surface water or air, which may include the installation of wells, where the Agency determines it is necessary to complete a RCRA facility assessment that will determine if a more complete investigation is necessary.

(BOARD NOTE: ~~Derived from See 40 CFR 270.14(d) (2001) (1987), as adopted at 52 Fed. Reg. 45787, December 1, 1987.~~)

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.188 Other Information**

The Agency may require a permittee or applicant to submit information in order to establish permit conditions under Section 703.241(a)(2) (conditions necessary to protect human health and the environment) and 35 Ill. Adm. Code 702.161 (duration of permits).

(BOARD NOTE: ~~Derived from See 40 CFR 270.10(k) (2001) (1987), as adopted at 52 Fed. Reg. 45787, December 1, 1987.~~)

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.191 Public Participation: Pre-Application Public Notice and Meeting**

- a) Applicability. The requirements of this Section ~~must shall~~ apply to any RCRA Part B application seeking an initial permit for a hazardous waste management unit. The requirements of this Section ~~must shall~~ also apply to any RCRA Part B application seeking renewal of a permit for such a unit, where the renewal application is proposing a significant change in facility operations. For the purposes of this Section, a "significant change" is any change that would qualify

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as a class 3 permit modification under Sections 703.283 and ~~703-~~Appendix A to this Part. The requirements of this Section do not apply to permit modifications under Sections 703.280 through 703.283 or to applications that are submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.

- b) Prior to the submission of a RCRA Part B permit application for a facility, the applicant must hold at least one meeting with the public in order to solicit questions from the community and inform the community of its proposed hazardous waste management activities. The applicant ~~must shall~~ post a sign-in sheet or otherwise provide a voluntary opportunity for attendees to provide their names and addresses.
- c) The applicant ~~must shall~~ submit to the Agency, as part of its RCRA Part B permit application, a summary of the meeting, along with the list of attendees and their addresses developed under subsection (b) of this Section and copies of any written comments or materials submitted at the meeting, in accordance with Section 703.183.
- d) The applicant must provide public notice of the pre-application meeting at least 30 days prior to the meeting. The applicant must maintain documentation of the notice and provide that documentation to the permitting agency upon request.
  - 1) The applicant ~~must shall~~ provide public notice in each of the following forms:
    - A) A newspaper advertisement. The applicant ~~must shall~~ publish a notice in a newspaper of general circulation in the county that hosts the proposed location of the facility. The notice must fulfill the requirements set forth in subsection (d)(2) of this Section. In addition, the Agency ~~must shall~~ instruct the applicant to publish the notice in newspapers of general circulation in adjacent counties, where the Agency determines that such publication is necessary to inform the affected public. The notice must be published as a display advertisement.
    - B) A visible and accessible sign. The applicant ~~must shall~~ post a notice on a clearly marked sign at or near the facility. The notice must fulfill the requirements set forth in subsection (d)(2) of this Section. If the applicant places the sign on the facility property, then the sign must be large enough to be readable from the nearest point where the public would pass by the site.
    - C) A broadcast media announcement. The applicant ~~must shall~~ broadcast a notice at least once on at least one local radio station or television station. The notice must fulfill the requirements set forth in subsection (d)(2) of this Section. The applicant may

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- employ another medium with prior approval of the Agency.
- D) A notice to the Agency. The applicant ~~must shall~~ send a copy of the newspaper notice to the permitting agency and to the appropriate units of State and local government, in accordance with 35 Ill. Adm. Code 705.163(a).
- 2) The notices required under subsection (d)(1) of this Section must include the following:
- A) The date, time, and location of the meeting;
  - B) A brief description of the purpose of the meeting;
  - C) A brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the facility location;
  - D) A statement encouraging people to contact the facility at least 72 hours before the meeting if they need special access to participate in the meeting; and
  - E) The name, address, and telephone number of a contact person for the applicant.

BOARD NOTE: Derived from 40 CFR 124.31 ~~(2001)-(1996)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.192 Public Participation: Public Notice of Application**

- a) Applicability. The requirements of this Section ~~must shall~~ apply to any RCRA Part B application seeking an initial permit for a hazardous waste management unit. The requirements of this Section ~~must shall~~ also apply to any RCRA Part B application seeking renewal of a permit for such a unit under 35 Ill. Adm. Code 702.125. The requirements of this Section do not apply to permit modifications under Sections 703.280 through 703.283 or a permit application submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.
- b) Notification at application submittal.
  - 1) The Agency ~~must shall~~ provide public notice as set forth in 35 Ill. Adm. Code 705.161, and notice to appropriate units of State and local government as set forth in 35 Ill. Adm. Code 705.163(a)(5), that a Part B permit application has been submitted to the Agency and is available for review.
  - 2) The notice ~~must shall~~ be published within 30 calendar days after the application is received by the Agency. The notice must include the following information:

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- A) The name and telephone number of the applicant's contact person;
  - B) The name and telephone number of the appropriate Agency regional office, as directed by the Agency, and a mailing address to which information, opinions, and inquiries may be directed throughout the permit review process;
  - C) An address to which people can write in order to be put on the facility mailing list;
  - D) The location where copies of the permit application and any supporting documents can be viewed and copied;
  - E) A brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the facility location on the front page of the notice; and
  - F) The date that the application was submitted.
- c) Concurrent with the notice required under subsection (b) of this Section, the Agency ~~must shall~~ place the permit application and any supporting documents in a location accessible to the public in the vicinity of the facility or at the Agency regional office appropriate for the facility.

BOARD NOTE: Derived from 40 CFR 124.32 (2001) (1996).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.193 Public Participation: Information Repository**

- a) Applicability. The requirements of this Section ~~mustshall~~ apply to any application seeking a RCRA permit for a hazardous waste management unit.
- b) The Agency ~~must shall~~ assess the need for an information repository on a case-by-case basis. When assessing the need for an information repository, the Agency ~~must shall~~ consider a variety of factors, including the following: the level of public interest; the type of facility; the presence of an existing repository; and the proximity to the nearest copy of the administrative record. If the Agency determines, at any time after submittal of a permit application, that there is a need for a repository, then the Agency ~~must shall~~ notify the facility that it must establish and maintain an information repository. (See Section 703.248 for similar provisions relating to the information repository during the life of a permit.)
- c) The information repository must contain all documents, reports, data, and information deemed necessary by the Agency to fulfill the purposes for which the repository is established. The Agency will have the discretion to limit the contents of the repository.
- d) The information repository must be located and maintained at a site chosen by the

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facility. If the Agency determines that the chosen site is unsuitable for the purposes and persons for which it was established, due to problems with the location, hours of availability, access, or other relevant considerations, then the Agency ~~must shall~~ specify a more appropriate site.

- e) The Agency ~~must shall~~ specify requirements for the applicant for informing the public about the information repository. At a minimum, the Agency ~~must shall~~ require the facility to provide a written notice about the information repository to all individuals on the facility mailing list.
- f) The facility owner or operator ~~must shall~~ be responsible for maintaining and updating the repository with appropriate information throughout a time period specified by the Agency. The Agency may close the repository if it determines that the repository is no longer needed based on its consideration of the factors in subsection (b) of this Section.

BOARD NOTE: Derived from 40 CFR 124.33 ~~(2001)-(1996)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.200 Specific Part B Application Information**

Additional information is required in the Part B application by the following Sections from owners or operators of specific types of TSD unit:

- a) Containers (Section 703.201);
- b) Tanks (Section 703.202);
- c) Surface impoundments (Section 703.203);
- d) Waste piles (Section 703.204);
- e) Incinerators (Section 703.205);
- f) Land treatment (Section 703.206); ~~and~~
- g) Landfills (Section 703.207).

BOARD NOTE: Derived in part from 40 CFR 270.14(a) ~~(2001)-(1992)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.201 Containers**

For ~~a facility facilities~~ that ~~stores store~~ containers of hazardous waste, except as otherwise provided in 35 Ill. Adm. Code 724.270, the Part B application must include the following:

- a) A description of the containment system to demonstrate compliance with 35 Ill. Adm. Code 724.275. Show at least the following:
  - 1) Basic design parameters, dimensions, and materials of construction;
  - 2) How the design promotes drainage or how containers are kept from

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- contact with standing liquids in the containment system;
- 3) Capacity of the containment system relative to the number and volume of containers to be stored;
  - 4) Provisions for preventing or managing run-on; and
  - 5) How accumulated liquids can be analyzed and removed to prevent overflow.
- b) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with 35 Ill. Adm. Code 724.275(c), including the following:
- 1) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and
  - 2) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids.
- c) Sketches, drawings, or data demonstrating compliance with 35 Ill. Adm. Code 724.276 (location of buffer zone and containers holding ignitable or reactive wastes) and 35 Ill. Adm. Code Section 724.277(c) (location of incompatible wastes), where applicable.
- d) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with 35 Ill. Adm. Code 724.117(b) and (c) and 724.277(a) and (b).
- e) Information on air emission control equipment, as required in Section 703.213.

BOARD NOTE: Derived from 40 CFR 270.15 (2001)-(1994), as amended at 59 Fed. Reg. 62952 (Dec. 6, 1994).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.202 Tank Systems**

Except as otherwise provided in 35 Ill. Adm. Code 724.290, the owner or operator ~~owners and operators~~ of a facility ~~facilities~~ that uses ~~use~~ tanks to store or treat hazardous waste must ~~shall~~ provide the following additional information ~~information~~:

- a) A written assessment that is reviewed and certified by an independent, qualified, registered professional engineer as to the structural integrity and suitability for handling hazardous waste of each tank system, as required under 35 Ill. Adm. Code 724.291 and 724.292;
- b) Dimensions and capacity of each tank;
- c) Description of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);
- d) A diagram of piping, instrumentation, and process flow for each tank system;

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- e) A description of materials and equipment used to provide external corrosion protection, as required under 35 Ill. Adm. Code 724.292(a)(3)(B);
- f) For new tank systems, a detailed descriptions of how the tank ~~systems~~ ~~system(s)~~ will be installed in compliance with 35 Ill. Adm. Code 724.292(b), (c), (d), and (e);
- g) Detailed plans and description of how the secondary containment system for each tank system is or will be designed, constructed, and operated to meet the requirements of 35 Ill. Adm. Code 724.293(a), (b), (c), (d), (e), and (f);
- h) For tank systems for which alternative design and operating practices are sought pursuant to 35 Ill. Adm. Code 724.293(g), the following:
  - 1) Detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous waste or hazardous constituents into the groundwater or surface water during the life of the facility, or
  - 2) A detailed assessment of the substantial present or potential hazards posed to human health or the environment should a release enter the environment.
  - 3) A copy of the petition for alternative design and operating practices or, if such have already been granted, a copy of the Board ~~order~~ Order granting alternative design and operating practices;
- i) Description of controls and practices to prevent spills and overflows, as required under 35 Ill. Adm. Code 724.294(b);
- j) For tank systems in which ignitable, reactive or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with the requirements of 35 Ill. Adm. Code 724.298 and 724.299; and
- k) Information on air emission control equipment, as required in Section 703.213.

BOARD NOTE: Derived from See 40 CFR 270.16 (2001)-(1994), as amended at 59 Fed. Reg. 62952 (Dec. 6, 1994).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.203 Surface Impoundments**

For ~~a facility~~ ~~facilities~~ that ~~stores-store~~, ~~treattreat~~, or ~~disposes dispose~~ of hazardous waste in surface impoundments, except as otherwise provided in 35 Ill. Adm. Code 724.101, the Part B application must include the following:

- a) A list of the hazardous wastes placed or to be placed in each surface impoundment;

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- b) Detailed plans and an engineering report describing how the surface impoundment is designed and is or will be constructed, operated, and maintained to meet the requirements of 35 Ill. Adm. Code 724.119, 724.321, 724.322, and 724.323, addressing the following items:
- 1) The liner system (except for an existing portion of a surface impoundment). If an exemption from the requirement for a liner is sought, as provided by 35 Ill. Adm. Code 724.321(b), submit a copy of the Board order granting an adjusted standard pursuant to 35 Ill. Adm. Code 724.321(b);
  - 2) The double liner and leak (leachate) detection, collection and removal system, if the surface impoundment must meet the requirements of 35 Ill. Am. Code 724.321(c). If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by 35 Ill. Adm. Code 724.321(d), (e), or (f), submit appropriate information;
  - 3) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation and the location of the saturated zone in relation to the leak detection system;
  - 4) The construction quality assurance (CQA) plan if required under 35 Ill. Adm. Code 724.119; and
  - 5) Proposed action leakage rate, with rationale, if required under 35 Ill. Adm. Code 724.322; response action plan, if required under 35 Ill. Adm. Code 724.323; and a proposed pump operating level, if required under 35 Ill. Adm. Code 724.326(d)(3);
  - 6) Prevention of overtopping; and
  - 7) Structural integrity of dikes.
- c) A description of how each surface impoundment, including the double liner system, leak detection system, cover system and appurtenances for control of overtopping will be inspected in order to meet the requirements of 35 Ill. Adm. Code 724.326(a), (b), and (d). This information must be included in the inspection plan submitted under Section 703.183(e).
- d) A certification by a qualified engineer ~~that which~~ attests to the structural integrity of each dike, as required under 35 Ill. Adm. Code 724.326(c). For new units, the owner or operator ~~must shall~~ submit a statement by a qualified engineer that the engineer will provide such a certification upon completion of construction in accordance with the plans and specifications.
- e) A description of the procedure to be used for removing a surface impoundment from service, as required under 35 Ill. Adm. Code 724.327(b) and (c). This information must be included in the contingency plan submitted under Section

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703.183(g).

- f) A description of how hazardous waste residues and contaminated materials will be removed from the unit at closure, as required under 35 Ill. Adm. Code 724.328(a)(1). For any wastes not to be removed from the unit upon closure, the owner or operator ~~must shall~~ submit detailed plans and an engineering report describing how 35 Ill. Adm. Code 724.328(a)(2) and (b) will be complied with. This information must be included in the closure plan and, where applicable, the post-closure plan submitted under Section 703.183(m).
- g) If ignitable or reactive wastes are to be placed in a surface impoundment, an explanation of how 35 Ill. Adm. Code 724.329 will be complied with.
- h) If incompatible wastes, or incompatible wastes and materials, will be placed in a surface impoundment, an explanation of how 35 Ill. Adm. Code 724.330 will be complied with.
- i) A waste management plan for hazardous waste numbers F020, F021, F022, F023, F026, and F027 describing how the surface impoundment is or will be designed, constructed, operated, and maintained to meet the requirements of 35 Ill. Adm. Code 724.331. This submission must address the following items, as specified in that Section:
- 1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;
  - 2) The attenuative properties of underlying and surrounding soils or other materials;
  - 3) The mobilizing properties of other materials co-disposed with these wastes; and
  - 4) The effectiveness of additional treatment, design, or monitoring techniques.
- j) Information on air emission control equipment, as required in Section 703.213.

BOARD NOTE: Derived from 40 CFR 270.17 ~~(2001)-(1994), as amended at 59 Fed. Reg. 62952 (Dec. 6, 1994).~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.204 Waste Piles**

For ~~a facility facilities~~ that ~~stores store~~ or ~~treats treat~~ hazardous waste in waste piles, except as otherwise provided in 35 Ill. Adm. Code 724.101, the Part B application must include the following:

- a) A list of hazardous wastes placed or to be placed in each waste pile;
- b) If an exemption is sought to 35 Ill. Adm. Code 724.351 and ~~724~~.Subpart F of 35

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- Ill. Adm. Code 724, as provided by 35 Ill. Adm. Code 724.350(c) or 724.190(b)(2), an explanation of how the requirements of 35 Ill. Adm. Code 724.350(c) will be complied with or detailed plans and an engineering report describing how the requirements of 35 Ill. Adm. Code 724.190(b)(2) will be met;
- c) Detailed plans and an engineering report describing how the pile is designed and is or will be constructed, operated and maintained to meet the requirements of 35 Ill. Adm. Code 724.119, 724.351, 724.352, and 724.353, addressing the following items:
- 1) Liner, leak detection, and removal system.
    - A) The liner system (except for an existing portion of a waste pile), if the waste pile must meet the requirements of 35 Ill. Adm. Code 724.351(a). If an exemption from the requirement for a liner is sought, as provided by 35 Ill. Adm. Code 724.351(b), the owner or operator ~~must shall~~ submit a copy of the Board order granting an adjusted standard pursuant to 35 Ill. Adm. Code 724.351 (b);
    - B) The double liner and leak (leachate) detection, collection and removal system, if the waste pile must meet the requirements of 35 Ill. Adm. Code 724.351(c). If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by 35 Ill. Adm. Code 724.351(d), (e), or (f), submit appropriate information;
    - C) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;
    - D) The CQA plan, if required under 35 Ill. Adm. Code 724.119;
    - E) Proposed action leakage rate, with rationale, if required under 35 Ill. Adm. Code 724.352, and response action plan, if required under 35 Ill. Adm. Code 724.353;
  - 2) Control of run-on;
  - 3) Control of run-off;
  - 4) Management of collection and holding units associated with run-on and run-off control systems; and
  - 5) Control of wind dispersal of particulate matter, where applicable;
- d) A description of how each waste pile, including the double liner system, leachate collection and removal system, leak detection system, cover system, and land appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of 35 Ill. Adm. Code 724.354(a), (b), and (c). This information must be included in the inspection plan submitted under Section 703.183(e).
- e) If the treatment is carried out on or in the pile, details ~~about of~~ the process and

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- equipment used, and the nature and quality of the residuals;
- f) If ignitable or reactive wastes are to be placed in a waste pile, an explanation of how the requirements of 35 Ill. Adm. Code 724.356 will be complied with;
- g) If incompatible wastes, or incompatible wastes and materials, will be placed in a waste pile, an explanation of how 35 Ill. Adm. Code 724.357 will be complied with;
- h) A description of how hazardous waste residues and contaminated materials will be removed from the waste pile at closure, as required under 35 Ill. Adm. Code 724.358(a). For any waste not to be removed from the waste pile upon closure, the owner or operator ~~shall~~ must submit detailed plans and an engineering report describing how 35 Ill. Adm. Code 724.410(a) and (b) will be complied with. This information must be included in the closure plan and, where applicable, the post-closure plan submitted under Section 703.183(m); and;
- i) A waste management plan for hazardous waste numbers F020, F021, F022, F023, F026, and F027 describing how surface impoundment is or will be designed, constructed, operated, and maintained to meet the requirements of 35 Ill. Adm. Code 724.359. This submission must address the following items as specified in that Section:
- 1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;
  - 2) The attenuative properties of underlying and surrounding soils or other materials;
  - 3) The mobilizing properties of other materials co-disposed with these wastes; and
  - 4) The effectiveness of additional treatment, design, or monitoring techniques.

(BOARD NOTE: Derived from 40 CFR 270.18 ~~(2001)(1991), as amended at 57 Fed. Reg. 3486, January 29, 1992.~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.205 Incinerators that Burn Hazardous Waste**

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

- a) When seeking exemption under 35 Ill. Adm. Code 724.440(b) or (c) (ignitable, corrosive, or reactive wastes only), the following requirements:
  - 1) Documentation that the waste is listed as a hazardous waste in Subpart D

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- ~~of~~ 35 Ill. Adm. Code 721.~~Subpart D~~ solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both; ~~or~~
- 2) Documentation that the waste is listed as a hazardous waste in Subpart D ~~of~~ 35 Ill. Adm. Code 721.~~Subpart D~~ 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; ~~or~~
  - 3) Documentation that the waste is a hazardous waste solely because it possesses the characteristic of ignitability or corrosivity, or both, as determined by the tests for characteristics of hazardous wastes under Subpart C of 35 Ill. Adm. Code 721.~~Subpart C~~; or
  - 4) Documentation that the waste is a hazardous waste solely because it possesses the reactivity characteristics listed in 35 Ill. Adm. Code 721.123(a)(1) through (a)(3) or (a)(6) through (a)(8), and that it will not be burned when other hazardous wastes are present in the combustion zone; ~~or~~
- b) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Section 703.222 et seq.; ~~or~~
- c) In lieu of a trial burn, the applicant may submit the following information:
- 1) An analysis of each waste or mixture of wastes to be burned including the following:
    - A) Heat value of the waste in the form and composition in which it will be burned;
    - B) Viscosity (if applicable) or description of physical form of the waste;
    - C) An identification of any hazardous organic constituents listed in Appendix H to 35 Ill. Adm. Code 721.~~Appendix H~~ that are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Appendix H to 35 Ill. Adm. Code 721.~~Appendix H~~ that would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 ~~and Section 703.110~~, or their equivalent;
    - D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," USEPA Publication

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SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 ~~and Section 703.110~~; and

- E) A quantification of those hazardous constituents in the waste that may be designated as POHCs based on data submitted from other trial or operational burns that demonstrate compliance with the performance standard in 35 Ill. Adm. Code 724.443;
- 2) A detailed engineering description of the incinerator, including the following:
  - A) Manufacturer's name and model number of incinerator;
  - B) Type of incinerator;
  - C) Linear dimension of incinerator unit including cross sectional area of combustion chamber;
  - D) Description of auxiliary fuel system (type/feed);
  - E) Capacity of prime mover;
  - F) Description of automatic waste feed cutoff systems;
  - G) Stack gas monitoring and pollution control monitoring system;
  - H) Nozzle and burner design;
  - I) Construction materials; and
  - J) Location and description of temperature, pressure and flow indicating devices and control devices;
- 3) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in subsection (c)(1) of this Section. This analysis should specify the POHCs that the applicant has identified in the waste for which a permit is sought, and any differences from the POHCs in the waste for which burn data are provided;
- 4) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available;
- 5) A description of the results submitted from any previously conducted trial burns, including the following:
  - A) Sampling and analysis techniques used to calculate performance standards in 35 Ill. Adm. Code 724.443;
  - B) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide, and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement); and
  - C) The certification and results required by subsection (b) of this Section;
- 6) The expected incinerator operation information to demonstrate compliance

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- with 35 Ill. Adm. Code 724.443 and 724.445, including the following:
- A) Expected carbon monoxide (CO) level in the stack exhaust gas;
  - B) Waste feed rate;
  - C) Combustion zone temperature;
  - D) Indication of combustion gas velocity;
  - E) Expected stack gas volume, flow rate, and temperature;
  - F) Computed residence time for waste in the combustion zone;
  - G) Expected hydrochloric acid removal efficiency;
  - H) Expected fugitive emissions and their control procedures; and
  - I) Proposed waste feed cut-off limits based on the identified significant operating parameters;
- 7) The Agency may, pursuant to 35 Ill. Adm. Code 705.122, request such additional information as may be necessary for the Agency to determine whether the incinerator meets the requirements of Subpart O of 35 Ill. Adm. Code 724.445 and what conditions are required by that Subpart and Section 39(d) of the Environmental Protection Act [415 ILCS 5/39(d)]; and
- 8) Waste analysis data, including that submitted in subsection (c)(1) of this Section, sufficient to allow the Agency to specify as permit Principal Organic Hazardous Constituents (permit POHCs) those constituents for which destruction and removal efficiencies will be required.
- d) The Agency ~~must shall~~ approve a permit application without a trial burn if it finds the following that:
- 1) The wastes are sufficiently similar; and
  - 2) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (under 35 Ill. Adm. Code 724.445) operating conditions that will ensure that the performance standards in 35 Ill. Adm. Code 724.443 will be met by the incinerator.
- e) When an owner or operator demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111 (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance), the requirements of this Section do not apply, except those provisions that the Agency determines are necessary to ensure compliance with 35 Ill. Adm. Code 724.445(a) and (c) if the owner or operator elects to comply with Section 703.310(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the Agency may apply the provisions of this Section, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188 and 703.241(a)(2).

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BOARD NOTE: Derived from 40 CFR 270.19 (2001), as amended at 67 Fed. Reg. 6792 (February 14, 2002) (1999), as amended at 64 Fed. Reg. 53076 (September 30, 1999).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.206 Land Treatment**

For ~~a facility facilities~~ that ~~uses use~~ land treatment to dispose of hazardous waste, except as otherwise provided in 35 Ill. Adm. ~~Code code~~ 724.101, the Part B application must include the following:

- a) A description of plans to conduct treatment demonstration as required under 35 Ill. Adm. Code 724.372. The description must include the following information:
  - 1) The wastes for which the demonstration will be made and the potential hazardous constituents in the wastes;
  - 2) The data sources to be used to make the demonstration (e.g., literature, laboratory data, field data, or operating data);
  - 3) Any specific laboratory or field test that will be conducted, including the following:
    - A) the type of test (e.g., column leaching, degradation);
    - B) materials and methods, including analytical procedures;
    - C) expected time for completion;
    - D) characteristics of the unit that will be simulated in the demonstration, including treatment zone characteristics, climatic conditions and operating practices;
- b) A description of a land treatment program, as required under 35 Ill. Adm. Code 724.371. This information must be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration. The land treatment program must address the following items:
  - 1) The wastes to be land treated;
  - 2) Design measures and operating practices necessary to maximize treatment in accordance with 35 Ill. Adm. Code 724.373(a) including the following:
    - A) Waste application method and rate;
    - B) Measures to control soil pH;
    - C) Enhancement of microbial or chemical reactions; and
    - D) Control of moisture content;
  - 3) Provisions of unsaturated zone monitoring, including the following:
    - A) Sampling equipment, procedures, and frequency;
    - B) Procedures for selecting sampling locations;
    - C) Analytical procedures;
    - D) Chain of custody control;

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- E) Procedures for establishing background values;
  - F) Statistical methods for interpreting results; and
  - G) The justification for any hazardous constituents recommended for selection as principal hazardous constituents, in accordance with the criteria for such selection in 35 Ill. Adm. Code 724.378(a);
- 4) A list of hazardous constituents reasonably expected to be in, or derived from, the wastes to be land treated based on waste analysis performed pursuant to 35 Ill. Adm. Code 724.113;
  - 5) The proposed dimensions of the treatment zone;
- c) A description of how the unit is or will be designed, constructed, operated and maintained in order to meet the requirements of 35 Ill. Adm. Code 724.373. This submission must address the following items:
    - 1) Control of run-on;
    - 2) Collection and control of run-off;
    - 3) Minimization of run-off of hazardous constituents from the treatment zone;
    - 4) Management of collection and holding facilities associated with run-on and run-off control systems;
    - 5) Periodic inspection of the unit. This information should be included in the inspection plan submitted under Section 703.183(e); and
    - 6) Control of wind dispersal of particulate matter, if applicable;
- d) If food-chain crops are to be grown in or on the treatment zone of the land treatment unit, a description of how the demonstration required under 35 Ill. Adm. Code 724.376(a) will be conducted including the following:
    - 1) Characteristics of the food-chain crop for which the demonstration will be made;
    - 2) Characteristics of the waste, treatment zone, and waste application method and rate to be used in the demonstration;
    - 3) Procedures for crop growth, sample collection, sample analysis, and data evaluation; and
    - 4) Characteristics of the comparison crop including the location and conditions under which it was or will be grown;
- e) If food-chain crops are to be grown and cadmium is present in the land-treated waste, a description of how the requirements of 35 Ill. Adm. Code 724.376(b) will be complied with;
- f) A description of the vegetative cover to be applied to closed portions of the facility and a plan for maintaining such cover during the post-closure care period, as required under 35 Ill. Adm. Code 724.380(a)(8) and (c)(2). This information should be included in the closure plan and, where applicable, the post-closure care plan submitted under Section 703.183(m);

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- g) If ignitable or reactive wastes will be placed in or on the treatment zone, an explanation of how the requirements of 35 Ill. Adm. Code 724.381 will be complied with;
- h) If incompatible wastes or incompatible wastes and materials will be placed in or on the same treatment zone, an explanation of how 35 Ill. Adm. Code 724.382 will be complied with; and
- i) A waste management plan for hazardous waste numbers F020, F021, F022, F023, F026, and F027 describing how a land treatment facility is or will be designed, constructed, operated, and maintained to meet the requirements of 35 Ill. Adm. Code 724.383. This submission must address the following items as specified in that Section:
  - 1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;
  - 2) The attenuative properties of underlying and surrounding soils or other materials;
  - 3) The mobilizing properties of other materials co-disposed with these wastes; and
  - 4) The effectiveness of additional treatment, design, or monitoring techniques.

BOARD NOTE: Derived from 40 CFR 270.20 ~~(2001)(1992)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.207 Landfills**

For ~~a facility facilities~~ that ~~disposes dispose~~ of hazardous waste in landfills, except as otherwise provided in 35 Ill. Adm. Code 724.101, the Part B application must include the following:

- a) A list of the hazardous wastes placed or to be placed in each landfill or landfill cell;
- b) Detailed plans and an engineering report describing how the landfill is designed and is or will be constructed, operated and maintained to meet the requirements of 35 Ill. Adm. Code 724.119, 724.401, 724.402, and 724.403, addressing the following items:
  - 1) Liner, leak detection, collection, and removal systems.
    - A) The liner system (except for an existing portion of a landfill), if the landfill must meet the requirements of 35 Ill. Adm. Code 724.401(a). If an exemption from the requirement for a liner is sought as provided by 35 Ill. Adm. Code 724.401(b), submit a copy of the Board order granting an adjusted standard pursuant to

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- 35 Ill. Adm. Code 724.401(b);
- B) The double liner and leak (leachate) detection, collection, and removal system, if the landfill must meet the requirements of 35 Ill. Adm. Code 724.401(c). If an exemption from the requirements for double liners and a leak detection, collection and removal system or alternative design is sought as provided by 35 Ill. Adm. Code 724.401(d), (e), or (f), submit appropriate information;
  - C) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;
  - D) The CQA plan if required under 35 Ill. Adm. Code 724.119;
  - E) Proposed action leakage rate, with rationale, if required under 35 Ill. Adm. Code 724.402, and response action plan, if required under 35 Ill. Adm. Code 724.404, and proposed pump operating level, if required under 35 Ill. Adm. Code 724.403;
- 2) Control of run-on;
  - 3) Control of run-off;
  - 4) Management of collection and holding facilities associated with run-on and run-off control systems; and
  - 5) Control of wind dispersal of particulate matter, where applicable;
- c) A description of how each landfill, including the double liner system, leachate collection and removal system, leak detection system, cover system, and appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of 35 Ill. Adm. Code 724.403(a), (b), and (c). This information must be included in the inspection plan submitted under Section 703.183(e);
  - d) A description of how each landfill, including the liner and cover systems, will be inspected in order to meet the requirements of the 35 Ill. Adm. Code 724.403(a) and (b). This information must be included in the inspection plan submitted under Section 703.183(e);
  - e) Detailed plans and an engineering report describing the final cover ~~that which~~ will be applied to each landfill or landfill cell at closure in accordance with 35 Ill. Adm. Code 724.410(a), and a description of how each landfill will be maintained and monitored after closure in accordance with 35 Ill. Adm. Code 724.410(b). This information must be included in the closure and post-closure plans submitted under Section 703.183(m);
  - f) If ignitable or reactive wastes will be landfilled, an explanation of how the requirements of 35 Ill. Adm. Code 724.412 will be complied with;
  - g) If incompatible wastes, or incompatible wastes and materials, will be landfilled, an explanation of how 35 Ill. Adm. Code 724.413 will be complied with;

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- h) If bulk or non-containerized liquid waste or waste containing free liquids is to be landfilled, an explanation of how the requirements of 35 Ill. Adm. Code 724.414 will be complied with;
- i) If containers of hazardous waste are to be landfilled, an explanation of how the requirements of 35 Ill. Adm. Code 724.415 or 724.416, as applicable, will be complied with; and;
- j) A waste management plan for hazardous waste numbers F020, F021, F022, F023, F026, and F027 describing how a land fill is or will be designed, constructed, operated, and maintained to meet the requirements of 35 Ill. Adm. Code 724.417. This submission must address the following items, as specified in that Section:
  - 1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;
  - 2) The attenuative properties of underlying and surrounding soils or other materials;
  - 3) The mobilizing properties of other materials co-disposed with these wastes; and
  - 4) The effectiveness of additional treatment, design, or monitoring techniques.

BOARD NOTE: Derived from 40 CFR 270.21 (2001) (1991), as amended at 57 Fed. Reg. 3486, January 29, 1992.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.208 Boilers and Industrial Furnaces Burning Hazardous Waste**

When ~~the an~~ owner or operator of a cement or lightweight aggregate kiln demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111 (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance), the requirements of this Section do not apply, except those provisions that the Agency determines are necessary to ensure compliance with Sections 726.202(e)(1) and (e)(2)(c) if the owner or operator elects to comply with Section 703.310(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the Agency may apply the provisions of this Section, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188 and 703.241(a)(2).

- a) Trial burns.
  - 1) General. Except as provided below, ~~an owner or operator owners and operators~~ that ~~is are~~ subject to the standards to control organic emissions

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provided by 35 Ill. Adm. Code 726.204, standards to control particulate matter provided by 35 Ill. Adm. Code 726.205, standards to control metals emissions provided by 35 Ill. Adm. Code 726.206, or standards to control hydrogen chloride (HCl) or chlorine gas emissions provided by 35 Ill. Adm. Code 726.207 ~~must shall~~ conduct a trial burn to demonstrate conformance with those standards and ~~must shall~~ submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Section 703.232.

- A) Under subsections (a)(2) through (a)(5) of this Section and 35 Ill. Adm. Code 726.204 through 726.207, the Agency may waive a trial burn to demonstrate conformance with a particular emission standard; and
  - B) The owner or operator may submit data in lieu of a trial burn, as prescribed in subsection (a)(6) of this Section.
- 2) Waiver of trial burn of DRE (destruction removal efficiency).
- A) Boilers operated under special operating requirements. When seeking to be permitted under 35 Ill. Adm. Code 726.204(a)(4) and 726.210, which automatically waive the DRE trial burn, the owner or operator of a boiler ~~must shall~~ submit documentation that the boiler operates under the special operating requirements provided by 35 Ill. Adm. Code 726.210.
  - B) Boilers and industrial furnaces burning low risk waste. When seeking to be permitted under the provisions for low risk waste provided by 35 Ill. Adm. Code 726.204(a)(5) and 726.209(a), which waive the DRE trial burn, the owner or operator ~~must shall~~ submit the following:
    - i) Documentation that the device is operated in conformance with the requirements of 35 Ill. Adm. Code 726.209(a)(1).
    - ii) Results of analyses of each waste to be burned, documenting the concentrations of nonmetal compounds listed in Appendix H to 35 Ill. Adm. Code 721-~~Appendix H~~, except for those constituents that would reasonably not be expected to be in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion explained. The analysis must rely on analytical techniques specified in Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods, incorporated by reference in 35 Ill. Adm. Code 720.111.
    - iii) Documentation of hazardous waste firing rates and calculations of reasonable, worst-case emission rates of

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- each constituent identified in subsection (a)(2)(B)(ii) of this Section using procedures provided by 35 Ill. Adm. Code 726.209(a)(2)(B).
- iv) Results of emissions dispersion modeling for emissions identified in subsection (a)(2)(B)(iii) of this Section using modeling procedures prescribed by 35 Ill. Adm. Code 726.206(h). The Agency must shall review the emission modeling conducted by the applicant to determine conformance with these procedures. The Agency must shall either approve the modeling or determine that alternate or supplementary modeling is appropriate.
- v) Documentation that the maximum annual average ground level concentration of each constituent identified in subsection (a)(2)(B)(ii) of this Section quantified in conformance with subsection (a)(2)(B)(iv) of this Section does not exceed the allowable ambient level established in Appendix D or E to 35 Ill. Adm. Code 726.~~Appendix D or E~~. The acceptable ambient concentration for emitted constituents for which a specific reference air concentration has not been established in Appendix D to 35 Ill. Adm. Code 726.~~Appendix D~~ or risk-specific doses has not been established in Appendix E to 35 Ill. Adm. Code 726.~~Appendix E~~ is 0.1 micrograms per cubic meter, as noted in the footnote to Appendix D to 35 Ill. Adm. Code 726.~~Appendix D~~.
- 3) Waiver of trial burn for metals. When seeking to be permitted under the Tier I (or adjusted Tier I) metals feed rate screening limits provided by 35 Ill. Adm. Code 726.206(b) and (e) that control metals emissions without requiring a trial burn, the owner or operator must shall submit the following:
- A) Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feed stocks;
- B) Documentation of the concentration of each metal controlled by 35 Ill. Adm. Code 726.206(b) or (c) in the hazardous waste, other fuels and industrial furnace feedstocks, and calculations of the total feed rate of each metal;
- C) Documentation of how the applicant will ensure that the Tier I feed rate screening limits provided by 35 Ill. Adm. Code 726.206(b) or (e) will not be exceeded during the averaging period provided by that subsection;

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

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- the screening limits; and
- G) Proposed sampling and analysis plan for total chlorine and chloride for the hazardous waste, other fuels, and industrial furnace feedstocks.
- 6) Data in lieu of trial burn. The owner or operator may seek an exemption from the trial burn requirements to demonstrate conformance with Section 703.232 and 35 Ill. Adm. Code 726.204 through 726.207 by providing the information required by Section 703.232 from previous compliance testing of the device in conformance with 35 Ill. Adm. Code 726.203 or from compliance testing or trial or operational burns of similar boilers or industrial furnaces burning similar hazardous wastes under similar conditions. If data from a similar device is used to support a trial burn waiver, the design and operating information required by Section 703.232 must be provided for both the similar device and the device to which the data is to be applied, and a comparison of the design and operating information must be provided. The Agency ~~must shall~~ approve a permit application without a trial burn if the Agency finds that the hazardous wastes are sufficiently similar, the devices are sufficiently similar, the operating conditions are sufficiently similar, and the data from other compliance tests, trial burns, or operational burns are adequate to specify (under 35 Ill. Adm. Code 726.102) operating conditions that will ensure conformance with 35 Ill. Adm. Code 726.102(c). In addition, the following information ~~must shall~~ be submitted:
- A) For a waiver from any trial burn, ~~the following~~:
- i) A description and analysis of the hazardous waste to be burned compared with the hazardous waste for which data from compliance testing or operational or trial burns are provided to support the contention that a trial burn is not needed;
  - ii) The design and operating conditions of the boiler or industrial furnace to be used, compared with that for which comparative burn data are available; and
  - iii) Such supplemental information as the Agency finds necessary to achieve the purposes of this subsection (a).
- B) For a waiver of the DRE trial burn, the basis for selection of POHCs (principal organic hazardous constituents) used in the other trial or operational burns ~~that which~~ demonstrate compliance with the DRE performance standard in 35 Ill. Adm. Code 726.204(a). This analysis should specify the constituents in Appendix H to 35 Ill. Adm. Code 721. ~~Appendix H~~ that the applicant has identified in

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the hazardous waste for which a permit is sought and any differences from the POHCs in the hazardous waste for which burn data are provided.

- b) Alternative HC limit for industrial furnaces with organic matter in raw materials. An owner or operator ~~Owners and operators~~ of industrial furnaces requesting an alternative HC limit under 35 Ill. Adm. Code 726.204(f) must shall submit the following information at a minimum:
- 1) Documentation that the furnace is designed and operated to minimize HC emissions from fuels and raw materials;
  - 2) Documentation of the proposed baseline flue gas HC (and CO) concentration, including data on HC (and CO) levels during tests when the facility produced normal products under normal operating conditions from normal raw materials while burning normal fuels and when not burning hazardous waste;
  - 3) Test burn protocol to confirm the baseline HC (and CO) level including information on the type and flow rate of all feedstreams, point of introduction of all feedstreams, total organic carbon content (or other appropriate measure of organic content) of all nonfuel feedstreams, and operating conditions that affect combustion of fuels and destruction of hydrocarbon emissions from nonfuel sources;
  - 4) Trial burn plan to:
    - A) Demonstrate when burning hazardous waste that flue gas HC (and CO) concentrations ~~when burning hazardous waste~~ do not exceed the baseline HC (and CO) level; and
    - B) Identify, in conformance with Section 703.232(d), the types and concentrations of organic compounds listed in Appendix H to 35 Ill. Adm. Code 721.~~Appendix H~~ that are emitted when burning hazardous waste;
  - 5) Implementation plan to monitor over time changes in the operation of the facility that could reduce the baseline HC level and procedures to periodically confirm the baseline HC level; and
  - 6) Such other information as the Agency finds necessary to achieve the purposes of this subsection (b).
- c) Alternative metals implementation approach. When seeking to be permitted under an alternative metals implementation approach under 35 Ill. Adm. Code 726.206(f), the owner or operator must shall submit documentation specifying how the approach ensures compliance with the metals emissions standards of 35 Ill. Adm. Code 726.106(c) or (d) and how the approach can be effectively implemented and monitored. Further, the owner or operator must shall provide such other information that the Agency finds necessary to achieve the purposes of

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this subsection (c).

- d) Automatic waste feed cutoff system. An owner or operator must ~~Owners and operators shall~~ submit information describing the automatic waste feed cutoff system, including any pre-alarm systems that may be used.
- e) Direct transfer. An owner or operator ~~Owners and operators~~ that uses ~~use~~ direct transfer operations to feed hazardous waste from transport vehicles (containers, as defined in 35 Ill. Adm. Code 726.211) directly to the boiler or industrial furnace must shall submit information supporting conformance with the standards for direct transfer provided by 35 Ill. Adm. Code 726.211.
- f) Residues. An owner or operator ~~Owners and operators~~ that claims ~~claim~~ that its ~~their~~ residues are excluded from regulation under the provision of 35 Ill. Adm. Code 726.212 must shall submit information adequate to demonstrate conformance with those provisions.

BOARD NOTE: Derived from 40 CFR 270.22 (2001), as amended at 67 Fed. Reg. 6792 (February 14, 2002) ~~(1999), as amended at 64 Fed. Reg. 53077 (September 30, 1999)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.209 Miscellaneous Units**

Except as otherwise provided in 35 Ill. Adm. Code 724.700, the owner or operator ~~owners and operators~~ of a facility ~~facilities~~ that treats ~~treat~~, stores, store or disposes ~~dispose~~ of hazardous waste in miscellaneous units must shall provide the following additional information in the Part B application:

- a) A detailed description of the unit being used or proposed for use, including the following:
  - 1) Physical characteristics, materials of construction, and dimensions of the unit;
  - 2) Detailed plans and engineering reports describing how the unit will be located, designed, constructed, operated, maintained, monitored, inspected, and closed to comply with the requirements of 35 Ill. Adm. Code 724.701 and 724.702; and
  - 3) For disposal units, a detailed description of the plans to comply with the post-closure requirements of 35 Ill. Adm. Code 724.703.
- b) Detailed hydrologic, geologic, and meteorologic assessments and land-use maps for the region surrounding the site that address and ensure compliance of the unit with each factor in the environmental performance standards of 35 Ill. Adm. Code 724.701. Preliminary hydrologic, geologic, and meteorologic assessments will suffice, unless the Agency notifies the applicant that, based on the preliminary assessments, the unit will not conform with the environmental performance

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standards of 35 Ill. Adm. Code 724.701. The Agency ~~must shall~~ follow the procedures for incomplete applications in 35 Ill. Adm. Code 705.122~~;~~

- c) Information on the potential pathways of exposure of humans or environmental receptors to hazardous waste or hazardous constituents and on the potential magnitude and nature of such exposures~~;~~
- d) For any treatment unit, a report on a demonstration of the effectiveness of the treatment based on laboratory or field data~~; and-~~
- e) Any additional information ~~that which~~ the Agency determines is necessary for evaluation of compliance of the unit with the environmental performance standards of 35 Ill. Adm. Code 724.701.

BOARD NOTE: Derived from 40 CFR 270.23 ~~(2001)(1988)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.210 Process Vents**

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

- a) For facilities ~~that which~~ cannot install a closed-vent system and control device to comply with Subpart AA of 35 Ill. Adm. Code 724. Subpart AA on the effective date on which the facility becomes subject to that Subpart or Subpart AA of 35 Ill. Adm. Code 725. Subpart AA, an implementation schedule, as specified in 35 Ill. Adm. Code 724.933(a)(2).
- b) Documentation of compliance with the process vent standards in 35 Ill. Adm. Code 724.932, including the following:
  - 1) Information and data identifying all affected process vents, annual throughput and operating hours of each affected unit, estimated emission rates for the affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan);
  - 2) Information and data supporting estimates of vent emissions and emission reduction achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, estimates of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or concentrations) that represent the conditions that exist when the waste management unit is operating at the highest load or capacity level reasonably expected to occur; and

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- 3) Information and data used to determine whether or not a process vent is subject to 35 Ill. Adm. Code 724.932.
- c) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with 35 Ill. Adm. Code 724.932, and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device, a performance test plan as specified in 35 Ill. Adm. Code 724.935(b)(3).
- d) Documentation of compliance with 35 Ill. Adm. Code 724.933, including the following:
  - 1) A list of all information references and sources used in preparing the documentation.
  - 2) Records, including the dates of each compliance test required by 35 Ill. Adm. Code 724.933(k).
  - 3) A design analysis, specifications, drawings, schematics, ~~and~~ piping, and instrumentation diagrams based on the appropriate sections of APTI Course 415, incorporated by reference in 35 Ill. Adm. Code 720.111, or other engineering texts approved by the Agency ~~that which~~ present basic control device design information. The design analysis must address the vent stream characteristics and control device parameters as specified in 35 Ill. Adm. Code 724.935(b)(4)(C).
  - 4) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions ~~that which~~ exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.
  - 5) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater, unless the total organic emission limits of 35 Ill. Adm. Code 724.932(a) for affected process vents at the facility can be attained by a control device involving vapor recovery at an efficiency less than 95 weight percent.

BOARD NOTE: Derived from 40 CFR 270.24 ~~(2001)~~(1992).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.211 Equipment**

Except as otherwise provided in 35 Ill. Adm. Code 724.101, the owner or operator ~~owners and operators of a facility that has facilities which have~~ equipment to which Subpart BB of 35 Ill.

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Adm. Code 724.~~Subpart BB~~ applies ~~must shall~~ provide the following additional information:

- a) For each piece of equipment to which Subpart BB of 35 Ill. Adm. Code 724.~~Subpart BB~~ applies, the following:
  - 1) Equipment identification number and hazardous waste management unit identification;
  - 2) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan);
  - 3) Type of equipment (e.g., a pump or pipeline valve);
  - 4) Percent by weight total organics in the hazardous wastestream at the equipment;
  - 5) Hazardous waste state at the equipment (e.g., gas/vapor or liquid); and
  - 6) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").
- b) For facilities ~~that which~~ cannot install a closed-vent system and control device to comply with Subpart BB of 35 Ill. Adm. Code 724.~~Subpart BB~~ on the effective date that facility becomes subject to this Subpart or Subpart BB of 35 Ill. Adm. Code 724.~~Subpart BB~~, an implementation schedule as specified in 35 Ill. Adm. Code 724.933(a)(2).
- c) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device, a performance test plan as specified in 35 Ill. Adm. Code 724.935(b)(3).
- d) Documentation ~~that which~~ demonstrates compliance with the equipment standards in 35 Ill. Adm. Code 724.952 or 724.959. This documentation must contain the records required under 35 Ill. Adm. Code 724.964. The Agency ~~must shall~~ request further documentation if necessary to demonstrate compliance. Documentation to demonstrate compliance with 35 Ill. Adm. Code 724.960 must include the following information:
  - 1) A list of all information references and sources used in preparing the documentation;
  - 2) Records, including the dates of each compliance test required by 35 Ill. Adm. Code 724.933(j);
  - 3) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of APTI Course 415, incorporated by reference in 35 Ill. Adm. Code 720.111, or other engineering texts approved by the Agency ~~that which~~ present basic control device design information. The design analysis must address the vent stream characteristics and control device parameters as specified in

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35 Ill. Adm. Code 724.935(b)(4)(C);

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

BOARD NOTE: Derived from 40 CFR 270.25 ~~(2001)-(1992)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.212 Drip Pads**

Except as otherwise provided by 35 Ill. Adm. Code 724.101, ~~the owner or operator owners and operators~~ of a hazardous waste treatment, storage, or disposal ~~facility facilities~~ that ~~collects collect, stores, store~~ or ~~treats treat~~ hazardous waste on drip pads ~~must shall~~ provide the following additional information:

- a) A list of hazardous wastes placed or to be placed on each drip pad.
- b) If an exemption is sought to ~~Subpart F of~~ 35 Ill. Adm. Code 724. ~~Subpart F~~, as provided by 35 Ill. Adm. Code 724.190, detailed plans and an engineering report describing how the requirements of 35 Ill. Adm. Code 724.190(b)(2) will be met.
- c) Detailed plans and an engineering report describing how the drip pad is or will be designed, constructed, operated and maintained to meet the requirements of 35 Ill. Adm. Code 724.673, including the as-built drawings and specifications. This submission must address the following items as specified in 35 Ill. Adm. Code 724.671:
  - 1) The design characteristics of the drip pad;
  - 2) The liner system;
  - 3) The leakage detection system, including the leak detection system and how it is designed to detect the failure of the drip pad or the presence of any releases of hazardous waste or accumulated liquid at the earliest practicable time;
  - 4) Practices designed to maintain drip pads;
  - 5) The associated collection system;
  - 6) Control of run-on to the drip pad;
  - 7) Control of run-off from the drip pad;
  - 8) The interval at which drippage and other materials will be removed from the associated collection system and a statement demonstrating that the

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- interval will be sufficient to prevent overflow onto the drip pad;
- 9) Cleaning procedures and documentation.
- A) Procedures for cleaning the drip pad at least once every seven days to ensure the removal of any accumulated residues of waste or other materials, including, but not limited to: rinsing<sub>;</sub> washing with detergents or other appropriate solvents<sub>;</sub> or<sub>;</sub> steam cleaning.  
~~And,~~
- B) Provisions for documenting the date, time<sub>,</sub> and cleaning procedure used each time the pad is cleaned.
- 10) Operating practices and procedures that will be followed to ensure that tracking of hazardous waste or waste constituents off the drip pad due to activities by personnel or equipment is minimized;
- 11) Procedures for ensuring that, after removal from the treatment vessel, treated wood from pressure and non-pressure processes is held on the drip pad until drippage has ceased, including recordkeeping practices;
- 12) Provisions for ensuring that collection and holding units associated with the run-on and run-off control systems are emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system;
- 13) If treatment is carried out on the drip pad, details of the process equipment used, and the nature and quality of the residuals<sub>;</sub>
- 14) A description of how each drip pad, including appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of 35 Ill. Adm. Code 724.673. This information must be included in the inspection plan submitted under Section 703.183(e)<sub>;</sub>
- 15) A certification signed by an independent qualified, registered professional engineer, stating that the drip pad design meets the requirements of 35 Ill. Adm. Code ~~724.673(a) through (f); and 724.673(a)-(f).~~
- 16) A description of how hazardous waste residues and contaminated materials will be removed from the drip pad at closure, as required under 35 Ill. Adm. Code 724.675(a). For any waste not to be removed from the drip pad upon closure, the owner or operator ~~must~~shall submit detailed plans and an engineering report describing how 35 Ill. Adm. Code 724.410(a) and (b) will be complied with. This information must be included in the closure plan and, where applicable, the post-closure plan submitted under Section 703.183(m).

BOARD NOTE: Derived from 40 CFR ~~270.22, adopted at 55 Fed. Reg. 50489, December 6, 1990; renumbered to 270.26 and amended at 56 Fed. Reg. 30192, July 1, 1991 (2001).~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**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 owners and operators of a tank tanks, a surface impoundment impoundments, or a container containers that uses use~~ air emission controls in accordance with the requirements of Subpart CC of 35 Ill. Adm. Code 724.~~Subpart CC must shall~~ 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.~~Subpart CC~~ 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" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.
- 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 in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, 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.~~Subpart CC~~ cannot comply with Subpart CC of 35 Ill. Adm. Code

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724.~~Subpart CC~~ 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(a) ~~(2001)(1997)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.214 Post-Closure Care Permits**

For post-closure care permits, the owner or operator is required to submit only the information specified in Sections 703.183(a), (d), (e), (f), (k), (m), (n), (p), (r), and (s); 703.184; 703.185; and 703.187, unless the Agency determines that additional information from Section 703.183, 703.202, 703.203, 703.204, 703.206, or 703.207 is necessary. The owner or operator is required to submit the same information when an alternative authority is used in lieu of a post-closure permit, as provided in Section 703.161.

BOARD NOTE: Derived from 40 CFR 270.28 ~~(2001), as added at 63 Fed. Reg. 56735 (Oct. 22, 1998)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: SHORT TERM AND PHASED PERMITS

**Section 703.220 Emergency Permits**

- a) Notwithstanding any other provision of this Part or 35 Ill. Adm. Code 702 or 705, in the event that the Agency finds an imminent and substantial endangerment to human health or the environment, the Agency may issue a temporary emergency permit, as follows:
- 1) To a non-permitted facility to allow treatment, storage, or disposal of hazardous waste; or
  - 2) To a permitted facility to allow treatment, storage, or disposal of a hazardous waste not covered by an effective permit.
- b) This emergency permit must comply with all of the following requirements:
- 1) May be oral or written. If oral, it must be followed in five days by a written emergency permit.
  - 2) Shall not exceed 90 days in duration.
  - 3) Shall clearly specify the hazardous wastes to be received and the manner and location of their treatment, storage, or disposal.
  - 4) May be terminated by the Agency at any time without process if it determines that termination is appropriate to protect human health and the environment.

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- 5) Shall be accompanied by a public notice published under 35 Ill. Adm. Code 705.162 including the following:
- A) Name and address of the office granting the emergency authorization;
  - B) Name and location of the permitted HWM facility;
  - C) A brief description of the wastes involved;
  - D) A brief description of the action authorized and reasons for authorizing it; and
  - E) Duration of the emergency permit.
- 6) Shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this Part and 35 Ill. Adm. Code 724.
- 7) Emergency permits that would authorize actions not in compliance with Board rules, other than procedural requirements, require a variance or provisional variance pursuant to Title IX of the Environmental Protection Act and 35 Ill. Adm. Code 104.

BOARD NOTE: Derived from 40 CFR 270.61 (2001)-(1999).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.221 Alternative Compliance with the Federal NESHAPS**

When an owner or operator demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111 (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance), the requirements of Sections 703.221 through 703.225 do not apply, except those provisions that the Agency determines are necessary to ensure compliance with 35 Ill. Adm. Code 724.445(a) and (c) if the owner or operator elects to comply with Section 703.310(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the Agency may apply the provisions of Sections 703.221 through 703.225, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188 and 703.241(a)(2).

BOARD NOTE: Derived from 40 CFR 270.62 preamble (2001), as amended at 67 Fed. Reg. 6792 (February 14, 2002)-(1999), as added at 64 Fed. Reg. 53077 (September 30, 1999).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.222 Incinerator Conditions Prior to Trial Burn**

For the purposes of determining operational readiness following completion of physical

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construction, the Agency ~~must shall~~ establish permit conditions, including but not limited to allowable waste feeds and operating conditions, in the permit to a new hazardous waste incinerator. These permit conditions will be effective for the minimum time required to bring the incinerator to a point of operational readiness sufficient to conduct a trial burn, not to exceed 720 hours operating time for treatment of hazardous waste. The Agency ~~must shall~~ extend the duration of this operation period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit must be modified to reflect the extension according to Section 703.280.

- a) Applicants ~~must shall~~ submit a statement, with Part B of the permit application, which suggests the conditions necessary to operate in compliance with the performance standards of 35 Ill. Adm. Code 724.443 during this period. This statement must include, at a minimum, restrictions on waste constituents, waste feed rates and the operating parameters identified in 35 Ill. Adm. Code 724.445;
- b) The Agency ~~must shall~~ review this statement and any other relevant information submitted with Part B of the permit application and specify requirements for this period sufficient to meet the performance standards of 35 Ill. Adm. Code 724.443 based on engineering judgment.

BOARD NOTE: Derived from 40 CFR 270.62(a) ~~(2001)(1988), as amended at 53 Fed. Reg. 37934, September 28, 1988.~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.223 Incinerator Conditions During Trial Burn**

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

- a) Applicants ~~must shall~~ propose a trial burn plan, prepared under subsection (b) of this Section with Part B of the permit application;
- b) The trial burn plan must include the following information:
  - 1) An analysis of each waste or mixture of wastes to be burned that includes the following:
    - A) Heat value of the waste in the form and composition in which it will be burned;
    - B) Viscosity (if applicable), or description of physical form of the waste;
    - C) An identification of any hazardous organic constituents listed in Appendix H to 35 Ill. Adm. Code 721 ~~Appendix H~~, that are present in the waste to be burned, except that the applicant need not

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- analyze for constituents listed in ~~Appendix H~~ to 35 Ill. Adm. Code 721.~~Appendix H~~ that would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified, and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or their equivalent;
- D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or their equivalent;
- 2) A detailed engineering description of the incinerator for which the permit is sought including the following:
- A) Manufacturer's name and model number of incinerator (if available);
- B) Type of incinerator;
- C) Linear dimensions of the incinerator unit including the cross sectional area of combustion chamber;
- D) Description of the auxiliary fuel system (type/feed);
- E) Capacity of prime mover;
- F) Description of automatic waste feed cut-off ~~systems~~-system(s);
- G) Stack gas monitoring and pollution control equipment;
- H) Nozzle and burner design;
- I) Construction materials;
- J) Location and description of temperature-, pressure-, and flow-indicating flow-indicating and control devices;
- 3) 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) A detailed test schedule for each waste for which the trial burn is planned including dates-~~date(s)~~, duration, quantity of waste to be burned, and other factors relevant to the Agency's decision under subsection (e) of this Section;
- 5) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, combustion gas velocity, use of auxiliary

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fuel and any other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator;

- 6) A description of, and planned operating conditions for, any emission control equipment that will be used;
  - 7) Procedures for rapidly stopping waste feed, shutting down the incinerator and controlling emissions in the event of an equipment malfunction;
  - 8) Such other information as the Agency reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection (b) and the criteria in subsection (e) of this Section. Such information must be requested by the Agency pursuant to 35 Ill. Adm. Code 705.123.
- c) The Agency, in reviewing the trial burn plan, ~~must shall~~ evaluate the sufficiency of the information provided and ~~must shall~~ require the applicant, pursuant to 35 Ill. Adm. Code 705.123, to supplement this information, if necessary, to achieve the purposes of this Section;
- d) Based on the waste analysis data in the trial burn plan, the Agency ~~must shall~~ specify as trial Principal Organic Hazardous Constituents (POHCs), those constituents for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs must be specified by the Agency based on its estimate of the difficulty of incineration of the constituents identified in the waste analysis, their concentration or mass in the waste feed, and, for wastes listed in Subpart D of 35 Ill. Adm. Code 721, ~~Subpart D~~, the hazardous waste organic constituent of constituents identified in Appendix G or H 35 Ill. Adm. Code 721, ~~Appendix G or H~~ as the basis for listing;
- e) The Agency ~~must shall~~ approve a trial burn plan if it finds ~~the following that:~~
- 1) ~~That the The~~ trial burn is likely to determine whether the incinerator performance standard required by 35 Ill. Adm. Code 724.443 can be met;
  - 2) ~~That the The~~ trial burn itself will not present an imminent hazard to human health or the environment;
  - 3) ~~That the The~~ trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 724.445; and
  - 4) ~~That the The~~ information sought in subsections (e)(1) and (e)(3) of this Section cannot reasonably be developed through other means;
- f) The Agency ~~must shall~~ send a notice to all persons on the facility mailing list, as set forth in 35 Ill. Adm. Code 705.161(a), and to the appropriate units of State and local government, as set forth in 35 Ill. Adm. Code 705.163(a)(5), announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Agency has issued such notice.
- 1) This notice must be mailed within a reasonable time period before the scheduled trial burn. An additional notice is not required if the trial burn

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is delayed due to circumstances beyond the control of the facility or the Agency.

- 2) This notice must contain the following:
  - A) The name and telephone number of the applicant's contact person;
  - B) The name and telephone number of the Agency regional office appropriate for the facility;
  - C) The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and
  - D) An expected time period for commencement and completion of the trial burn;
- g) During each approved trial burn (or as soon after the burn as is practicable), the applicant must shall make the following determinations:
  - 1) A quantitative analysis of the trial POHCs, in the waste feed to the incinerator;
  - 2) A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial POHCs, molecular oxygen, and hydrogen chloride (HCl);
  - 3) A quantitative analysis of the scrubber water (if any), ash residues and other residues, for the purpose of estimating the fate of the trial POHCs;
  - 4) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 724.443(a);
  - 5) If the HCl (hydrogen chloride) emission rate exceeds 1.8 kilograms of HCl per hour (4 pounds per hour), a computation of HCl removal efficiency, in accordance with 35 Ill. Adm. Code 724.443(b);
  - 6) A computation of particulate emissions, in accordance with 35 Ill. Adm. Code 724.443(c);
  - 7) An identification of sources of fugitive emissions and their means of control;
  - 8) A measurement of average, maximum and minimum temperatures and combustion gas velocity;
  - 9) A continuous measurement of carbon monoxide (CO) in the exhaust gas;
  - 10) Such other information as the Agency specifies as necessary to ensure that the trial burn will determine compliance with the performance standards in 35 Ill. Adm. Code 724.443 and to establish the operating conditions required by 35 Ill. Adm. Code 724.445 as necessary to meet that performance standard;
- h) The applicant must shall submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and must shall submit the results of all the determinations required in subsection (g) of this

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Section. This submission must be made within 90 days of completion of the trial burn, or later, if approved by the Agency;

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

BOARD NOTE: Derived from 40 CFR 270.62(b) ~~(2001)-(1996)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.224 Incinerator Conditions After Trial Burn**

For the purposes of allowing operation of a new hazardous waste incinerator following completion of the trial burn and prior to final modification of the permit conditions to reflect the trial burn results, the Agency may establish permit conditions, including, but not limited to, allowable waste feeds and operating conditions sufficient to meet the requirements of 35 Ill. Adm. Code 724.445, in the permit to a new hazardous waste incinerator. These permit conditions will be effective for the minimum time required to complete sample analysis, data computation, and submission of the trial burn results by the applicant and modification of the facility permit by the Agency.:

- a) Applicants must submit a statement, with Part B of the permit application, that identifies the conditions necessary to operate in compliance with the performance standards of 35 Ill. Adm. Code 724.443, during this period. This statement should include, at a minimum, restrictions on waste constituents, waste feed rates, and the operating parameters identified in 35 Ill. Adm. Code 724.445;
- b) The Agency will review this statement and any other relevant information submitted with Part B of the permit application and specify those requirements for this period most likely to meet the performance standards of 35 Ill. Adm. Code 724.443 based on engineering judgment.

BOARD NOTE: Derived from 40 CFR 270.62(c) ~~(2001)-(1992)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.225 Trial Burns for Existing Incinerators**

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For the purpose of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 724.443 and of determining adequate operating conditions under 35 Ill. Adm. Code 724.445, the applicant for a permit for an existing hazardous waste incinerator ~~must shall~~ prepare and submit a trial burn plan and perform a trial burn in accordance with Sections 703.205(b) and 703.223(b) through (e) and (g) through (j); or, instead, submit other information as specified in Section 703.205(c). The Agency ~~must shall~~ announce its intention to approve the trial burn plan in accordance with the timing and distribution requirements of Section 703.223(f). The contents of the notice must include the following: the name and telephone number of a contact person at the facility; the name and telephone number of a contact office at the Agency; the location where the trial burn plan and any supporting documents can be reviewed and copies; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for Agency approval of the plan and the time period during which the trial burn would be conducted. Applicants submitting information under Section 703.205(a) are exempt from compliance with 35 Ill. Adm. Code 724.443 and 724.445 and, therefore, are exempt from the requirement to conduct a trial burn. Applicants that submit trial burn plans and receive approval before submission of a permit application ~~must shall~~ complete the trial burn and submit the results, specified in Section 703.223(g), with Part B of the permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant ~~must shall~~ contact the Agency to establish a later date for submission of the Part B application or the trial burn results. Trial burn results must be submitted prior to issuance of the permit. When the applicant submits a trial burn plan with Part B of the permit application, the Agency ~~must shall~~ specify a time period prior to permit issuance in which the trial burn must be conducted and the results submitted.

BOARD NOTE: Derived from 40 CFR 270.62(d) ~~(2001)-(1996)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.230 Land Treatment Demonstration**

- a) For the purpose of allowing an owner or operator to meet the treatment demonstration requirements of 35 Ill. Adm. Code 724.372, the Agency shall issue a treatment demonstration permit. The permit must contain only those requirements necessary to meet the standards in 35 Ill. Adm. Code 724.372(c). The permit must be issued either as a treatment or disposal permit, covering only the field test or laboratory analyses, or as a ~~two-phase two-phase~~ facility permit, covering the field tests, or laboratory analyses and design, construction, operation, and maintenance of the land treatment unit.
  - 1) The Agency ~~must shall~~ issue a two-phase facility permit if it finds ~~that~~, based on information submitted in Part B of the application, that substantial infomation already exists, although incomplete or inconclusive,

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- ~~information already exists~~ upon which to base the issuance of a facility permit;
- 2) If the Agency finds that not enough information exists upon which it can establish permit conditions to attempt to provide for compliance with all of the requirements of Subpart M of 35 Ill. Adm. Code 724, it ~~must shall~~ issue a treatment demonstration permit covering only the field test or laboratory analyses;
  - b) If the Agency finds that a phased permit is to be issued, it ~~must shall~~ establish, as requirements in the first phase of the facility permit, conditions for conducting the field tests or laboratory analyses. These permit conditions must include design and operating parameters (including the duration of the tests or analyses and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone), monitoring procedures, ~~post-demonstration~~ cleanup activities, and any other conditions ~~that which~~ the Agency finds necessary under 35 Ill. Adm. Code 724.372(c). The Agency ~~must shall~~ include conditions in the second phase of the facility permit to attempt to meet all Subpart M of 35 Ill. Adm. Code 724 requirements pertaining to unit design, construction, operation and maintenance. The Agency ~~must shall~~ establish these conditions in the second phase of the permit based upon the substantial but incomplete or inconclusive information contained in the Part B application, as follows:
    - 1) The first phase of the permit becomes effective as provided in 35 Ill. Adm. Code 705.201(d);
    - 2) The second phase of the permit becomes effective as provided in subsection (d) of this Section;
  - c) When the owner or operator who has been issued a two-phase permit has completed the treatment demonstration, it ~~must shall~~ submit to the Agency a certification, signed by a person authorized to sign a permit application or report under 35 Ill. Adm. Code 702.126, that the field tests or laboratory analyses have been carried out in accordance with the conditions specified in phase one of the permit for conducting such tests or analyses. The owner or operator ~~must shall~~ also submit all data collected during the field tests or laboratory analyses within 90 days of completion of those tests or analyses unless the Agency approves a later date;
  - d) If the Agency determines that the results of the field tests or laboratory analyses meet the requirements of 35 Ill. Adm. Code 724.372, it ~~must shall~~ modify the second phase of the permit to incorporate any requirements necessary for operation of the facility in compliance with Subpart M of 35 Ill. Adm. Code 724, based upon the results of the field tests or laboratory analyses.
    - 1) This permit modification may proceed as a minor modification under Section 703.280, or otherwise must proceed as a modification under

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Section 703.271(b). If such modifications are necessary, the second phase of the permit becomes effective only after those modifications have been made.

- 2) If no modifications of the second phase of the permit are necessary, or if only minor modifications are necessary and have been made, the Agency ~~must shall~~ give notice of its final decision to the permit applicant and to each person who submitted written comments on the phased permit or who requested notice of final decision on the second phase of the permit. The second phase of the permit then becomes effective as specified in 35 Ill. Adm. Code 705.201(d).

BOARD NOTE: Derived from 40 CFR 270.63 ~~(2001)-(1988), as amended at 53 Fed. Reg. 37934, September 28, 1988.~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.231 Research, Development and Demonstration Permits**

- a) The Agency may issue a research, development and demonstration permit for any hazardous waste treatment facility ~~that which~~ proposes to utilize an innovative and experimental hazardous waste treatment technology or process for which permit standards for such experimental activity have not been promulgated under 35 Ill. Adm. Code 724 or 726. Any such permit ~~must shall~~ include such terms and conditions as will assure protection of human health and the environment. Such ~~a permit must provide as follows permits~~:
  - 1) ~~It must~~~~Shall~~ provide for the construction of such facilities as necessary, and for operation of the facility for not longer than one year unless renewed as provided in subsection (d) ~~of this Section and~~;
  - 2) ~~It must~~~~Shall~~ provide for the receipt and treatment by the facility of only those types and quantities of hazardous waste necessary for purposes of determining the efficacy and performance capabilities of the technology or process and the effects of such technology or process on human health and the environment; and
  - 3) ~~It must~~~~Shall~~ include such requirements as necessary to protect human health and the environment (including, but not limited to, requirements regarding monitoring, operation, financial responsibility, closure, and remedial action), and such requirements as necessary regarding testing and providing of information to the Agency with respect to the operation of the facility.
- b) For the purpose of expediting review and issuance of permits under this Section, the Agency may, consistent with the protection of human health and the

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environment, modify or waive permit application and permit issuance requirements in this Part and 35 Ill. Adm. Code 702 and 705 except that there may be no modification or waiver of regulations regarding financial responsibility (including insurance) or of procedures regarding public participation.

- c) Pursuant to Section 34 of the Act [415 ILCS 5/34], the Agency may order an immediate termination of all operations at the facility at any time it determines that termination is necessary to protect human health and the environment. The permittee may seek Board review of the termination pursuant to Section 34(d) of the Act [415 ILCS 5/39(d)].
- d) Any permit issued under this Section may be renewed not more than three times. Each such renewal ~~must~~ shall be for a period of not more than one year.

BOARD NOTE: Derived from~~(Board Note: See~~ 40 CFR 270.65 (2001)~~).~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

When ~~the an~~ owner or operator of a cement or lightweight aggregate kiln demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111 (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance), the requirements of this Section do not apply, except those provisions that the Agency determines are necessary to ensure compliance with Sections 726.202(e)(1) and (e)(2)(c) if the owner or operator elects to comply with Section 703.310(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the Agency may apply the provisions of this Section, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188 and 703.241(a)(2).

- a) General. ~~The owner or operator~~ Owners and operators of ~~a new boiler~~ boilers ~~or and~~ industrial ~~furnace~~ furnaces (~~on those~~ not operating under the interim status standards of 35 Ill. Adm. Code 726.203) ~~is are~~ subject to subsections (b) through (f) of this Section. ~~A boiler or~~ Boilers and industrial ~~furnace~~ furnaces operating under the interim status standards of 35 Ill. Adm. Code 726.203 ~~is are~~ subject to subsection (g) of this Section.
- b) Permit operating periods for ~~a new boiler or~~ boilers and industrial ~~furnace~~ furnaces. A permit for a new boiler or industrial furnace must specify appropriate conditions for the following operating periods:
  - 1) Pretrial burn period. For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the boiler or industrial furnace to a

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point of operation readiness to conduct a trial burn, not to exceed 720 hours operating time when burning hazardous waste, the Agency must establish permit conditions in the pretrial burn period, including but not limited to allowable hazardous waste feed rates and operating conditions. The Agency must extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit must be modified to reflect the extension according to ~~Sections Section~~ 703.280 through 703.283 ~~et seq.~~

- A) Applicants must submit a statement, with Part B of the permit application, that suggests the conditions necessary to operate in compliance with the standards of 35 Ill. Adm. Code 726.204 through 726.207 during this period. This statement should include, at a minimum, restrictions on the applicable operating requirements identified in 35 Ill. Adm. Code 726.202(e).
  - B) The Agency must review this statement and any other relevant information submitted with Part B of the permit application and specify requirements for this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.
- 2) Trial burn period. For the duration of the trial burn, the Agency must establish conditions in the permit for the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and determining adequate operating conditions under 35 Ill. Adm. Code 726.202(e). Applicants must propose a trial burn plan, prepared under subsection (c) of this Section, to be submitted with Part B of the permit application.
  - 3) Post-trial burn period.
    - A) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the Agency to reflect the trial burn results, the Agency must establish the operating requirements most likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.
    - B) Applicants must submit a statement, with Part B of the application, that identifies the conditions necessary to operate during this period in compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. This statement should

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include, at a minimum, restrictions on the operating requirements provided by 35 Ill. Adm. Code 726.202(e).

- C) The Agency must review this statement and any other relevant information submitted with Part B of the permit application and specify requirements of this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.
- 4) Final permit period. For the final period of operation the Agency must develop operating requirements in conformance with 35 Ill. Adm. Code 726.202(e) that reflect conditions in the trial burn plan and are likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. Based on the trial burn results, the Agency must make any necessary modifications to the operating requirements to ensure compliance with the performance standards. The permit modification must proceed according to Sections Section 703.280 through 703.283 et seq.
- c) Requirements for trial burn plans. The trial burn plan must include the following information. The Agency, in reviewing the trial burn plan, must evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this subsection (c).
- 1) An analysis of each feed stream, including hazardous waste, other fuels, and industrial furnace feed stocks, as fired, that includes the following:
- A) Heating value, levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, silver, thallium, total chlorine and chloride~~chlorine/chloride~~, and ash; and
- B) Viscosity or description of the physical form of the feed stream.
- 2) An analysis of each hazardous waste, as fired, including the following:
- A) An identification of any hazardous organic constituents listed in Appendix H to 35 Ill. Adm. Code 721~~Appendix H~~ that are present in the feed stream, except that the applicant need not analyze for constituents listed in ~~721~~Appendix H that would reasonably not be expected to be found in the hazardous waste. The constituents excluded from analysis must be identified and the basis for this exclusion explained. The analysis must be conducted in accordance with analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods<sub>2</sub>"; USEPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or their equivalent;
- B) An approximate quantification of the hazardous constituents

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- identified in the hazardous waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or other equivalent; and
- C) A description of blending procedures, if applicable, prior to firing the hazardous waste, including a detailed analysis of the hazardous waste prior to blending, an analysis of the material with which the hazardous waste is blended, and blending ratios.
- 3) A detailed engineering description of the boiler or industrial furnace, including the following:
    - A) Manufacturer's name and model number of the boiler or industrial furnace;
    - B) Type of boiler or industrial furnace;
    - C) Maximum design capacity in appropriate units;
    - D) Description of the feed system for the hazardous waste and, as appropriate, other fuels and industrial furnace feedstocks;
    - E) Capacity of hazardous waste feed system;
    - F) Description of automatic hazardous waste feed cutoff systems;
    - G) Description of any pollution control system; and
    - H) Description of stack gas monitoring and any pollution control monitoring systems.
  - 4) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and sample analysis.
  - 5) A detailed test schedule for each hazardous waste for which the trial burn is planned, including dates, duration, quantity of hazardous waste to be burned, and other factors relevant to the Agency's decision under subsection (b)(2) of this Section.
  - 6) a detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feed rate, and, as appropriate, the feed rates of other fuels and industrial furnace feedstocks, and any other relevant parameters that may affect the ability of the boiler or industrial furnace to meet the performance standards in 35 Ill. Adm. Code 726.204 through 726.207.
  - 7) A description of and planned operating conditions for any emission control equipment that will be used.
  - 8) Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction.
  - 9) Such other information as the Agency finds necessary to determine

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whether to approve the trial burn plan in light of the purposes of this subsection (c) and the criteria in subsection (b)(2) of this Section.

- d) Trial burn procedures.
- 1) A trial burn must be conducted to demonstrate conformance with the standards of 35 Ill. Adm. Code 726.104 through 726.107.
  - 2) The Agency must approve a trial burn plan if the Agency finds as follows:
    - A) That the trial burn is likely to determine whether the boiler or industrial furnace can meet the performance standards of 35 Ill. Adm. Code 726.104 through 726.107;
    - B) That the trial burn itself will not present an imminent hazard to human health and the environment;
    - C) That the trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 726.102(e); and
    - D) That the information sought in the trial burn cannot reasonably be developed through other means.
  - 3) The Agency must send a notice to all persons on the facility mailing list, as set forth in 35 Ill. Adm. Code 705.161(a), and to the appropriate units of State and local government, as set forth in 35 Ill. Adm. Code 705.163(a)(5), announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Agency has issued such notice.
    - A) This notice must be mailed within a reasonable time period before the trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Agency.
    - B) This notice must contain the following:
      - i) The name and telephone number of applicant's contact person;
      - ii) The name and telephone number of the Agency regional office appropriate for the facility;
      - iii) The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and
      - iv) An expected time period for commencement and completion of the trial burn.
  - 4) The applicant must submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and submit the results of all the determinations required in subsection (c) of this Section. The Agency must shall, in the trial burn plan, require that the submission be made within 90 days after completion of the trial burn, or

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later if the Agency determines that a later date is acceptable.

- 5) All data collected during any trial burn must be submitted to the Agency following completion of the trial burn.
- 6) All submissions required by this subsection (d) must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 35 Ill. Adm. Code 702.126.
- e) Special procedures for DRE trial burns. When a DRE trial burn is required under 35 Ill. Adm. Code 726.104, the Agency must specify (based on the hazardous waste analysis data and other information in the trial burn plan) as trial Principal Organic Hazardous Constituents (POHCs) those compounds for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs will be specified by the Agency based on information including the Agency's estimate of the difficulty of destroying the constituents identified in the hazardous waste analysis, their concentrations or mass in the hazardous waste feed, and, for hazardous waste containing or derived from wastes listed in Subpart D of 35 Ill. Adm. Code 721.~~Subpart D~~, the hazardous waste organic constituents identified in Appendix G to 35 Ill. Adm. Code 721.~~Appendix G~~ as the basis for listing.
- f) Determinations based on trial burn. During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations:
  - 1) A quantitative analysis of the levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, thallium, silver, and chlorine/chloride in the feed streams (hazardous waste, other fuels, and industrial furnace feedstocks);
  - 2) When a DRE trial burn is required under 35 Ill. Adm. Code 726.204(a), the following determinations:
    - A) A quantitative analysis of the trial POHCs in the hazardous waste feed;
    - B) A quantitative analysis of the stack gas for the concentration and mass emissions of the trial POHCs; and
    - C) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 726.204(a);
  - 3) When a trial burn for chlorinated dioxins and furans is required under 35 Ill. Adm. Code 726.204(e), a quantitative analysis of the stack gas for the concentration and mass emission rate of the 2,3,7,8-chlorinated tetra-through octa-congeners of chlorinated dibenzo-p-dioxins and furans, and a computation showing conformance with the emission standard;
  - 4) When a trial burn for PM, metals, or HCl and chlorine gas is required

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- under 35 Ill. Adm. Code 726.205, 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the stack gas for the concentrations and mass emissions of PM, metals, or HC1 and chlorine gas, and computations showing conformance with the applicable emission performance standards;
- 5) When a trial burn for DRE, metals, and HC1 and chlorine gas is required under 35 Ill. Adm. Code 726.204(a), 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the scrubber water (if any), ash residues, other residues, and products for the purpose of estimating the fate of the trial POHCs, metals, and chlorine and chloride;
  - 6) An identification of sources of fugitive emissions and their means of control;
  - 7) A continuous measurement of carbon monoxide (CO), oxygen, and, where required, hydrocarbons (HC), in the stack gas; and
  - 8) Such other information as the Agency specifies as necessary to ensure that the trial burn will determine compliance with the performance standards 35 Ill. Adm. Code 726.204 through 726.207 and to establish the operating conditions required by 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions under 35 Ill. Adm. Code 726.203, and to establish the operating conditions required by 35 Ill. Adm. Code 726.202(e) as necessary to meet those performance standards.
- g) Interim status boilers and industrial furnaces. For the purpose of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions under 35 Ill. Adm. Code 726.203, ~~an applicant that owns or operates an applicants owning or operating-existing boilerboilers~~ or industrial ~~furnace which is furnaces~~ operated under the interim status standards of 35 Ill. Adm. Code 726.203 must either prepare and submit a trial burn plan and perform a trial burn in accordance with the requirements of this Section or submit other information as specified in Section 703.208(a)(6). The Agency must announce its intention to approve of the trial burn plan in accordance with the timing and distribution requirements of subsection (d)(3) of this Section. The contents of the notice must include all of the following information: the name and telephone number of a contact person at the facility; the name and telephone number of the Agency regional office appropriate for the facility; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for agency approval of the plan, and the time periods during which the trial burn would be conducted. Applicants that submit a trial burn plan and receive approval before submission of the Part B permit application must complete the

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trial burn and submit the results specified in subsection (f) of this Section with the Part B permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant must contact the Agency to establish a later date for submission of the Part B application or the trial burn results. If the applicant submits a trial burn plan with Part B of the permit application, the trial burn must be conducted and the results submitted within a time period prior to permit issuance to be specified by the Agency.

BOARD NOTE: Derived from 40 CFR 270.66 (2001), as amended at 67 Fed. Reg. 6792 (February 14, 2002)~~(2000)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.234 Remedial Action Plans**

Remedial Action Plans (RAPs) are special forms of permits that are regulated under Subpart H of this Part.

BOARD NOTE: Derived from 40 CFR 270.68 (2001), as added at 63 Fed. Reg. 65941 (Nov. 30, 1998).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: PERMIT CONDITIONS OR DENIAL

**Section 703.240 Permit Denial**

The Agency may, pursuant to the procedures of 35 Ill. Adm. Code 705, deny the permit application either in its entirety or only as to the active life of a HWM facility or unit.

BOARD NOTE: Derived from 40 CFR 270.29 (2001)~~(1996)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.241 Establishing Permit Conditions**

a) General conditions:

- 1) In addition to the conditions established under 35 Ill. Adm. Code 702.160(a), each RCRA permit ~~must shall~~ include permit conditions necessary to achieve compliance with each of the applicable requirements specified in 35 Ill. Adm. Code 724 and 726 through 728. In satisfying this provision, the Agency may incorporate applicable requirements of 35 Ill. Adm. Code 724 and 726 through 728 directly into the permit or establish

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other permit conditions that are based on these Parts;

- 2) Each RCRA permit issued under Section 39(d) of the Environmental Protection Act [415 ILCS 5/39(d)] ~~must shall~~ contain terms and conditions that the Agency determines are necessary to protect human health and the environment.

BOARD NOTE: Subsection (a) derived ~~Derived~~ from 270.32(b) (2001)~~(1992)~~.

- b) The conditions specified in this Subpart, in addition to those set forth in 35 Ill. Adm. Code 702.140 through 702.152, apply to all RCRA permits.

BOARD NOTE: Subsection (a) derived ~~Derived~~ from 40 CFR 270.30 preamble (2001)~~(1992)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.243 Monitoring**

In addition to 35 Ill. Adm. Code 702.150 (monitoring) the following apply:

- a) The permittee ~~must shall~~ retain records of all monitoring information, including the certification required by 35 Ill. Adm. Code 724.173(b)(3), for a period of at least three years from the date of the certification.
- b) The permittee ~~must shall~~ maintain records from all groundwater monitoring wells and associated groundwater surface elevations, for the active life of the facility, and for disposal facilities for the post-closure care period as well.

~~(BOARD NOTE: Derived from See Board Note: 40 CFR 270.30(j)(2) (2001).)~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.245 Twenty-four Hour Reporting**

- a) The permittee ~~must shall~~ report any noncompliance ~~that which~~ may endanger health or the environment orally within 24 hours after the permittee becomes aware of the circumstances, including the following:
- 1) Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies;
  - 2) Any information of a release or discharge of hazardous waste, or of a fire or explosion from a HWM facility, ~~that which~~ could threaten the environment or human health outside the facility.
- b) The description of the occurrence and its cause ~~must shall~~ include the following:
- 1) Name, address, and telephone number of the owner or operator;
  - 2) Name, address, and telephone number of the facility;
  - 3) Date, time, and type of incident;

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- 4) Name and quantity of materials ~~material(s)~~ involved;
  - 5) The extent of injuries, if any;
  - 6) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
  - 7) Estimated quantity and disposition of recovered material that resulted from the incident.
- c) A written submission must shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission must shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates, times, and, if the noncompliance has not been corrected, the anticipated time the noncompliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Agency may waive the five-day ~~five-day~~ written notice requirement in favor of a written report within 15 ~~fifteen~~ days.

BOARD NOTE: Derived from 40 CFR 270.30(l)(6) (2001).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.246 Reporting Requirements**

The following reports required by 35 Ill. Adm. Code 724 must shall be submitted in addition to those required by 35 Ill. Adm. Code 702.152 (reporting requirements):

- a) Manifest discrepancy report: if a significant discrepancy in a manifest is discovered, the permittee must attempt to reconcile the discrepancy. If not resolved within 15 ~~fifteen~~ days, the permittee must submit a letter report including a copy of the manifest to the Agency (See 35 Ill. Adm. Code 724.172).
- b) Unmanifested waste report: if hazardous waste is received without an accompanying manifest, the permittee must submit an unmanifested waste report to the Agency within 15 days of receipt of unmanifested waste. (See 35 Ill. Adm. Code 724.176)
- c) Annual report: an annual report must be submitted covering facility activities during the previous calendar year (See 35 Ill. Adm. Code 724.175).

BOARD NOTE: Derived from 40 CFR 270.30(l)(7) through (1)(9) (2001)~~(1992)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.247 Anticipated Noncompliance**

In addition to 35 Ill. Adm. Code 702.152(b), for a new facility, the permittee must shall not treat, store, or dispose of hazardous waste; and for a facility being modified, the permittee must shall

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not treat, store, or dispose of hazardous waste in the modified portion of the facility, except as provided in Section 703.280, until one of the following has occurred:

- a) The permittee has submitted to the Agency by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit; and
- b) Either:
  - 1) The Agency has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or
  - 2) Within 15 days after the date of submission of the letter in subsection (a) of this Section, the permittee has not received notice from the Agency of its intent to inspect, the permittee may commence treatment, storage, or disposal of hazardous waste.

BOARD NOTE: Derived from 40 CFR 270.30(1)(2) (2001)(1992).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.248 Information Repository**

The Agency may require the permittee to establish and maintain an information repository at any time, based on the factors set forth in Section 703.193(b). The information repository must shall be governed by the provisions in Section 703.193(c) through (f).

BOARD NOTE: Derived from 40 CFR 270.30(m) (2001)(1996).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART G: CHANGES TO PERMITS

**Section 703.260 Transfer**

- a) A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or reissued (under subsection (b) of this Section or Section 703.272) to identify the new permittee and incorporate such other requirements as are necessary under the appropriate Act. The new owner or operator to whom the permit is transferred must shall comply with all the terms and conditions specified in such permit.
- b) Changes in the ownership or operational control of a facility must be made as a Class 1 modification with the prior written approval of the Agency in accordance with Section 703.281. The new owner or operator must shall submit a revised permit application no later than 90 days prior to the scheduled change. A written agreement containing a specific date for transfer of permit responsibility between

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the current and new permittees must also be submitted to the Agency. When a transfer of ownership or operational control occurs, the old owner or operator ~~must shall~~ comply with the requirements of ~~Subpart H of~~ 35 Ill. Adm. Code 724.~~Subpart H~~ (Financial Requirements), until the new owner or operator has demonstrated compliance with that Subpart. The new owner or operator ~~must shall~~ demonstrate compliance with that Subpart within six months after the date of change of operational control of the facility. Upon demonstration to the Agency by the new owner or operator of compliance with that Subpart, the Agency ~~must shall~~ notify the old owner or operator that the old owner or operator no longer needs to comply with that Subpart as of the date of demonstration.

BOARD NOTE: Derived from 40 CFR 270.40, ~~(2001)(1996)~~.

BOARD NOTE: The new operator may be required to employ a chief operator that is certified pursuant to 35 Ill. Adm. Code 745.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.270 Modification**

When the Agency receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit (See 35 Ill. Adm. Code 702.140 through 702.152 and Section 703.241 et seq.), receives a request for reissuance under 35 Ill. Adm. Code 705.128 or conducts a review of the permit file) it may determine whether or not one or more of the causes, listed in Sections 703.271 or 703.272, for modification, reissuance or both, exist. If cause exists, the Agency ~~must shall~~ modify or reissue the permit accordingly, subject to the limitations of Section 703.273, and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. (See 35 Ill. Adm. Code 705.128(c)(2)) If cause does not exist under Section 703.271 or 703.272, the Agency ~~mustshall~~ not modify or reissue the permit, except on the request of the permittee. If a permit modification is requested by the permittee, the Agency ~~mustshall~~ approve or deny the request according to the procedures of Section 703.280 et seq. Otherwise, a draft permit must be prepared and other procedures in 35 Ill. Adm. Code 705 ~~must be~~ followed.

BOARD NOTE: Derived from the preamble to 40 CFR 270.41 ~~(2001), as amended at 53 Fed. Reg. 37934, September 28, 1988.~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.271 Causes for Modification**

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The following are cause for modification, but not reissuance, of permits; the following are cause for reissuance as well as modification when the permittee requests or agrees:

- a) Alterations. There are material and substantial alterations or additions to the permitted facility or activity ~~that~~<sup>which</sup> occurred after permit issuance which justify the application of permit conditions that are different of absent in the existing permit.
- b) Information. The Agency has received information. Permits will be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance.
- c) New statutory requirements or regulations. The standards or regulations on which the permit was based have been changed by statute, through promulgation of new or amended standards or regulations, or by judicial decision after the permit was issued.
- d) Compliance schedules. The Agency determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage, or other events over which the permittee has little or no control and for which there is no reasonably available remedy.
- e) The Agency ~~must~~<sup>shall</sup> also modify a permit as follows:
  - 1) When modification of a closure plan is required under 35 Ill. Adm. Code 724.212(b) or 35 Ill. Adm. Code 724.218(b).
  - 2) After the Agency receives the notification of expected closure under 35 Ill. Adm. Code 724.213, when the Agency determines that extension of the 90 or 180 day periods under 35 Ill. Adm. Code 724.213, modification of the 30-year post-closure period under 35 Ill. Adm. Code 724.217(a), continuation of security requirements under 35 Ill. Adm. Code 724.217(b), or permission to disturb the integrity of the containment system under 35 Ill. Adm. Code 724.217(c) are unwarranted.
  - 3) When the permittee has filed a request under 35 Ill. Adm. Code 724.247(c) for a modification to the level of financial responsibility or when the Agency demonstrates under 35 Ill. Adm. Code 724.247(d) that an upward adjustment of the level of financial responsibility is required.
  - 4) When the corrective action program specified in the permit under 35 Ill. Adm. Code 724.200 has not brought the regulated unit into compliance with the groundwater protection standard within a reasonable period of time.
  - 5) To include a detection monitoring program meeting the requirements of 35 Ill. Adm. Code 724.198, when the owner or operator has been conducting a compliance monitoring program under 35 Ill. Adm. Code 724.199 or a

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corrective action program under 35 Ill. Adm. Code 724.200, and the compliance period ends before the end of the post-closure care period for the unit.

- 6) When a permit requires a compliance monitoring program under 35 Ill. Adm. Code 724.199, but monitoring data collected prior to permit issuance indicate that the facility is exceeding the groundwater protection standard.
  - 7) To include conditions applicable to units at a facility that were not previously included in the facility's permit.
  - 8) When a land treatment unit is not achieving complete treatment of hazardous constituents under its current permit conditions.
- f) Notwithstanding any other provision of this Section, when a permit for a land disposal facility is reviewed under 35 Ill. Adm. Code 702.161(d), the Agency ~~must~~shall modify the permit as necessary to assure that the facility continues to comply with the currently applicable requirements in this Part and 35 Ill. Adm. Code 702 and 720 through 726.

BOARD NOTE: Derived from 40 CFR 270.41(a) ~~(2001), as amended at 53 Fed. Reg. 37934, September 28, 1988.~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.273 Facility Siting**

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

BOARD NOTE: Derived from 40 CFR 270.41(c) ~~(2001), as amended at 53 Fed. Reg. 37934, September 28, 1988.~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.280 Permit Modification at the Request of the Permittee**

- a) Class 1 modifications. See Section 703.281.
- b) Class 2 modifications. See Section 703.282.
- c) Class 3 modifications. See Section 703.283.
- d) Other modifications.

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

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- subsection (e)(3)(B)(i) of this Section or that meets the criteria in subsections (e)(3)(B)(iii) through (e)(3)(B)(v) of this Section and provides improved management or treatment of a hazardous waste already listed in the facility permit.
- B) The temporary authorization request must include the following:
- i) A description of the activities to be conducted under the temporary authorization;
  - ii) An explanation of why the temporary authorization is necessary; and
  - iii) Sufficient information to ensure compliance with 35 Ill. Adm. Code 724 standards.
- C) The permittee must send a notice about the temporary authorization request to all persons on the facility mailing list maintained by the Agency and to appropriate units of State and local governments, as specified in 35 Ill. Adm. Code 705.163(a)(5). This notification must be made within seven days after submission of the authorization request.
- 3) The Agency must approve or deny the temporary authorization as quickly as practical. To issue a temporary authorization, the Agency must find as follows:
- A) That the authorized activities are in compliance with the standards of 35 Ill. Adm. Code 724.
  - B) That the temporary authorization is necessary to achieve one of the following objectives before action is likely to be taken on a modification request:
    - i) To facilitate timely implementation of closure or corrective action activities;
    - ii) To allow treatment or storage in tanks, containers, or ~~in~~ containment buildings, in accordance with 35 Ill. Adm. Code 728;
    - iii) To prevent disruption of ongoing waste management activities;
    - iv) To enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or
    - v) To facilitate other changes to protect human health and the environment.
- 4) A temporary authorization must be reissued for one additional term of up to 180 days, provided that the permittee has requested a Class 2 or 3

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permit modification for the activity covered in the temporary authorization, and either of the following is true:

- A) The reissued temporary authorization constitutes the Agency's decision on a Class 2 permit modification in accordance with Section 703.282(f)(1)(D) or (f)(2)(D); or
  - B) The Agency determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to continue while the modification procedures of 35 Ill. Adm. Code 703.283 are conducted.
- f) Public notice and appeals of permit modification decisions.
- 1) The Agency must notify persons on the facility mailing list and appropriate units of State and local government within 10 days after any decision to grant or deny a Class 2 or 3 permit modification request. The Agency must also notify such persons within 10 days after an automatic authorization for a Class 2 modification goes into effect under Section 703.282(f)(3) or (f)(5).
  - 2) The Agency's decision to grant or deny a Class 2 or 3 permit modification request may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212.
  - 3) An automatic authorization that goes into effect under Section 703.282(f)(3) or (f)(5) may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212; however, the permittee may continue to conduct the activities pursuant to the automatic authorization until the Board enters a final order on the appeal notwithstanding the provisions of 35 Ill. Adm. Code 705.204.
- g) Newly regulated wastes and units.
- 1) The permittee is authorized to continue to manage wastes listed or identified as hazardous under 35 Ill. Adm. Code 721, or to continue to manage hazardous waste in units newly regulated as hazardous waste management units, if each of the following is true:
    - A) The unit was in existence as a hazardous waste facility with respect to the newly listed or characterized waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the waste, or regulating the unit;
    - B) The permittee submits a Class 1 modification request on or before the date on which the waste becomes subject to the new requirements;
    - C) The permittee is in compliance with the applicable standards of 35 Ill. Adm. Code 725 and 726;
    - D) The permittee also submits a complete class 2 or 3 modification

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- request within 180 days after the effective date of the rule listing or identifying the waste, or subjecting the unit to management standards under 35 Ill. Adm. Code 724, 725, or 726; and
- E) In the case of land disposal units, the permittee certifies that such unit is in compliance with all applicable requirements of 35 Ill. Adm. Code 725 for groundwater monitoring and financial responsibility requirements on the date 12 months after the effective date of the rule identifying or listing the waste as hazardous, or regulating the unit as a hazardous waste management unit. If the owner or operator fails to certify compliance with all these requirements, the owner or operator loses authority to operate under this Section.
- 2) New wastes or units added to a facility's permit under this subsection (g) do not constitute expansions for the purpose of the 25 percent capacity expansion limit for Class 2 modifications.
- h) Military hazardous waste munitions treatment and disposal. The permittee is authorized to continue to accept waste military munitions notwithstanding any permit conditions barring the permittee from accepting off-site wastes, if each of the following is true:
- 1) The facility was in existence as a hazardous waste facility and the facility was already permitted to handle the waste military munitions on the date when the waste military munitions became subject to hazardous waste regulatory requirements;
  - 2) On or before the date when the waste military munitions become subject to hazardous waste regulatory requirements, the permittee submits a Class 1 modification request to remove or amend the permit provision restricting the receipt of off-site waste munitions; and
  - 3) The permittee submits a complete Class 2 modification request within 180 days after the date when the waste military munitions became subject to hazardous waste regulatory requirements.
- i) Permit modification list. The Agency must maintain a list of all approved permit modifications and must publish a notice once a year in a State-wide newspaper that an updated list is available for review.
- j) Combustion facility changes to meet federal 40 CFR 63 MACT standards. The following procedures apply to hazardous waste combustion facility permit modifications requested under ~~Section 703~~. Appendix A, paragraph L(9) of this Part.
- 1) A facility~~Facility owner~~~~owners~~ or operator~~operators~~ must have complied with the federal notification of intent to comply (NIC) requirements of 40 CFR 63.1210 that was in effect prior to October 11, 2000~~May 14, 2001~~,

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(see 40 CFR 63 (2000)) in order to request a permit modification under this Section.

- 2) If the Agency does not act to either approve or deny the request within 90 days of receiving it, the request must be deemed approved. The Agency may, at its discretion, extend this 90-day deadline one time for up to 30 days by notifying the facility owner or operator in writing before the 90 days has expired.

BOARD NOTE: Derived from 40 CFR 270.42(d) through (j) ~~(2001), as amended at 67 Fed. Reg. 6968 (February 14, 2002)(2000), as amended at 65 Fed. Reg. 42302 (July 10, 2000).~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.281 Class 1 Modifications**

- a) Except as provided in subsection (a)(2) of this Section, the permittee may put into effect Class 1 modifications listed in Appendix A under the following conditions:
  - 1) The permittee ~~must~~ notify the Agency concerning the modification by certified mail or other means that establish proof of delivery within 7 calendar days after the change is put into effect. This notice must specify the changes being made to permit conditions or supporting documents referenced by the permit and must explain why they are necessary. Along with the notice, the permittee ~~must~~ provide the applicable information required by Section 703.181 through 703.185, 703.201 through 703.207, 703.221 through 703.225, and 703.230.
  - 2) The permittee ~~must~~ send a notice of the modification to all persons on the facility mailing list, maintained by the Agency in accordance with 35 Ill. Adm. Code 705.163(a)(4), and the appropriate units of State and local government, as specified in 35 Ill. Adm. Code 705.163(a)(5). This notification must be made within 90 calendar days after the change is put into effect. For the Class 1 modifications that require prior Agency approval, the notification must be made within 90 calendar days after the Agency approves the request.
  - 3) Any person may request the Agency to review, and the Agency ~~must~~ for cause reject, any Class 1 modification. The Agency ~~must~~ inform the permittee by certified mail that a Class 1 modification has been rejected, explaining the reasons for the rejection. If a Class 1 modification has been rejected, the permittee ~~must~~ comply with the original permit conditions.
- b) Class 1 permit modifications identified in Appendix A by an asterisk ~~must~~ be

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made only with the prior written approval of the Agency.

- c) For a Class 1 permit modification, the permittee may elect to follow the procedures in Section 703.282 for Class 2 modifications instead of the Class 1 procedures. The permittee ~~must~~shall inform the Agency of this decision in the notice required in Section 703.282(b)(1).

BOARD NOTE: Derived from 40 CFR 270.42(a) ~~(2001), as amended at 53 Fed. Reg. 37934, September 28, 1988.~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.282 Class 2 Modifications**

- a) For Class 2 modifications, listed in Appendix A, the permittee ~~must~~shall submit a modification request to the Agency ~~that does the following~~which:
- 1) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;
  - 2) Identifies that the modification is a Class 2 modification;
  - 3) Explains why the modification is needed; and
  - 4) Provides the applicable information required by Section 703.181 through 703.185, 703.201 through 703.207, 703.221 through 703.225, and 703.230.
- b) The permittee ~~must~~shall send a notice of the modification request to all persons on the facility mailing list maintained by the Agency and to the appropriate units of State and local government as specified in 35 Ill. Adm. Code 705.163(a)(5) and ~~must~~shall, to the extent practicable, publish this notice in a newspaper of general circulation published in the County in which the facility is located. If no such newspaper exists, the permittee ~~must~~shall publish the notice in a newspaper of general circulation in the vicinity of the facility. This notice must be mailed and published within ~~seven~~7 days before or after the date of submission of the modification request, and the permittee ~~must~~shall provide to the Agency evidence of the mailing and publication. The notice must include:
- 1) Announcement of a 60-day comment period, in accordance with subsection (e) ~~of this Section~~, and the name and address of an Agency contact to whom comments must be sent;
  - 2) Announcement of the date, time and place for a public meeting held in accordance with subsection (d) ~~of this Section~~;
  - 3) Name and telephone number of the permittee's contact person;
  - 4) Name and telephone number of an Agency contact person;
  - 5) Locations where copies of the modification request and any supporting documents can be viewed and copied; and

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- 6) The following statement ~~is~~: "The permittee's compliance history during the life of the permit being modified is available from the Agency contact person."
- c) The permittee ~~must~~shall place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.
- d) The permittee ~~must~~shall hold a public meeting no earlier than 15 days after the publication of the notice required in subsection (b) ~~of this Section~~ and no later than 15 days before the close of the 60-day comment period. The meeting must be held in the County in which the permitted facility is located unless it is impracticable to do so, in which case the hearing must be held in the vicinity of the facility.
- e) The public must be provided 60 days to comment on the modification request. The comment period begins on the date ~~that~~ the permittee publishes the notice in the local newspaper. Comments must be submitted to the Agency contact identified in the public notice.
- f) Agency decision.
- 1) No later than 90 days after receipt of the notification request, the Agency ~~must~~shall:
- A) Approve the modification request, with or without changes, and modify the permit accordingly;
- B) Deny the request;
- C) Determine that the modification request must follow the procedures in Section 703.283 for Class 3 modifications for ~~either~~ of the following reasons~~reason~~:
- i) There is significant public concern about the proposed modification; or
- ii) The complex nature of the change requires the more extensive procedures of Class 3.
- D) Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days, or
- E) Notify the permittee that the Agency will decide on the request within the next 30 days.
- 2) If the Agency notifies the permittee of a 30-day extension for a decision, the Agency ~~must~~shall, no later than 120 days after receipt of the modification request, do the following:
- A) Approve the modification request, with or without changes, and modify the permit accordingly;
- B) Deny the request;
- C) Determine that the modification request must follow the

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procedures in Section 703.283 for Class 3 modifications for the following reasons:

- i) There is significant public concern about the proposed modification; or
  - ii) The complex nature of the change requires the more extensive procedures of Class 3; ~~or-~~
- D) Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days.
- 3) If the Agency fails to make one of the decisions specified in subsection (f)(2) ~~of this Section~~ by the 120th day after receipt of the modification request, the permittee is automatically authorized to conduct the activities described in the modification request for up to 180 days, without formal Agency action. The authorized activities must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 35 Ill. Adm. Code 725. If the Agency approves, with or without changes, or denies the modification request during the term of the temporary or automatic authorization provided for in subsections (f)(1), ~~(f)(2)~~, or ~~(f)(3)~~ ~~of this Section~~, such action cancels the temporary or automatic authorization.
- 4) Notification by permittee.
- A) In the case of an automatic authorization under subsection (f)(3) ~~of this Section~~, or a temporary authorization under subsection (f)(1)(D) or (f)(2)(D) ~~of this Section~~, if the Agency has not made a final approval or denial of the modification request by the date 50 days prior to the end of the temporary or automatic authorization, the permittee ~~must~~~~shall~~, within seven days after that time, send a notification to persons on the facility mailing list, and make a reasonable effort to notify other persons who submitted written comments on the modification request, that ~~informs them as follows~~:
- i) ~~That the~~~~The~~ permittee has been authorized temporarily to conduct the activities described in the permit modification request, and
  - ii) ~~That, unless~~~~Unless~~ the Agency acts to give final approval or denial of the request by the end of the authorization period, the permittee will receive authorization to conduct such activities for the life of the permit.
- B) If the owner or operator fails to notify the public by the date specified in subsection (f)(4)(A) ~~of this Section~~, the effective date of the permanent authorization will be deferred until 50 days after

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the owner or operator notifies the public.

- 5) Except as provided in subsection (f)(7) of this Section, if the Agency does not finally approve or deny a modification request before the end of the automatic or temporary authorization period or reclassify the modification as a Class 3 modification, the permittee is authorized to conduct the activities described in the permit modification request for the life of the permit unless modified later under Section 703.270 or Section 703.280. The activities authorized under this subsection must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 35 Ill. Adm. Code 725.
- 6) In making a decision to approve or deny a modification request, including a decision to issue a temporary authorization or to reclassify a modification as a Class 3, the Agency ~~must~~shall consider all written comments submitted to the Agency during the public comment period and ~~must~~shall respond in writing to all significant comments in the Agency's decision.
- 7) With the written consent of the permittee, the Agency may extend indefinitely or for a specified period the time periods for final approval or denial of a modification request or for reclassifying a modification as a Class 3.
- g) The Agency ~~must~~shall deny or change the terms of a Class 2 permit modification request under ~~subsections subsection~~ (f)(1) through (f)(3) of this Section for the following reasons:
  - 1) The modification request is incomplete;
  - 2) The requested modification does not comply with the appropriate requirements of 35 Ill. Adm. Code 724 or other applicable requirements;  
or
  - 3) The conditions of the modification fail to protect human health and the environment.
- h) The permittee may perform any construction associated with a Class 2 permit modification request beginning 60 days after the submission of the request unless the Agency establishes a later date for commencing construction and informs the permittee in writing before day 60.

BOARD NOTE: Derived from 40 CFR 270.42(b) ~~(2001), as amended at 53 Fed. Reg. 37934, September 28, 1988.~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.283 Class 3 Modifications**

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- a) For Class 3 modifications, listed in Appendix A, the permittee mustshall submit a modification request to the Agency that does the following:
- 1) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;
  - 2) Identifies that the modification is a Class 3 modification;
  - 3) Explains why the modification is needed; and
  - 4) Provides the applicable information required by Section 703.181 through 703.187, 703.201 through 703.209, 703.221 through 703.225, 703.230, and 703.232.
- b) The permittee mustshall send a notice of the modification request to all persons on the facility mailing list maintained by the Agency and to the appropriate units of State and local government, as specified in 35 Ill. Adm. Code 705.163(a)(5), and mustshall publish this notice in a newspaper of general circulation in the county in which the facility is located. This notice must be mailed and published within seven7 days before or after the date of submission of the modification request, and the permittee mustshall provide to the Agency evidence of the mailing and publication. The notice must include the following:
- 1) Announcement of a 60-day comment period, in accordance with subsection (e) of this Sectionbelow, and the name and address of an Agency contact to whom comments must be sent;
  - 2) Announcement of the date, time, and place for a public meeting held in accordance with subsection (d) of this Sectionbelow;
  - 3) Name and telephone number of the permittee's contact person;
  - 4) Name and telephone number of an Agency contact person;
  - 5) Locations where copies of the modification request and any supporting documents can be viewed and copies; and
  - 6) The following statement; "The permittee's compliance history during the life of the permit being modified is available from the Agency contact person."
- c) The permittee mustshall place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.
- d) The permittee mustshall hold a public meeting no earlier than 15 days after the publication of the notice required in subsection (b) of this Sectionabove and no later than 15 days before the close of the 60-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.
- e) The public mustshall be provided 60 days to comment on the modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments must be submitted to the Agency contact identified in the public notice.

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- f) After the conclusion of the 60-day comment period, the Agency ~~must~~shall grant or deny the permit modification request, according to the permit modification procedures of 35 Ill. Adm. Code 705. In addition, the Agency ~~must~~shall consider and respond to all significant written comments received during the 60-day comment period.

BOARD NOTE: Derived from 40 CFR 270.42(c) ~~(2001)~~(1992).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART H: REMEDIAL ACTION PLANS

**Section 703.300 ~~Why This Subpart Is Written in a Special~~ Regulatory Format**

USEPA wrote the federal counterpart to this Subpart H, 40 CFR 270, Subpart H, in a special format to make it easier to understand the regulatory requirements. The Board has adapted the substance of the corresponding federal regulations in this Subpart H to use a more conventional regulatory~~essentially the same~~ format, rather than the question-and-answer format used by USEPA. Like all other regulations, this Subpart establishes enforceable legal requirements.

BOARD NOTE: Derived from 40 CFR 270.79 ~~(2001)~~, ~~added at 63 Fed. Reg. 65941 (Nov. 30, 1998)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.301 General Information****a) Definition ofWhat is a RAP.?**

- 1) A RAP is a special form of RCRA permit that an owner or operator may obtain, instead of a permit issued under 35 Ill. Adm. Code 702 and this Part, to authorize the owner or operator to treat, store, or dispose of hazardous remediation waste (as defined in 35 Ill. Adm. Code 720.110) at a remediation waste management site. A RAP may only be issued for the area of contamination where the remediation wastes to be managed under the RAP originated, or areas in close proximity to the contaminated area, except as allowed in limited circumstances under Section 703.306.
- 2) The requirements in 35 Ill. Adm. Code 702 and this Part do not apply to RAPs unless those requirements for traditional RCRA permits are specifically required under this Subpart H. The definitions in 35 Ill. Adm. Code 702.110 apply to RAPs.
- 3) Notwithstanding any other provision of 35 Ill. Adm. Code 702 or this Part, any document that meets the requirements in this Section constitutes a

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RCRA permit, as defined in 35 Ill. Adm. Code 702.110.

- 4) A RAP may be either of the following:
  - A) A stand-alone document that includes only the information and conditions required by this Subpart H; or
  - B) A part (or parts) of another document that includes information or conditions for other activities at the remediation waste management site, in addition to the information and conditions required by this Subpart H.
- 5) If an owner or operator is treating, storing, or disposing of hazardous remediation wastes as part of a cleanup compelled by authorities issued by USEPA or the State of Illinois, a RAP does not affect the obligations under those authorities in any way.
- 6) If an owner or operator receives a RAP at a facility operating under interim status, the RAP does not terminate the facility's interim status.

BOARD NOTE: Subsection (a) is derived~~Derived~~ from 40 CFR 270.80 (2001)~~(1999)~~.

- b) When ~~does~~ an owner or operator needs~~need~~ a RAP?
  - 1) Whenever an owner or operator treats, stores, or disposes of hazardous remediation wastes in a manner that requires a RCRA permit under Section 703.121, an owner or operator must~~shall~~ obtain either of the following:
    - A) A RCRA permit according to 35 Ill. Adm. Code 702 and this Part; or
    - B) A RAP according to this Subpart H.
  - 2) Treatment units that use combustion of hazardous remediation wastes at a remediation waste management site are not eligible for RAPs under this Subpart H.
  - 3) An owner or operator may obtain a RAP for managing hazardous remediation waste at an already permitted RCRA facility. An owner or operator must~~shall~~ have the RAP approved as a modification to the owner's or operator's existing permit according to the requirements of Sections 703.270 through 703.273 or Sections 703.280 through 703.283 instead of the requirements in this Subpart H. However, when an owner or operator submits an application for such a modification, the information requirements in Sections 703.281(a)(1), 703.282(a)(4), and 703.283(a)(4) do not apply. Instead, an owner or operator must~~shall~~ submit the information required under Section 703.302(d). When the owner's or operator's RCRA permit is modified, the RAP becomes part of the RCRA permit. Therefore, when the owner's or operator's RCRA permit (including the RAP portion) is modified, revoked and reissued, or

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terminated, or when it expires, the permit will be modified according to the applicable requirements in Sections 703.270 through 703.273 or 703.280 through 703.283, it will be revoked and reissued, according to the applicable requirements in 35 Ill. Adm. Code 702.186 and Sections 703.270 through 703.273, or it will be terminated, according to the applicable requirements in 35 Ill. Adm. Code 702.186, or the permit will expire, according to the applicable requirements in 35 Ill. Adm. Code 702.125 and 702.161.

BOARD NOTE: ~~Subsection (b) is derived~~Derived from 40 CFR 270.85 (2001)(1999).

c) ~~Does a RAP grant an owner or operator any rights or relieve it of any obligations?~~

The provisions of 35 Ill. Adm. Code 702.181 apply to RAPs.

BOARD NOTE: ~~Subsection (c) is derived~~Derived from 40 CFR 270.90

(2001)(1999). The corresponding federal provision includes an explanation that 40 CFR 270.4 provides that compliance with a permit constitutes compliance with RCRA. This is contrary to Illinois law, under which compliance with a permit does not constitute an absolute defense to a charge of violation of a substantive standard other than a failure to operate in accordance with the terms of a permit. See 35 Ill. Adm. Code 702.181(a) and accompanying Board Note.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.302 Applying for a RAP**

a) Applying for a RAP. To apply for a RAP, an owner or operator ~~must~~shall complete an application, sign it, and submit it to the Agency according to the requirements in this Subpart H.

BOARD NOTE: ~~Subsection (a) is derived~~Derived from 40 CFR 270.95 (2001); added at 63 Fed. Reg. 65942 (Nov. 30, 1998).

b) ~~The person who~~Who must obtain a RAP. When a facility or remediation waste management site is owned by one person, but the treatment, storage, or disposal activities are operated by another person, it is the operator's duty to obtain a RAP, except that the owner ~~must~~shall also sign the RAP application.

BOARD NOTE: ~~Subsection (b) is derived~~Derived from 40 CFR 270.100 (2001); added at 63 Fed. Reg. 65942 (Nov. 30, 1998).

c) ~~The person who~~Who must sign the application and any required reports for a RAP. Both the owner and the operator ~~must~~shall sign the RAP application and any required reports according to 35 Ill. Adm. Code 702.126(a), (b), and (c). In the application, both the owner and the operator ~~must~~shall also make the certification required under 35 Ill. Adm. Code 702.126(d)(1). However, the

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owner may choose the alternative certification under 35 Ill. Adm. Code 702.126(d)(2) if the operator certifies under 35 Ill. Adm. Code 702.126(d)(1).  
BOARD NOTE: ~~Subsection (c) is derived~~ Derived from 40 CFR 270.105 (2001);  
~~added at 63 Fed. Reg. 65942 (Nov. 30, 1998).~~

- d) What ~~must~~ an owner or operator include in its application for a RAP? An owner or operator ~~must shall~~ include the following information in its application for a RAP:
- 1) The name, address, and USEPA identification number of the remediation waste management site;
  - 2) The name, address, and telephone number of the owner and operator;
  - 3) The latitude and longitude of the site;
  - 4) The United States Geological Survey (USGS) or county map showing the location of the remediation waste management site;
  - 5) A scaled drawing of the remediation waste management site showing the following:
    - A) The remediation waste management site boundaries;
    - B) Any significant physical structures; and
    - C) The boundary of all areas on-site where remediation waste is to be treated, stored, or disposed of;
  - 6) A specification of the hazardous remediation waste to be treated, stored, or disposed of at the facility or remediation waste management site. This must include information on the following:
    - A) Constituent concentrations and other properties of the hazardous remediation wastes that may affect how such materials should be treated or otherwise managed;
    - B) An estimate of the quantity of these wastes; and
    - C) A description of the processes an owner or operator will use to treat, store, or dispose of this waste, including technologies, handling systems, design, and operating parameters an owner or operator will use to treat hazardous remediation wastes before disposing of them according to the land disposal restrictions of 35 Ill. Adm. Code 728, as applicable;
  - 7) Enough information to demonstrate that operations that follow the provisions in the owner's or operator's RAP application will ensure compliance with applicable requirements of 35 Ill. Adm. Code 724, 726, and 728;
  - 8) Such information as may be necessary to enable the Agency to carry out its duties under other federal laws as is required for traditional RCRA permits under Section 703.183(t);
  - 9) Any other information the Agency decides is necessary for demonstrating

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compliance with this Subpart H or for determining any additional RAP conditions that are necessary to adequately protect human health and the environment.

BOARD NOTE: ~~Subsection (d) is derived~~Derived from 40 CFR 270.110 (2001); added at 63 Fed. Reg. 65942 (Nov. 30, 1998).

- e) ~~If~~What if an owner or operator wants to keep this information confidential? 35 Ill. Adm. Code 120 allows an owner or operator to claim as confidential any or all of the information an owner or operator submits to the Agency under this Subpart H. An owner or operator ~~must~~shall assert any such claim at the time that the owner or operator submits its RAP application or other submissions by stamping the words "trade secret" in red ink, as provided in 35 Ill. Adm. Code 120.305. If an owner or operator asserts a claim in compliance with 35 Ill. Adm. Code 120.201 at the time it submits the information, the Agency ~~must~~shall treat the information according to the procedures in 35 Ill. Adm. Code 120. If an owner or operator does not assert a claim at the time it submits the information, the Agency ~~must~~shall make the information available to the public without further notice to the owner or operator. The Agency must deny any requests for confidentiality of the owner's or operator's name or address.

BOARD NOTE: ~~Subsection (e) is derived~~Derived from 40 CFR 270.115 (2001); added at 63 Fed. Reg. 65943 (Nov. 30, 1998).

- f) To whom ~~must~~the owner or operator ~~must~~ submit its RAP application? An owner or operator ~~must~~shall submit its application for a RAP to the Agency for approval.

BOARD NOTE: ~~Subsection (f) is derived~~Derived from 40 CFR 270.120 (2001); added at 63 Fed. Reg. 65943 (Nov. 30, 1998).

- g) If an owner or operator submits its RAP application as part of another document, what ~~must~~the owner or operator ~~must~~ do? If an owner or operator submits its application for a RAP as a part of another document, an owner or operator ~~must~~shall clearly identify the components of that document that constitute its RAP application.

BOARD NOTE: ~~Subsection (g) is derived~~Derived from 40 CFR 270.125 (2001); added at 63 Fed. Reg. 65943 (Nov. 30, 1998).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 703.303 Getting a RAP Approved

- a) ~~The~~What is the process for approving or denying an application for a RAP? 2  
 1) If the Agency tentatively finds that an owner's or operator's RAP application includes all of the information required by Section 703.302(d)

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and that the proposed remediation waste management activities meet the regulatory standards, the Agency ~~must~~shall make a tentative decision to approve the RAP application. The Agency ~~must~~shall then prepare a draft RAP and provide an opportunity for public comment before making a final decision on the RAP application, according to this Subpart H.

- 2) If the Agency tentatively finds that the owner's or operator's RAP application does not include all of the information required by Section 703.302(d) or that the proposed remediation waste management activities do not meet the regulatory standards, the Agency may request additional information from an owner or operator or ask an owner or operator to correct deficiencies in the owner's or operator's application. If an owner or operator fails or refuses to provide any additional information the Agency requests, or to correct any deficiencies in its RAP application, the Agency may either make a tentative decision to deny that owner's or operator's RAP application or to approve that application with certain changes, as allowed under Section 39 of the Act [415 ILCS 5/39]. After making this tentative decision, the Agency ~~must~~shall prepare a notice of intent to deny the RAP application ("notice of intent to deny") or to approve that application with certain changes and provide an opportunity for public comment before making a final decision on the RAP application, according to the requirements in this Subpart H.

BOARD NOTE: ~~Subsection (a) is derived~~Derived from 40 CFR 270.130 (2001) ~~(1999)~~.

- b) What ~~must~~must the Agency must include in a draft RAP? If the Agency prepares a draft RAP, the draft must include the following information:
- 1) The information required under Section 703.302(d)(1) through (d)(6);
  - 2) The following terms and conditions:
    - A) Terms and conditions necessary to ensure that the operating requirements specified in the RAP comply with applicable requirements of 35 Ill. Adm. Code 724, 726, and 728 (including any recordkeeping and reporting requirements). In satisfying this provision, the Agency may incorporate, expressly or by reference, applicable requirements of 35 Ill. Adm. Code 724, 726, and 728 into the RAP or establish site-specific conditions, as required or allowed by 35 Ill. Adm. Code 724, 726, and 728;
    - B) The terms and conditions in Subpart F of this Part;
    - C) The terms and conditions for modifying, revoking and reissuing, and terminating the RAP, as provided in Section 703.304(a); and
    - D) Any additional terms or conditions that the Agency determines are necessary to protect human health and the environment, including

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any terms and conditions necessary to respond to spills and leaks during use of any units permitted under the RAP; and

- 3) If the draft RAP is part of another document, as described in Section 703.301(a)(4)(B), the Agency ~~must~~shall clearly identify the components of that document that constitute the draft RAP.

BOARD NOTE: Subsection (b) is derived~~Derived~~ from 40 CFR 270.135 (2001)(1999).

- c) What else ~~must~~the Agency must prepare in addition to the draft RAP or notice of intent to deny.? Once the Agency has prepared the draft RAP or notice of intent to deny, it ~~must~~shall then do the following:

- 1) Prepare a statement of basis that briefly describes the derivation of the conditions of the draft RAP and the reasons for them, or the rationale for the notice of intent to deny;
- 2) Compile an administrative record, including the following information:
  - A) The RAP application, and any supporting data furnished by the applicant;
  - B) The draft RAP or notice of intent to deny;
  - C) The statement of basis and all documents cited therein (material readily available at the applicable Agency office or published material that is generally available need not be physically included with the rest of the record, as long as it is specifically referred to in the statement of basis); and
  - D) Any other documents that support the decision to approve or deny the RAP; and
- 3) Make information contained in the administrative record available for review by the public upon request.

BOARD NOTE: Subsection (c) is derived~~Derived~~ from 40 CFR 270.140 (2001)(1999).

- d) ~~The~~What are the procedures for public comment on the draft RAP or notice of intent to deny.?

- 1) The Agency ~~must~~shall publish notice of its intent as follows:
  - A) Send notice to an owner or operator of its intention to approve or deny the owner's or operator's RAP application, and send an owner or operator a copy of the statement of basis;
  - B) Publish a notice of its intention to approve or deny the owner's or operator's RAP application in a major local newspaper of general circulation;
  - C) Broadcast its intention to approve or deny the owner's or operator's RAP application over a local radio station; and
  - D) Send a notice of its intention to approve or deny the owner's or

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operator's RAP application to each unit of local government having jurisdiction over the area in which the owner's or operator's site is located, and to each State agency having any authority under State law with respect to any construction or operations at the site.

- 2) The notice required by subsection (d)(1) of this Section must provide an opportunity for the public to submit written comments on the draft RAP or notice of intent to deny within at least 45 days.
- 3) The notice required by subsection (d)(1) of this Section must include the following information:
  - A) The name and address of the Agency office processing the RAP application;
  - B) The name and address of the RAP applicant, and if different, the remediation waste management site or activity the RAP will regulate;
  - C) A brief description of the activity the RAP will regulate;
  - D) The name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft RAP or notice of intent to deny, statement of basis, and the RAP application;
  - E) A brief description of the comment procedures in this Section, and any other procedures by which the public may participate in the RAP decision;
  - F) If a hearing is scheduled, the date, time, location, and purpose of the hearing;
  - G) If a hearing is not scheduled, a statement of procedures to request a hearing;
  - H) The location of the administrative record, and times when it will be open for public inspection; and
  - I) Any additional information that the Agency considers necessary or proper.
- 4) If, within the comment period, the Agency receives written notice of opposition to its intention to approve or deny the owner's or operator's RAP application and a request for a hearing, the Agency ~~must~~shall hold an informal public hearing to discuss issues relating to the approval or denial of the owner's or operator's RAP application. The Agency may also determine on its own initiative that an informal hearing is appropriate. The hearing must include an opportunity for any person to present written or oral comments. Whenever possible, the Agency ~~must~~shall schedule this hearing at a location convenient to the nearest population center to the remediation waste management site and give notice according to the

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requirements in subsection (d)(1) of this Section. This notice must, at a minimum, include the information required by subsection (d)(3) of this Section and the following additional information:

- A) A reference to the date of any previous public notices relating to the RAP application;
- B) The date, time, and place of the hearing; and
- C) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

BOARD NOTE: ~~Subsection (d) is derived~~ Derived from 40 CFR 270.145 (2001)(1999).

- e) How ~~must~~ the Agency must make a final decision on a RAP application?<sup>2</sup>
  - 1) The Agency ~~must shall~~ consider and respond to any significant comments raised during the public comment period or during any hearing on the draft RAP or notice of intent to deny, and the Agency may revise the draft RAP based on those comments, as appropriate.
  - 2) If the Agency determines that the owner's or operator's RAP includes the information and terms and conditions required in subsection (b) of this Section, then it will issue a final decision approving the owner's or operator's RAP and, in writing, notify the owner or operator and all commenters on the owner's or operator's draft RAP that the RAP application has been approved.
  - 3) If the Agency determines that the owner's or operator's RAP does not include the information required in subsection (b) of this Section, then it will issue a final decision denying the RAP and, in writing, notify the owner or operator and all commenters on the owner's or operator's draft RAP that the RAP application has been denied.
  - 4) If the Agency's final decision is that the tentative decision to deny the RAP application was incorrect, it ~~mustshall~~ withdraw the notice of intent to deny and proceed to prepare a draft RAP, according to the requirements in this Subpart H.
  - 5) When the Agency issues its final RAP decision, it ~~mustshall~~ refer to the procedures for appealing the decision under subsection (f) of this Section.
  - 6) Before issuing the final RAP decision, the Agency ~~mustshall~~ compile an administrative record. Material readily available at the applicable Agency office or published materials that are generally available and which are included in the administrative record need not be physically included with the rest of the record, as long as it is specifically referred to in the statement of basis or the response to comments. The administrative record for the final RAP must include information in the administrative record for the draft RAP (see subsection (c)(2) of this Section) and the following

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items:

- A) All comments received during the public comment period;
  - B) Tapes or transcripts of any hearings;
  - C) Any written materials submitted at these hearings;
  - D) The responses to comments;
  - E) Any new material placed in the record since the draft RAP was issued;
  - F) Any other documents supporting the RAP; and
  - G) A copy of the final RAP.
- 7) The Agency ~~must~~**shall** make information contained in the administrative record available for review by the public upon request.

BOARD NOTE: ~~Subsection (e) is derived~~**Derived** from 40 CFR 270.150 (2001)~~(1999)~~.

- f) ~~Administrative appeal of a~~**May the** decision to approve or deny a RAP application ~~be administratively appealed?~~

- 1) Any commenter on the draft RAP or notice of intent to deny, or any participant in any public hearing on the draft RAP, may appeal the Agency's decision to approve or deny the owner's or operator's RAP application to the Board under 35 Ill. Adm. Code 705.212. Any person that did not file comments, or did not participate in any public hearings on the draft RAP, may petition for administrative review only to the extent of the changes from the draft to the final RAP decision. Appeals of RAPs may be made to the same extent as for final permit decisions under 35 Ill. Adm. Code 705.201 (or a decision under Section 703.240 to deny a permit for the active life of a RCRA hazardous waste management facility or unit). Instead of the notice required under ~~Subpart D of~~**Subpart D of** 35 Ill. Adm. Code 705.~~Subpart D~~ and 705.212(c), the Agency ~~must~~**shall** give public notice of any grant of review of a RAP through the same means used to provide notice under subsection (d) of this Section. The notice will include the following information:
- A) The public hearing and any briefing schedule for the appeal, as provided by the Board;
  - B) A statement that any interested person may participate in the public hearing or file public comments or an amicus brief with the Board; and
  - C) The information specified in subsection (d)(3) of this Section, as appropriate.
- 2) This appeal is a prerequisite to seeking judicial review of these Agency actions.

BOARD NOTE: ~~Subsection (f) is derived~~**Derived** from 40 CFR 270.155

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- ~~(2001)(1999).~~
- g) When ~~does~~ a RAP ~~becomes~~~~become~~ effective~~?~~ A RAP becomes effective 35 days after the Agency notifies the owner or operator and all commenters that the RAP is approved, unless any of the following is true:
- 1) The Agency specifies a later effective date in its decision;
  - 2) An owner or operator or another person has appealed the RAP under subsection (f) of this Section (if the RAP is appealed, and the request for review is granted under subsection (f), conditions of the RAP are stayed according to 35 Ill. Adm. Code 705.202 through 705.204); or
  - 3) No commenters requested a change in the draft RAP, in which case the RAP becomes effective immediately when it is issued.

BOARD NOTE: Subsection (g) is derived~~Derived~~ from 40 CFR 270.160 ~~(2001)(1999)~~. The corresponding federal provision provides that a RAP is effective 30 days after the Agency notice of approval. The Board has used 35 days to be consistent with the 35 days within which a permit appeal must be filed under Section 40(a)(1) of the Act [415 ILCS 5/40(a)(1)].

- h) When ~~may~~ an owner or operator ~~may~~ begin physical construction of new units permitted under the RAP? An owner or operator ~~must~~~~shall~~ not begin physical construction of new units permitted under the RAP for treating, storing, or disposing of hazardous remediation waste before receiving a final, effective RAP.
- BOARD NOTE: Subsection (h) is derived~~Derived~~ from 40 CFR 270.165 ~~(2001)(1999)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.304 How a RAP May Be Modified, Revoked and Reissued, or Terminated**

- a) After a RAP is issued, how ~~may~~ it ~~may~~ be modified, revoked and reissued, or terminated~~?~~ In a RAP, the Agency ~~must~~~~shall~~ specify, either directly or by reference, procedures for any future modification, revocation and reissuance, or termination of the RAP. These procedures must provide adequate opportunities for public review and comment on any modification, revocation and reissuance, or termination that would significantly change the owner's or operator's management of its remediation waste, or that otherwise merits public review and comment. If the RAP has been incorporated into a traditional RCRA permit, as allowed under Section 703.301(b)(3), then the RAP will be modified according to the applicable requirements in Sections 703.260 through 703.283, revoked and reissued according to the applicable requirements in 35 Ill. Adm. Code 702.186 and Sections 703.270 through 703.273, or terminated according to the applicable requirements of 35 Ill. Adm. Code 702.186.

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BOARD NOTE: ~~Subsection (a) is derived~~ Derived from 40 CFR 270.170 (2001)(1999).

- b) ~~Reasons for which~~ For what reasons may the Agency may choose to modify a final RAP? ~~?~~
- 1) The Agency may modify the owner's or operator's final RAP on its own initiative only if one or more of the following reasons listed in this Section exist. If one or more of these reasons do not exist, then the Agency ~~must~~ shall not modify a final RAP, except at the request of the owner or operator. Reasons for modification are the following:
    - A) The owner or operator made material and substantial alterations or additions to the activity that justify applying different conditions;
    - B) The Agency finds new information that was not available at the time of RAP issuance and would have justified applying different RAP conditions at the time of issuance;
    - C) The standards or regulations on which the RAP was based have changed because of new or amended statutes, standards, or regulations or by judicial decision after the RAP was issued;
    - D) If the RAP includes any schedules of compliance, the Agency may find reasons to modify the owner's or operator's compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which an owner or operator has little or no control and for which there is no reasonably available remedy;
    - E) The owner or operator is not in compliance with conditions of its RAP;
    - F) The owner or operator failed in the application or during the RAP issuance process to disclose fully all relevant facts, or an owner or operator misrepresented any relevant facts at the time;
    - G) The Agency has determined that the activity authorized by the owner's or operator's RAP endangers human health or the environment and can only be remedied by modifying the RAP; or
    - H) The owner or operator has notified the Agency (as required in the RAP and under 35 Ill. Adm. Code 702.152(c)) of a proposed transfer of a RAP.
  - 2) Notwithstanding any other provision in this Section, when the Agency reviews a RAP for a land disposal facility under Section 703.304(f), it may modify the permit as necessary to assure that the facility continues to comply with the currently applicable requirements in 35 Ill. Adm. Code 702, 703, 705, and 720 through 726.
  - 3) The Agency ~~must~~ shall not reevaluate the suitability of the facility location at the time of RAP modification unless new information or standards

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indicate that a threat to human health or the environment exists that was unknown when the RAP was issued.

BOARD NOTE: ~~Subsection (b) is derived~~ ~~Derived~~ from 40 CFR 270.175 (2001)(1999).

- c) ~~Reasons for which~~ ~~For what reasons may~~ the Agency may choose to revoke and reissue a final RAP ~~?~~
- 1) The Agency may revoke and reissue a final RAP on its own initiative only if one or more reasons for revocation and reissuance exist. If one or more reasons do not exist, then the Agency ~~must~~ ~~shall~~ not modify or revoke and reissue a final RAP, except at the owner's or operator's request. Reasons for modification or revocation and reissuance are the same as the reasons listed for RAP modifications in subsections (b)(1)(E) through (b)(1)(H) of this Section if the Agency determines that revocation and reissuance of the RAP is appropriate.
  - 2) The Agency ~~must~~ ~~shall~~ not reevaluate the suitability of the facility location at the time of RAP revocation and reissuance, unless new information or standards indicate that a threat to human health or the environment exists that was unknown when the RAP was issued.

BOARD NOTE: ~~Subsection (c) is derived~~ ~~Derived~~ from 40 CFR 270.180 (2001)(1999).

- d) ~~Reasons for which~~ ~~For what reasons may~~ the Agency may choose to terminate a final RAP, or deny a renewal application ~~?~~ The Agency may terminate a final RAP on its own initiative or deny a renewal application for the same reasons as those listed for RAP modifications in subsections (b)(1)(E) through (b)(1)(G) of this Section if the Agency determines that termination of the RAP or denial of the RAP renewal application is appropriate.

BOARD NOTE: ~~Subsection (d) is derived~~ ~~Derived~~ from 40 CFR 270.185 (2001)(1999).

- e) ~~Administrative appeal of an Agency~~ ~~May the~~ decision to approve or deny a modification, ~~revocation and~~-reissuance, or termination of a RAP ~~be administratively appealed?~~
- 1) Any commenter on the modification, ~~revocation and~~-reissuance, or ~~termination, or~~ any person that participated in any hearing on these actions, may appeal the Agency's decision to approve a modification, ~~revocation and~~-reissuance, or termination of a RAP, according to Section 703.303(f). Any person that did not file comments or did not participate in any public hearing on the modification, ~~revocation and~~-reissuance, or termination may petition for administrative review only of the changes from the draft to the final RAP decision.
  - 2) Any commenter on the modification, ~~revocation and~~-reissuance, or

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termination, or any person that participated in any hearing on these actions, may appeal the Agency's decision to deny a request for modification, ~~revocation and~~ reissuance, or termination to the Board. Any person that did not file comments or ~~who which~~ did not participate in any public hearing on the modification, ~~revocation and~~ reissuance, or termination may petition for administrative review only of the changes from the draft to the final RAP decision.

3) The procedure for appeals of RAPs is as follows:

- A) The person appealing the decision ~~must shall~~ send a petition to the Board pursuant to 35 Ill. Adm. Code 101 and 105. The petition must briefly set forth the relevant facts, state the defect or fault that serves as the basis for the appeal, and explain the basis for the petitioner's legal standing to pursue the appeal.
- B) The Board has 120 days after receiving the petition to act on it.
- C) If the Board does not take action on the petition within 120 days after receiving it, the appeal shall be considered denied.

BOARD NOTE: Corresponding 40 CFR 270.190(c)(2) and (c)(3) ~~(2001)(1999)~~ allow 60 days for administrative review, which is too short a time for the Board to publish the appropriate notices, conduct public hearings, and conduct its review. Rather, the Board has borrowed the 120 days allowed as adequate time for Board review of permit appeals provided in Section 40(a)(2) of the Act [415 ILCS 5/40(a)(2)].

4) This appeal is a prerequisite to seeking judicial review of the Agency action on the RAP.

BOARD NOTE: ~~Subsection (e) is derived~~ Derived from 40 CFR 270.190 ~~(2001)(1999)~~. The corresponding federal provisions provide for informal appeal of an Agency RAP decision. There is no comparable informal procedure under Sections 39 and 40 of the Act [415 ILCS 5/39 and 40].

f) ~~Expiration of~~ ~~When will~~ a RAP ~~expire?~~ RAPs must be issued for a fixed term, not to exceed ~~ten~~10 years, although they may be renewed upon approval by the Agency in fixed increments of no more than ten years. In addition, the Agency ~~must shall~~ review any RAP for hazardous waste land disposal five years after the date of issuance or reissuance and the owner or operator or the Agency ~~must shall~~ follow the requirements for modifying the RAP as necessary to assure that the owner or operator continues to comply with currently applicable requirements in the Act and ~~federal~~ RCRA sections 3004 and 3005 ~~(42 USC 6904 and 6905)~~.

BOARD NOTE: ~~Subsection (f) is derived~~ Derived from 40 CFR 270.195 ~~(2001)(1999)~~.

g) How ~~may~~ an owner or operator ~~may~~ renew a RAP that is expiring? If an owner

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or operator wishes to renew an expiring RAP, the owner or operator ~~must~~shall follow the process for application for and issuance of RAPs in this Subpart H.  
BOARD NOTE: ~~Subsection (g) is derived~~Derived from 40 CFR 270.200 (2001)(1999).

- h) What happens if the owner or operator has applied correctly for a RAP renewal but has not received approval by the time its old RAP expires?? If the owner or operator has submitted a timely and complete application for a RAP renewal, but the Agency, through no fault of the owner or operator, has not issued a new RAP with an effective date on or before the expiration date of the previous RAP, the previous RAP conditions continue in force until the effective date of the new RAP or RAP denial.

BOARD NOTE: ~~Subsection (h) is derived~~Derived from 40 CFR 270.205 (2001)(1999).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.305 Operating Under a RAP**

- a) ~~The records~~What records must an owner or operator must maintain concerning its RAP?? An owner or operator is required to keep records of the following:
- 1) All data used to complete RAP applications and any supplemental information that an owner or operator submits for a period of at least three years from the date the application is signed; and
  - 2) Any operating or other records the Agency requires an owner or operator to maintain as a condition of the RAP.

BOARD NOTE: ~~Subsection (a) is derived~~Derived from 40 CFR 270.210 (2001); added at 63 Fed. Reg. 65945 (Nov. 30, 1998).

- b) How ~~are~~are time periods in the requirements in Subpart H of this Part and the RAP are computed??
- 1) Any time period scheduled to begin on the occurrence of an act or event must begin on the day after the act or event. (For example, if a RAP specifies that the owner or operator ~~must~~shall close a staging pile within 180 days after the operating term for that staging pile expires, and the operating term expires on June 1, then June 2 counts as day one of the 180 days, and the owner or operator would have to complete closure by November 28.)
  - 2) Any time period scheduled to begin before the occurrence of an act or event must be computed so that the period ends on the day before the act or event. (For example, if an owner or operator is transferring ownership or operational control of its site, and the owner or operator wishes to

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transfer its RAP, the new owner or operator ~~must~~ shall submit a revised RAP application no later than 90 days before the scheduled change. Therefore, if an owner or operator plans to change ownership on January 1, the new owner or operator ~~must~~ shall submit the revised RAP application no later than October 3, so that the 90th day would be December 31.)

- 3) If the final day of any time period falls on a weekend or legal holiday, the time period must be extended to the next working day. (For example, if an owner or operator wishes to appeal the Agency's decision to modify its RAP, then an owner or operator ~~must~~ shall petition the Board within 35 days after the Agency has issued the final RAP decision. If the 35th day falls on Sunday, then the owner or operator may submit its appeal by the Monday after. If the 35th day falls on July 4th, then the owner or operator may submit its appeal by July 5th.)
- 4) Whenever a party or interested person has the right to or is required to act within a prescribed period after the service of notice or other paper upon him by mail, four days may not be added to the prescribed term. (For example, if an owner or operator wishes to appeal the Agency's decision to modify its RAP, then the owner or operator ~~must~~ shall petition the Board within 35 days after the Agency has issued the final RAP decision.)

BOARD NOTE: ~~Subsection (b) is derived~~ Derived from 40 CFR 270.215 (2001); ~~added at 63 Fed. Reg. 65945 (Nov. 30, 1998)~~. Federal subsections (c) and (d) provide that a RAP is effective 30 days after the Agency notice of approval. The Board has used 35 days to be consistent with the 35 days within which a permit appeal must be filed under Section 40(a)(1) of the Act [415 ILCS 5/40(a)(1)]. Further, federal subsection (d) provides three days for completion of service by mail. The addition of four days (see procedural rule 35 Ill. Adm. Code 101.144(c)) to be consistent with 40 CFR 270.215(d) would exceed the 35 days allowed under Section 40(a)(1) of the Act [415 ILCS 5/40(a)(1)].

- c) How ~~may~~ an owner or operator ~~may~~ transfer its RAP to a new owner or operator.?<sup>?</sup>
  - 1) If an owner or operator wishes to transfer its RAP to a new owner or operator, the owner or operator ~~must~~ shall follow the requirements specified in its RAP for RAP modification to identify the new owner or operator, and incorporate any other necessary requirements. These modifications do not constitute "significant" modifications for purposes of Section 703.304(a). The new owner or operator ~~must~~ shall submit a revised RAP application no later than 90 days before the scheduled change along with a written agreement containing a specific date for transfer of RAP responsibility between the owner or operator and the new permittees.
  - 2) When a transfer of ownership or operational control occurs, the old owner

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or operator ~~must~~shall comply with the applicable requirements in ~~Subpart H of~~ 35 Ill. Adm. Code 724.~~Subpart H~~ (Financial Requirements) until the new owner or operator has demonstrated that it is complying with the requirements in that Subpart. The new owner or operator shall demonstrate compliance with ~~Subpart H of~~ 35 Ill. Adm. Code 724.~~Subpart H~~ within six months after the date of the change in ownership or operational control of the facility or remediation waste management site. When the new owner or operator demonstrates compliance with ~~Subpart H of~~ 35 Ill. Adm. Code 724.~~Subpart H~~ to the Agency, the Agency ~~must~~shall notify the former owner or operator that it no longer needs to comply with ~~Subpart H of~~ 35 Ill. Adm. Code 724.~~Subpart H~~ as of the date of demonstration.

BOARD NOTE: ~~Subsection (c) is derived~~Derived from 40 CFR 270.220 (2001); ~~added at 63 Fed. Reg. 65946 (Nov. 30, 1998).~~

- d) What ~~must~~ the Agency ~~must~~shall report about noncompliance with RAPs?? The Agency ~~must~~shall report noncompliance with RAPs according to the provisions of 40 CFR 270.5, incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: ~~Subsection (c) is derived~~Derived from 40 CFR 270.225 (2001); ~~added at 63 Fed. Reg. 65946 (Nov. 30, 1998).~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 703.306 Obtaining a RAP for an Off-Site Location**

~~An~~May an owner or operator ~~may~~shall perform remediation waste management activities under a RAP at a location removed from the area where the remediation wastes originated??

- a) An owner or operator may request a RAP for remediation waste management activities at a location removed from the area where the remediation wastes originated if the owner or operator believes such a location would be more protective than the contaminated area or areas in close proximity.
- b) If the Agency determines that an alternative location, removed from the area where the remediation waste originated, is more protective than managing remediation waste at the area of contamination or areas in close proximity, then the Agency ~~must~~shall approve a RAP for this alternative location.
- c) An owner or operator ~~must~~shall request the RAP, and the Agency ~~must~~shall approve or deny the RAP, according to the procedures and requirements in this Subpart H.
- d) A RAP for an alternative location must also meet the following requirements, which the Agency ~~must~~shall include in the RAP for such locations:
  - 1) The RAP for the alternative location must be issued to the person

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- responsible for the cleanup from which the remediation wastes originated;
- 2) The RAP is subject to the expanded public participation requirements in Sections 703.191, 703.192, and 703.193;
  - 3) The RAP is subject to the public notice requirements in 35 Ill. Adm. Code 705.163;
  - 4) The site permitted in the RAP may not be located within 61 meters or 200 feet of a fault that has had displacement in the Holocene time. (The owner or operator ~~must~~shall demonstrate compliance with this standard through the requirements in Section 703.183(k).) (See the definitions of terms in 35 Ill. Adm. Code 724.118(a).)

BOARD NOTE: Sites in Illinois are assumed to be in compliance with the requirement of subsection (d)(4) of this Section, since they are not listed in 40 CFR 264, Appendix VI.

- e) These alternative locations are remediation waste management sites, and retain the following benefits of remediation waste management sites:
  - 1) Exclusion from facility-wide corrective action under 35 Ill. Adm. Code 724.201; and
  - 2) Application of 35 Ill. Adm. Code 724.101(j) in lieu of Subparts B, C, and D of 35 Ill. Adm. Code 724.~~Subparts B, C, and D.~~

BOARD NOTE: Derived from 40 CFR 270.230 (2001)~~(1999)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

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

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

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- i) Retain permit conditions that address releases during startup, shutdown, and malfunction events, including releases from emergency safety vents, as these events are defined in the facility's startup, shutdown, and malfunction plan required under 40 CFR 63.1206(c)(2), incorporated by reference in 35 Ill. Adm. Code 720.111; and
    - ii) Limit applicability of those permit conditions only to when the facility is operating under its startup, shutdown, and malfunction plan.
  - B) Revise relevant permit conditions. Under this option, the Agency must do the following:
    - i) Identify a subset of relevant existing permit requirements, or develop alternative permit requirements, that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency safety vents, based on review of information including the source's startup, shutdown, and malfunction plan, design, and operating history; and
    - ii) Retain or add these permit requirements to the permit to apply only when the facility is operating under its startup, shutdown, and malfunction plan.
    - iii) The owner or operator must comply with subsection (a)(3) of this Section.
- BOARD NOTE: The Board found it necessary to deviate from the structure of corresponding 40 CFR 270.235(a)(1)(ii) in this subsection (a)(1)(B) in order to comport with Illinois Administrative Code codification requirements. The substance of 40 CFR 270.235(a)(1)(ii)(A), (a)(1)(ii)(A)(I), and (a)(1)(ii)(A)(2) appear as subsections (a)(1)(B), (a)(1)(B)(i), and (a)(1)(B)(ii). The substance of 40 CFR 270.235(a)(1)(ii)(B) has been codified as subsection (a)(3) of this Section. Subsection (a)(1)(B)(iii) of this Section was added to direct attention to subsection (a)(3).
- C) Remove permit conditions. Under this option the following are required:
  - i) The owner or operator must document that the startup, shutdown, and malfunction plan required under 40 CFR 63.1206(c)(2), incorporated by reference in 35 Ill. Adm. Code 720.111, has been approved by the Administrator under 40 CFR 63.1206(c)(2)(ii)(B), incorporated by reference in 35 Ill. Adm. Code 720.111; and

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- ii) The Agency must remove permit conditions that are no longer applicable according to 35 Ill. Adm. Code 724.440(b) and 726.200(b).
- 2) Addressing permit conditions upon permit reissuance. The owner or operator of an incinerator, cement kiln, or lightweight aggregate kiln that has conducted a comprehensive performance test and submitted to the Agency a Notification of Compliance documenting compliance with the standards of 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111§, may request in the application to reissue the permit for the combustion unit that the Agency control emissions from startup, shutdown, and malfunction events under any of the following options:
- A) RCRA option A. Under this option, the Agency must do the following:
    - i) Include, in the permit, conditions that ensure compliance with 35 Ill. Adm. Code 724.445(a) and (c) or 726.202(e)(1) and (e)(2)(C) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events, including releases from emergency safety vents; and
    - ii) Specify that these permit requirements apply only when the facility is operating under its startup, shutdown, and malfunction plan; or
- BOARD NOTE: The Board found it necessary to deviate from the structure of corresponding 40 CFR 270.235(a)(2)(i) in this subsection (a)(2)(A) in order to comport with Illinois Administrative Code codification requirements. The substance of 40 CFR 270.235(a)(2)(i)(A), (a)(2)(i)(A)(1), and (a)(2)(i)(A)(2) appear as subsections (a)(2)(A), (a)(2)(A)(i), and (a)(2)(A)(ii).
- B) RCRA option B. Under this option, the Agency must:
    - i) Include, in the permit conditions, that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency safety vents, based on review of information including the source's startup, shutdown, and malfunction plan, design, and operating history; and
    - ii) Specify that these permit requirements apply only when the facility is operating under its startup, shutdown, and malfunction plan.
    - iii) The owner or operator must comply with subsection (a)(3) of this Section.

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

- C) CAA option. Under this option the following are required:
- i) The owner or operator must document that the startup, shutdown, and malfunction plan required under 40 CFR 63.1206(c)(2), incorporated by reference in 35 Ill. Adm. Code 720.111, has been approved by the Agency under 40 CFR 63.1206(c)(2)(ii)(B), incorporated by reference in 35 Ill. Adm. Code 720.111; and
  - ii) The Agency must omit from the permit conditions that are not applicable under 35 Ill. Adm. Code 724.440(b) and 726.200(b).
- 3) Changes that may significantly increase emissions.
- A) The owner or operator must notify the Agency in writing of changes to the startup, shutdown, and malfunction plan or changes to the design of the source that may significantly increase emissions of toxic compounds from startup, shutdown, or malfunction events, including releases from emergency safety vents. The owner or operator must notify the Agency of such changes within five days of making such changes. The owner or operator must identify in the notification recommended revisions to permit conditions necessary as a result of the changes to ensure that emissions of toxic compounds are minimized during these events.
  - B) The Agency may revise permit conditions as a result of these changes to ensure that emissions of toxic compounds are minimized during startup, shutdown, or malfunction events, including releases from emergency safety vents in either of the following ways:
    - i) Upon permit renewal; or;
    - ii) If warranted, by modifying the permit under §§ 270.41(a) or 270.42.

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

- b) Interim status facilities.
- 1) Interim status operations. In compliance with 35 Ill. Adm. Code 725.440 and 726.200(b), the owner or operator of an incinerator, cement kiln, or lightweight aggregate kiln that is operating under the interim status standards of 35 Ill. Adm. Code 725 or 726 may control emissions of toxic compounds during startup, shutdown, and malfunction events under either of the following options after conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance documenting compliance with the standards of 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111:
- A) RCRA option. Under this option, the owner or operator must continue to comply with the interim status emission standards and operating requirements of 35 Ill. Adm. Code 725 or 726 relevant to control of emissions from startup, shutdown, and malfunction events. Those standards and requirements apply only during startup, shutdown, and malfunction events; or
- B) CAA option. Under this option, the owner or operator is exempt from the interim status standards of 35 Ill. Adm. Code 725 or 726 relevant to control of emissions of toxic compounds during startup, shutdown, and malfunction events upon submission of written notification and documentation to the Agency that the startup, shutdown, and malfunction plan required under 40 CFR 63.1206(c)(2), incorporated by reference in 35 Ill. Adm. Code 720.111, has been approved by the Agency under 40 CFR 63.1206(c)(2)(ii)(B), incorporated by reference in 35 Ill. Adm. Code 720.111.
- 2) Operations under a subsequent RCRA permit. When an owner or operator of an incinerator, cement kiln, or lightweight aggregate kiln that is operating under the interim status standards of 35 Ill. Adm. Code 725 or 726 submits a RCRA permit application, the owner or operator may request that the Agency control emissions from startup, shutdown, and malfunction events under any of the options provided by subsection (a)(2)(A), (a)(2)(B), or (a)(2)(C) of this Section.

BOARD NOTE: Derived from 40 CFR 270.235, as added at 67 Fed. Reg. 6792 (Feb. 13, 2002).

(Source: Added at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

Class	Modifications
	A. General Permit Provisions
1	1. Administrative and informational changes.
1	2. Correction of typographical errors
1	3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).
	4. Changes in the frequency of or procedures for monitoring, reporting, sampling, or maintenance activities by the permittee:
1	a. To provide for more frequent monitoring, reporting, or maintenance.
2	b. Other changes.
	5. Schedule of compliance:
1*	a. Changes in interim compliance dates, with prior approval of the Agency.
3	b. Extension of final compliance date.
1*	6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency.
1*	7. Changes in ownership or operational control of a facility, provided the procedures of Section 703.206(b) are followed.
1*	8. Changes to remove permit conditions that are no longer applicable (i.e., because the standards upon which they are based are no longer applicable to the facility).
	B. General Facility Standards
	1. Changes to waste sampling or analysis methods:
1	a. To conform with Agency guidance or Board regulations.
1*	b. To incorporate changes associated with FO39 (multi-source leachate) sampling or analysis methods.
1*	c. To incorporate changes associated with underlying hazardous constituents in ignitable or corrosive wastes.
2	d. Other changes.
	2. Changes to analytical quality assurance or quality control plan:
1	a. To conform with agency guidance or regulations.
2	b. Other changes.
1	3. Changes in procedures for maintaining the operating record.
2	4. Changes in frequency or content of inspection schedules.
	5. Changes in the training plan:
2	a. That affect the type or decrease the amount of training given to employees.

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- 1           b. Other changes.
- 2           6. Contingency plan:
- 1           a. Changes in emergency procedures (i.e., spill or release response  
procedures).
- 2           b. Replacement with functionally equivalent equipment, upgrade, or  
relocate emergency equipment listed.
- 1           c. Removal of equipment from emergency equipment list.
- 2           d. Changes in name, address, or phone number of coordinators or  
other persons or agencies identified in the plan.

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

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

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

## C. Groundwater Protection

- 1           1. Changes to wells:
- 2           a. Changes in the number, location, depth, or design of upgradient  
or downgradient wells of permitted groundwater monitoring  
system.
- 1           b. Replacement of an existing well that has been damaged or  
rendered inoperable, without change to location, design, or depth  
of the well.
- 1\*          2. Changes in groundwater sampling or analysis procedures or monitoring  
schedule, with prior approval of the Agency.
- 1\*          3. Changes in statistical procedure for determining whether a statistically  
significant change in groundwater quality between upgradient and  
downgradient wells has occurred, with prior approval of the Agency.
- 2\*          4. Changes in point of compliance.
5. Changes in indicator parameters, hazardous constituents, or  
concentration limits (including ACLs (Alternate Concentration Limits)):
- 3           a. As specified in the groundwater protection standard.
- 2           b. As specified in the detection monitoring program.

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- 2 6. Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(j), unless otherwise specified in this Appendix.
7. Compliance monitoring program:
- 3 a. Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(h)(4) and 724.199.
- 2 b. Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(k), unless otherwise specified in this Appendix.
8. Corrective action program:
- 3 a. Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(i)(2) and 724.200.
- 2 b. Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.
- D. Closure
1. Changes to the closure plan:
- 1\* a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Agency.
- 1\* b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Agency.
- 1\* c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency.
- 1\* d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency.
- 2 e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.
- 2 f. Extension of the closure period to allow a landfill, surface impoundment, or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under 35 Ill. Adm. Code 724.213(d) or (e).
- 3 2. Creation of a new landfill unit as part of closure.
- 3 3. Addition of the following new units to be used temporarily for closure activities:
- 3 a. Surface impoundments.
- 3 b. Incinerators.
- 3 c. Waste piles that do not comply with 35 Ill. Adm Code 724.350(c).

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- 2 d. Waste piles that comply with 35 Ill. Adm Code 724.350(c).
- 2 e. Tanks or containers (other than specified in paragraph D(3)(f) below).
- 1\* f. Tanks used for neutralization, dewatering, phase separation, or component separation, with prior approval of the Agency.
- 2 g. Staging piles.
- E. Post-Closure
- 1 1. Changes in name, address, or phone number of contact in post-closure plan.
- 2 2. Extension of post-closure care period.
- 3 3. Reduction in the post-closure care period.
- 1 4. Changes to the expected year of final closure, where other permit conditions are not changed.
- 2 5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure.
- F. Containers
- 3 1. Modifications or addition of container units:
- 2 a. Resulting in greater than 25 percent increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
- 1 b. Resulting in up to 25 percent increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
- 1 c. Modification or addition of container units or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards, with prior approval of the Agency. This modification may also involve the addition of new waste codes or narrative description of wastes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
- 2 2. Modification of container units without an increased capacity or alteration of the system:
- 2 a. Modification of a container unit without increasing the capacity of the unit.
- 1 b. Addition of a roof to a container unit without alteration of the containment system.
- 3 3. Storage of different wastes in containers, except as provided in F(4):
- 3 a. That require additional or different management practices from those authorized in the permit.
- 2 b. That do not require additional or different management practices from those authorized in the permit.

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

4. Storage or treatment of different wasted in containers:
- 2 a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
- 1\* b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F023, F023, F026, F027, and F028).
- G. Tanks
1. 3 a. Modification or additional of tank units resulting in greater than 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(c), G(1)(d), and G(1)(e).
- 2 b. Modification or addition of tank units resulting in up to 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).
- 2 c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.
- 1\* d. After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.
- 1\* e. Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards, with prior approval of the Agency. This modification may also involve the addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
- 2 2. Modifications of a tank unit or secondary containment system without increasing the capacity of the unit.

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- 1           3. Replacement of a tank with a tank that meets the same design standards  
and has a capacity within  $\pm$  10 percent of the replaced tank provided:
- 2           a. The capacity difference is no more than 1500 gallons,  
b. The facility's permitted tank capacity is not increased, and  
c. The replacement tank meets the same conditions in the permit.
- 2           4. Modification of a tank management practice.
- 3           5. Management of different wastes in tanks:
- 2           a. That require additional or different management practices, tank  
design, different fire protection specifications or significantly  
different tank treatment process from that authorized in the  
permit, except as provided in paragraph G(5)(c).
- 2           b. That do not require additional or different management practices  
or tank design, different fire protection specification, or  
significantly different tank treatment process than authorized in  
the permit, except as provided in paragraph G(5)(d).  
Note: See Section 703.280(g) for modification procedures to be  
used for the management of newly listed or identified wastes.
- 1\*          c. That require addition of units or change in treatment processes or  
management standards, provided that the wastes are restricted  
from land disposal and are to be treated to meet some or all of the  
applicable treatment standards. The modification is not  
applicable to dioxin-containing wastes (F020, F021, F022, F023,  
F026, F027, and F028).
- 1           d. That do not require the addition of units or a change in the  
treatment process or management standards, and provided that  
the units have previously received wastes of the same type (e.g.,  
incinerator scrubber water). This modification is not applicable  
to dioxin-containing wastes (F020, F021, F022, F023, F026,  
F027, and F028).  
Note: See Section 703.280(g) for modification procedures to be  
used for the management of newly listed or identified wastes.
- H. Surface Impoundments
- 3           1. Modification or addition of surface impoundment units that result in  
increasing the facility's surface impoundment storage or treatment  
capacity.
- 3           2. Replacement of a surface impoundment unit.
- 2           3. Modification of a surface impoundment unit without increasing the  
facility's surface impoundment storage or treatment capacity and  
without modifying the unit's liner, leak detection system, or leachate  
collection system.

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- 2           4.   Modification of a surface impoundment management practice.
- 5           5.   Treatment, storage, or disposal of different wastes in surface  
impoundments:
- 3           a.   That require additional or different management practices or  
different design of the liner or leak detection system than  
authorized in the permit.
- 2           b.   That do not require additional or different management practices  
or different design of the liner or leak detection system than  
authorized in the permit.  
Note: See Section 703.280(g) for modification procedures to be  
used for the management of newly listed or identified wastes.
- 1           c.   That are wastes restricted from land disposal that meet the  
applicable treatment standards. This modification is not  
applicable to dioxin-containing wastes (F020, F021, F022, F023,  
F026, F027, and F028).
- 1           d.   That are residues from wastewater treatment or incineration,  
provided the disposal occurs in a unit that meets the minimum  
technological requirements stated in 40 CFR 268.5(h)(2),  
incorporated by reference in 35 Ill. Adm. Code 728.105, and  
provided further that the surface impoundment has previously  
received wastes of the same type (for example, incinerator  
scrubber water). This modification is not applicable to dioxin-  
containing wastes (F020, F021, F022, F023, F026, F027, and  
F028).
- 1\*          6.   Modifications of unconstructed units to comply with 35 Ill. Adm. Code  
724.321(c), 724.322, 724.323, and 724.326(d).
- 7           7.   Changes in response action plan:
- 3           a.   Increase in action leaking rate.
- 3           b.   Change in a specific response reducing its frequency or  
effectiveness.
- 2           c.   Other changes.  
Note: See Section 703.280(g) for modification procedures to be  
used for the management of newly listed or identified wastes.
- I.   Enclosed Waste Piles. For all waste piles, except those complying with 35  
Ill. Adm. Code 724.350(c), modifications are treated the same as for a  
landfill. The following modifications are applicable only to waste piles  
complying with 35 Ill. Adm. Code 724.350(c).
- 3           1.   Modification or addition of waste pile units:
- a.   Resulting in greater than 25 percent increase in the facility's  
waste pile storage or treatment capacity.

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- 2           b. Resulting in up to 25 percent increase in the facility's waste pile  
storage or treatment capacity.
- 2           2. Modification of waste pile unit without increasing the capacity of the  
unit.
- 1           3. Replacement of a waste pile unit with another waste pile unit of the  
same design and capacity and meeting all waste pile conditions in the  
permit.
- 2           4. Modification of a waste pile management practice.
5. Storage or treatment of different wastes in waste piles:
- 3           a. That require additional or different management practices or  
different design of the unit.
- 2           b. That do not require additional or different management practices  
or different design of the unit.
- |           Note: See Section 703.280(g) for modification procedures to be  
used for the management of newly listed or identified wastes.
- 2           6. Conversion of an enclosed waste pile to a containment building unit.  
|           Note: See Section 703.280(g) for modification procedures to be used  
for the management of newly listed or identified wastes.
- J. Landfills and Unenclosed Waste Piles
- 3           1. Modification or addition of landfill units that result in increasing the  
facility's disposal capacity.
- 3           2. Replacement of a landfill.
- 3           3. Addition or modification of a liner, leachate collection system,  
leachate detection system, runoff control, or final cover system.
- 2           4. Modification of a landfill unit without changing a liner, leachate  
collection system, leachate detection system, runoff control, or final  
cover system.
- 2           5. Modification of a landfill management practice.
6. Landfill different wastes:
- 3           a. That require additional or different management practices,  
different design of the liner, leachate collection system, or leachate  
detection system.
- 2           b. That do not require additional or different management practices,  
different design of the liner, leachate collection system, or leachate  
detection system.
- |           Note: See Section 703.280(g) for modification procedures to be  
used for the management of newly listed or identified wastes.
- 1           c. That are wastes restricted from land disposal that meet the  
applicable treatment standards. This modification is not  
applicable to dioxin-containing wastes (F020, F021, F022, F023,

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- F026, F027, and F028).
- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
- 1\* 7. Modification of unconstructed units to comply with 35 Ill. Adm. Code 724.351(c), 724.352, 724.353, 724.354(c), 724.401(c), 724.402, 724.403(c), and 724.404.
8. Changes in response action plan:
- 3 a. Increase in action leakage rate.
- 3 b. Change in a specific response reducing its frequency or effectiveness.
- 2 c. Other changes.
- Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
- K. Land Treatment
- 3 1. Lateral expansion of or other modification of a land treatment unit to increase area extent.
- 2 2. Modification of runoff control system.
- 3 3. Modify runoff control system.
- 2 4. Other modification of land treatment unit component specifications or standards required in permit.
5. Management of different wastes in land treatment units:
- 3 a. That require a change in permit operating conditions or unit design specifications.
- 2 b. That do not require a change in permit operating conditions or unit design specifications.
- Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
6. Modifications of a land treatment unit management practice to:
- 3 a. Increase rate of change method of waste application.
- 1 b. Decrease rate of waste application.
- 2 7. Modification of a land treatment unit management practice to change measures of pH or moisture content or to enhance microbial or chemical reactions.
- 3 8. Modification of a land treatment unit management practice to grow

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food chain crops, to add to or replace existing permitted crops with different food chain crops or to modify operating plans for distribution of animal feeds resulting from such crops.

- 3 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to 35 Ill. Adm. Code 724.378(g)(2).
  - 3 10. Changes in the unsaturated zone monitoring system that result in a change to the location, depth, or number of sampling points or which replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements.
  - 2 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, or number of sampling points or which replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.
  - 2 12. Changes in background values for hazardous constituents in soil and soil-pore liquid.
  - 2 13. Changes in sampling, analysis, or statistical procedure.
  - 2 14. Changes in land treatment demonstration program prior to or during the demonstration.
  - 1\* 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstrations, provided performance standards are met, and the Agency's prior approval has been received.
  - 1\* 16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Agency.
  - 3 17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.
  - 2 18. Changes in vegetative cover requirements for closure.
- L. Incinerators, Boilers and Industrial Furnaces
- 3 1. Changes to increase by more than 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate

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- limit, or an ash feed rate limit. The Agency ~~must~~shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 2 2. Changes to increase by up to 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Agency ~~must~~shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 3 3. Modification of an incinerator, boiler, or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units; by adding a primary or secondary combustion unit; by substantially changing the design of any component used to remove HCl/Cl<sub>2</sub>, metals, or particulate from the combustion gases; or by changing other features of the incinerator, boiler, or industrial furnace that could affect its capability to meet the regulatory performance standards. The Agency ~~must~~shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.
- 2 4. Modification of an incinerator, boiler, or industrial furnace unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.
- 3 5. Operating requirements:
- 3 a. Modification of the limits specified in the permit for minimum or maximum combustion gas temperature, minimum combustion gas residence time, oxygen concentration in the secondary combustion chamber, flue gas carbon monoxide or hydrocarbon concentration, maximum temperature at the inlet to the PM emission control system, or operating parameters for the air pollution control system. The Agency ~~must~~shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 3 b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.
- 2 c. Modification of any other operating condition or any inspection or

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- recordkeeping requirements specified in the permit.
- 3 6. Burning different wastes:
- a. If the waste contains a POHC that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency ~~must~~shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.
- 2 b. If the waste does not contain a POHC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit.  
Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
- 2 7. Shakedown and trial burn:
- a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period or the period immediately following the trial burn.
- 1\* b. Authorization of up to an additional 720 hours of waste burning during the shakedown period for determining operational readiness after construction, with the prior approval of the Agency.
- 1\* c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Agency.
- 1\* d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.
- 1 8. Substitution of an alternative type of non-hazardous waste fuel that is not specified in the permit.
- 1\* 9. Technology changes needed to meet standards under federal 40 CFR 63 (subpart EEE – National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors), provided the procedures of Section 703.280(j) are followed.
- M. Containment Buildings
- 3 1. Modification or addition of containment building units:
- a. Resulting in greater than 25 percent increase in the facility's containment building storage or treatment capacity.

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

Note: \* indicates modifications requiring prior Agency approval.

BOARD NOTE: Derived from 40 CFR 270.42, Appendix I ~~(2001)(1999), as amended at 64  
Fed. Reg. 53077 (September 30, 1999).~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

<u>Section numbers:</u>	<u>Proposed Action:</u>
705.101	Amend
705.102	Amend
705.103	Amend
705.121	Amend
705.122	Amend
705.123	Amend
705.124	Amend
705.125	Amend
705.126	Amend
705.127	Repeal
705.128	Amend
705.141	Amend
705.142	Amend
705.143	Amend
705.144	Amend
705.161	Amend
705.162	Amend
705.163	Amend
705.164	Amend
705.165	Amend
705.181	Amend
705.182	Amend
705.183	Amend
705.184	Amend
705.201	Amend
705.202	Amend
705.203	Repealed
705.204	Repealed
705.205	Repealed
705.210	Amend
705.211	Amend
705.212	Amend
APPENDIX A	Amend
APPENDIX B	Amend

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APPENDIX C	Amend
APPENDIX D	Amend
APPENDIX E	Amend
APPENDIX F	Amend

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

5) A complete description of the subjects and issues involved:

The amendments to Part 705 are a single segment of a larger rulemaking that also affects 35 Ill. Adm. Code 703, 720, 724, 725, and 726, 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 larger rulemaking in this *Illinois Register* only in the answer to question 5 in the Notice of Proposed Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of October 3, 2002, proposing amendments in docket R03-7 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

Specifically, the amendments to Part 705 implement the May 8, 2002 federal corrections to the consolidated permit rules and segments of the federal interim emission standards for hazardous waste combustors adopted by USEPA on February 13, 2002. Further, the Board uses the occasion of the federally-derived amendments to make various minor, non-substantive corrective amendments to the text of Part 705.

Tables appear in the Board's opinion and order of October 3, 2002 in docket R03-7 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 October 3, 2002 opinion and order in docket R03-7.

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

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not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

6) Will these amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date?: No

8) Do these amendments contain incorporations by reference?

No. Part 705 neither includes incorporations by reference nor references documents incorporated by reference.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy Objective: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates imposed by federal law.

11) 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 R03-7 and be addressed to:

Ms. Dorothy M. Gunn, 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 R03-7:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph, Suite 11-500  
Chicago, IL 60601  
Phone: 312-814-6924

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E-mail: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

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>.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected:

This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. The present amendments do not appear to increase the impact of the existing regulations on these entities beyond that already imposed under federal law.

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. The present amendments do not appear to increase the impact of the existing regulations on these entities beyond that already imposed under federal law.

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. The present amendments do not appear to increase the impact of the existing regulations on these entities beyond that already imposed under federal law.

13) Regulatory agenda on which this rulemaking was summarized: July 2002

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

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

## PART 705

## PROCEDURES FOR PERMIT ISSUANCE

## SUBPART A: GENERAL PROVISIONS

Section	
705.101	Scope and Applicability
705.102	Definitions
705.103	Computation of Time

## SUBPART B: PERMIT APPLICATIONS

Section	
705.121	Permit Application
705.122	Completeness
705.123	Incomplete Applications
705.124	Site Visit
705.125	Effective Date
705.126	Decision Schedule
705.127	Consolidation of Permit Processing
705.128	Modification <u>or Reissuance</u> of Permits

## SUBPART C: APPLICATION REVIEW

Section	
705.141	Draft Permits
705.142	Statement of Basis
705.143	Fact Sheet
705.144	Administrative Record for Draft Permits or Notices of Intent to Deny

## SUBPART D: PUBLIC NOTICE

Section	
705.161	When Public Notice Must Be Given
705.162	Timing of Public Notice

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- 705.163 Methods of Public Notice  
705.164 Contents of Public Notice  
705.165 Distribution of Other Materials

## SUBPART E: PUBLIC COMMENT

- Section  
705.181 Public Comments and Requests for Public Hearings  
705.182 Public Hearings  
705.183 Obligation to Raise Issues and Provide Information  
705.184 Reopening of Public Comment Period

## SUBPART F: PERMIT ISSUANCE

- Section  
705.201 Final Permit Decision  
705.202 Stay ~~of Permit Conditions upon Appeal upon Timely Application for Renewal~~  
705.203 Stay for New Application or upon Untimely Application for Renewal (~~Repealed~~)  
705.204 Stay upon Reapplication or for Modification (~~Repealed~~)  
705.205 Stay Following Interim Status (~~Repealed~~)  
705.210 Agency Response to Comments  
705.211 Administrative Record for Final Permits or Letters of Denial  
705.212 Appeal of Agency Permit Determinations

- APPENDIX A Procedures for Permit Issuance  
APPENDIX B Modification Process  
APPENDIX C Application Process  
APPENDIX D Application Review Process  
APPENDIX E Public Comment Process  
APPENDIX F Permit Issuance or Denial

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

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19, at 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9, at 9 Ill. Reg. 11894, effective July 24, 1985; amended in R89-2 at 14 Ill. Reg. 3082, effective February 20, 1990; amended in R94-5 at 18 Ill. Reg. 18265, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9906, effective June 27, 1995; amended in R03-7 at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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## SUBPART A: GENERAL PROVISIONS

**Section 705.101 Scope and Applicability**

- a) This Part sets forth procedures that the Illinois Environmental Protection Agency (Agency) must follow in issuing RCRA (Resource Conservation and Recovery Act) and UIC (Underground Injection Control) permits. This Part also specifies rules on effective dates of permits and stays of contested permit conditions.
- b) This Part provides for a public comment period and a hearing in some cases. The permit applicant and any other participants must raise issues during this proceeding to preserve issues for effective Board review, as required by Section 705.183.
- c) Board review of permit issuance or denial is pursuant to 35 Ill. Adm. Code 105. Board review is restricted to the record ~~that which~~ was before the Agency when the permit was issued, as required by Sections 40(a) and 40(b) of the Environmental Protection Act.
- d) 35 Ill. Adm. Code 702, 703, and 704 contain rules on UIC and RCRA permit applications, permit conditions, and related matters.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.102 Definitions**

The definitions in 35 Ill. Adm. Code 702 apply to this Part.

BOARD NOTE: Derived from 40 CFR 124.2 ~~(2001)(1993)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.103 Computation of Time**

Any time period allowance schedule or requirement provided under this Part ~~must shall~~ be computed in accordance with 35 Ill. Adm. Code ~~101.300-101.105~~.

BOARD NOTE: This Section corresponds with 40 CFR 124.20 ~~(2001)(1993)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: PERMIT APPLICATIONS

**Section 705.121 Permit Application**

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- a) Any person who requires a permit under the RCRA (Resource Conservation and Recovery Act) or UIC (Underground Injection Control) program ~~must shall~~ complete, sign and submit to the Agency an application for each permit required under 35 Ill. Adm. Code 703.121 or 35 Ill. Adm. Code 704.101 through 704.105, as appropriate. An application will not be required for a RCRA permit by rule under 35 Ill. Adm. Code 703.141. An application will not be ~~Applications are not~~ required for underground ~~injection-injections~~ authorized by rule under Subpart C of 35 Ill. Adm. Code 704. ~~Subpart C.~~
- b) The Agency ~~must shall~~ not begin the processing of a permit until the applicant has fully complied with the application requirements applicable to ~~for~~ that type of permit.
- c) Permit applications must comply with the signature and certification requirements of 35 Ill. Adm. Code 702.126.

BOARD NOTE: Derived from 40 CFR 124.3(a) (2001)~~(1993)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.122 Completeness**

- a) The Agency ~~must shall~~ review every application for a RCRA or UIC permit for completeness.
- b) Time limitations on Agency review for application completeness:
- 1) Each application for a permit submitted by a new HWM (hazardous waste management) facility or new UIC injection well ~~must shall~~ be reviewed for completeness within 30 days of its receipt.
  - 2) Each application for a permit by an existing HWM facility (both Parts A and B of the application) or existing injection well ~~must shall~~ be reviewed for completeness within 60 days of receipt.
- c) Upon completing ~~its this~~ review for completeness, the Agency ~~must shall~~ notify the applicant in writing whether the application is complete. If the application is incomplete, the Agency ~~must shall~~ list the information necessary to make the application complete.
- d) When the application is for an existing HWM (Hazardous Waste Management) facility or an existing UIC injection well, the Agency ~~must shall~~ also specify in the notice of deficiency a date for submitting the necessary information.
- e) The Agency shall, within the time limitations specified in subsection (b) of this Section~~above~~, notify the applicant whether additional information submitted in response to a notice of deficiency is deemed sufficient or insufficient to complete the application.

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- f) After the application is deemed ~~complete~~ **completed**, the Agency may request additional information from an applicant only when necessary to clarify, modify, or supplement previously submitted material. Requests for such additional information will not render an application incomplete.

BOARD NOTE: Derived from 40 CFR 124.3(c) ~~(2001)~~(1993).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.123 Incomplete Applications**

If an applicant fails or refuses to correct Agency-noted deficiencies in its permit application, the Agency may either deny or issue the permit; on the basis of the information available to the Agency, ~~after public notice has been given pursuant to Section 705.161(a)(1)~~; if warranted, appropriate enforcement actions may be taken.

BOARD NOTE: Derived from 40 CFR 124.3(d) ~~(2001)~~(1993).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.124 Site Visit**

~~If In the event that~~ the Agency decides, pursuant to Section 4(d) of the Act, that a site visit is necessary for any reason in conjunction with the processing of an application, the Agency must notify the failure or refusal by the applicant, and the Agency and the applicant must schedule a to permit such an Agency site visit shall be deemed a failure or refusal to correct application deficiencies for purposes of Section 705.123.

BOARD NOTE: Derived from 40 CFR 124.3(e) ~~(2001)~~(1993).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.125 Effective Date**

The effective date of a permit application is the date on which the Agency notifies the applicant that the application is complete, as provided in Section 705.122.

BOARD NOTE: Derived from 40 CFR 124.3(f) ~~(2001)~~(1993).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.126 Decision Schedule**

For each permit application from a major new HWM facility or major new UIC injection well,

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the Agency ~~must shall~~, no later than the effective date of the application, prepare and mail to the applicant a ~~projected project~~ decision schedule. The schedule ~~must shall~~ specify target dates by which the Agency intends to do the following:

- a) Prepare a draft permit pursuant to ~~705~~-Subpart C of this Part;
- b) Give public notice pursuant to ~~705~~-Subpart D of this Part;
- c) Complete the public comment period, including any public hearing pursuant to ~~705~~-Subpart E of this Part; and
- d) Issue a final permit pursuant to ~~705~~-Subpart F of this Part.

BOARD NOTE: Derived from 40 CFR 124.3(g) ~~(2001)(1993)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.127 Consolidation of Permit Processing**

Whenever a facility or activity requires more than one permit under more than one Part of the Board's rules and regulations, the Agency may, in its discretion and consistent the individual requirements for each permit, consolidate the processing of those permit applications in accordance with Agency procedures.

BOARD NOTE: Derived from 40 CFR 124.4 ~~(2001)(1993)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.128 Modification or Reissuance of Permits**

- a) The Agency may modify or reissue a permit either at the request of any interested person (including the permittee) or on its own initiative. However, the Agency may only modify or reissue a permit for the reasons specified in 35 Ill. Adm. Code 704.261 through 704.263 or 35 Ill. Adm. Code 703.270 through 703.273. A request for permit modification or reissuance must be made in writing, must be addressed to the Agency (Division of Land Pollution Control), and must contain facts or reasons supporting the request.
- b) If the Agency determines that a request for modification or reissuance is not justified, it ~~must shall~~ send the requester a brief written response giving a reason for the determination. A denial of a request for modification or reissuance is not subject to public notice, comment, or public hearing requirements. The requester may appeal a denial of a request to modify or reissue a permit to the Board pursuant to 35 Ill. Adm. Code 105.
- c) Agency Modification or Reissuance Procedures.
  - 1) If the Agency tentatively decides to initiate steps to modify or reissue a permit under this Section and 35 Ill. Adm. Code 704.261 through 704.263

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or 35 Ill. Adm. Code 703.270 through 703.273, after giving public notice pursuant to Section 705.161(a)(1), as though an application had been received; it ~~must shall~~ prepare a draft permit under Section 705.141 incorporating the proposed changes. The Agency may request additional information and may require the submission of an updated permit application. For reissued permits, the Agency ~~must shall~~ require the submission of a new application.

- 2) In a permit modification proceeding under this Section, only those conditions to be modified ~~must shall~~ be reopened when a new draft permit is prepared. ~~When a permit is to be reissued under this Section, the entire permit is reopened just as if it had expired.~~ During any ~~reissuance modification~~ proceeding, including any appeal to the Board, the permittee ~~must shall~~ comply with all conditions of its existing permit until a new final permit is reissued.
- 3) "Minor modifications<sub>2</sub>"; as defined in 35 Ill. Adm. Code 704.264, and "Class 1 and 2 modifications," as defined in 35 Ill. Adm. Code 703.281 and 703.282, are not subject to the requirements of this Section. ~~If the Agency makes a minor modification, the modified permit must be accompanied by a letter stating the reasons for the minor modification.~~
- d) To the extent that the Agency has authority to ~~terminate or~~ reissue ~~a permit permits~~, it must prepare a draft permit or notice of intent to deny in accordance with Section 705.141 if it decides to do so.
- e) The Agency or any person may seek the revocation of a permit in accordance with Title VIII of the Environmental Protection Act and the procedure of 35 Ill. Adm. Code 103. Revocation may only be sought for those reasons specified in 35 Ill. Adm. Code 702.186(a) through (d).

BOARD NOTE: Derived from 40 CFR 124.5 ~~(2001)(1994)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: APPLICATION REVIEW

**Section 705.141 Draft Permits**

- a) Once an application for permit is complete, the Agency ~~must shall~~ tentatively decide whether to prepare a draft permit or to deny the application.
- b) If the Agency tentatively decides to deny the permit application, it ~~must shall~~ issue a notice of intent to deny. A notice of intent to deny ~~must shall~~ be subject to all of the procedural requirements applicable to draft permits under subsection (d) ~~of this Section below~~. If the Agency's final decision made pursuant to Section

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705.201 is that the tentative decision to deny the permit application was incorrect, it ~~must shall~~ withdraw the notice of intent to deny and proceed to prepare a draft permit under subsection (c) of this Section below.

- c) If the Agency decides to prepare a draft permit, it ~~must shall~~ prepare a draft permit that contains the following information:
- 1) All conditions under 35 Ill. Adm. Code 702.140 through 702.152 and 35 Ill. Adm. Code 702.160;
  - 2) All compliance schedules under 35 Ill. Adm. Code 702.162 and 702.163;
  - 3) All monitoring requirements under 35 Ill. Adm. Code 702.164; and
  - 4) The following program-specific ~~Program-specific~~ permit conditions:
    - A) For RCRA permits, standards for treatment, storage, or disposal and other permit conditions under Subpart F of 35 Ill. Adm. Code 703.~~Subpart F~~;
    - B) For UIC permits, permit conditions under Subpart E of 35 Ill. Adm. Code 704.~~Subpart E~~.
- d) ~~A All~~ draft ~~permit or a notice permits and notices~~ of intent to deny prepared under this Section ~~must shall~~ be accompanied by a statement of basis, under Section 705.142, or a fact sheet, under Section 705.143, ~~must and shall~~ be based on the administrative record pursuant to Section 705.144, must be publicly noticed pursuant to ~~705~~.Subpart D of this Part, and must be made available for public comment pursuant to Section 705.181. The Agency ~~must shall~~ give notice of opportunity for a public hearing pursuant to Section 705.182, issue a final decision pursuant to Section 705.201, and respond to comments pursuant to Section 705.210. An appeal may be taken under Section 705.212.

BOARD NOTE: Derived from 40 CFR 124.6 (2001)(1993).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.142 Statement of Basis**

The Agency ~~must shall~~ prepare a statement of basis for every draft permit or notice of intent to deny for which a fact sheet under Section 705.143 is not prepared. The statement of basis ~~must shall~~ briefly describe the derivation of the conditions of the draft permit and the reasons for them or, in the case of notices of intent to deny, reasons supporting the tentative decision. The statement of basis ~~must shall~~ be sent to the applicant and to any other person who requests it.

BOARD NOTE: Derived from 40 CFR 124.7 (2001)(1993).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.143 Fact Sheet**

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- a) A fact sheet ~~must shall~~ be prepared for every draft permit for a major HWM or a major UIC facility or activity, and for every draft permit or notice of intent to deny ~~that which~~ the Agency finds is the subject of widespread public interest or raises major issues. The fact sheet ~~must shall~~ briefly set forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. The Agency ~~must shall~~ send this fact sheet to the applicant and, on request, to any other person.
- b) The fact sheet ~~must shall~~ include the following, when applicable:
- 1) A brief description of the type of facility or activity ~~that which~~ is the subject of the draft permit;
  - 2) The type and quantity of wastes, fluids or pollutants ~~that which~~ are proposed to be or are being treated, stored, disposed of, injected, emitted, or discharged;
  - 3) A brief summary of the basis for refusing to grant a permit or for imposing each draft permit condition including references to applicable statutory or regulatory provisions and appropriate supporting references to the administrative record as defined by Section 705.144;
  - 4) Reasons why any requested schedules of compliance or other alternatives to required standards do or do not appear justified;
  - 5) A description of the procedures for reaching a final decision on the draft permit including the following:
    - A) The beginning and ending dates of the comment period under Subpart D, and the address where comments will be received;
    - B) Procedures for requesting a hearing, and the nature of that hearing; and
    - C) Any other procedures by which the public may participate in the final decision.
  - 6) ~~The name Name~~ and telephone number of a person to contact for additional information.

~~(Board Note: BOARD NOTE: Derived from See 40 CFR 124.8 (2001).)~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.144 Administrative Record for Draft Permits or Notices of Intent to Deny**

- a) The provisions of a draft permit or notice of intent to deny the application ~~must shall~~ be based on the administrative record, as defined in this Section.
- b) The administrative record ~~must shall~~ consist of the following:
- 1) The application and any supporting data furnished by the applicant;

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- 2) The draft permit or notice of intent to deny the application;
  - 3) The statement of basis, as provided in Section 705.142, or fact sheet, as provided in Section 705.143;
  - 4) All documents cited in the statement of basis or fact sheet; ~~and~~
  - 5) Other documents contained in the supporting file for the draft permit or notice of intent to deny; and
  - 6) An index of all documents or items included in the record, by location in the record.
- c) Published material that is generally available, and which is included in the administrative record under subsection (b) of this Section~~above~~, need not be physically included with the rest of the record, as long as it is specifically referred to in the statement of basis or the fact sheet.
- d) This Section ~~section~~ applies to all draft permits or notices of intent to deny for which public notice was first given under ~~705~~-Subpart D of this Part after March 3, 1984, for UIC permits, or January 31, 1986, for RCRA permits.

BOARD NOTE: Derived from 40 CFR 124.9 (2001)~~(1993)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: PUBLIC NOTICE

**Section 705.161 When Public Notice Must Be Given**

- a) The Agency ~~must shall~~ give public notice whenever any of the following actions have occurred:
  - 1) A permit application has been tentatively denied under Section 705.141(b);
  - 2) A draft permit has been prepared under Section 705.141(c); and
  - 3) A hearing has been scheduled under Section 705.182.
- b) No public notice is required when a request for permit modification or reissuance is denied under Section 705.128(b). Written notice of any such denial ~~must shall~~ be given to the requester and to the permittee.
- c) A public notice ~~Public notices~~ may describe more than one permit or permit action.

BOARD NOTE: Derived from 40 CFR 124.10(a) (2001)~~(1993)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.162 Timing of Public Notice**

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- a) Public notice of the preparation of a draft permit (including a notice of intent to deny a permit application) required under Section 705.161 ~~must shall~~ allow time for public comment, as follows:
  - 1) For UIC permits, at least 30 days ~~for public comment; or~~
  - 2) For RCRA permits, at least 45 days ~~for public comment.~~
- b) Public notice of a public hearing ~~must shall~~ be given at least 30 days in advance of the hearing.:
  - 1) ~~For UIC permits at least 30 days before the hearing;~~
  - 2) ~~For RCRA permits, at least 45 days before the hearing.~~
- c) Public notice of a hearing may be given at the same time as public notice of the draft permit, and the two notices may be combined.

BOARD NOTE: Derived from 40 CFR 124.10(b) ~~(2001)~~(1993).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.163 Methods of Public Notice**

Public notice of activities described in Section 705.161(a) ~~must shall~~ be given by the following methods:

- a) By mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this paragraph may waive his or her rights to receive notice for any classes and categories of permits):
  - 1) The applicant.
  - 2) Any other agency or entity ~~that which~~ the Agency knows is required by ~~State state~~ or federal law to review or approve issuance of a RCRA or UIC permit for the same facility or activity (including ~~USEPA the U.S. Environmental Protection Agency~~, other Federal and State agencies with jurisdiction over waterways, wildlife or other natural resources, and other appropriate government authorities, including other affected States and units of local government).
  - 3) Federal and State agencies with jurisdiction over fish, shellfish and wildlife resources and over coastal zone management plans, the Advisory Council on Historical Preservation, State Historic Preservation Officers, and other appropriate government authorities, including any affected States.;
  - 4) Persons on a mailing list developed by doing as follows:
    - A) Including those who request in writing to be on the list;
    - B) Including participants in past permit proceedings in that area; and
    - C) Notify the public of the opportunity to be put on the mailing list through periodic publication in the public press and in

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governmental publications. ~~The Agency may update the mailing list from time to time by requesting written indication of continued interest from those listed. The Agency may delete from the list the name of any person who fails to respond to such a request.~~

D) The Agency may update the mailing list from time to time by requesting written indication of continued interest from those listed. The Agency may delete from the list the name of any person who fails to respond to such a request.

- 5) For RCRA permits only to the following entities:
  - A) To any unit of local government having jurisdiction over the area where the facility is proposed to be located; and
  - B) To each State ~~agency~~ Agency having any authority under State law with respect to the construction or operation of such facility.
- 6) For Class I injection well UIC permits only to the Illinois Department of Mines and Minerals.
- 7) Any other person or entity that ~~which~~ the Agency has reason to believe would be particularly interested in or affected by the proposed action.
- b) Publication of notice must be made as follows:
  - 1) For major UIC permits, publication of a notice in a daily or weekly newspaper of general circulation within the area affected by the facility or activity.
  - 2) For RCRA permits, publication of a notice in a daily or weekly major local newspaper of general circulation and broadcast over local radio stations.
- c) Any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it.

BOARD NOTE: Derived from 40 CFR 124.10(c) ~~(2001),(1988), amended at 53 Fed. Reg. 28147, July 26, 1988.)~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.164 Contents of Public Notice**

- a) All public notices issued under this Part shall contain the following minimum information:
  - 1) The name and address of the Agency;
  - 2) The name and address of the permittee or permit applicant and, if different, the name and address of the facility or activity regulated by the permit;
  - 3) A brief description of the business conducted at the facility or the activity

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- described in the permit application or the draft permit;
- 4) The name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit; a copy of the statement of basis or fact sheet; and a copy of the permit application;
  - 5) A brief description of the comment procedures required by Sections 705.181 and 705.182; the time and place of any hearing that will be held, including a statement of the procedures to request a hearing (unless a hearing has already been scheduled); and the other procedures by which the public may participate in the final permit decision;
  - 6) The location of the administrative record required by Section 705.144, the time at which the record will be open for public inspection, and a statement that all data submitted by the applicant is available as part of the administrative record; and
  - 7) Any additional information that the Agency considers necessary or ~~appropriate~~ ~~proper~~.
- b) Public notices for hearings. In addition to the general public notice described in ~~subsection (a) of this Section~~ ~~Section 705.164(a)~~, the public notice of a hearing under Section 705.182 ~~must shall~~ contain the following information:
- 1) Reference to the date of previous public notices relating to the permit;
  - 2) The date, time, and place of the hearing; and
  - 3) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

BOARD NOTE: Derived from 40 CFR 124.10(d) ~~(2001)~~(1993).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.165 Distribution of Other Materials**

In addition to the general public notice described in Section 705.163(a), all persons identified in Section 705.163(a) ~~must shall~~ be mailed a copy of the fact sheet or statement of basis, the permit application (if any), and the draft permit (if any).

BOARD NOTE: Derived from 40 CFR 124.10(e) ~~(2001)~~(1993).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: PUBLIC COMMENT

**Section 705.181 Public Comments and Requests for Public Hearings**

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During the public comment period provided under ~~705~~.Subpart D of this Part, any interested person may submit written comments on the draft permit to the Agency, and any interested person may request a public hearing. A request for a public hearing must shall be in writing and must shall state the nature of the issues proposed to be raised in the hearing. The Agency must shall consider all comments in making the final decision and must shall answer, as provided in Section 705.210.

BOARD NOTE: Derived from 40 CFR 124.11 (~~2001~~)(1993).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.182 Public Hearings**

- a) When the Agency holds public hearings.
  - 1) The Agency must shall hold a public hearing whenever it finds a significant degree of public interest in a draft permit on the basis of requests.
  - 2) The Agency may also ~~may~~ hold a public hearing at its discretion, whenever such a hearing might clarify one or more issues involved in the permit decision.
  - 3) For RCRA permits only the following additional requirements apply:
    - A) The Agency must shall hold a public hearing whenever it receives written notice of opposition to a draft permit and a request for a hearing within 45 days of public notice under Section 705.162(a);
    - B) Whenever possible, the Agency must shall schedule the hearing at a location convenient to the population center nearest to the proposed facility.
  - 4) Public notice of the hearing must shall be given as specified in Section 705.162.
- b) Whenever a public hearing will be held, the Agency must shall designate a hearing officer who must shall be responsible for its scheduling and orderly conduct. Conduct of the hearing must shall be in accordance with Agency rules and procedures, and the hearing must shall be held in the county in which the HWM or UIC facility or proposed HWM or UIC facility is located.
- c) Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set by the hearing officer on the time allowed at hearing for oral statements, and the submission of statements in writing may be required. Written statements must shall be accepted until the close of the public comment period. The public comment period under ~~705~~.Subpart D of this Part must shall automatically be extended to a date not later than 30 days after the close of any public hearing under this ~~Section~~section. The hearing officer may

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~~also, upon request,~~ extend the comment period by entering an appropriate order into the record not more than 30 days if reasonably necessary to assure all parties sufficient opportunity to submit comments.

- d) A tape recording or written transcript of the hearing ~~must shall~~ be made available to the public for inspection during regular business hours at the Agency's office in Springfield. Copies of such recording or transcription ~~must shall~~ be made available on request, upon payment of reasonable costs of duplication pursuant to applicable Agency rules and procedures.

BOARD NOTE: Derived from 40 CFR 124.12 (2001)(1993).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.183 Obligation to Raise Issues and Provide Information**

All persons, including applicants, who believe any condition of a draft permit is inappropriate, or that the Agency's tentative decision to deny an application or prepare a draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period (including any public hearing) under 705.Subpart D of this Part. All supporting materials ~~must shall~~ be included in full and may not be incorporated by reference, unless they are already part of the administrative record in the same proceeding, or they consist of state or federal statutes and regulations, documents of general applicability, or other generally available reference materials. Commenters ~~must shall~~ make supporting material not already included in the administrative record available to the Agency, as directed by the Agency. The Agency must extend the public comment period by an appropriate time if a commenter demonstrates that the additional time is necessary to submit supporting materials under this Section.

BOARD NOTE: Derived from 40 CFR 124.13 (2001)(1993).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.184 Reopening of Public Comment Period**

- a) The Agency may reopen the public comment period under this Section if doing so could expedite the decisionmaking process.

1) If the public comment period is reopened under this subsection (a), any person, including the applicant, who believes any condition of a draft permit is inappropriate or that the Agency's tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, must submit all reasonably available factual grounds supporting their

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- position, including all supporting material, before a date, not less than sixty days after public notice given under subsection (a)(2) of this Section, set by the Agency. Thereafter, any person may file a written response to the material filed by any other person, by a date, not less than twenty days after the date set for filing of the material (as forth in the preceding sentence), set by the Agency.
- 2) Public notice of any comment period under this subsection (a) must identify the issues to which the requirements of this subsection (a) will apply.
  - 3) On its own motion or on the request of any person, the Agency may direct that the requirements of subsection (a)(1) of this Section will apply during the initial public comment period where the Agency determines that issuance of the permit will be contested and that applying the requirements of subsection (a)(1) of this Section will substantially expedite the decisionmaking process. The notice of the draft permit must state whenever this has been done.
  - 4) A comment period of longer than 60 days may be necessary in complicated proceeding to give commenters a reasonable opportunity to comply with the requirements of this Section. A commenter may request a longer comment period, and one must be granted under Subpart D of this Part to the extent that the Agency determines that a longer comment period is necessary.
- ab) If any data, information, or arguments submitted during the public comment period appear to raise substantial new questions concerning a permit, the Agency may undertake one or more of the following actions:
- 1) It may prepare Prepare-a new draft permit, appropriately modified, under Section 705.141;
  - 2) It may prepare Prepare-a revised statement of basis, a fact sheet, or a revised fact sheet and reopen the comment period under subsection (ab)(3) of this Section below;
  - 3) It may reopen Reopen-or extend the comment period to give interested persons an opportunity to comment on the information or arguments submitted.
- b) ~~In the alternative, the Agency may reverse its tentative decision to prepare a draft permit or issue a notice of intent to deny pursuant to Section 705.141(b) or 705.141(c).~~
- e) ~~In the alternative, the Agency may revise the draft permit in response to comments and issue a final permit pursuant to Section 705.201.~~
- cd) Comments filed during the reopened comment period must shall be limited to the substantial new questions that caused its reopening. The public notice under

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- ~~705~~.Subpart D of this Part ~~must shall~~ define the scope of the reopening.
- d) After an extended comment period, the Agency may undertake final action under Section 705.201 that it deems appropriate based on the record.
- e) Public notice of any of the above actions ~~must shall~~ be issued under ~~705~~.Subpart D of this Part.

BOARD NOTE: Derived from 40 CFR 124.14 ~~(2001)(1993)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: PERMIT ISSUANCE

**Section 705.201 Final Permit Decision**

- a) After the close of the public comment period under ~~705~~.Subpart D of this Part or Section 705.182, the Agency ~~must shall~~ issue a final permit decision.
- b) A final permit decision ~~must shall~~ consist of either of the following:
- 1) A letter of denial that includes each of the following:
    - A) The sections of the appropriate Act that may be violated if the permit were granted;
    - B) The provisions of Board regulations that may be violated if the permit were granted;
    - C) The specific type of information, if any, that the Agency deems the applicant did not provide with its application; and
    - D) A statement of specific reasons why the Act and the regulations might not be met if the permit were granted; or
  - 2) Issuance ~~Or issuance~~ of a permit.
- c) On the date of the final permit decision, the Agency ~~must shall~~ notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice ~~must shall~~ include reference to the procedures for appealing an Agency RCRA or UIC permit decision under Section 705.212.
- d) A final permit ~~must shall~~ become effective 35 days after the final permit decision made under subsection (a) of this Section above, unless:
  - 1) A later effective date is specified in the permit; or
  - 2) Review is requested under Section 705.212, in which case the effective date and conditions will be stayed as provided in Sections 705.202 through 705.205.

BOARD NOTE: This Section corresponds with and is partially derived from 40 CFR 124.15 ~~(2001)(1993)~~.

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(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.202 Stay of Permit Conditions upon Appeal~~upon Timely Application for Renewal~~**

An appeal pursuant to Section 705.212 has the following effect on permit conditions:

- a) If a timely application was filed for renewal of an existing permit, the existing permit and all its conditions continue to apply during the pendency of the appeal of the renewal permit application, unless the Board orders otherwise.
- b) If an application was filed for renewal of an existing permit after the expiration date of the existing permit, the effect of the new permit and all its conditions are stayed pending the outcome of the appeal, and the facility is without a permit during that time, unless the Board orders otherwise.
- c) If an application was filed for a permit for a new facility, the effect of the new permit and all its conditions are stayed pending the outcome of the appeal.
- d) Contested permit conditions and all permit conditions that are not separable from contested permit conditions are stayed during the pendency of the appeal. The Board may issue an order that identifies the conditions in a permit that are inseparable from contested permit conditions. Where the Board has issued an order that says some but not all the conditions of a new permit during the pendency of an appeal, compliance is required with those conditions of the existing permit that correspond with the stayed conditions of the new permit, unless compliance with the existing conditions is technologically incompatible with the conditions of the new permit that are not stayed.

BOARD NOTE: Derived from 40 CFR 124.16 (2002).

35 Ill. Adm. Code 702.125 provides for continuation of expiring RCRA and UIC permits where a timely application has been filed. In such a case, the Board intends that the old permit should expire at the same time the new permit becomes effective unless the Board orders otherwise.

BOARD NOTE: Derived in part from 40 CFR 124.16(a)(2) and (c)(2) (1993).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.203 Stay for New Application or upon Untimely Application for Renewal (Repealed)**

- a) This section applies to:
  - 1) New HWM facilities and new injection wells that:
    - A) Have never had a RCRA or UIC permit; or
    - B) Had a RCRA or UIC permit that expired without a timely application for renewal; and

## POLLUTION CONTROL BOARD

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- ~~2) Existing HWM facilities and existing HWM injection wells that:~~
- ~~A) Have never had a RCRA or UIC permit and have failed to file a timely first application; or~~
  - ~~B) Had a RCRA or UIC permit that expired without a timely application for renewal.~~
- ~~b) If an appeal to the Board is filed, the effective date of the permit and all conditions are stayed until the appeal is concluded, unless the Board orders otherwise. During the appeal, the applicant is without a permit unless the Board orders otherwise.~~

~~BOARD NOTE: Derived in part from 40 CFR 124.16(a)(1) (1993).~~

(Source: Repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.204 Stay upon Reapplication or for Modification (Repealed)**

- ~~a) This section applies to new or existing HWM facilities and UIC wells that have a RCRA or UIC permit and which make a timely application for renewal or request for modification.~~
- ~~b) If an appeal to the Board is filed, the effective date of the permit and all conditions are stayed until the appeal is concluded or until the Board orders otherwise. During the appeal, the applicant must comply with the conditions of the expired permit, unless the Board orders otherwise (35 Ill. Adm. Code 702.125).~~
- ~~c) The applicant must comply with the conditions of the existing permit during a modification proceeding under Section 705.128.~~

~~BOARD NOTE: Derived from 40 CFR 124.16(c)(1) (1993).~~

(Source: Repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.205 Stay Following Interim Status (Repealed)**

- ~~a) This Section applies to any facility that has RCRA interim status or permit by rule or a UIC permit by rule and that makes a timely application for its first RCRA or UIC permit.~~
- ~~b) If an appeal to the Board is filed, the effective date of the permit and all conditions are stayed until the appeal is concluded, unless the Board orders otherwise. During the appeal, the applicant must comply with the rules applicable to facilities with RCRA interim status or permit by rule (35 Ill. Adm. Code 703 Subpart C) or UIC permit by rule (35 Ill. Adm. Code 703.Subpart C).~~

~~BOARD NOTE: Derived from implication from 40 CFR 124.15(b) (1993); 144.31(a)~~

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~~(1993), as amended at 58 Fed. Reg. 63897 (Dec. 3, 1993); and 270.60 and 270.63(a) (1992).~~

(Source: Repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.210 Agency Response to Comments**

- a) At the time that any final permit decision is issued under Section 705.201, the Agency ~~must shall~~ issue a response to comments. This response ~~must do the following-shall~~:
- 1) ~~It must specify Specify~~ which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and
  - 2) ~~It must briefly Briefly~~ describe and respond to all significant comments on the draft permit raised during the public comment period.
- b) Any documents cited in the response to comment ~~must shall~~ be included in the administrative record for the final permit decision as defined in Section 705.211. If new points are raised or new material supplied during the public comment period, the Agency may document its response to those matters by adding new materials to the administrative record.
- c) The response to comments ~~must shall~~ be available to the public in accordance with Agency rules and procedures for access to Agency ~~records-documents~~.

BOARD NOTE: Derived in part from 40 CFR 124.17 ~~(2001)(1993)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.211 Administrative Record for Final Permits or Letters of Denial**

- a) The Agency ~~must shall~~ base final permit decisions under Section 705.201 on the administrative record defined in this Section.
- b) The administrative record for any final permit or letter of denial ~~must shall~~ consist of the administrative record for the draft permit ~~together with the following-and~~:
- 1) All comments received during the public comment period provided under ~~705.Subpart D of this Part~~ (including any extension or reopening under Section 705.184);
  - 2) The tape or transcript of any hearing held under Section 705.182;
  - 3) Any written materials submitted at such a hearing;
  - 4) The response to comments required by Section 705.210 and any new material placed in the record under that section;
  - 5) Other documents contained in the supporting file for the permit; and

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- 6) The final permit or letter of denial.
- c) The additional documents required under subsection (b) of this Section above should be added to the record as soon as possible after their receipt or publication by the Agency. The record ~~must shall~~ be completed on the date that which the final permit or letter of denial is issued.
- d) This section applies to all final RCRA permits, UIC permits, and letters of denial, when the draft permit was subject to the administrative record requirements of Section 705.144.

BOARD NOTE: Derived from 40 CFR 124.18 (2001)(1993).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 705.212 Appeal of Agency Permit Determinations**

- a) Within 35 days after a RCRA or UIC final permit decision notification has been issued under Section 705.201, the following persons applicant may petition the Board to review any condition of the permit decision:
- 1) The permit applicant, and
  - 2) Any person who filed comments on the draft permit or who participated in the public hearing on the draft permit.
- ~~contest the final permit decision. If the applicant failed to file comments or failed to participate in the public hearing on the draft permit he or she may petition for administrative review only to the extent of the change from the draft to the final permit decision. The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required in this part; in all other respects, the petition shall comport with the requirements for permit appeals generally, as set forth in 35 Ill. Adm. Code 105. Nothing in this paragraph is intended to restrict appeal rights under Section 40(b) of the Environmental Protection Act.~~
- b) ~~Within 35 days after a final permit decision notification has been issued under Section 705.201 for a RCRA permit for a hazardous waste disposal site, any person who filed comments on the draft permit or participated in the public hearing may petition the Board to contest the issuance of the permit. Any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition for administrative review only to the extent of the changes from the draft to the final permit decision. The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required in this part; in all other respects, the~~

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~~petition shall comport with the requirements for permit appeals generally, as set forth in 35 Ill. Adm. Code 105.~~

- c) A petition for review must include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required in this part; in all other respects, the petition must comport with the requirements for permit appeals generally, as set forth in 35 Ill. Adm. Code 105.
- d)e) Except as otherwise provided in this Part, the provisions of 35 Ill. Adm. Code 105 generally will ~~shall~~ govern appeals of RCRA and UIC permits under this section; ~~references.~~ References in the procedural rules to the Agency permit application record will ~~shall~~ mean, for purposes of this section, the administrative record for the final permit or letter of denial, as defined in Section 705.211.
- e)d) An appeal under subsection (a) or (b) of this Section ~~above~~ is a prerequisite to the seeking of judicial review of the final agency action under the Administrative Review Act [735 ILCS 5/~~Art. III~~].

BOARD NOTE: This Section corresponds with 40 CFR 124.19(a) (2001)~~(1993)~~.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

POLLUTION CONTROL BOARD

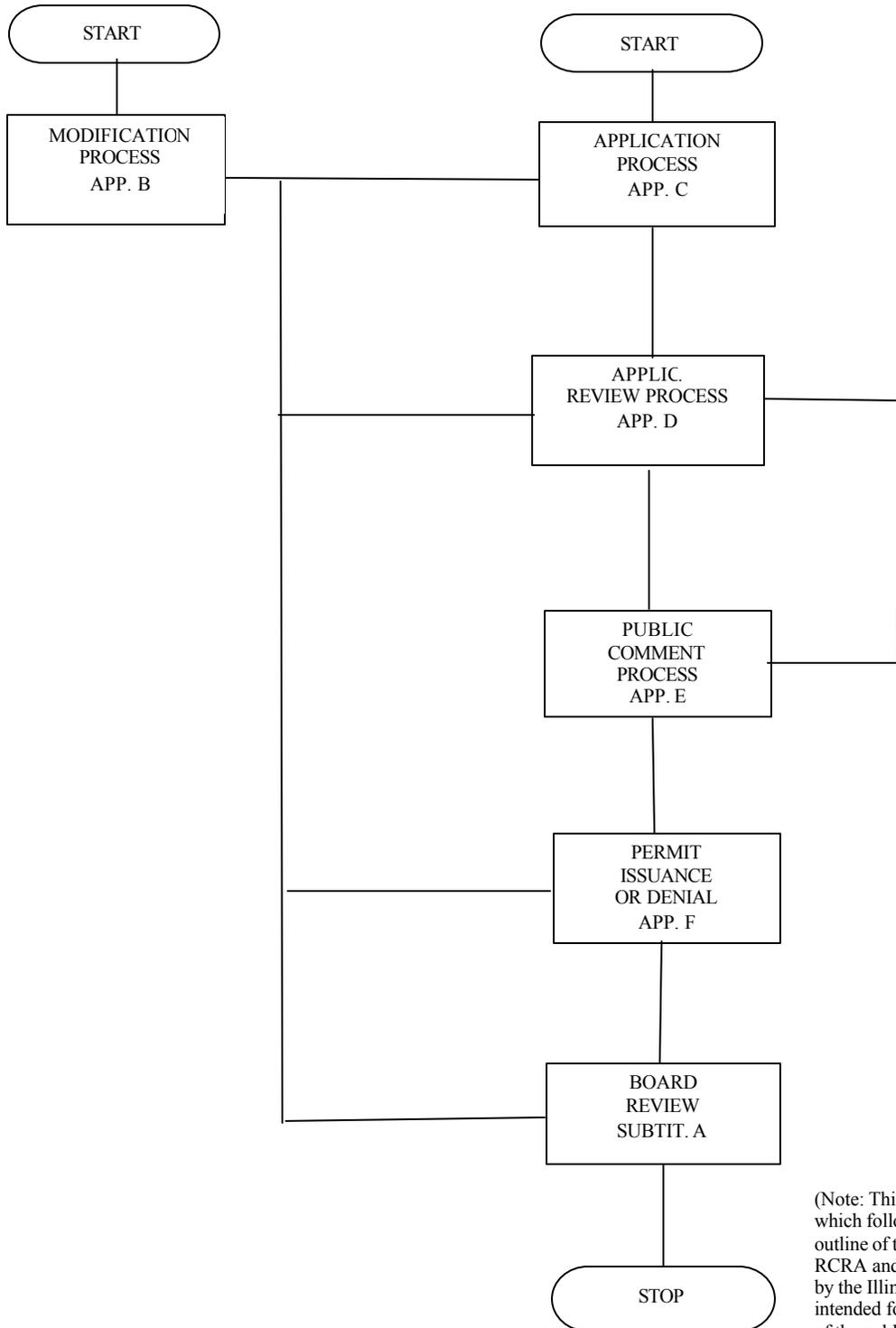
NOTICE OF PROPOSED AMENDMENTS

**Section 705.APPENDIX A Procedures for Permit Issuance**

~~APPENDIX A  
PROCEDURES FOR PERMIT ISSUANCE~~

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(Note: This and the appendices which follow provide a general outline of the procedure for RCRA and UIC permit issuance by the Illinois EPA. This is intended for the convenience of the public only. Because many details have been omitted,

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(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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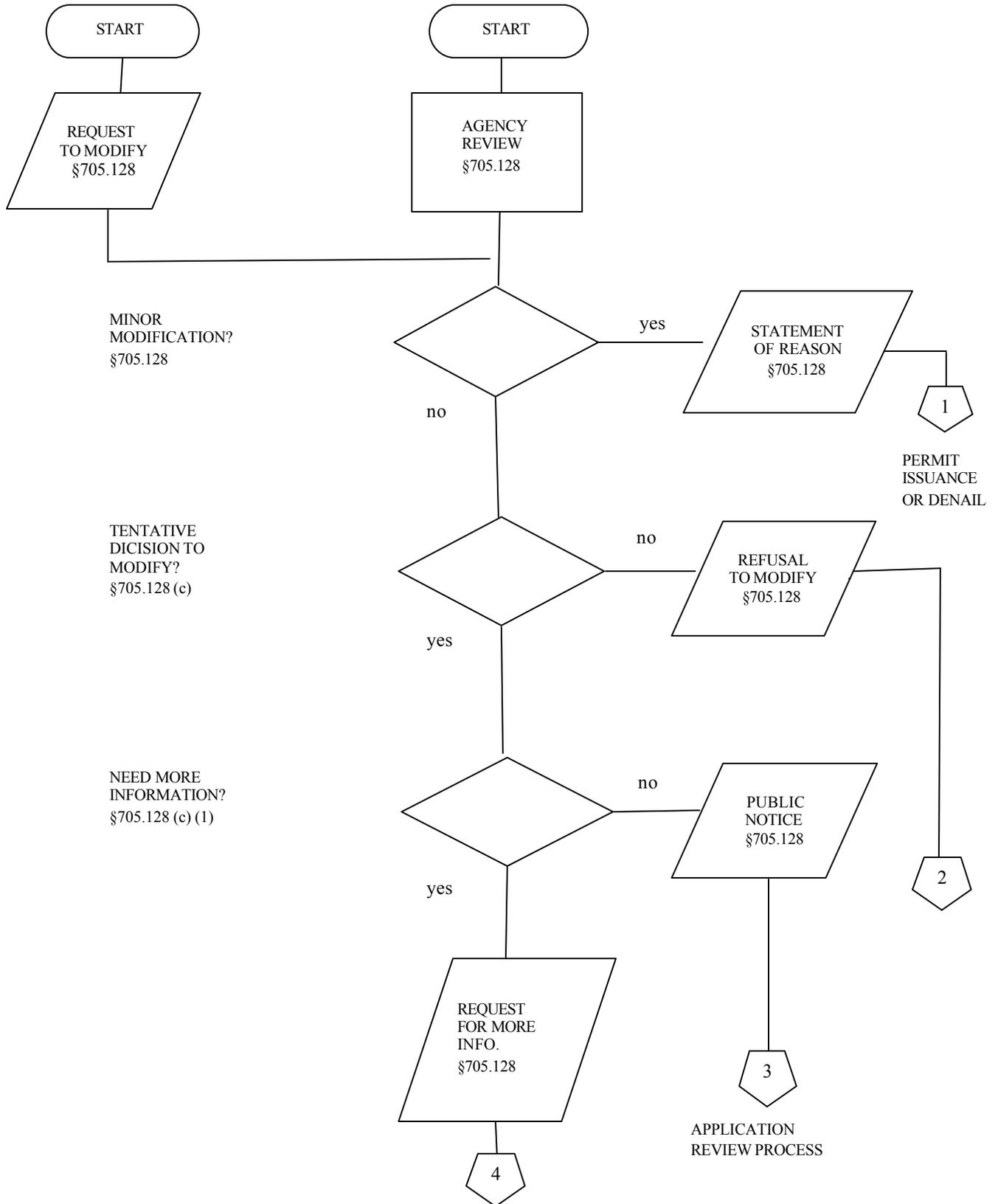
**Section 705.APPENDIX B Modification Process**

~~APPENDIX B~~

~~MODIFICATION PROCESS~~

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(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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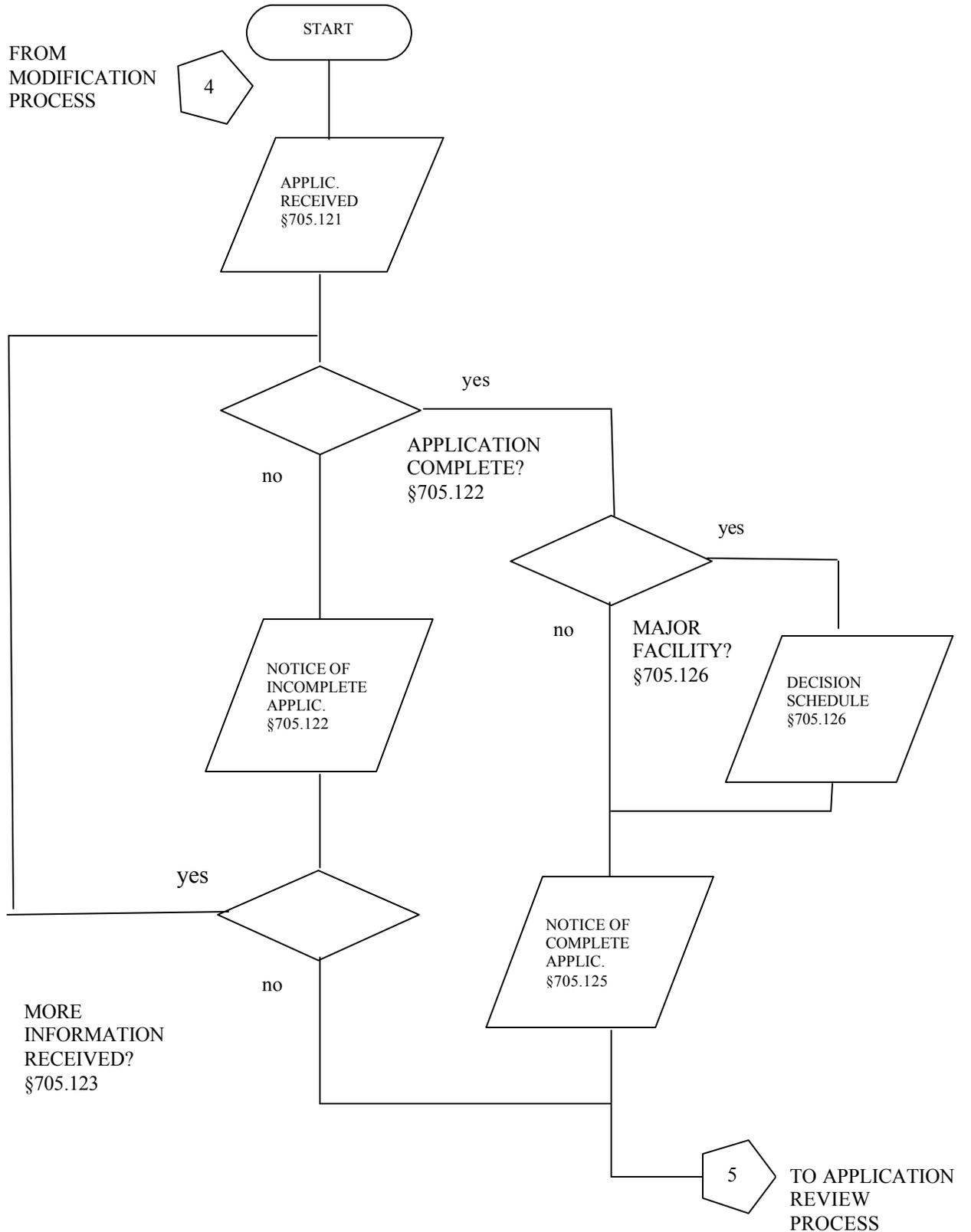
**Section 705.APPENDIX C Application Process**

~~APPENDIX C~~

~~APPLICATION PROCESS~~

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(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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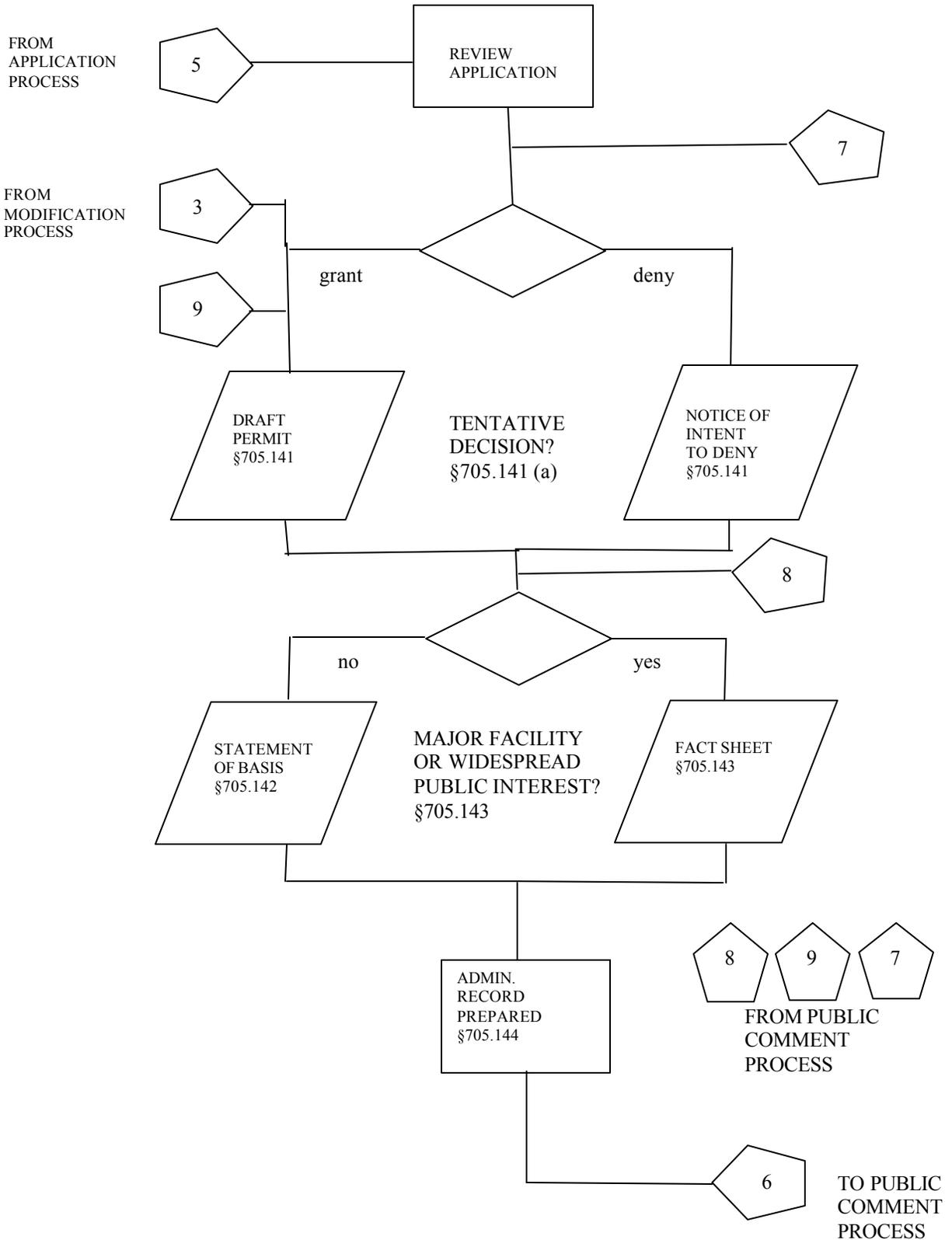
NOTICE OF PROPOSED AMENDMENTS

**Section 705.APPENDIX D Application Review Process**

~~APPENDIX D~~  
~~APPLICATION REVIEW PROCESS~~

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(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 705.APPENDIX E Public Comment Process**

~~APPENDIX E~~

~~PUBLIC COMMENT PROCESS~~



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(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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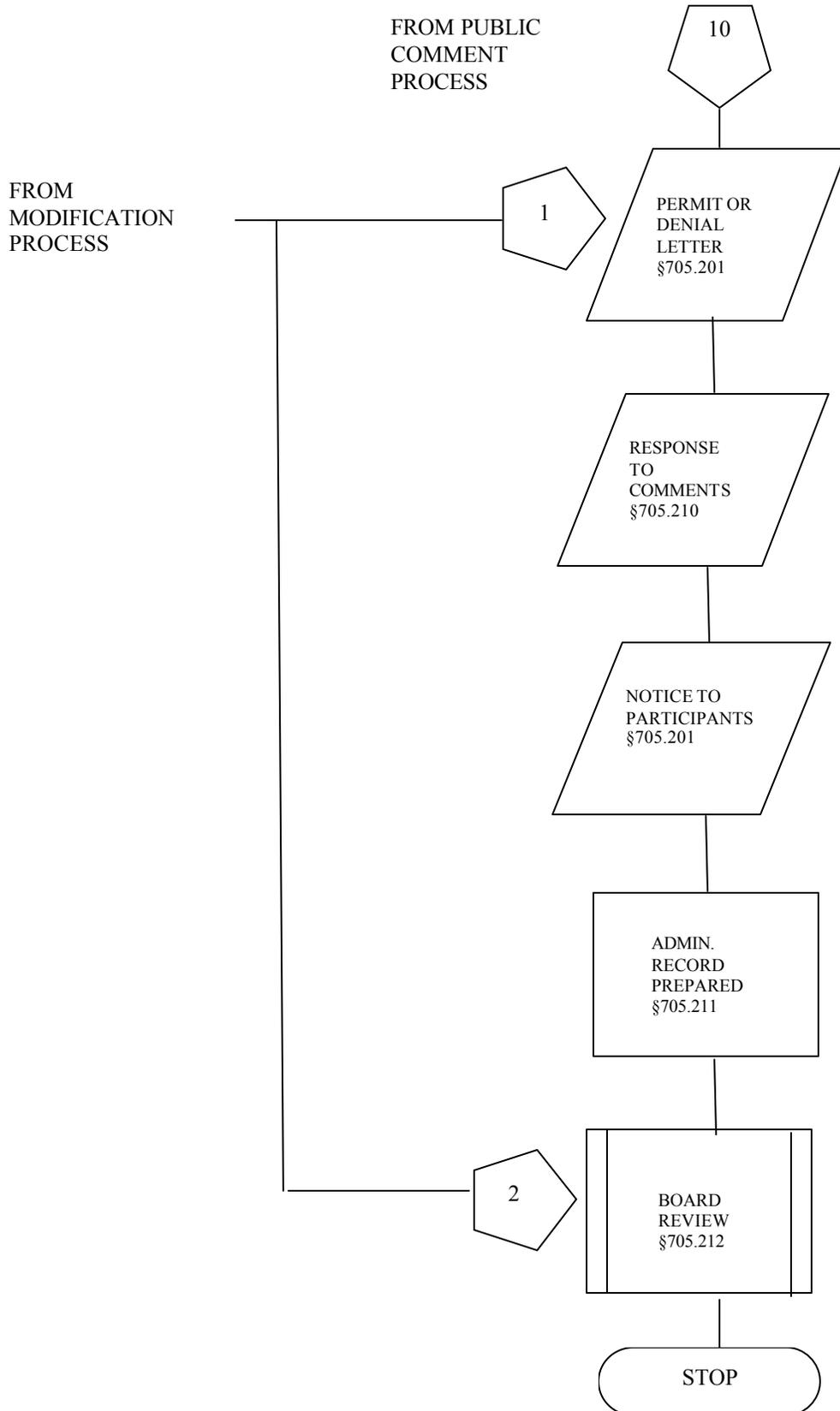
**Section 705.APPENDIX F Permit Issuance or Denial**

~~APPENDIX F~~

~~PERMIT ISSUANCE OR DENIAL~~

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(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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(February 13, 2002) 67 Fed. Reg. 6792	USEPA established interim emission standards for hazardous waste combustors in response to the judicial order in the case <i>Cement Kiln Recycling Coalition v. EPA</i> , 255 F.3d 855 (D.C. Cir. 2001). That case vacated segments of the September 30, 1999 hazardous waste combustor rule. The court ordered that USEPA issue final emission standards by June 14, 2005 and interim standards by February 14, 2002.
(February 14, 2002) 67 Fed. Reg. 6968	USEPA amended the provisions of the September 30, 1999 hazardous waste combustor rule to facilitate implementation of the rule. These are companion amendments to those of February 13, 2002, but they do not affect substantive emissions standards.
(March 13, 2002) 67 Fed. Reg. 11251	USEPA amended its Phase IV land disposal restriction (LDR) rule in response to the judicial vacatur in the case <i>Association of Battery Recyclers v. EPA</i> , 208 F.3d 1047 (D.C. Cir. 2000). The amendments related to two aspects of the Phase IV LDR rule vacated by the court. First, USEPA deleted language that classified mineral processing characteristic sludges and byproducts being reclaimed as solid waste. Second, USEPA included language that renders the toxicity characteristic leaching procedure (TCLP) test inapplicable to manufactured gas plant (MGP) waste.
(April 4, 2002) 67 Fed. Reg. 16262	USEPA determined not to list certain paint production wastes as hazardous and impose land disposal restrictions on them.
(April 9, 2002) 67 Fed. Reg. 17119	USEPA corrected a segment of its November 20, 2001 inorganic production waste rule.
(May 8, 2002) 67 Fed. Reg. 30811	USEPA announced its decision to reaffirm its regulatory interpretation that spent catalyst removed from a dual-purpose hydroprocessing reactor is a listed hazardous waste.
(May 8, 2002) 67 Fed. Reg. 30811	USEPA corrected segments of the consolidated permit rules of 40 C.F.R. 124 as they appeared in the 2001 edition of the <i>Code of Federal Regulations</i> , including a segment relating to RCRA permits.
(June 4, 2002) 67 Fed. Reg. 38418	USEPA granted interim authorization of various states' corrective action management unit rules, including Illinois.

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Among the listed federal RCRA Subtitle C and UIC amendments examined by the Board are six on which no Board action is necessary in this docket R03-7. Those actions were those of January 22, 2002, March 13, 2002, April 4, 2002, April 9, 2002, May 8, 2002, and June 4, 2002.

The amendments of January 22, 2002 were substantive amendments that the Board adopted on April 18, 2002 in RCRA Subtitle C Update, USEPA Amendments (January 1, 2001 through June 30, 2001), R02-1, RCRA Subtitle C Update, USEPA Amendments (July 1, 2001 through December 31, 2001, January 22, 2002, March 13, 2002, and April 9, 2002), R02-12, UIC Update, USEPA Amendments (July 1, 2001 through December 31, 2001), R02-17 (April 18, 2002) (consolidated). The Board granted the request of the Illinois Environmental Protection Agency (Agency) for expedited consideration of those amendments.

The Board similarly expedited consideration of the federal amendments of March 13, 2002 and April 9, 2002 in RCRA Subtitle C Update, USEPA Amendments (January 1, 2001 through June 30, 2001), R02-1, RCRA Subtitle C Update, USEPA Amendments (July 1, 2001 through December 31, 2001, January 22, 2002, March 13, 2002, and April 9, 2002), R02-12, UIC Update, USEPA Amendments (July 1, 2001 through December 31, 2001), R02-17 (April 18, 2002) (consolidated). The March 13, 2002 amendments related to the Phase IV land disposal restrictions, which were already involved in that docket, and the Board found it expedient to consider those amendments at that time. The April 9, 2002 amendments related to the inorganic production waste rule, which was also involved in that docket.

Finally, in the actions of April 4, 2002 and June 4, 2002, and in one of the actions of May 8, 2002, USEPA did not amend its regulations. The action of April 4, 2002 was a determination not to list paint production wastes as hazardous waste and impose land disposal restrictions on them. The May 8, 2002 action was an announcement that USEPA reaffirmed its earlier regulatory interpretation that spent catalyst removed from a dual-purpose hydroprocessing reactor is a listed hazardous waste. In the action of June 4, 2002, USEPA granted interim authorization to numerous states, including Illinois, for implementation of their corrective action management unit amendments based on the January 22, 2002 federal amendments.

No Board action is required on any of these three actions, but the Board takes note of them in this opinion for the benefit of the regulated community.

Thus, the Board is acting in this consolidated R03-7 docket on the following USEPA amendments:

February 13, 2002 (67 Fed. Reg. 6792)	Interim emission standards for hazardous waste combustors.
February 14, 2002 (67 Fed. Reg. 6968)	Amendments to the September 30, 1999 hazardous waste combustor rule to facilitate implementation of the rule.

## POLLUTION CONTROL BOARD

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May 8, 2002 (67 Fed. Reg. 30811)	Correction of segments of the consolidated permit rules of 40 C.F.R. 124 as printed in the 2001 edition of the <i>Code of Federal Regulations</i> .
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Specifically, the amendments to Part 720 implement segments of the federal interim emission standards for hazardous waste combustors adopted by USEPA on February 13, 2002. Further, the Board uses the occasion of the federally-derived amendments to make various minor, non-substantive corrective amendments to the text of Part 720.

Tables appear in the Board's opinion and order of October 3, 2002 in docket R03-7 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 October 3, 2002 opinion and order in docket R03-7.

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) Will these amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these amendments contain incorporations by reference?

Yes. Section 720.111 is the centralized listing of all documents incorporated by reference for the purposes of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, 738, and 739. In this proceeding the Board is updating the version of 40 C.F.R. 63 incorporated by reference to include the federal amendments of February 13, 2002 and February 14, 2002.

- 9) Are there any other amendments pending on this Part? No

## POLLUTION CONTROL BOARD

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- 10) Statement of statewide policy Objective: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates imposed by federal law.
- 11) 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 R03-7 and be addressed to:

Ms. Dorothy M. Gunn, 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 R03-7:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph, Suite 11-500  
Chicago, IL 60601  
Phone: 312-814-6924  
E-mail: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

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>.

- 12) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. The present amendments do not appear to increase the impact of the existing regulations on these entities beyond that already imposed under federal law.

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- 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. The present amendments do not appear to increase the impact of the existing regulations on these entities beyond that already imposed under federal law.
- 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. The present amendments do not appear to increase the impact of the existing regulations on these entities beyond that already imposed under federal law.

13) Regulatory agenda on which this rulemaking was summarized: July 2002

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

## POLLUTION CONTROL BOARD

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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

## 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
720.131	Solid Waste Determinations
720.132	Boiler Determinations
720.133	Procedures for 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

## APPENDIX A Overview of 40 CFR, Subtitle C Regulations

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].

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

## SUBPART B: DEFINITIONS AND REFERENCES

**Section 720.111 References**

The following documents are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 703 through 705, 721 through 726, 728, 730, 733, 738, and 739:

- a) Non-Regulatory Government Publications and Publications of Recognized

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## Organizations and Associations:

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

ACI 318-83: "Building Code Requirements for Reinforced Concrete," adopted September 1983.

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

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4.

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.

"Evaporative Loss from External Floating-Roof Tanks," API Publication 2517, Third Edition, February 1989.

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981, reaffirmed December 1987.

"Installation of Underground Petroleum Storage Systems," API Recommended Practice 1615, Fourth Edition, November 1987.

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. 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. Also available from ANSI.

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ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, 215-299-5400:

ASTM C 94-90, Standard Specification for Ready-Mixed Concrete, approved March 30, 1990.

ASTM D 88-87, Standard Test Method for Saybolt Viscosity, April 24, 1981, reapproved January 1987.

ASTM D 93-85, Standard Test Methods for Flash Point by Pensky-Martens Closed Tester, approved October 25, 1985.

ASTM D 1946-90, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, approved March 30, 1990.

ASTM D 2161-87, Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity, March 27, 1987.

ASTM D 2267-88, Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.

ASTM D 2382-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1988.

ASTM D 2879-92, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved 1992.

ASTM D 3828-87, Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester, approved December 14, 1988.

ASTM E 168-88, Standard Practices for General Techniques of Infrared Quantitative Analysis, approved May 27, 1988.

ASTM E 169-87, Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, approved February 1, 1987.

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ASTM E 260-85, Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.

ASTM Method G 21-70 (1984a), Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi.

ASTM Method G 22-76 (1984b), Standard Practice for Determining Resistance of Plastics to Bacteria.

MICE. Methods Information Communication Exchange Service, 703-821-4690:

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods<sub>2</sub>"; USEPA Publication number SW-846, Update IIIA (April 1998).

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.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods<sub>2</sub>"; USEPA Publication number SW-846 (Third Edition, November 1986), as amended by Updates I (July 1992), II (September 1994), IIA (August, 1993), IIB (January 1995), and III (December 1996) (Document Number 955-001-00000-1).

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<sub>2</sub>"; NACE Recommended Practice RP-02-85, approved March 1985.

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

"Flammable and Combustible Liquids Code<sub>2</sub>" NFPA 30, issued July 17, 1987. Also available from ANSI.

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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:

APTI Course 415: Control of Gaseous Emissions, PB80-208895, December 1981.

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program"; EPA/530-SW-87-011, March 15, 1987 (document number PB88-170766).

"Guideline on Air Quality Models"; Revised 1986 (document number PB86-245-248 (Guideline) and PB88-150-958 (Supplement), also set forth at 40 CFR 51, Appendix W).

"Method 164, Revision A, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Non-polar Material) by Extraction and Gravimetry" (document number PB99-121949).

"Methods for Chemical Analysis of Water and Wastes"; Third Edition, March 1983 (document number PB84-128677).

"Methods Manual for Compliance with BIF Regulations"; December 1990 (document number PB91-120-006).

"Petitions to Delist Hazardous Wastes – A Guidance Manual, Second Edition"; EPA/530-R-93-007, March 1993 (document number PB93-169365).

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources"; October 1992, Publication Number EPA-450/R-92-019.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods"; USEPA Publication number SW-846 (Third Edition, November 1986), as amended by Updates I (July 1992), II (September 1994), IIA (August 1993), IIB (January 1995), III (December 1996), and IIIA (April 1998) (document number 955-001-00000-1).

OECD. Organisation for Economic Co-operation and Development, Environment

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Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France:

OECD Guideline for Testing of Chemicals, Method 301B: "CO<sub>2</sub> Evolution (Modified Sturm Test)"<sub>2</sub>; adopted 17 July 1992.

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988.

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).

USDOD. Available from the United States Department of Defense:

"DOD Ammunition and Explosives Safety Standards" (DOD 6055.9-STD), as in effect in July 1999.

The Motor Vehicle Inspection Report (DD Form 626), as in effect on November 8, 1995.

Requisition Tracking Form (DD Form 1348), as in effect on November 8, 1995.

The Signature and Tally Record (DD Form 1907), as in effect on November 8, 1995.

Special Instructions for Motor Vehicle Drivers (DD Form 836), as in effect on November 8, 1995.

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

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells"<sub>2</sub>; EPA 570/9-87-002, August 1987.

USEPA. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:

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"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised," October 1992, Publication Number EPA-450/R-92-019.

USEPA. Available from RCRA Information Center (RIC), 1235 Jefferson Davis Highway, first floor, Arlington, VA 22202 (Docket #F-94-IEHF-FFFFF):

OECD Amber List of Wastes, Appendix 4 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

OECD Green List of Wastes, Appendix 3 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1994).

OECD Red List of Wastes, Appendix 5 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) (May 27, 1988).

USGSA. Available from the United States Government Services Administration:

Government Bill of Lading (GBL) (GSA Standard Form 1109), as in effect on November 8, 1995.

- 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 (2001)

10 CFR 20, Appendix B (2001)

10 CFR 71 (2001)

40 CFR 51.100(ii) (2001)

40 CFR 51, Appendix W (2001)

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40 CFR 52.741, Appendix B (2001)

40 CFR 60 (2001)

40 CFR 61, Subpart V (2001)

40 CFR 63 (2001), as amended at 66 Fed. Reg. 35087 (July 3, 2001), ~~and~~  
66 Fed. Reg. 52361 (October 15, 2001), 67 Fed. Reg. 6792 (February 13,  
2002), and 67 Fed. Reg. 6968 (February 14, 2002)

40 CFR 136 (2001)

40 CFR 142 (2001)

40 CFR 220 (2001)

40 CFR 232.2 (2001)

40 CFR 260.20 (2001)

40 CFR 264 (2001)

40 CFR 268.41 (1990)

40 CFR 268, Appendix IX (2001)

40 CFR 270.5 (2001)

40 CFR 302.4, 302.5, and 302.6 (2001)

40 CFR 761 (2001)

49 CFR 107 (2001)

49 CFR 171 (2001)

49 CFR 172 (2001)

49 CFR 173 (2001)

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49 CFR 178 (2001)

49 CFR 179 (2001)

c) Federal Statutes

Sections 201(v), 201(w), and 360b(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 512(j)), as amended through October 25, 1994.

Section 1412 of the Department of Defense Authorization Act of 1986, Pub. L. 99-145, 50 USC 1521(j)(1) (1997).

d) This Section incorporates no later editions or amendments.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- 2) Code Citation: 35 Ill. Adm. Code 724
- 3)

<u>Section Numbers:</u>	<u>Proposed Action</u>
724.101	Amend
724.103	Amend
724.110	Amend
724.111	Amend
724.112	Amend
724.113	Amend
724.114	Amend
724.115	Amend
724.116	Amend
724.117	Amend
724.118	Amend
724.119	Amend
724.130	Amend
724.131	Amend
724.132	Amend
724.133	Amend
724.135	Amend
724.137	Amend
724.150	Amend
724.151	Amend
724.152	Amend
724.153	Amend
724.154	Amend
724.155	Amend
724.156	Amend
724.170	Amend
724.171	Amend
724.172	Amend
724.173	Amend
724.174	Amend
724.175	Amend
724.176	Amend
724.177	Amend
724.190	Amend

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724.191	Amend
724.192	Amend
724.193	Amend
724.194	Amend
724.195	Amend
724.196	Amend
724.197	Amend
724.198	Amend
724.199	Amend
724.200	Amend
724.201	Amend
724.210	Amend
724.211	Amend
724.212	Amend
724.213	Amend
724.214	Amend
724.215	Amend
724.216	Amend
724.217	Amend
724.218	Amend
724.219	Amend
724.220	Amend
724.240	Amend
724.241	Amend
724.242	Amend
724.243	Amend
724.244	Amend
724.245	Amend
724.246	Amend
724.247	Amend
724.248	Amend
724.251	Amend
724.270	Amend
724.271	Amend
724.272	Amend
724.273	Amend
724.274	Amend
724.275	Amend
724.276	Amend
724.277	Amend

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724.278	Amend
724.279	Amend
724.290	Amend
724.291	Amend
724.292	Amend
724.293	Amend
724.294	Amend
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724.296	Amend
724.297	Amend
724.298	Amend
724.299	Amend
724.300	Amend
724.320	Amend
724.321	Amend
724.322	Amend
724.323	Amend
724.326	Amend
724.327	Amend
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724.330	Amend
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724.373	Amend
724.376	Amend
724.378	Amend
724.379	Amend

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724.380	Amend
724.381	Amend
724.382	Amend
724.383	Amend
724.400	Amend
724.401	Amend
724.402	Amend
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724.410	Amend
724.412	Amend
724.413	Amend
724.414	Amend
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724.440	Amend
724.442	Amend
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724.447	Amend
724.451	Amend
724.651	Amend
724.652	Amend
724.653	Amend
724.654	Amend
724.655	Amend
724.670	Amend
724.671	Amend
724.672	Amend
724.673	Amend
724.674	Amend
724.675	Amend
724.700	Amend
724.701	Amend
724.702	Amend
724.703	Amend
724.930	Amend
724.931	Amend

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724.932	Amend
724.933	Amend
724.934	Amend
724.935	Amend
724.936	Amend
724.950	Amend
724.951	Amend
724.952	Amend
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724.962	Amend
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724.980	Amend
724.981	Amend
724.982	Amend
724.983	Amend
724.984	Amend
724.985	Amend
724.986	Amend
724.987	Amend
724.988	Amend
724.989	Amend
724.990	Amend
724.1100	Amend
724.1101	Amend
724.1102	Amend
724.1201	Amend
724.1202	Amend
APPENDIX A	Amend
APPENDIX I	Amend

## POLLUTION CONTROL BOARD

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

5) A Complete Description of the Subjects and Issues Involved:

The amendments to Part 724 are a single segment of a larger rulemaking that also affects 35 Ill. Adm. Code 703, 705, 720, 725, and 726, 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 larger rulemaking in this *Illinois Register* only in the answer to question 5 in the Notice of Proposed Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of October 3, 2002, proposing amendments in docket R03-7 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

Specifically, the amendments to Part 724 implement segments of the federal interim emission standards for hazardous waste combustors adopted by USEPA on February 13, 2002. Further, the Board uses the occasion of the federally-derived amendments to make various minor, non-substantive corrective amendments to the text of Part 724.

Tables appear in the Board's opinion and order of October 3, 2002 in docket R03-7 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 October 3, 2002 opinion and order in docket R03-7.

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) Will these proposed amendments replace emergency amendments currently in effect?  
No.

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

## POLLUTION CONTROL BOARD

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- 8) Do these proposed amendments contain incorporations by reference? Yes. Part 724 includes both references to documents incorporated by reference and incorporations by reference. As to the references to documents incorporated by reference, one of those documents incorporated by reference, 40 C.F.R. 63, is updated in the larger R03-7 proceeding of which the amendments to Part 724 are a single segment. However, 35 Ill. Adm. Code 720.111 is the centralized listing of all documents incorporated by reference for the purposes of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, 738, and 739. The incorporations of that document are not amended in the amendments to Part 725. The amendments to Part 724 further add references to 35 Ill. Adm. Code 720.111 for documents referenced in Sections 724.118(a)(2) Board note, 724.248(a), and 724.986(f)(4). These documents were previously incorporated by reference in 35 Ill. Adm. Code 720.111, but references to those incorporations were previously omitted from Part 724. Finally, this proceeding updates the incorporation of 40 C.F.R. 264.151 by reference in Section 724.251 and the incorporation of 40 C.F.R. 264, Appendix I by reference in Appendix A to Part 724 to the latest versions available.
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates imposed by federal law.
- 11) 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 R03-7 and be addressed to:

Ms. Dorothy M. Gunn, 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 R03-7:

Michael J. McCambridge  
Staff Attorney

## POLLUTION CONTROL BOARD

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Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60601  
Phone: 312-814-6924  
E-mail: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

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>.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. The present amendments do not appear to increase the impact of the existing regulations on these entities beyond that already imposed under federal law.
- 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. The present amendments do not appear to increase the impact of the existing regulations on these entities beyond that already imposed under federal law.
- 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. The present amendments do not appear to increase the impact of the existing regulations on these entities beyond that already imposed under federal law.

13) Regulatory agenda on which this rulemaking was summarized: July 2002

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

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

## SUBPART B: GENERAL FACILITY STANDARDS

Section	
724.110	Applicability
724.111	<u>USEPA</u> 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

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## 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 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

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## 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	<u>Post-Closure</u> <del>Post-closure</del> Care and Use of Property
724.218	Post-Closure Care Plan; Amendment of Plan
724.219	<u>Post-Closure</u> <del>Post-closure</del> Notices
724.220	Certification of Completion of <u>Post-Closure</u> <del>Post-closure</del> Care

## SUBPART H: FINANCIAL REQUIREMENTS

## Section

724.240	Applicability
724.241	Definitions of Terms As Used <u>in</u> <del>In</del> This Subpart
724.242	Cost Estimate for Closure
724.243	Financial Assurance for Closure
724.244	Cost Estimate for <u>Post-Closure</u> <del>Post-closure</del> Care
724.245	Financial Assurance for <u>Post-Closure</u> <del>Post-closure</del> Care
724.246	Use of a Mechanism for Financial Assurance of Both Closure and <u>Post-Closure</u> <del>Post-closure</del> 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 <u>with</u> <del>With</del> 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

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724.278 Closure  
724.279 Air Emission Standards

## SUBPART J: TANK SYSTEMS

Section  
724.290 Applicability  
724.291 Assessment of Existing Tank ~~System~~ ~~System's~~-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~~ ~~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

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724.320 Applicability  
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APPENDIX E	Examples of Potentially Incompatible Waste
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AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].

SOURCE: Adopted in R82-19, 53 PCB 131, 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

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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 at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 724.101 Purpose, Scope, and Applicability**

- a) The purpose of this Part is to establish minimum standards that define the acceptable management of hazardous waste.
- b) The standards in this Part apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.
- c) The requirements of this Part apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the federal Marine Protection, Research and Sanctuaries Act (16 USC 1431-1434, 33 USC 1401) only to the extent they are included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141. A "RCRA permit" is a permit required by Section 21(f) of the Environmental Protection Act [415 ILCS 5/21(f)] and 35 Ill. Adm. Code 703.121.  
BOARD NOTE: This Part does apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.
- d) The requirements of this Part apply to a person disposing of hazardous waste by means of underground injection subject to a permit issued by the Agency pursuant

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to Section 12(g) of the Environmental Protection Act [415 ILCS 5/12(g)] only to the extent they are required by Subpart F of 35 Ill. Adm. Code 704.~~Subpart F.~~  
BOARD NOTE: This Part does apply to the above-ground treatment or storage of hazardous waste before it is injected underground.

- e) The requirements of this Part apply to the owner or operator of a POTW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste only to the extent included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141.
- f) This subsection (f) corresponds with 40 CFR 264.1(f), which provides that the federal regulations do not apply to T/S/D activities in authorized states, except under limited, enumerated circumstances. This statement maintains structural consistency with USEPA rules.
- g) The requirements of this Part do not apply to the following:
- 1) The owner or operator of a facility permitted by the Agency under Section 21 of the Environmental Protection Act [415 ILCS 5/21] to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105.  
BOARD NOTE: The owner or operator may be subject to 35 Ill. Adm. Code 807 and may have to have a supplemental permit under 35 Ill. Adm. Code 807.210.
  - 2) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4) (except to the extent that requirements of this Part are referred to in Subpart C, F, G, or H of 35 Ill. Adm. Code 726.~~Subparts C, F, G, or H~~ or 35 Ill. Adm. Code 739).
  - 3) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134.
  - 4) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170.
  - 5) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110.
  - 6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in Table T to 35 Ill. Adm. Code 728.~~Table T~~) or reactive (D003) waste to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 724.117(b).
  - 7) This subsection (g)(7) corresponds with 40 CFR 264.1(g)(7), reserved by

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USEPA. This statement maintains structural consistency with USEPA rules.

- 8) Immediate response.:
- A) Except as provided in subsection (g)(8)(B) of this Section, a person engaged in treatment or containment activities during immediate response to any of the following situations:
    - i) A discharge of a hazardous waste;
    - ii) An imminent and substantial threat of a discharge of hazardous waste;
    - iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.
  - B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of Subparts C and D of this Part.
  - C) Any person that is covered by subsection (g)(8)(A) of this Section and that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities.
  - D) In the case of an explosives or munitions emergency response, if a federal, State, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters that do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit ~~must shall~~ retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.
- 9) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.
- 10) The addition of absorbent materials to waste in a container (as defined in

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35 Ill. Adm. Code 720) or the addition of waste to absorbent material in a container, provided these actions occur at the time waste is first placed in the container, and Sections 724.117(b), 724.271, and 724.272 are complied with.

- 11) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation under 35 Ill. Adm. Code 733 when handling the following universal wastes:
  - A) Batteries, as described in 35 Ill. Adm. Code 733.102;
  - B) Pesticides, as described in 35 Ill. Adm. Code 733.103;
  - C) Thermostats, as described in 35 Ill. Adm. Code 733.104; and
  - D) Lamps, as described in 35 Ill. Adm. Code 733.105.
- h) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728.
- i) 35 Ill. Adm. Code 726.505 identifies when the requirements of this Part apply to the storage of military munitions classified as solid waste under 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 726, and 728.
- j) The requirements of Subparts B, C, and D of this Part and Section 724.201 do not apply to remediation waste management sites. (However, some remediation waste management sites may be a part of a facility that is subject to a traditional RCRA permit because the facility is also treating, storing, or disposing of hazardous wastes that are not remediation wastes. In these cases, Subparts B, C, and D of this Part, and Section 724.201 do apply to the facility subject to the traditional RCRA permit.) Instead of the requirements of Subparts B, C, and D of this Part, owners or operators of remediation waste management sites ~~must shall~~ comply with the following requirements:
  - 1) The owner or operator ~~must shall~~ obtain ~~a USEPA an EPA~~ identification number by applying to USEPA using USEPA Form 8700-12;
  - 2) The owner or operator ~~must shall~~ obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the analysis must contain all of the information that must be known to treat, store, or dispose of the waste according to this Part and 35 Ill. Adm. Code 728, and the owner or operator ~~must shall~~ keep the analysis accurate and up to date;
  - 3) The owner or operator ~~must shall~~ prevent people who are unaware of the danger from entering the site, and the owner or operator ~~must shall~~ minimize the possibility for unauthorized people or livestock entering onto the active portion of the remediation waste management site, unless the

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owner or operator can demonstrate the following to the Agency:

- A) ~~That physical~~ Physical-contact with the waste, structures, or equipment within the active portion of the remediation waste management site will not injure people or livestock that may enter the active portion of the remediation waste management site; and
  - B) ~~That disturbance~~ Disturbance-of the waste or equipment by people or livestock that enter onto the active portion of the remediation waste management site will not cause a violation of the requirements of this Part;
- 4) The owner or operator ~~must shall~~ inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing or may lead to a release of hazardous waste constituents to the environment or a threat to human health. The owner or operator ~~must shall~~ conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment, and the owner or operator ~~must shall~~ remedy the problem before it leads to a human health or environmental hazard. Where a hazard is imminent or has already occurred, the owner or operator ~~must shall~~ immediately take remedial action;
  - 5) The owner or operator ~~must shall~~ provide personnel with classroom or on-the-job training on how to perform their duties in a way that ensures the remediation waste management site complies with the requirements of this Part, and on how to respond effectively to emergencies;
  - 6) The owner or operator ~~must shall~~ take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, and the owner or operator ~~must shall~~ prevent threats to human health and the environment from ignitable, reactive, and incompatible waste;
  - 7) For remediation waste management sites subject to regulation under Subparts I through O and Subpart X of this Part, the owner or operator ~~must shall~~ design, construct, operate, and maintain a unit within a 100-year floodplain to prevent washout of any hazardous waste by a 100-year flood, unless the owner or operator can meet the requirements of Section 724.118(b);
  - 8) The owner or operator ~~must shall~~ not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine, or cave;
  - 9) The owner or operator ~~must shall~~ develop and maintain a construction quality assurance program for all surface impoundments, waste piles, and landfill units that are required to comply with Sections 724.321(c) and (d), 724.351(c) and (d), and 724.401(c) and (d) at the remediation waste

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- management site, according to the requirements of Section 724.119;
- 10) The owner or operator ~~must shall~~ develop and maintain procedures to prevent accidents and a contingency and emergency plan to control accidents that occur. These procedures must address proper design, construction, maintenance, and operation of remediation waste management units at the site. The goal of the plan must be to minimize the possibility of, and the hazards from, a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever a fire, explosion, or release of hazardous waste or hazardous waste constituents occurs that could threaten human health or the environment;
- 11) The owner or operator ~~must shall~~ designate at least one employee, either on the facility premises or on call (that is, available to respond to an emergency by reaching the facility quickly), to coordinate all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan;
- 12) The owner or operator ~~must shall~~ develop, maintain, and implement a plan to meet the requirements in subsections (j)(2) through (j)(6) and (j)(9) through (j)(10) of this Section; and
- 13) The owner or operator ~~must shall~~ maintain records documenting compliance with subsections (j)(1) through (j)(12) of this Section.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.103 Relationship to Interim Status Standards**

A facility owner or operator ~~that who~~ has fully complied with the requirements for interim status – as defined in Section 3005(e) of RCRA and regulations under 35 Ill. Adm. Code 703, Subpart C – must comply with the regulations specified in 35 Ill. Adm. Code 725 in lieu of the regulations in this Part, until final administrative disposition of his permit application is made, except as provided under Subpart S of this Part.

BOARD NOTE: As stated in Section 21(f) of the Illinois Environmental Protection Act [\[415 ILCS 5/21\(f\)\]](#), the treatment, storage or disposal of hazardous waste is prohibited except in

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accordance with a RCRA permit. 35 Ill. Adm. Code 703, Subpart C provides for the continued operation of an existing facility ~~that which~~ meets certain conditions until final administrative disposition of the owner's or operator's permit application.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: GENERAL FACILITY STANDARDS

**Section 724.110 Applicability**

- a) The regulations in this Subpart **B** apply to owners and operators of all hazardous waste facilities, except as provided in Section 724.101 and in subsection (b) of this Section.
- b) Section 724.118(b) applies only to facilities subject to regulation under Subparts I through O and Subpart X of this Part.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.111 USEPA Identification Number**

Every facility owner or operator must apply to USEPA for a USEPA identification number in accordance with the USEPA notification procedures. (45 Fed. Reg. 12746.)

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.112 Required Notices**

- a) Receipt from a foreign source.
  - 1) The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source must notify the Regional Administrator in writing at least four weeks in advance of the date the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.
  - 2) The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to Subpart H of 35 Ill. Adm. Code 722 ~~Subpart H~~ must provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460; to the Bureau of Land, Division of Land

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Pollution Control, Illinois Environmental Protection Agency, P.O. Box 19276, Springfield, IL 62794-9276; and to the competent authorities of all other concerned countries within three working days of receipt of the shipment. The original of the signed tracking document must be maintained at the facility for at least three years.

- b) The owner or operator of a facility that receives hazardous waste from an off-site source (except where the owner or operator is also the generator) must inform the generator in writing that the owner or operator has the appropriate ~~permits~~ ~~permit(s)~~ for, and will accept, the waste that the generator is shipping. The owner or operator must keep a copy of this written notice as part of the operating record.
- c) Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator must notify the new owner or operator in writing of the requirements of this Part and 35 Ill. Adm. Code 702 and 703.

BOARD NOTE: An owner's or operator's failure to notify the new owner or operator of the requirements of this Part in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.113 General Waste Analysis**

- a) Analysis:
- 1) Before an owner or operator treats, stores, or disposes of any hazardous wastes, or non-hazardous wastes if applicable under Section 724.213(d), the owner or operator ~~must shall~~ obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information that must be known to treat, store, or dispose of the waste in accordance with this Part and 35 Ill. Adm. Code 728.
  - 2) The analysis may include data developed under 35 Ill. Adm. Code 721 and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes.

BOARD NOTE: For example, the facility's records of analyses performed on the waste before the effective date of these regulations or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility may be included in the data base required to comply with subsection (a)(1) of this Section. The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by

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subsection (a)(1) of this Section, except as otherwise specified in 35 Ill. Adm. Code 728.107(b) and (c). If the generator does not supply the information, and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.

- 3) The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated as follows:
  - A) When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste, or non-hazardous waste if applicable under Section 724.213(d), has changed; and
  - B) For off-site facilities, when the results of the inspection required in subsection (a)(4) of this Section indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.
- 4) The owner or operator of an off-site facility must shall inspect and, if necessary, analyze each hazardous waste shipment received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.
- b) The owner or operator must shall develop and follow a written waste analysis plan that describes the procedures that it will carry out to comply with subsection (a) of this Section. The owner or operator must shall keep this plan at the facility. At a minimum, the plan must specify the following:
  - 1) The parameters for which each hazardous waste, or non-hazardous waste if applicable under Section 724.213(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (a) of this Section).
  - 2) The test methods that will be used to test for these parameters.
  - 3) The sampling method that will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either of the following:
    - A) One of the sampling methods described in Appendix A to 35 Ill. Adm. Code 721.~~Appendix A~~; or
    - B) An equivalent sampling method.
- 4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date.
- 5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply.

BOARD NOTE: See 35 Ill. Adm. Code 720.121.

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- 6) Where applicable, the methods that will be used to meet the additional waste analysis requirements for specific waste management methods as specified in Sections 724.117, 724.414, 724.441, 724.934(d), 724.963(d), and 724.983 and 35 Ill. Adm. Code 728.107.
- 7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for the following:
  - A) The sampling of impoundment contents;
  - B) The analysis of test data; and
  - C) The annual removal of residues that are not delisted under 35 Ill. Adm. Code 720.122 or which exhibit a characteristic of hazardous waste and either of the following is true of the waste:
    - i) The residues do ~~Do~~ not meet applicable treatment standards of Subpart D of 35 Ill. Adm. Code 728.~~Subpart D~~; or
    - ii) Where no treatment standards have been established, such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.132 or 728.139 or such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.133(f).
- 8) For owners and operators seeking an exemption to the air emission standards of ~~724.~~Subpart CC of this Part in accordance with Section 724.982, the following information:
  - A) If direct measurement is used for the waste determination, the procedures and schedules for waste sampling and analysis and the analysis of test data to verify the exemption.
  - B) If knowledge of the waste is used for the waste determination, any information prepared by the facility owner or operator or by the generator of the waste, if the waste is received from off-site, that is used as the basis for knowledge of the waste.
- c) For off-site facilities, the waste analysis plan required in subsection (b) of this Section must also specify the procedures that will be used to inspect and, if necessary, analyze each shipment of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe the following:
  - 1) The procedures that will be used to determine the identity of each movement of waste managed at the facility;
  - 2) The sampling method that will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling; and
  - 3) The procedures that the owner or operator of an off-site landfill receiving

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containerized hazardous waste will use to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container.

BOARD NOTE: 35 Ill. Adm. Code 703 requires that the waste analysis plan be submitted with Part B of the permit application.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.114 Security**

- a) The owner or operator must prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto the active portion of the facility, unless the owner or operator demonstrates the following to the Agency ~~that~~:

- 1) ~~That physical~~ Physical contact with the waste, structures or equipment within the active portion of the facility will not injure unknowing or unauthorized persons or livestock ~~that which~~ may enter the active portion of a facility; and
- 2) ~~That disturbance~~ Disturbance of the waste or equipment, by the unknowing or unauthorized entry of persons or livestock onto the active portion of a facility, will not cause a violation of the requirements of this Part.

~~(BOARD NOTE-Board Note:~~ 35 Ill. Adm. Code 703 requires that an owner or operator who wishes to make the demonstration referred to above must do so with Part B of the permit application.)

- b) Unless the owner or operator has made a successful demonstration under subsections paragraphs (a)(1) and (a)(2) of this Section, a facility must have the following:

- 1) A 24-hour surveillance system (e.g., television monitoring or surveillance by guards or facility personnel) ~~that which~~ continuously monitors and controls entry onto the active portion of the facility; or
- 2) Physical barriers.
  - A) An artificial or natural barrier (e.g., a fence in good repair or a fence combined with a cliff), which completely surrounds the active portion of the facility; and
  - B) A means to control entry, at all times, through the gates or other entrances to the active portion of the facility (e.g., an attendant, television monitors, locked entrance, or controlled roadway access to the facility).

~~(BOARD NOTE-Board Note:~~ The requirements of subsection paragraph (b) of

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this Section are satisfied if the facility or plant within which the active portion is located itself has a surveillance system, or a barrier and a means to control entry, ~~that which~~ complies with the requirements of ~~subsection paragraph~~ (b)(1) or (b)(2) of this Section.

- c) Unless the owner or operator has made a successful demonstration under ~~subsections paragraphs~~ (a)(1) and (a)(2) of this Section, a sign with the legend, "Danger – Unauthorized Personnel Keep Out," must be posted at each entrance to the active portion of a facility, and at other locations, in sufficient numbers to be seen from any approach to this active portion. The sign must be legible from a distance of at least 25 feet. Existing signs with a legend other than "Danger – Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion, and that entry onto the active portion can be dangerous.

~~(BOARD NOTE-Board Note:~~ See Section 724.217(b) for discussion of security requirements at disposal facilities during the post-closure care period.)

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.115 General Inspection Requirements**

- a) The owner or operator ~~must shall~~ conduct inspections often enough to identify problems in time to correct them before they harm human health or the environment. The owner or operator ~~must shall~~ inspect the facility for malfunctions and deterioration, operator errors, and discharges that may be causing or may lead to either of the following:
- 1) Release of hazardous waste constituents to the environment; or
  - 2) A threat to human health.
- b) Inspection schedule.
- 1) The owner or operator ~~must shall~~ develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.
  - 2) The owner or operator ~~must shall~~ keep this schedule at the facility.
  - 3) The schedule must identify the types of problems (e.g., malfunctions or deterioration) that are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).
  - 4) The frequency of inspection may vary for the items on the schedule. However, the frequency should be based on the rate of deterioration of the equipment and the probability of an environmental or human health

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incident if the deterioration, malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in Sections 724.274, 724.293, 724.295, 724.326, 724.354, 724.378, 724.403, 724.447, 724.702, 724.933, 724.952, 724.953, 724.958, and 724.983 through 724.990, where applicable.

BOARD NOTE: 35 Ill. Adm. Code 703 requires the inspection schedule to be submitted with Part B of the permit application. The Agency must evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, the Agency may modify or amend the schedule as may be necessary.

- c) The owner or operator ~~must shall~~ remedy any deterioration or malfunction of equipment or structures that the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.
- d) The owner or operator ~~must shall~~ record inspections in an inspection log or summary. The owner or operator ~~must shall~~ keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made and the date, and nature of any repairs or other remedial actions.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.116 Personnel Training**

- a) The personnel training program.
  - 1) Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this Part. The owner or operator must ensure that this program includes all the elements described in the document required under ~~subsection paragraph~~ (d)(3) of this Section.  
~~(BOARD NOTE Board Note:~~ 35 Ill. Adm. Code 703 requires that owners and operators submit with Part B of the RCRA permit application, an outline of the training program used (or to be used) at the facility and a brief description of how the training program is designed to meet actual

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- jobs tasks.)
- 2) This program must be directed by a person trained in hazardous waste management procedures, and must include instruction ~~that which~~ teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.
  - 3) At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment and emergency systems, including, where applicable:
    - A) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;
    - B) Key parameters for automatic waste feed cut-off systems;
    - C) Communications or alarm systems;
    - D) Response to fires or explosions;
    - E) Response to groundwater contamination incidents; and
    - F) Shutdown of operations.
  - b) Facility personnel must successfully complete the program required in ~~subsection paragraph~~ (a) of this Section within six months after the effective date of these regulations or six months after the date of their employment or assignment to a facility, or to a new position at a facility, whichever is later. Employees hired after the effective date of these regulations must not work in unsupervised positions until they have completed the training requirements of ~~subsection paragraph~~ (a) of this Section.
  - c) Facility personnel must take part in an annual review of the initial training required in ~~subsection paragraph~~ (a) of this Section.
  - d) The owner or operator must maintain the following documents and records at the facility:
    - 1) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;
    - 2) A written job description for each position listed under ~~subsection paragraph~~ (d)(1) of this Section. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education or other qualifications, and duties of employees assigned to each position;
    - 3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under ~~subsection paragraph~~ (d)(1) of this Section;
    - 4) Records that document that the training or job experience required under

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~~subsections paragraphs~~ (a), (b), and (c) of this Section has been given to, and completed by, facility personnel.

- e) Training records on current personnel must be kept until closure of the facility; training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.117 General Requirements for Ignitable, Reactive or Incompatible Wastes**

- a) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including but not limited to: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flame to specially designated locations. "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.
- b) Where specifically required by this Part, the owner or operator of a facility that treats, stores or disposes ignitable or reactive waste, or mixes incompatible waste and other materials, must take precautions to prevent reactions that do the following which:
- 1) Generate extreme heat or pressure, fire or explosions, or violent reactions;
  - 2) Produce uncontrolled toxic mists, fumes, dusts or gases in sufficient quantities to threaten human health or the environment;
  - 3) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;
  - 4) Damage the structural integrity of the device or facility;
  - 5) Through other like means threaten human health or the environment.
- c) When required to comply with ~~subsections paragraphs~~ (a) or (b) of this Section, the owner or operator must document that compliance. This documentation may be based on references to published scientific or engineering literature, data from trial tests (e.g., bench scale or pilot scale tests), waste analyses (as specified in Section 724.113), or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 724.118 Location Standards**

- a) Seismic considerations.
- 1) Portions of new facilities where treatment, storage or disposal of hazardous waste will be conducted must not be located within 61 meters (200 feet) of a fault ~~that which~~ has had displacement in Holocene time.
  - 2) As used in subsection (a)(1) of this Section:
    - A) "Fault" means a fracture along which rocks on one side have been displaced with respect to those on the other side.
    - B) "Displacement" means the relative movement of any two sides of a fault measured in any direction.
    - C) "Holocene" means the most recent epoch of the Quarternary period, extending from the end of the Pleistocene to the present.

BOARD NOTE: Procedures for demonstrating compliance with this standard in Part B of the permit application are specified in 35 Ill. Adm. Code 703.182. Facilities ~~that which~~ are located in political jurisdictions other than those listed in 40 CFR 264. Appendix VI, incorporated by reference in 35 Ill. Adm. Code 720.11, (1988) are assumed to be in compliance with this requirement.
- b) Floodplains.
- 1) A facility located in a 100-year floodplain must be designed, constructed, operated and maintained to prevent washout of any hazardous waste by a 100-year flood, unless the owner or operator can demonstrate the following to the Agency's satisfaction ~~that~~:
    - A) ~~That procedures~~ Procedures are in effect ~~that which~~ will cause the waste to be removed safely, before flood waters can reach the facility, to a location where the wastes will not be vulnerable to flood waters; or
    - B) For existing surface impoundments, waste piles, land treatment units, landfills and miscellaneous units, that no adverse effects on human health or the environment will result if washout occurs, considering the following:
      - i) The volume and physical and chemical characteristics of the waste in the facility;
      - ii) The concentration of hazardous constituents that would potentially affect surface waters as a result of washout;
      - iii) The impact of such concentrations on the current or potential uses of and water quality standards established for the affected surface waters; and
      - iv) The impact of hazardous constituents on the sediments of

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affected surface waters or the soils of the 100-year floodplain that could result from washout;

- 2) As used in subsection (b)(1) **of this Section**:
- A) "100-year floodplain" means any land area ~~that which~~ is subject to a one percent or greater chance of flooding in any given year from any source.
  - B) "Washout" means the movement of hazardous waste from the active portion of the facility as a result of flooding.
  - C) "100-year flood" means a flood that has a one percent chance of being equalled or exceeded in any given year.

BOARD NOTE: Requirements pertaining to other Federal laws ~~that which~~ affect the location and permitting of facilities are found in 40 CFR 270.3. For details relative to these laws, see EPA's manual for SEA (special environmental area) requirements for hazardous waste facility permits. Though EPA is responsible for complying with these requirements, applicants are advised to consider them in planning the location of a facility to help prevent subsequent project delays. Facilities may be required to obtain from the Illinois Department of Transportation on a permit or certification that a facility is flood-proofed.

- c) Salt dome formations, salt bed formations, underground mines and caves. The placement of any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground cave or mine is prohibited.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.119 Construction Quality Assurance Program**

- a) Construction quality assurance (CQA) program.
- 1) A CQA program is required for all surface impoundment, waste pile and landfill units that are required to comply with Sections 724.321(c) and (d), 724.351(c) and (d), and 725.401(c) and (d). The program must ensure that the constructed unit meets or exceeds all design criteria and specifications in the permit. The program must be developed and implemented under the direction of a CQA officer who is a registered professional engineer.
  - 2) The CQA program must address the following physical components, where applicable:
    - A) Foundations;
    - B) Dikes;
    - C) Low-permeability soil liners;
    - D) Geomembranes (flexible membrane liners);

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- E) Leachate collection and removal systems and leak detection systems; and
  - F) Final cover systems.
- b) Written CQA plan. The owner or operator of units subject to the CQA program under subsection (a) ~~of this Section above~~ must develop and implement a written CQA plan. The plan must identify steps that will be used to monitor and document the quality of materials and the condition and manner of their installation. The CQA plan must include the following:
- 1) Identification of applicable units, and a description of how they will be constructed.
  - 2) Identification of key personnel in the development and implementation of the CQA plan, and CQA officer qualifications.
  - 3) A description of inspection and sampling activities for all unit components identified in subsection (a)(2) ~~of this Section above~~, including observations and tests that will be used before, during and after construction to ensure that the construction materials and the installed unit components meet the design specifications. The description must cover: Sampling size and locations; frequency of testing; data evaluation procedures; acceptance and rejection criteria for construction materials; plans for implementing corrective measures; and data or other information to be recorded and retained in the operating record under Section 724.173.
- c) Contents of program.
- 1) The CQA program must include observations, inspections, tests and measurements sufficient to ensure the following:
    - A) Structural stability and integrity of all components of the unit identified in subsection (a)(2) ~~of this Section above~~;
    - B) Proper construction of all components of the liners, leachate collection and removal system, leak detection system and final cover system, according to permit specifications and good engineering practices and proper installation of all components (e.g., pipes) according to design specifications;
    - C) Conformity of all materials used with design and other material specifications under Sections 724.321, 724.351 and 724.401.
  - 2) The CQA program must include test fills for compacted soil liners, using the same compaction methods as in the full scale unit, to ensure that the liners are constructed to meet the hydraulic conductivity requirements of Sections 724.321(c)(1)(A)(ii), 724.351(c)(1)(A)(ii), or 724.401(c)(1)(A)(ii) in the field. Compliance with the hydraulic conductivity requirements must be verified by using in-situ testing on the constructed test fill. The Agency must ~~shall~~ accept an alternative

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demonstration, in lieu of a test fill, where data are sufficient to show that a constructed soil liner will meet the hydraulic conductivity requirements of Sections 724.321(c)(1)(A)(ii), 724.351(c)(1)(A)(ii), or 724.401(c)(1)(A)(ii) in the field.

- d) Certification. Waste must not be received in a unit subject to Section 724.119 until the owner or operator has submitted to the Agency by certified mail or hand delivery a certification signed by the CQA officer that the approved CQA plan has been successfully carried out and that the unit meets the requirements of Sections 724.321(c) or (d), 724.351(c) or (d), or 724.401(c) or (d); and the procedure in 35 Ill. Adm. Code 703.247(b) has been completed. Documentation supporting the CQA officer's certification must be furnished to the Agency upon request.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: PREPAREDNESS AND PREVENTION

**Section 724.130 Applicability**

The regulations in this Subpart C apply to owners and operators of all hazardous waste management facilities, except as Section 724.101 provides otherwise.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.131 Design and Operation of Facility**

Facilities must be designed, constructed, maintained and operated 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 which~~ could threaten human health or the environment.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.132 Required Equipment**

All facilities must be equipped with the following, unless the owner or operator demonstrates to the Agency that none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

- a) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

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- b) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;
- c) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment and decontamination equipment; and
- d) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers or water spray systems.

~~(BOARD NOTE-Board Note:~~ 35 Ill. Adm. Code 703 requires that an owner or operator who wishes to make the demonstration referred to above must do so with Part B of the permit application.)

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.133 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.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.135 Required Aisle Space**

The owner or operator 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 the owner or operator demonstrates to the Agency that aisle space is not needed for any of these purposes.

~~(BOARD NOTE-Board Note:~~ 35 Ill. Adm. Code 703 requires that an owner or operator who wishes to make the demonstration referred to above must do so with Part B of the permit application.)

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.137 Arrangements with Local Authorities**

- a) The owner or operator 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:

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- 1) 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;
  - 2) Where 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;
  - 3) Agreements with state emergency response teams, emergency response contractors, and equipment suppliers; and
  - 4) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses ~~that~~ ~~which~~ could result from fires, explosions or releases at the facility.
- b) Where state or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

**Section 724.150 Applicability**

The regulations in this Subpart D apply to owners and operators of all hazardous waste management facilities, except as Section 724.101 provides otherwise.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.151 Purpose and Implementation of Contingency Plan**

- a) Each owner or operator must have a contingency plan for the 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 waste or hazardous waste constituents to air, soil, or surface water.
- b) The provisions of this plan must be carried out immediately whenever there is a fire, explosion or release of hazardous waste or hazardous waste constituents ~~that~~ ~~which~~ could threaten human health or the environment.

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(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.152 Content of Contingency Plan**

- a) The contingency plan must describe the actions facility personnel must take to comply with Sections 724.151 and 724.156 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.
- b) If the owner or operator has already prepared a Spill Prevention Control and Countermeasures (SPCC) Plan in accordance with 40 CFR Part 112 or 300, or some other emergency or contingency plan, the owner or operator need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this Part.
- c) The 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 Section 724.137.
- d) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see Section 724.155), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. For new facilities, this information must be supplied to the Agency at the time of certification, rather than at the time of permit application.
- e) The plan must include a list of all emergency equipment at the facility [such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment], where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.
- f) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes and alternative alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.153 Copies of Contingency Plan**

A copy of the contingency plan and all revisions to the plan must be:

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- a) Maintained at the facility; and
- b) Submitted to all local police departments, fire departments, hospitals and state and local emergency response teams that may be called upon to provide emergency services.

~~(BOARD NOTE/COMMENT:~~ The contingency plan must be submitted to the Agency with Part B of the permit application under 35 Ill. Adm. Code 702 and 703, and, after modification or approval, will become a condition of any permit issued.)

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.154 Amendment of Contingency Plan**

The contingency plan ~~must shall~~ be reviewed, and immediately amended, if necessary, when:

- a) The facility permit is revised;
- b) The plan fails in an emergency;
- c) 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 waste or hazardous waste constituents, or changes the response necessary in an emergency;
- d) The list of emergency coordinators changes; or
- e) The list of emergency equipment changes.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.155 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 waste handled, the location of all records within the facility and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

~~(BOARD NOTE/COMMENT:~~ The emergency coordinator's responsibilities are more fully spelled out in Section 724.156. Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of ~~wastes waste(s)~~ handled by the facility, and type and complexity of the facility.)

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 724.156 Emergency Procedures**

- a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the designee when the emergency coordinator is on call) must ~~shall~~ immediately:
- 1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and
  - 2) Notify appropriate state or local agencies with designated response roles if their help is needed.
- b) Whenever there is a release, fire, or explosion, the emergency coordinator must ~~shall~~ 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.
- c) Concurrently, the emergency coordinator must ~~shall~~ assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-off from water or chemical agents used to control fire and heat-induced explosions).
- d) If the emergency coordinator determines that the facility has had a release, fire, or explosion that could threaten human health or the environment outside the facility, the emergency coordinator must ~~shall~~ report the findings as follows:
- 1) If the assessment indicates that evacuation of local areas may be advisable, the emergency coordinator must ~~shall~~ immediately notify appropriate local authorities. The emergency coordinator must be available to help appropriate officials decide whether local areas should be evacuated; and
  - 2) The emergency coordinator must ~~shall~~ immediately notify either the government official designated as the on-scene coordinator for that geographical area (in the applicable regional contingency plan under 40 CFR 300) or the National Response Center (using their 24-hour toll free number 800-424-8802). The report must include the following:
    - A) Name and telephone number of reporter;
    - B) Name and address of facility;
    - C) Time and type of incident (e.g., release, fire);
    - D) Name and quantity of material involved, to the extent known;
    - E) The extent of injuries, if any; and
    - F) The possible hazards to human health or the environment outside the facility.
- e) During an emergency, the emergency coordinator must ~~shall~~ take all reasonable

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measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing release waste, and removing or isolating containers.

- f) If the facility stops operations in response to a fire, explosion, or release, the emergency coordinator ~~must shall~~ monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.
- g) Immediately after an emergency, the emergency coordinator ~~must shall~~ provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

BOARD NOTE: Unless the owner or operator can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(d) or (e), that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and ~~must shall~~ manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 722, 723, and 724.

- h) The emergency coordinator ~~must shall~~ ensure that the following is true of in the affected areas of the facility:
  - 1) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and
  - 2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.
- i) The owner or operator ~~must shall~~ notify the Agency and appropriate state and local authorities that the facility is in compliance with subsection (h) of this Section above before operations are resumed in the affected areas of the facility.
- j) The owner or operator ~~must shall~~ 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 owner or operator ~~must shall~~ submit a written report on the incident to the Agency. The report must include the following:
  - 1) Name, address, and telephone number of the owner or operator;
  - 2) Name, address, and telephone number of the facility;
  - 3) Date, time, and type of incident (e.g., fire, explosion);
  - 4) Name and quantity of materials involved;
  - 5) The extent of injuries, if any;
  - 6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and
  - 7) Estimated quantity and disposition of recovered material that resulted from the incident.

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(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

**Section 724.170 Applicability**

The regulations in this Subpart E apply to owners and operators of both on-site and off-site facilities, except as Section 724.101 provides otherwise. Sections 724.171, 724.172 and 724.176 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources, nor do they apply to owners and operators of off-site facilities with respect to waste military munitions exempted from manifest requirements under 35 Ill. Adm. Code 726.303(a). Section 724.173(b) only applies to permittees ~~that which~~ treat, store, or dispose of hazardous wastes on-site where such wastes were generated.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.171 Use of Manifest System**

- a) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or the owner or operator's agent, must do the following:
- 1) Sign and date each copy of the manifest to certify that the hazardous waste covered by the manifest was received;
  - 2) Note any significant discrepancies in the manifest (as defined in Section 724.172(a)) on each copy of the manifest;  
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 manifest and giving it to the transporter. Section 724.172(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.
  - 3) Immediately give the transporter at least one copy of the signed manifest;
  - 4) Within 30 days after the delivery, send a copy of the manifest to the generator and to the Agency; and
  - 5) Retain at the facility a copy of each manifest for at least three years from the date of delivery.
- b) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste ~~that which~~ 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) Sign and date each copy of the manifest or shipping paper (if the manifest

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has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

- 2) 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) 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) Within 30 days after the delivery, send a copy of the signed and dated manifest to the generator and to the Agency; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or the owner or operator's agent, must send a copy of the shipping paper signed and dated to the generator; and

BOARD NOTE: Section 722.123(c) requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).

- 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 which 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.~~Subpart H~~, the owner or operator of the facility must provide a copy of the tracking document bearing all required signatures to the notifier; to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW, 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

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tracking document must be maintained at the facility for at least three years from the date of signature.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.172 Manifest Discrepancies**

- a) Definition of a "manifest discrepancy."
- 1) A manifest discrepancy is a difference ~~Manifest discrepancies are differences~~ between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste a facility actually receives;
  - 2) A significant discrepancy ~~Significant discrepancies~~ in quantity is as follows ~~are~~:
    - A) For bulk waste, variations greater than 10 percent in weight; and
    - B) For batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload.
  - 3) Significant discrepancies in type are obvious differences that ~~which~~ can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.
- b) Upon discovering a significant discrepancy, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator must immediately submit to the Agency a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.173 Operating Record**

- a) The owner or operator must ~~shall~~ 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 until closure of the facility:
- 1) A description and the quantity of each hazardous waste received and the method or methods and date or dates of its treatment, storage, or disposal at the facility, as required by Appendix A of this Part;
  - 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

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hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest;

BOARD NOTE: See Section 724.219 for related requirements.

- 3) Records and results of waste analyses and waste determinations performed as specified in Sections 724.113, 724.117, 724.414, 724.441, 724.934, 724.963, and 724.983 and in 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 724.156(j);
- 5) Records and results of inspections, as required by Section 724.115(d) (except these data need to be kept only three years);
- 6) Monitoring, testing, or analytical data and corrective action data where required by Subpart F of this Part or Sections 724.119, 724.291, 724.293, 724.295, 724.322, 724.323, 724.326, 724.352 through 724.354, 724.376, 724.378, 724.380, 724.402 through 724.404, 724.409, 724.447, 724.702, 724.934(c) through (f), 724.935, 724.963(d) through (i), 724.964, and 724.982 through 724.990;
- 7) For off-site facilities, notices to generators as specified in Section 724.112(b);
- 8) All closure cost estimates under Section 724.242 and, for disposal facilities, all post-closure care cost estimates under Section 724.244;
- 9) A certification by the permittee, no less often than annually: that the permittee has a program in place to reduce the volume and toxicity of hazardous waste that the permittee generates, to the degree the permittee determines to be economically practicable, and that the proposed method of treatment, storage, or disposal is that practicable method currently available to the permittee that minimizes the present and future threat to human health and the environment;
- 10) 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 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);
- 11) 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;
- 12) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if

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- applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;
- 13) 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, whichever is applicable;
  - 14) 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, required under 35 Ill. Adm. Code 728.108, whichever is applicable;
  - 15) 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;
  - 16) 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
  - 17) Any records required under Section 724.101(j)(13).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.174 Availability, Retention, and Disposition of Records**

- a) All records, including plans, required under this Part must be furnished upon request, and made available at all reasonable times for inspection, by authorized representatives of the Agency.
- b) The retention period for all records required under this Part is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested in writing by the Agency.
- c) A copy of records of waste disposal locations and quantities under Section 724.173(b)(2) must be submitted to the Agency and to the County Recorder upon closure of the facility.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.175 Annual Report**

The owner or operator ~~must shall~~ prepare and submit a single copy of an annual report to the Agency by March 1 of each year. The report form supplied by the Agency must be used for this

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report. The annual report must cover facility activities during the previous calendar year and must include the following information:

- a) The USEPA identification number, name, and address of the facility;
- b) The calendar year covered by the report;
- c) For off-site facilities, the USEPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report must give the name and address of the foreign generator;
- d) A description and the quantity of each hazardous waste the facility received during the year. For off-site facilities, this information must be listed by USEPA identification number of each generator;
- e) The method of treatment, storage, or disposal for each hazardous waste;
- f) This subsection (f) corresponds with 40 CFR 264.75(f), which USEPA has designated as "reserved." This statement maintains structural consistency with the USEPA rules.
- g) The most recent closure cost estimate under Section 724.242, and, for disposal facilities, the most recent post-closure cost estimate under Section 724.244; and
- h) For generators ~~that which~~ treat, store or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of the waste generated.
- i) For generators ~~that which~~ treat, store or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years, to the extent such information is available for years prior to 1984.
- j) The certification signed by the owner or operator of the facility or the owner or operator's authorized representative.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.176 Unmanifested Waste Report**

If a facility accepts for treatment, storage or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in 35 Ill. Adm. Code 723.120(e)(2), and if the waste is not excluded from the manifest requirement by 35 Ill. Adm. Code 721.105, then the owner or operator must prepare and submit a single copy of a report to the Agency within 15 days after receiving the waste. The unmanifested waste report must be submitted on EPA form 8700-13B. Such report must be designated 'Unmanifested Waste Report' and include the following information:

- a) The ~~USEPA EPA~~ identification number, name, and address of the facility;
- b) The date the facility received the waste;

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- c) The ~~USEPA~~ ~~EPA~~-identification number, name, and address of the generator and the transporter, if available;
- d) A description and the quantity of each unmanifested hazardous waste and facility received;
- e) The method of treatment, storage, or disposal for each hazardous waste;
- f) The certification signed by the owner or operator of the facility or the owner or operator's authorized representative; and
- g) A brief explanation of why the waste was unmanifested, if known.

~~(BOARD NOTE-Board Note:~~ Small quantities of hazardous waste are excluded from regulation under this Part and do not require a manifest. Where a facility receives unmanifested hazardous wastes, the Board suggests that the owner or operator obtain from each generator a certification that the waste qualifies for exclusion. Otherwise, the Board suggests that the owner or operator file an unmanifested waste report for the hazardous waste movement.)

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.177 Additional Reports**

In addition to submitting the annual report and unmanifested waste reports described in Sections 724.175 and 724.176, the owner or operator ~~must shall~~ also report to the Agency:

- a) Releases, fires, and explosions, as specified in Section 724.156(j);
- b) Facility closures specified in Section 724.215; and
- c) As otherwise required by ~~724.~~Subparts F, K through N, AA, BB, and CC of this Part.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

**Section 724.190 Applicability**

- a) Types of units.
  - 1) Except as provided in subsection (b) of this Section, the regulations in this Subpart F apply to owners and operators of facilities that treat, store or dispose of hazardous waste. The owner or operator ~~must shall~~ satisfy the requirements identified in subsection (a)(2) of this Section for all wastes (or constituents thereof) contained in solid waste management units at the facility regardless of the time at which waste was placed in such units.
  - 2) All solid waste management units must comply with the requirements in Section 724.201. A surface impoundment, waste pile, land treatment unit

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or landfill that receives hazardous waste after July 26, 1982 (hereinafter referred to as a "regulated unit") must comply with the requirements of Sections 724.191 through 724.200, in lieu of Section 724.201 for purposes of detecting, characterizing, and responding to releases to the uppermost aquifer. The financial responsibility requirements of Section 724.201 apply to regulated units.

- b) The owner or operator's regulated unit or units are not subject to regulation for releases into the uppermost aquifer under this Subpart F if the following is true:
- 1) The owner or operator is exempted under Section 724.101; or
  - 2) The owner or operator operates a unit ~~that which~~ the Agency finds:
    - A) Is an engineered structure.
    - B) Does not receive or contain liquid waste or waste containing free liquids.
    - C) Is designed and operated to exclude liquid, precipitation, and other runoff and runoff.
    - D) Has both inner and outer layers of containment enclosing the waste.
    - E) Has a leak detection system built into each containment layer.
    - F) The owner or operator will provide continuing operation and maintenance of these leak detection systems during the active life of the unit and the closure and post-closure care periods.
    - G) To a reasonable degree of certainty, will not allow hazardous constituents to migrate beyond the outer containment layer prior to the end of the post-closure care period; or
  - 3) The Agency finds, pursuant to Section 724.380(d), that the treatment zone of a land treatment unit that qualifies as a regulated unit does not contain levels of hazardous constituents that are above background levels of those constituents by an amount that is statistically significant, and if an unsaturated zone monitoring program meeting the requirements of Section 724.378 has not shown a statistically significant increase in hazardous constituents below the treatment zone during the operating life of the unit. An exemption under this ~~subsection (b) paragraph~~ can only relieve an owner or operator of responsibility to meet the requirements of this Subpart F during the post-closure care period; or
  - 4) The Agency finds that there is no potential for migration of liquid from a regulated unit to the uppermost aquifer during the active life of the regulated unit (including the closure period) and the post-closure care period specified under Section 724.217. This demonstration must be certified by a qualified geologist or geotechnical engineer. In order to provide an adequate margin of safety in the prediction of potential

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- migration of liquid, the owner or operator ~~must shall~~ base any predictions made under this ~~subsection (b) paragraph~~ on assumptions that maximize the rate of liquid migration; or
- 5) The owner or operator designs and operates a pile in compliance with Section 724.350(c).
- c) The regulations under this Subpart F apply during the active life of the regulated unit (including the closure period). After closure of the regulated unit, the following is true of the applicability of the regulations in this Subpart F:
- 1) Do not apply if all waste, waste residues, contaminated containment system components, and contaminated subsoils are removed or decontaminated at closure;
  - 2) Apply during the post-closure care period under Section 724.217 if the owner or operator is conducting a detection monitoring program under Section 724.198; or
  - 3) Apply during the compliance period under Section 724.196 if the owner or operator is conducting a compliance monitoring program under Section 724.199 or a corrective action program under Section 724.200.
- d) This Subpart F applies to miscellaneous units if necessary to comply with Sections 724.701 through 724.703.
- e) The regulations of this Subpart F apply to all owners and operators subject to the requirements of 35 Ill. Adm. Code 703.161, when the Agency issues a post-closure care permit or other enforceable document that contains alternative requirements for the facility, as provided in 35 Ill. Adm. Code 703.161. When alternative requirements apply to a facility, a reference in this Subpart F to "in the permit" ~~must shall~~ mean "in the enforceable document."
- f) A permit or enforceable document can contain alternative requirements for groundwater monitoring and corrective action for releases to groundwater applicable to a regulated unit that replace all or part of the requirements of 35 Ill. Adm. Code 724.191 through 724.200, as provided under 35 Ill. Adm. Code 703.161, where the Board or Agency determines the following:
- 1) The regulated unit is situated among solid waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more solid waste management units (or areas of concern) are likely to have contributed to the release; and
  - 2) It is not necessary to apply the groundwater monitoring and corrective action requirements of 35 Ill. Adm. Code 724.191 through 724.200 because alternative requirements will protect human health and the environment.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 724.191 Required Programs**

- a) Owners and operators subject to this Subpart ~~F must shall~~ conduct a monitoring and response program as follows:
- 1) Whenever hazardous constituents under Section 724.193 from a regulated unit are detected at a compliance point under Section 724.195, the owner or operator ~~must shall~~ institute a compliance monitoring program under Section 724.199. "Detected" is defined as statistically significant evidence of contamination as described in Section 724.198(f).
  - 2) Whenever the groundwater protection standard under Section 724.192 is exceeded, the owner or operator ~~must shall~~ institute a corrective action program under Section 724.200. "Exceeded" is defined as statistically significant evidence of increased contamination, as described in Section 724.199(d).
  - 3) Whenever hazardous constituents under Section 724.193 from a regulated unit exceed concentration limits under Section 724.194 in groundwater between the compliance point under Section 724.195 and the downgradient facility property boundary, the owner or operator ~~must shall~~ institute a corrective action program under Section 724.200; or
  - 4) In all other cases, the owner or operator ~~must shall~~ institute a detection monitoring program under Section 724.198.
- b) The Agency ~~must will~~ specify in the facility permit the specific elements of the monitoring and response program. The Agency may include one or more of the programs identified in ~~subsection paragraph~~ (a) ~~of this Section~~ in the facility permit as may be necessary to protect human health and the environment and ~~must will~~ specify the circumstances under which each of the programs will be required. In deciding whether to require the owner or operator to be prepared to institute a particular program, the Agency ~~must will~~ consider the potential adverse effects on human health and the environment that might occur before final administrative action on a permit modification application to incorporate such a program could be taken.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.192 Groundwater Protection Standard**

The owner or operator ~~must shall~~ comply with conditions specified in the facility permit that are designed to ensure that hazardous constituents under Section 724.193 detected in the groundwater from a regulated unit do not exceed the concentration limits under Section 724.194

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in the uppermost aquifer underlying the waste management area beyond the point of compliance under Section 724.195 during the compliance period under Section 724.196. The Agency ~~will~~ must establish this groundwater protection standard in the facility permit when hazardous constituents have been detected in the groundwater.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.193 Hazardous Constituents**

- a) The Agency ~~will~~ must specify in the facility permit the hazardous constituents to which the groundwater protection standard of Section 724.192 applies. Hazardous constituents are constituents identified in Appendix H of 35 Ill. Adm. Code 721 that have been detected in groundwater in the uppermost aquifer underlying a regulated unit and that are reasonably expected to be in or derived from waste contained in a regulated unit, unless the Agency has excluded them under ~~subsection paragraph~~ (b) of this Section.
- b) The Agency ~~will~~ must exclude a 35 Ill. Adm. Code 721, Appendix H constituent from the list of hazardous constituents specified in the facility permit if it finds that the constituent is not capable of posing a substantial present or potential hazard to human health or the environment. In deciding whether to grant an exemption, the Agency ~~will~~ must consider the following:
  - 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

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- 2) Potential adverse effects on hydraulically-connected surface water quality, considering:
  - 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 paragraph~~ (b) of this Section about the use of groundwater in the area around the facility, the Agency ~~must will~~ consider any identification of underground sources of drinking water and exempted aquifers made under 35 Ill. Adm. Code 704.123.
- d) The Agency ~~must shall~~ make specific written findings in granting any exemptions under ~~subsection paragraph~~ (b) of this Section.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.194 Concentration Limits**

- a) The Agency ~~must will~~ 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 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 Must~~ not exceed an ~~alternative alternate~~ limit established by the Agency under ~~subsection paragraph~~ (b) of this Section.

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TABLE 1 – MAXIMUM CONCENTRATION OF CONSTITUENTS  
FOR GROUNDWATER PROTECTION

Constituent	Maximum Concentration (mg/l)
Arsenic	0.05
Barium	1.0
Cadmium	0.01
Chromium	0.05
Lead	0.05
Mercury	0.002
Selenium	0.01
Silver	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)	0.0002
Lindane (1,2,3,4,5,6-hexachlorocyclohexane, gamma isomer)	0.004
Methoxychlor (1,1,1-Trichloro-2,2'-bis-(p- methoxyphenyl)ethane)	0.1
Toxaphene (Technical chlorinated camphene, 67-69 percent chlorine)	0.005
2,4-D (2,4-Dichlorophenoxyacetic acid)	0.1
2,4,5-TP (Silvex) (2,4,5-Trichlorophenoxy- propionic acid)	0.01

- b) The Agency ~~must will~~ establish an ~~alternative alternate~~ 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 alternate~~ concentration limit is not exceeded. In establishing alternate concentration limits, the Agency ~~must will~~ 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;

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- 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 paragraph (b) of this Section about the use of groundwater in the area around the facility, the Agency ~~must will~~ consider any identification of underground sources of drinking water and exempted aquifers made under 35 Ill. Adm. Code 704.123.
- d) The Agency ~~must shall~~ make specific written findings in setting any alternate concentration limits under subsection paragraph (b) of this Section.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.195 Point of Compliance**

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- a) The Agency ~~must will~~ specify in the facility permit the point of compliance at which the groundwater protection standard of Section 724.192 applies and at which monitoring must be conducted. The point of compliance is a vertical surface located at the hydraulically downgradient limit of the waste management area that extends down into the uppermost aquifer underlying the regulated units.
- b) The waste management area is the limit projected in the horizontal plane of the area on which waste will be placed during the active life of a regulated unit.
  - 1) The waste management area includes horizontal space taken up by any liner, dike, or other barrier designed to contain waste in a regulated unit.
  - 2) If the facility contains more than one regulated unit, the waste management area is described by an imaginary line circumscribing the several regulated units.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.196 Compliance Period**

- a) The Agency ~~must will~~ specify in the facility permit the compliance period during which the groundwater protection standard of Section 724.192 applies. The compliance period is the number of years equal to the active life of the waste management area (including any waste management activity prior to permitting, and the closure period.)
- b) The compliance period begins when the owner or operator initiates a compliance monitoring program meeting the requirements of Section 724.199.
- c) If the owner or operator is engaged in a corrective action program at the end of the compliance period specified in ~~subsection paragraph~~ (a) of this Section, the compliance period is extended until the owner or operator can demonstrate that the groundwater protection standard of Section 724.192 has not been exceeded for a period of three consecutive years.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.197 General Groundwater Monitoring Requirements**

The owner or operator ~~must shall~~ comply with the following requirements for any groundwater monitoring program developed to satisfy Section 724.198, 724.199<sub>2</sub>, or 724.200.

- a) The groundwater monitoring system must consist of a sufficient number of wells, installed at appropriate locations and depths to yield groundwater samples from the uppermost aquifer that fulfill the following requirements:

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- 1) ~~They represent~~ ~~Represent~~ the quality of background water that has not been affected by leakage from a regulated unit. A determination of background quality may include sampling of wells that are not hydraulically upgradient from the waste management area where the following is true:
    - A) Hydrogeologic conditions do not allow the owner or operator to determine what wells are upgradient; or
    - B) Sampling at other wells will provide an indication of background groundwater quality that is as representative or more representative than that provided by the upgradient wells; ~~And,~~
  - 2) ~~They represent~~ ~~Represent~~ the quality of groundwater passing the point of compliance. And,
  - 3) ~~They allow~~ ~~Allow~~ for the detection of contamination when hazardous waste or hazardous constituents have migrated from the hazardous waste management area to the uppermost aquifer.
- b) If a facility contains more than one regulated unit, separate groundwater monitoring systems are not required for each regulated unit provided that provisions for sampling the groundwater in the uppermost aquifer will enable detection and measurement at the compliance point of hazardous constituents from the regulated units that have entered the groundwater in the uppermost aquifer.
  - c) All monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing must be screened or perforated and packed with gravel or sand, where necessary, to enable collection of groundwater samples. The annular space (i.e., the space between the bore hole and well casing) above the sampling depth must be sealed to prevent contamination of samples and the groundwater.
  - d) The groundwater monitoring program must include consistent sampling and analysis procedures that are designed to ensure monitoring results that provide a reliable indication of groundwater quality below the waste management area. At a minimum the program must include procedures and techniques for the following:
    - 1) Sample collection;
    - 2) Sample preservation and shipment;
    - 3) Analytical procedures; and
    - 4) Chain of custody control.
  - e) The groundwater monitoring program must include sampling and analytical methods that are appropriate for groundwater sampling and that accurately measure hazardous constituents in groundwater samples.
  - f) The groundwater monitoring program must include a determination of the

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groundwater surface elevation each time groundwater is sampled.

- g) In detection monitoring or where appropriate in compliance monitoring, data on each hazardous constituent specified in the permit will be collected from background wells and wells at the compliance ~~points~~ point(s). The number and kinds of samples collected to establish background must be appropriate for the form of statistical test employed, following generally accepted statistical principles. The sample size must be as large as necessary to ensure with reasonable confidence that a contaminant release to groundwater from a facility will be detected. The owner or operator will determine an appropriate sampling procedure and interval for each hazardous constituent listed in the facility permit ~~that which~~ must be specified in the unit permit upon approval by the Agency. This sampling procedure must fulfill the following requirementsbe:
- 1) It may be a ~~A~~-sequence of at least four samples, taken at an interval that assures, to the greatest extent technically feasible, that an independent sample is obtained, by reference to the uppermost aquifer's effective porosity, hydraulic conductivity and hydraulic gradient, and the fate and transport characteristics of the potential contaminants; or
  - 2) It may be an ~~An~~-alternate sampling procedure proposed by the owner or operator and approved by the Agency.
- h) The owner or operator ~~must shall~~ specify one of the following statistical methods to be used in evaluating groundwater monitoring data for each hazardous constituent ~~that which~~, upon approval by the Agency, will be specified in the unit permit. The statistical test chosen must be conducted separately for each hazardous constituent in each well. Where practical quantification limits (pql's) are used in any of the following statistical procedures to comply with subsection (i)(5) of this Section, the pql must be proposed by the owner or operator and approved by the Agency. Use of any of the following statistical methods must be protective of human health and the environment and must comply with the performance standards outlined in subsection (i) of this Section.
- 1) A parametric analysis of variance (ANOVA) followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's mean and the background mean levels for each constituent.
  - 2) An analysis of variance (ANOVA) based on ranks followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's median and the background median levels for each constituent.
  - 3) A tolerance or prediction interval procedure in which an interval for each

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constituent is established from the distribution of the background data, and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit.

- 4) A control chart approach that gives control limits for each constituent.
  - 5) Another statistical test method submitted by the owner or operator and approved by the Agency.
- i) Any statistical method chosen under subsection (h) of this Section for specification in the unit permit must comply with the following performance standards, as appropriate:
- 1) The statistical method used to evaluate groundwater monitoring data must be appropriate for the distribution of chemical parameters or hazardous constituents. If the distribution of the chemical parameters or hazardous constituents is shown by the owner or operator to be inappropriate for a normal theory test, then the data should be transformed or a distribution-free theory test should be used. If the distributions for the constituents differ, more than one statistical method may be needed.
  - 2) If an individual well comparison procedure is used to compare an individual compliance well constituent concentration with background constituent concentrations or a groundwater protection standard, the test must be done at a Type I error level no less than 0.01 for each testing period. If a multiple comparisons procedure is used, the Type I experimentwise error rate for each testing period must be no less than 0.05; however, the Type I error of no less than 0.01 for individual well comparisons must be maintained. This performance standard does not apply to tolerance intervals, prediction intervals or control charts.
  - 3) If a control chart approach is used to evaluate groundwater monitoring data, the specific type of control chart and its associated parameter value must be proposed by the owner or operator and approved by the Agency if the Agency finds it to be protective of human health and the environment.
  - 4) If a tolerance interval or a prediction interval is used to evaluate groundwater monitoring data, the levels of confidence and, for tolerance intervals, the percentage of the population that the interval must contain, must be proposed by the owner or operator and approved by the Agency if the Agency finds these parameters to be protective of human health and the environment. These parameters will be determined after considering the number of samples in the background database data base, the data distribution, and the range of the concentration values for each constituent of concern.
  - 5) The statistical method must account for data below the limit of detection with one or more statistical procedures that are protective of human health

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and the environment. Any practical quantification limit (pql) approved by the Agency under subsection (h) ~~of this Section that which~~ is used in the statistical method must be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.

- 6) If necessary, the statistical method must include procedures to control or correct for seasonal and spatial variability, as well as temporary correlation in the data.
- j) Groundwater monitoring data collected in accordance with subsection (g) ~~of this Section~~, including actual levels of constituents, must be maintained in the facility operating record. The Agency ~~must shall~~ specify in the permit when the data must be submitted for review.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.198 Detection Monitoring Program**

An owner or operator required to establish a detection monitoring program under this Subpart ~~F~~ ~~mustshall~~, at a minimum, discharge the following responsibilities:

- a) The owner or operator ~~must shall~~ monitor for indicator parameters (e.g., specific conductance, total organic carbon, or total organic halogen), waste constituents or reaction products that provide a reliable indication of the presence of hazardous constituents in groundwater. The Agency ~~must will~~ specify the parameters or constituents to be monitored in the facility permit, after considering the following factors:
  - 1) The types, quantities, and concentrations of constituents in wastes managed at the regulated unit;
  - 2) The mobility, stability, and persistence of waste constituents or their reaction products in the unsaturated zone beneath the waste management area;
  - 3) The detectability of indicator parameters, waste constituents, and reaction products in groundwater; and
  - 4) The concentrations or values and coefficients of variation of proposed monitoring parameters or constituents in the groundwater background.
- b) The owner or operator ~~must shall~~ install a groundwater monitoring system at the compliance point as specified under Section 724.195. The groundwater monitoring system must comply with Sections 724.197(a)(2), 724.197(b), and 724.197(c).
- c) The owner or operator ~~must shall~~ conduct a groundwater monitoring program for each chemical parameter and hazardous constituent specified in the permit

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pursuant to subsection (a) of this Section in accordance with Section 724.197(g). The owner or operator ~~must shall~~ maintain a record of groundwater analytical data as measured and in a form necessary for the determination of statistical significance under Section 724.197(h).

- d) The Agency ~~must shall~~ specify the frequencies for collecting samples and conducting statistical tests to determine whether there is statistically significant evidence of contamination for any parameter or hazardous constituent specified in the permit under subsection (a) of this Section in accordance with Section 724.197(g). A sequence of at least four samples from each well (background and compliance wells) must be collected at least semi-annually during detection monitoring.
- e) The owner or operator ~~must shall~~ determine the groundwater flow rate and direction in the uppermost aquifer at least annually.
- f) The owner or operator ~~must shall~~ determine whether there is statistically significant evidence of contamination for any chemical parameter or hazardous constituent specified in the permit pursuant to subsection (a) of this Section at a frequency specified under subsection (d) of this Section.
- 1) In determining whether statistically significant evidence of contamination exists, the owner or operator ~~must shall~~ use the ~~methods method(s)~~ specified in the permit under Section 724.197(h). These ~~methods method(s)~~ must compare data collected at the compliance ~~points point(s)~~ to the background groundwater quality data.
  - 2) The owner or operator ~~must shall~~ determine whether there is statistically significant evidence of contamination at each monitoring well at the compliance point within a reasonable period of time after completion of sampling. The Agency ~~must shall~~ specify in the facility permit what period of time is reasonable, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of groundwater samples.
- g) If the owner or operator determines pursuant to subsection (f) of this Section that there is statistically significant evidence of contamination for chemical parameters or hazardous constituents specified pursuant to subsection (a) of this Section at any monitoring well at the compliance point, the owner or operator ~~must do the followingshall~~:
- 1) Notify the Agency of this finding in writing within seven days. The notification must indicate what chemical parameters or hazardous constituents have shown statistically significant evidence of contamination.
  - 2) Immediately sample the groundwater in all monitoring wells and determine whether constituents in the list of Appendix I of this Part are

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present, and if so, in what concentration.

- 3) For any ~~Appendix I~~ compounds Appendix I of this Part found in the analysis pursuant to subsection (g)(2) of this Section, the owner or operator may resample within one month and repeat the analysis for those compounds detected. If the results of the second analysis confirm the initial results, then these constituents will form the basis for compliance monitoring. If the owner or operator does not resample for the compounds found pursuant to subsection (g)(2) of this Section, the hazardous constituents found during this initial Appendix I analysis will form the basis for compliance monitoring.
- 4) Within 90 days, submit to the Agency an application for a permit modification to establish a compliance monitoring program meeting the requirements of Section 724.199. The application must include the following information:
  - A) An identification of the concentration of any compounds Appendix I of this Part~~Appendix I~~ constituent detected in the groundwater at each monitoring well at the compliance point;
  - B) Any proposed changes to the groundwater monitoring system at the facility necessary to meet the requirements of Section 724.199;
  - C) Any proposed additions or changes to the monitoring frequency, sampling and analysis procedures or methods, or statistical methods used at the facility necessary to meet the requirements of Section 724.199;
  - D) For each hazardous constituent detected at the compliance point, a proposed concentration limit under Section 724.194(a)(1) or (a)(2), or a notice of intent to seek an alternate concentration limit under Section 724.194(b); and
- 5) Within 180 days, submit the following to the Agency:
  - A) All data necessary to justify an alternate concentration limit sought under Section 724.194(b); and
  - B) An engineering feasibility plan for a corrective action program necessary to meet the requirement of Section 724.200, unless the following is true:
    - i) All hazardous constituents identified under subsection (g)(2) of this Section are listed in Table 1 of Section 724.194 and their concentrations do not exceed the respective values given in that table; or
    - ii) The owner or operator has sought an alternate concentration limit under Section 724.194(b) for every hazardous constituent identified under subsection (g)(2) of

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- this Section
- 6) If the owner or operator determines, pursuant to subsection (f) of this Section, that there is a statistically significant difference for chemical parameters or hazardous constituents specified pursuant to subsection (a) of this Section at any monitoring well at the compliance point, the owner or operator may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis or statistical evaluation, or natural variation in the groundwater. The owner or operator may make a demonstration under this subsection (g) in addition to, or in lieu of, submitting a permit modification application under subsection (g)(4) of this Section; however, the owner or operator is not relieved of the requirement to submit a permit modification application within the time specified in subsection (g)(4) of this Section unless the demonstration made under this subsection (g) paragraph successfully shows that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis or evaluation. In making a demonstration under this subsection (g), the owner or operator must do the following-shall:
- A) Notify the Agency in writing, within seven days of determining statistically significant evidence of contamination at the compliance point, that the owner or operator intends to make a demonstration under this subsection (g);
  - B) Within 90 days, submit a report to the Agency that which demonstrates that a source other than a regulated unit caused the contamination or that the contamination resulted from error in sampling, analysis, or evaluation;
  - C) Within 90 days, submit to the Agency an application for a permit modification to make any appropriate changes to the detection monitoring program facility; and
  - D) Continue to monitor in accordance with the detection monitoring program established under this Section.
- h) If the owner or operator determines that the detection monitoring program no longer satisfies the requirements of this Section, the owner or operator must shall, within 90 days, submit an application for a permit modification to make any appropriate changes to the program.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.199 Compliance Monitoring Program**

An owner or operator required to establish a compliance monitoring program under this Subpart

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F ~~must~~shall, at a minimum, discharge the following responsibilities:

- a) The owner or operator ~~must~~ shall monitor the groundwater to determine whether regulated units are in compliance with the groundwater protection standard under Section 724.192. The Agency ~~must~~ will specify the groundwater protection standard in the facility permit, including the following:
  - 1) A list of the hazardous constituents identified under Section 724.193;
  - 2) Concentration limits under Section 724.194 for each of those hazardous constituents;
  - 3) The compliance point under Section 724.195; and
  - 4) The compliance period under Section 724.196.
- b) The owner or operator ~~must~~ shall install a groundwater monitoring system at the compliance point as specified under Section 724.195. The groundwater monitoring system must comply with Section 724.197(a)(2), 724.197(b)<sub>2</sub>, and 724.197(c).
- c) The Agency ~~must~~ shall specify the sampling procedures and statistical methods appropriate for the constituents and facility, consistent with Section 724.197(g) and (h).
  - 1) The owner or operator ~~must~~ shall conduct a sampling program for each chemical parameter or hazardous constituent in accordance with Section 724.297(g).
  - 2) The owner or operator ~~must~~ shall record groundwater analytical data as measured and in a form necessary for the determination of statistical significance under Section 724.197(h) for the compliance period of the facility.
- d) The owner or operator ~~must~~ shall determine whether there is statistically significant evidence of increased contamination for any chemical parameter or hazardous constituent specified in the permit, pursuant to subsection (a) of this Section, at a frequency specified under subsection (f) of this Section.
  - 1) In determining whether statistically significant evidence of increased contamination exists, the owner or operator ~~must~~ shall use the methods specified in the permit under Section 724.197(h). The methods must compare data collected at the compliance points to a concentration limit developed in accordance with Section 724.194.
  - 2) The owner or operator ~~must~~ shall determine whether there is statistically significant evidence of increased contamination at each monitoring well at the compliance point within a reasonable time period after completion of the sampling. The Agency ~~must~~ shall specify that the time period in the facility permit, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of groundwater samples.

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- e) The owner or operator ~~must shall~~ determine the groundwater flow rate and direction in the uppermost aquifer at least annually.
- f) The Agency ~~must shall~~ specify the frequencies for collecting samples and conducting statistical tests to determine statistically significant evidence of increased contamination in accordance with Section 724.197(g). A sequence of at least four samples from each well (background and compliance wells) must be collected at least semi-annually during the compliance period for the facility.
- g) The owner or operator ~~must shall~~ analyze samples from all monitoring wells at the compliance point for all constituents contained in Appendix I of this Part at least annually to determine whether additional hazardous constituents are present in the uppermost aquifer and, if so, at what concentration, pursuant to procedures in Section 724.198(f). If the owner or operator finds ~~Appendix I~~ constituents of Appendix I of this Part in the groundwater that are not already identified as monitoring constituents, the owner or operator may resample within one month and repeat the Appendix I analysis. If the second analysis confirms the presence of new constituents, the owner or operator ~~must shall~~ report the concentration of these additional constituents to the Agency within seven days after the completion of the second analysis, and add them to the monitoring list. If the owner or operator chooses not to resample, then the owner or operator ~~must shall~~ report the concentrations of these additional constituents to the Agency within seven days after completion of the initial analysis, and add them to the monitoring list.
- h) If the owner or operator determines, pursuant to subsection (d) of this Section that any concentration limits under Section 724.194 are being exceeded at any monitoring well at the point of compliance, the owner or operator ~~must do the followingshall:~~
- 1) Notify the Agency of this finding in writing within seven days. The notification must indicate what concentration limits have been exceeded.
  - 2) Submit to the Agency an application for a permit modification to establish a corrective action program meeting the requirements of Section 724.200 within 180 days, or within 90 days if an engineering feasibility study has been previously submitted to the Agency under Section 724.198(h)(5). The application must at a minimum include the following information:
    - A) A detailed description of corrective actions that will achieve compliance with the groundwater protection standard specified in the permit under subsection (a) of this Section; and
    - B) A plan for a groundwater monitoring program that will demonstrate the effectiveness of the corrective action. Such a groundwater monitoring program may be based on a compliance monitoring program developed to meet the requirements of this section.

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- i) If the owner or operator determines, pursuant to subsection (d) of this Section, that the groundwater concentration limits under this Section are being exceeded at any monitoring well at the point of compliance, the owner or operator may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis or statistical evaluation, or natural variation in groundwater. In making a demonstration under this subsection (i), the owner or operator must do the following ~~shall~~:
- 1) Notify the Agency in writing within seven days that it intends to make a demonstration under this subsection (i);
  - 2) Within 90 days, submit a report to the Agency ~~that which~~ demonstrates that a source other than a regulated unit caused the standard to be exceeded or that the apparent noncompliance with the standards resulted from error in sampling, analysis or evaluation;
  - 3) Within 90 days, submit to the Agency an application for a permit modification to make any appropriate changes to the compliance monitoring program at the facility; and
  - 4) Continue to monitor in accord with the compliance monitoring program established under this ~~Section~~ section.
- j) If the owner or operator determines that the compliance monitoring program no longer satisfies the requirements of this Section, the owner or operator must ~~shall~~, within 90 days, submit an application for a permit modification to make any appropriate changes to the program.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.200 Corrective Action Program**

An owner or operator required to establish a corrective action program under this Subpart F must, at a minimum, discharge the following responsibilities:

- a) The owner or operator must take corrective action to ensure that regulated units are in compliance with the groundwater protection standard under Section 724.192. The Agency ~~must will~~ specify the groundwater protection standard in the facility permit, including the following:
  - 1) A list of the hazardous constituents identified under Section 724.193;
  - 2) Concentration limits under Section 724.194 for each of those hazardous constituents;
  - 3) The compliance point under Section 724.195; and
  - 4) The compliance period under Section 724.196.
- b) The owner or operator must implement a corrective action program that prevents

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hazardous constituents from exceeding their respective concentration limits at the compliance point by removing the hazardous waste constituents or treating them in place. The permit will specify the specific measures that ~~must will~~ be taken.

- c) The owner or operator must begin corrective action within a reasonable time period after the groundwater protection standard is exceeded. The Agency ~~must will~~ specify that time period in the facility permit. If a facility permit includes a corrective action program in addition to a compliance monitoring program, the permit will specify when the corrective action ~~must will~~ begin and such a requirement will operate in lieu of Section 724.199(i)(2).
- d) In conjunction with a corrective action program, the owner or operator must establish and implement a groundwater monitoring program to demonstrate the effectiveness of the corrective action program. Such a monitoring program may be based on the requirements for a compliance monitoring program under Section 724.199 and must be as effective as that program in determining compliance with the groundwater protection standard under Section 724.192 and in determining the success of a corrective action program under subsection (e) of this Section where appropriate.
- e) In addition to the other requirements of this ~~Section~~section, the owner or operator must conduct a corrective action program to remove or treat in place any hazardous constituents under Section 724.193 that exceed concentration limits under Section 724.194 in groundwater, as follows:
- 1) At the following locations:~~Location~~
    - A) Between the compliance point under Section 725.195 and the downgradient facility property boundary; and
    - B) Beyond the facility boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the Agency that, despite the owner's or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. The owner and operator are not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis.
  - 2) The permit will specify the following measures to be taken:
    - A) Corrective action measures under this ~~subsection (e) paragraph~~ must be initiated and completed within a reasonable period of time considering the extent of contamination.
    - B) Corrective action measures under this ~~subsection (e) paragraph~~ may be terminated once the concentration of hazardous constituents under Section 724.193 is reduced to levels below their

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respective concentration limits under Section 724.194.

- f) The owner or operator must continue corrective action measures during the compliance period to the extent necessary to ensure that the groundwater protection standard is not exceeded. If the owner or operator is conducting corrective action at the end of the compliance period, the owner or operator must continue that corrective action for as long as necessary to achieve compliance with the groundwater protection standard. The owner or operator may terminate corrective action measures taken beyond the period equal to the active life of the waste management area (including the closure period) if the owner or operator can demonstrate, based on data from the groundwater monitoring program under subsection (d) of this Section, that the groundwater protection standard of Section 724.192 has not been exceeded for a period of three consecutive years.
- g) The owner or operator must report in writing to the Agency on the effectiveness of the corrective action program. The owner or operator must submit these reports semi-annually.
- h) If the owner or operator determines that the corrective action program no longer satisfies the requirements of this Sectionsection, the owner or operator must, within 90 days, submit an application for a permit modification to make any appropriate changes to the program.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.201 Corrective Action for Solid Waste Management Units**

- a) The owner or operator of a facility seeking a permit for the treatment, storage, or disposal of hazardous waste must institute corrective action as necessary to protect human health and the environment for all releases of hazardous waste or constituents from any solid waste management unit at the facility, regardless of the time at which waste was placed in such unit.
- b) Corrective action will be specified in the permit in accordance with this Section and Subpart S of this Part. The permit will contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to issuance of the permit) and assurances of financial responsibility for completing such corrective action.
- c) The owner or operator must shall implement corrective action measures beyond the facility property boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the Agency that, despite the owner or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such actions. The owner and operator are not relieved of all responsibility to clean up a release that has

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migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. Assurances of financial responsibility for such corrective action must be provided.

- d) The requirements of this Section do not apply to remediation waste management sites unless they are part of a facility subject to a permit for treating, storing, or disposing of hazardous wastes that are not remediation wastes.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART G: CLOSURE AND POST-CLOSURE CARE

**Section 724.210 Applicability**

Except as Section 724.101 provides otherwise, the following are required:

- a) Section 724.211 through 724.215 (which concern closure) apply to the owners and operators of all hazardous waste management facilities; ~~and~~
- b) Sections 724.216 through 724.220 (which concern post-closure care) apply to the owners and operators of the following:
- 1) All hazardous waste disposal facilities; ~~or~~
  - 2) Waste piles and surface impoundments from which the owner or operator intends to remove the wastes at closure, to the extent that Sections 724.216 through 724.220 are made applicable to such facilities in Sections 724.328 or 724.358; ~~or~~
  - 3) Tank systems that ~~which~~ are required under Section 724.297 to meet the requirements for landfills; or
  - 4) Containment buildings that are required under Section 724.1102 to meet the requirements for landfills; and
- c) A permit or enforceable document can contain alternative requirements that replace all or part of the closure and post-closure care requirements of this Subpart G (and the unit-specific standards referenced in Section 724.211(c) applying to a regulated unit), with alternative requirements set out in a permit or other enforceable document, as provided under 35 Ill. Adm. Code 703.161, where the Board or Agency determines the following:
- 1) The regulated unit is situated among solid waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more solid waste management units (or areas of concern) are likely to have contributed to the release; and
  - 2) It is not necessary to apply the closure requirements of this Subpart G (and those referenced herein) because the alternative requirements will protect human health and the environment and will satisfy the closure

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performance standard of Section 724.211(a) and (b).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.211 Closure Performance Standard**

The owner or operator ~~must shall~~ close the facility in a manner that does the following:

- a) Minimizes the need for further maintenance; ~~and~~
- b) Controls, minimizes or eliminates, to the extent necessary to protect to human health and the environment, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous decomposition products to the ground or surface waters or to the atmosphere; and
- c) Complies with the closure requirements of this Part including, but not limited to, the requirements of Sections 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451 and 724.701 through 724.703, and 724.1102.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

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

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include, at least the following:

- 1) A description of how each hazardous waste management unit at the facility will be closed in accordance with Section 724.211; ~~and~~
- 2) A description of how final closure of the facility will be conducted in accordance with Section 724.211. The description must identify the maximum extent of the operations that ~~which~~ will be unclosed during the active life of the facility; ~~and~~
- 3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial closures and final closure, including, but not limited to, methods for removing, transporting, treating, storing, or disposing of all hazardous wastes, and identification of the types ~~type(s)~~ of off-site hazardous waste management units to be used, if applicable; ~~and~~
- 4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures, and soils during partial and final closure, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination required to satisfy the closure performance standard; ~~and~~
- 5) A detailed description of other activities necessary during the closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and runoff and runoff control; ~~and~~
- 6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities that ~~which~~ will allow tracking of the progress of partial and final closure (For example, in the case of a landfill unit, estimates of the time required to treat and dispose of all hazardous waste inventory and of the time required to place a final cover must be included.); ~~and~~
- 7) For facilities that use trust funds to establish financial assurance under Section 724.243 or 724.245 and that are expected to close prior to the expiration of the permit, an estimate of the expected year of final closure; ~~and~~
- 8) For a facility where alternative requirements are established at a regulated unit under Section 724.190(f), 724.210(c), or 724.240(d), as provided under 35 Ill. Adm. Code 703.161, either the alternative requirements applying to the regulated unit or a reference to the enforceable document

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containing those alternative requirements.

- c) Amendment of the plan. The owner or operator ~~must shall~~ submit a written notification of or request for a permit modification to authorize a change in operating plans, facility design, or the approved closure plan in accordance with the applicable procedures in 35 Ill. Adm. Code 702, 703, and 705. The written notification or request must include a copy of the amended closure plan for review or approval by the Agency.
- 1) The owner or operator may submit a written notification or request to the Agency for a permit modification to amend the closure plan at any time prior to notification of partial or final closure of the facility.
  - 2) The owner or operator ~~must shall~~ submit a written notification of or request for a permit modification to authorize a change in the approved closure plan whenever any of the following occurs:
    - A) Changes in operating plans or facility design affect the closure plan;
    - B) There is a change in the expected year of closure, if applicable;
    - C) In conducting partial or final closure activities, unexpected events require modification of the approved closure plan; or
    - D) The owner or operator requests the establishment of alternative requirements, as provided under 35 Ill. Adm. Code 703.161, to a regulated unit under Section 724.190(f), 724.210(c), or 724.240(d).
  - 3) The owner or operator ~~must shall~~ submit a written request for a permit modification including a copy of the amended closure plan for approval at least 60 days prior to the proposed change in the facility design or operation, or no later than 60 days after an unexpected event has occurred ~~that which~~ has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator ~~must shall~~ request a permit modification no later than 30 days after the unexpected event. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to prepare a contingent closure plan under Sections 724.328(c)(1)(A) or 724.358(c)(1)(A), ~~must shall~~ submit an amended closure plan to the Agency no later than 60 days after the date the owner or operator or Agency determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of Section 724.410, or no later than 30 days after that date if the determination is made during partial or final closure. The Agency ~~must shall~~ approve, disapprove or modify this amended plan in accordance with the procedures in 35 Ill. Adm. Code 702, 703, and 705. In accordance with 35 Ill. Adm. Code 702.160 and 703.241, the approved closure plan will

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become a condition of any RCRA permit issued.

- 4) The Agency may request modifications to the plan under the conditions described in Section 724.212(c)(2). The owner or operator ~~must shall~~ submit the modified plan within 60 days after the Agency's request, or within 30 days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the Agency must be approved in accordance with the procedures in 35 Ill. Adm. Code 702, 703, and 705.
- d) Notification of partial closure and final closure.
  - 1) The owner or operator ~~must shall~~ notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, land treatment, or landfill unit, or final closure of a facility with such a unit. The owner or operator ~~must shall~~ notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only treatment or storage tanks, container storage, or incinerator units to be closed. The owner or operator ~~must shall~~ notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace, whichever is earlier.
  - 2) The date when the owner or operator "expects to begin closure" must be either of the following:
    - A) No later than 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency ~~must shall~~ approve an extension to this one-year limit; or
    - B) For units meeting the requirements of Section 724.213(d), no later than 30 days after the date on which the hazardous waste management unit receives the final known volume of non-hazardous wastes, or, if there is a reasonable possibility that the hazardous waste management unit will receive additional non-

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hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator demonstrates to the Agency that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency ~~must shall~~ approve an extension to this one-year limit.

- 3) If the facility's permit is terminated, or if the facility is otherwise ordered by judicial decree or Board order to cease receiving hazardous wastes or to close, then the requirements of this subsection (d) do not apply. However, the owner or operator ~~must shall~~ close the facility in accordance with the deadlines established in Section 724.213.
- e) Removal of wastes and decontamination or dismantling of equipment. Nothing in this Section ~~must shall~~ preclude the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.213 Closure; Time Allowed for Closure**

- a) All permits must require that, within 90 days after receiving the final volume of hazardous waste, or the final volume of non-hazardous wastes, if the owner or operator complies with all the applicable requirements of subsections (d) and (e) of this Section, at a hazardous waste management unit or facility, the owner or operator treat, remove from the unit or facility, or dispose of on-site, all hazardous wastes in accordance with the approved closure plan, unless the owner or operator makes the following demonstration by way of permit application or modification application. The Agency ~~must shall~~ approve a longer period if the owner or operator demonstrates that the following is true:
  - 1) Either of the following:
    - A) The activities required to comply with this subsection (a) will, of necessity, take longer than 90 days to complete; or
    - B) All of the following is true:
      - i) The hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or has the capacity to receive non-hazardous wastes, if the owner or

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- operator complies with subsections (d) and (e) of this Section; ~~and~~
- ii) There is a reasonable likelihood that the owner or operator or another person will recommence operation of the hazardous waste management unit or facility within one year; and
  - iii) Closure of the hazardous waste management unit or facility would be incompatible with continued operation of the site; and
- 2) The owner or operator has taken and will continue to take all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements.
- b) All permits must require that the owner or operator complete partial and final closure activities in accordance with the approved closure plan and within 180 days after receiving the final volume of hazardous wastes, or the final volume of non-hazardous wastes, if the owner or operator complies with all applicable requirements in subsections (d) and (e) of this Section, at the hazardous waste management unit or facility, unless the owner or operator makes the following demonstration by way of permit application or modification application. The Agency ~~must shall~~ approve a longer closure period if the owner or operator demonstrates as follows~~that~~:
- 1) Either of the following:
    - A) The partial or final closure activities will, of necessity, take longer than 180 days to complete; or
    - B) All of the following:
      - i) The hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or has the capacity to receive non-hazardous wastes, if the owner or operator complies with subsections (d) and (e) of this Section; ~~and~~,
      - ii) There is reasonable likelihood that the owner or operator will recommence operation of the hazardous waste management unit or facility within one year; and
      - iii) Closure of the hazardous waste management unit or facility would be incompatible with continued operation of the site; and
  - 2) The owner and operator have taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed but not operating hazardous waste management unit or facility including compliance with all applicable permit requirements.

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- c) The demonstration referred to in subsections (a)(1) and (b)(1) of this Section must be made as follows:
- 1) The demonstration in subsection (a)(1) of this Section must be made at least 30 days prior to the expiration of the 90-day period in subsection (a) of this Section; and
  - 2) The demonstration in subsection (b)(1) of this Section must be made at least 30 days prior to the expiration of the 180-day period in subsection (b) of this Section, unless the owner or operator is otherwise subject to deadlines in subsection (d) of this Section.
- d) Continued receipt of non-hazardous waste. The Agency ~~must shall~~ permit an owner or operator to receive only non-hazardous wastes in a landfill, land treatment unit or surface impoundment unit after the final receipt of hazardous wastes at that unit if the following is true:
- 1) The owner or operator requests a permit modification in compliance with all applicable requirements in 35 Ill. Adm. Code 702, 703 and 705, and in the permit modification request demonstrates the following~~that~~:
    - A) That the ~~The~~ unit has the existing design capacity as indicated on the Part A application to receive non-hazardous wastes; ~~and~~
    - B) That there ~~There~~ is a reasonable likelihood that the owner or operator or another person will receive non-hazardous wastes in the unit within one year after the final receipt of hazardous wastes; ~~and~~
    - C) That the ~~The~~ non-hazardous wastes will not be incompatible with any remaining wastes in the unit, or with the facility design and operating requirements of the unit or facility under this Part; ~~and~~
    - D) That Closure ~~Closure~~ of the hazardous waste management unit would be incompatible with continued operation of the unit or facility; and
    - E) That the ~~The~~ owner or operator is operating and will continue to operate in compliance with all applicable permit requirements; ~~and~~
  - 2) The request to modify the permit includes an amended waste analysis plan, groundwater monitoring and response program, human exposure assessment required under 35 Ill. Adm. Code 703.186, and closure and post-closure plans and updated cost estimates and demonstrations of financial assurance for closure and post-closure care, as necessary and appropriate, to reflect any changes due to the presence of hazardous constituents in the non-hazardous wastes, and changes in closure activities, including the expected year of closure if applicable under Section 724.212(b)(7), as a result of the receipt of non-hazardous wastes following the final receipt of hazardous wastes; ~~and~~

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- 3) The request to modify the permit includes revisions, as necessary and appropriate, to affected conditions of the permit to account for the receipt of non-hazardous wastes following receipt of the final volume of hazardous wastes; and
- 4) The request to modify the permit and the demonstrations referred to in subsections (d)(1) and (d)(2) of this Section are submitted to the Agency no later than 120 days prior to the date on which the owner or operator of the facility receives the known final volume of hazardous wastes at the unit, or no later than 90 days after the effective date of this Section, whichever is later.
- e) Surface impoundments. In addition to the requirements in subsection (d) of this Section, an owner or operator of a hazardous waste surface impoundment that which is not in compliance with the liner and leachate collection system requirements in Section 724.321(c), (d), or (e) must shall receive non-hazardous wastes only as authorized by an adjusted standard pursuant to this subsection (e).
  - 1) The petition for adjusted standard must include the following:
    - A) A plan for removing hazardous wastes; and
    - B) A contingent corrective measures plan.
  - 2) The removal plan must provide for the following:
    - A) Removing all hazardous liquids; and
    - B) Removing all hazardous sludges to the extent practicable without impairing the integrity of the liner or liners, if any; and
    - C) Removal of hazardous wastes no later than 90 days after the final receipt of hazardous wastes. The Board will allow a longer time, if the owner or operator demonstrates the following:
      - i) That the removal of hazardous wastes will, of necessity, take longer than the allotted allotted period to complete; and
      - ii) That an extension will not pose a threat to human health and the environment.
  - 3) The following requirements apply to the contingent corrective measures plan:
    - A) It must Must meet the requirements of a corrective action plan under Section 724.199, based upon the assumption that a release has been detected from the unit.
    - B) It may May be a portion of a corrective action plan previously submitted under Section 724.199.
    - C) It may May provide for continued receipt of non-hazardous wastes at the unit following a release only if the owner or operator demonstrates that continued receipt of wastes will not impede corrective action.

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- D) ~~It must~~ ~~Must~~ provide for implementation within one year after a release, or within one year after the grant of the adjusted standard, whichever is later.
- 4) Definition of "release." ~~Release~~. A release is defined as a statistically significant increase (or decrease in the case of pH) over background values for detection monitoring parameters or constituents specified in the permit, or over the facility's groundwater protection standard at the or over the facility's groundwater protection standard at the point of compliance, if applicable, detected in accordance with the requirements in Subpart F of this Part.
- 5) In the event of a release, the owner or operator of the unit must do the following:
- A) Within 35 days, the owner or operator must file with the Board a petition for adjusted standard. If the Board finds that it is necessary to do so in order to protect human health and the environment, the Board will modify the adjusted standard to require the owner or operator to do the following:
- i) Begin to implement that corrective measures plan in less than one year; or,
- ii) Cease the receipt of wastes until the plan has been implemented.
- iii) The Board will retain jurisdiction or condition the adjusted standard so as to require the filing of a new petition to address any required closure pursuant to subsection (e)(7) of this Section.
- B) The owner or operator may ~~Shall~~ implement the contingent corrective measures plan.
- C) The owner or operator may ~~May~~ continue to receive wastes at the unit if authorized by the approved contingent measures plan.
- 6) Semi-annual report. During the period of corrective action, the owner or operator must shall provide semi-annual reports to the Agency that do the following ~~which~~:
- A) Describe the progress of the corrective action program;
- B) Compile all groundwater monitoring data; and
- C) Evaluate the effect of the continued receipt of non-hazardous wastes on the effectiveness of the corrective action.
- 7) Required closure. The owner or operator must shall commence closure of the unit in accordance with the closure plan and the requirements of this Part if the Board terminates the adjusted standard, or if the adjusted standard terminates pursuant to its terms.

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- A) The Board will terminate the adjusted standard if the owner or operator failed to implement corrective action measures in accordance with the approved contingent corrective measures plan;  
~~or~~
- B) The Board will terminate the adjusted standard if the owner or operator fails to make substantial progress in implementing the corrective measures plan and achieving the facility's groundwater protection standard, or background levels if the facility has not yet established a groundwater protection standard; or
- C) The adjusted standard will automatically terminate if the owner or operator fails to implement the removal plan.
- D) The adjusted standard will automatically terminate if the owner or operator fails to timely file a required petition for adjusted standard.
- 8) Adjusted standard procedures. The following procedures must be used in granting, modifying or terminating an adjusted standard pursuant to this subsection (e).
- A) Except as otherwise provided, the owner or operator ~~must shall~~ follow the procedures of Section 28.1 of the Act [415 ILCS 5/28.1] and 35 Ill. Adm. Code 101 and 104 106.Subpart G to petition the Board for an adjusted standard.
- B) Initial justification. The Board will grant an adjusted standard pursuant to subsection (e)(1) of this Section if the owner or operator demonstrates that the removal plan and contingent corrective measures plans meet the requirements of subsections (e)(2) and (e)(3) of this Section.
- C) The Board will include the following conditions in granting an adjusted standard pursuant to subsection (e)(1) of this Section:
- i) A plan for removing hazardous wastes.
  - ii) A requirement that the owner or operator remove hazardous wastes in accordance with the plan.
  - iii) A contingent corrective measures plan.
  - iv) A requirement that, in the event of a release, the owner or operator ~~must do as follows shall~~: within 35 days, file with the Board a petition for adjusted standard; implement the corrective measures plan; and, file semi-annual reports with the Agency.
  - v) A condition that the adjusted standard will terminate if the owner or operator fails to do as follows: implement the removal plan; ~~or~~ timely file a required petition for adjusted

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- standard.
- vi) A requirement that, in the event the adjusted standard is terminated, the owner or operator ~~must shall~~ commence closure of the unit in accordance with the requirements of the closure plan and this Part.
  - D) Justification in the event of a release. The Board will modify or terminate the adjusted standard pursuant to a petition filed under subsection (e)(5)(A) of this Section, as provided in that subsection or in subsection (e)(7) of this Section.
  - 9) The Agency ~~must shall~~ modify the RCRA permit to include the adjusted standard.
  - 10) The owner or operator may file a permit modification application with a revised closure plan within 15 days after an adjusted standard is terminated.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.214 Disposal or Decontamination of Equipment, Structures, and Soils**

During the partial and final closure periods, all contaminated equipment, structures, and soils must be properly disposed of or decontaminated unless otherwise specified in Sections 724.297, 724.328, 724.358, 724.380, or 724.410, or under the authority of Sections 724.701 and 724.703. By removing any hazardous wastes or hazardous constituents during partial and final closure, the owner or operator may become a generator of hazardous waste and ~~must shall~~ handle that waste in accordance with all applicable requirements of 35 Ill. Adm. Code 722.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.215 Certification of Closure**

Within 60 days after completion of closure of each hazardous waste surface impoundment, waste pile, land treatment, or landfill unit, and within 60 days after completion of final closure, the owner or operator ~~must shall~~ submit to the Agency, by registered mail, a certification that the hazardous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan. The certification must be signed by the owner or operator and by an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the Agency upon request until the Agency releases the owner or operator from the financial assurance requirements for closure under Section 724.243(i).

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(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.216 Survey Plat**

No later than the submission of the certification of closure of each hazardous waste disposal unit, the owner or operator ~~must shall~~ submit to any local zoning authority~~;~~ or authority with jurisdiction over local land use~~;~~ and to the Agency~~;~~ and record with land titles, a survey plat indicating the location and dimensions of landfills cells or other hazardous waste disposal units with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a professional land surveyor. The plat filed with the local zoning authority~~;~~ or the authority with jurisdiction over local land use~~;~~ must contain a note, prominently displayed, ~~that which~~ states the owner's and operator's obligation to restrict disturbance of the hazardous waste disposal unit in accordance with the applicable ~~Subpart G~~ regulations of Subpart G of this Part.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.217 Post-Closure ~~Post-closure~~ Care and Use of Property**

- a) Post-Closure ~~Post-closure~~ care period.
  - 1) Post-closure care for each hazardous waste management unit subject to the requirements of Sections 724.217 through 724.220 must begin after completion of closure of the unit and continue for 30 years after that date and must consist of at least the following:
    - A) Monitoring and reporting in accordance with the requirements of Subparts F, K, L, M, N<sub>2</sub> and X of this Part; and
    - B) Maintenance and monitoring of waste containment systems in accordance with the requirements of Subparts F, K, L, M, N<sub>2</sub> and X of this Part.
  - 2) Any time preceding partial closure of a hazardous waste management unit subject to post-closure care requirements or final closure, or any time during the post-closure care period for a particular unit, the Board may, in accordance with the permit modification procedures of 35 Ill. Adm. Code 702, 703, and 705, do either of the following:
    - A) Shorten the post-closure care period applicable to the hazardous waste management unit~~;~~ or facility~~;~~ if all disposal units have been closed and, if the Board has found by an adjusted standard issue pursuant to Section 28.1 of the Act [415 ILCS 5/28.1] and 35 Ill. Adm. Code 101 and 104 finds that the reduced period is sufficient to protect human health and the environment (e.g., leachate or groundwater monitoring results, characteristics of the waste,

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application of advanced technology or alternative disposal, treatment or re-use techniques indicate that the hazardous waste management unit or facility is secure); or

- B) Extend the post-closure care period applicable to the hazardous waste management unit or facility if the Board has found by an adjusted standard issue pursuant to Section 28.1 of the Act [415 ILCS 5/28.1] and 35 Ill. Adm. Code 101 and 104 finds that the extended period is necessary to protect human health and the environment (e.g., leachate or groundwater monitoring results indicate a potential for migration of hazardous wastes at levels that which may be harmful to human health and the environment).
- ~~C) — Reduction or extension of the post-closure care period will be by rulemaking pursuant to 35 Ill. Adm. Code 102.~~
- b) The Agency must shall require, ~~at partial or final closure,~~ continuation at partial or final closure of any of the security requirements of Section 724.114 during part or all of the post-closure period when either of the following is true:
- 1) Hazardous wastes may remain exposed after completion of partial or final closure; or
  - 2) Access by the public or domestic livestock may pose a hazard to human health.
- c) Post-closure use of property on or in which hazardous wastes remain after partial or final closure must never be allowed to disturb the integrity of the final cover, liners, liner(s) or any other components of the containment system, or the function of the facility's monitoring systems, unless the Agency finds, by way of a permit modification, that the disturbance is necessary for either of the following reasons:
- 1) It is Is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or
  - 2) It is Is necessary to reduce a threat to human health or the environment.
- d) All the post-closure care activities must be in accordance with the provisions of the approved post-closure post-closure plan as specified in Section 724.218.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.218 Post-Closure Care Plan; Amendment of Plan**

- a) Written Plan. The owner or operator of a hazardous waste disposal unit must shall have a written post-closure care plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the hazardous wastes at partial or final closure are required by Sections 724.328(c)(1)(B) and 724.358(c)(1)(B) to have contingent

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post-closure care plans. Owners or operators of surface impoundments and waste piles not otherwise required to prepare contingent post-closure care plans under Sections 724.328(c)(1)(B) or 724.358(c)(1)(B) ~~must shall~~ submit a post-closure care plan to the Agency within 90 days from the date that the owner or operator or Agency determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of Sections 724.217 through 724.220. The plan must be submitted with the permit application, in accordance with 35 Ill. Adm. Code 703.183, and approved by the Agency as part of the permit issuance proceeding under 35 Ill. Adm. Code 705. In accordance with 35 Ill. Adm. Code 703.241, the approved post-closure care plan will become a condition of any RCRA permit issued.

- b) For each hazardous waste management unit subject to the requirements of this Section, the post-closure care plan must identify the activities that will be carried on after closure and the frequency of these activities, and include at least the following:
- 1) A description of the planned monitoring activities and frequencies that which they will be performed to comply with Subparts F, K, L, M, N, and X of this Part during the post-closure care period.
  - 2) A description of the planned maintenance activities, and frequencies at which they will be performed, to ensure the following:
    - A) The integrity of the cap and final cover or other containment systems in accordance with the requirements of Subparts F, K, L, M, N, and X of this Part; and
    - B) The function of the facility monitoring equipment in accordance with the requirements of Subparts F, K, L, M, N, and X of this Part.
  - 3) The name, address, and phone number of the person or office to contact about the hazardous disposal unit during the post-closure care period.
  - 4) For a facility where alternative requirements are established at a regulated unit under Section 724.190(f), 724.210(c), or 724.240(d), as provided under 35 Ill. Adm. Code 703.161, either the alternative requirements that apply to the regulated unit, or a reference to the enforceable document containing those requirements.
- c) Until final closure of the facility, a copy of the approved post-closure care plan must be furnished to the Agency upon request, including request by mail. After final closure has been certified, the person or office specified in subsection (b)(3) of this Section must shall keep the approved post-closure care plan during the remainder of the post-closure care period.
- d) Amendment of plan. The owner or operator ~~must shall~~ submit a written notification of or request for a permit modification to authorize a change in the

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approved post-closure care plan in accordance with the applicable requirements of 35 Ill. Adm. Code 703 and 705. The written notification or request must include a copy of the amended post-closure care plan for review or approval by the Agency.

- 1) The owner or operator may submit a written notification or request to the Agency for a permit modification to amend the post-closure care plan at any time during the active life of the facility or during the post-closure care period.
- 2) The owner or operator ~~must shall~~ submit a written notification of or request for a permit modification to authorize a change in the approved post-closure care plan whenever any of the following occurs:
  - A) Changes in operating plans or facility design affect the post-closure care plan;
  - B) There is a change in the expected year of closure if applicable;
  - C) Events occur during the active life of the facility, including partial and final closures, that affect the approved post-closure care plan; or
  - D) The owner or operator requests establishment of alternative requirements to a regulated unit under Section 724.190(f), 724.210(c), or 724.240(d).
- 3) The owner or operator ~~must shall~~ submit a written request for a permit modification at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred ~~that which~~ has affected the post-closure care plan. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to submit a contingent post-closure care plan under Sections 724.328(c)(1)(B) or 724.358(c)(1)(B) ~~must shall~~ submit a post-closure plan to the Agency no later than 90 days after the date that the owner or operator or Agency determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of Section 724.410. The Agency ~~must shall~~ approve, disapprove, or modify this plan in accordance with the procedure in 35 Ill. Adm. Code 703 and 705. In accordance with 35 Ill. Adm. Code 703.241, the approved post-closure care plan will become a permit condition.
- 4) The Agency may request modifications to the plan under the conditions described in subsection (d)(2) ~~of this Section~~. The owner or operator ~~must shall~~ submit the modified plan no later than 60 days after the request, or no later than 90 days if the unit is a surface impoundment or waste pile not previously required to prepare a contingent post-closure care plan. Any modifications requested by the Agency ~~must shall~~ be approved,

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disapproved, or modified in accordance with the procedure in 35 Ill. Adm. Code 703 and 705.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.219 Post-Closure ~~Post-closure~~ Notices**

- a) No later than 60 days after certification of closure of each hazardous waste disposal unit, the owner or operator of a disposal facility ~~must shall~~ submit to the Agency, to the County Recorder and to any local zoning authority or authority with jurisdiction over local land use, a record of the type, location and quantity of hazardous wastes disposed of within each cell or other disposal unit of the facility. For hazardous wastes disposed of before January 12, 1981, the owner or operator ~~must shall~~ identify the type, location, and quantity of the hazardous waste to the best of the owner or operator's knowledge and in accordance with any records the owner or operator has kept.
- b) Within 60 days after certification of closure of the first hazardous waste disposal unit and within 60 days after certification of closure of the last hazardous waste disposal unit, the owner or operator ~~must do the followingshall~~:
  - 1) Record a notation on the deed to the facility property – or on some other instrument ~~that which~~ is normally examined during title search – that will in perpetuity notify any potential purchaser of the property ~~as follows~~~~that~~:
    - A) ~~That the The~~ land has been used to manage hazardous wastes; and
    - B) ~~That its Its~~ use is restricted under this Subpart G; and
    - C) ~~That the The~~ survey plat and record of the type, location and quantity of hazardous wastes disposed of within each cell or other hazardous waste disposal unit of the facility required by subsection (a) of this Section and Section 724.216 have been filed with the Agency, the County Recorder and any local zoning authority or authority with jurisdiction over local land use; and
  - 2) Submit a certification, signed by the owner or operator, that the owner or operator has recorded the notation specified in subsection (b)(1) of this Section, including a copy of the document in which the notation has been placed, to the Agency.
- c) If the owner or operator or any subsequent owner or operator of the land upon which a hazardous waste disposal unit is located wishes to remove hazardous wastes and hazardous waste residues, the liner, if any, or contaminated soils, such person ~~must shall~~ request a modification to the post-closure plan in accordance with the applicable requirements in 35 Ill. Adm. Code 703 and 705. The owner and operator ~~must shall~~ demonstrate that the removal of hazardous wastes will

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satisfy the criteria of Section 724.217(c). By removing hazardous waste, the owner or operator may become a generator of hazardous waste and ~~must shall~~ manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 703 and 720 through 726. If the owner or operator is granted to permit modification or otherwise granted approval to conduct such removal activities, the owner or operator may request that the Agency approve either ~~of the following~~:

- 1) The removal of the notation on the deed to the facility property or other instrument normally examined during title search; or
- 2) The addition of a notation to the deed or instrument indicating the removal of the hazardous waste.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.220 Certification of Completion of ~~Post-Closure~~ ~~Post-closure~~ Care**

No later than 60 days after completion of the established post-closure care period for each hazardous waste disposal unit, the owner or operator ~~must shall~~ submit to the Agency, by registered mail, a certification that the post-closure care period for the hazardous waste disposal unit was performed in accordance with the specifications in the approved post-closure plan. The certification must be signed by the owner or operator and an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the Agency upon request until the Agency releases the owner or operator from the financial assurance requirements for post-closure care under Section 724.245(i).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART H: FINANCIAL REQUIREMENTS

**Section 724.240 Applicability**

- a) The requirements of Sections 724.242, 724.243, and 724.247 through 724.251 apply to owners and operators of all hazardous waste facilities, except as provided otherwise in this Section or in Section 724.101.
- b) The requirements of Sections 724.244 and 724.245 apply only to owners and operators of ~~the following~~:
  - 1) Disposal facilities; ~~or~~
  - 2) Piles, and surface impoundments from which the owner or operator intends to remove the wastes at closure, to the extent that Sections 724.244 and 724.245 are made applicable to such facilities in Sections 724.328 and

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- 724.358; ~~or~~
- 3) Tank systems ~~that which~~ are required under Section 724.297 to meet the requirements for landfills; or
  - 4) Containment buildings that are required under Section 724.1102 to meet the requirements for landfills.
- c) The States and the federal government are exempt from the requirements of this Subpart H.
- d) A permit or enforceable document can contain alternative requirements that replace all or part of the financial assurance requirements of this Subpart H ~~of this Part~~ applying to a regulated unit, as provided in 35 Ill. Adm. Code 703.161, where the Board or Agency has done the following:
- 1) The Board or Agency has established alternative requirements for the regulated unit established under Section 724.190(f) or 724.210(d); and
  - 2) The Board or Agency determines that it is not necessary to apply the financial assurance requirements of this Subpart H ~~of this Part~~ because the alternative financial assurance requirements will protect human health and the environment.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.241 Definitions of Terms As Used ~~in~~ This Subpart**

For the purposes of this Subpart H, the following terms have the given meanings:

- a) "Closure plan" means the plan for closure prepared in accordance with the requirements of Section 724.212.
- b) "Current closure cost estimate" means that the most recent of the estimates prepared in accordance with Section 724.242(a), (b),<sub>2</sub> and (c).
- c) "Current post-closure cost estimate" means the most recent of the estimates prepared in accordance with Section 724.244(a), (b),<sub>2</sub> and (c).
- d) "Parent corporation" means a corporation ~~that which~~ directly owns at least 50 percent of the voting stock of the corporation which is the facility owner or operator; the latter corporation is deemed a "subsidiary" of the parent corporation.
- e) "Post-closure plan" means the plan for post-closure care prepared in accordance with the requirements of Sections 724.217 through 724.220.
- f) The following terms are used in the specifications for the financial test for closure, post-closure care and liability coverage. The definitions are intended to assist in the understanding of these regulations and are not intended to limit the meanings of terms in a way that conflicts with generally accepted accounting practices.

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"Assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity.

"Current assets" means cash or other assets or resources commonly identified as those ~~that which~~ are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

"Current liabilities" means obligations whose liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

"Current plugging and abandonment cost estimate" means the most recent of the estimates prepared in accordance with 35 Ill. Adm. Code 704.212(a), (b), and (c).

"Independently audited" refers to an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.

"Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

"Net working capital" means current assets minus current liabilities.

"Net worth" means total assets minus total liabilities and is equivalent to owner's equity.

"Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets would not include intangibles, such as goodwill and rights to patents or royalties.

- g) In the liability insurance requirements the terms "bodily injury" and "property damage" have the meanings given given below. The Board intends the meanings of other terms used in the liability insurance requirements to be consistent with their common meanings within the insurance industry. The definitions given below of several of the terms are intended to assist in the understanding of these regulations and are not intended to limit their meanings in a way that conflicts with general insurance industry usage.

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"Accidental occurrence" means an accident, including continuous or repeated exposure to conditions, ~~that which~~ results in bodily injury or property damage neither expected nor intended from the standpoint of the insured.

"Bodily injury" means bodily injury, sickness<sub>2</sub> or disease sustained by a person, including death resulting from any of these at any time. However, this term does not include those liabilities ~~that which~~, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for bodily injury.

BOARD NOTE: Derived from 40 CFR 264.141 (2001)-(1988), as amended at 53 Fed. Reg. 33950, September 1, 1988, modified to insert the Insurance Services Office definition.

"Environmental damage" means the injurious presence in or upon land, the atmosphere<sub>2</sub> or any watercourse or body of water of solid, liquid, gaseous<sub>2</sub> or thermal contaminants, irritants<sub>2</sub> or pollutants.

BOARD NOTE: This term is used in the definition of "pollution incident<sub>2</sub>".

"Legal defense costs" means any expenses that an insurer incurs in defending against claims of third parties brought under the terms and conditions of an insurance policy.

"Nonsudden accidental occurrence" means an occurrence ~~that which~~ takes place over time and involves continuous or repeated exposure.

"Pollutants" means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals<sub>2</sub> and waste.

BOARD NOTE: This definition is used in the definition of "Pollution incident<sub>2</sub>".

"Pollution incident" means emission, discharge, release<sub>2</sub> or escape of pollutants into or upon land, the atmosphere or any watercourse or body of water, provided that such emission, discharge, release<sub>2</sub> or escape results in "environmental damage<sub>2</sub>". The entirety of any such emission, discharge, release<sub>2</sub> or escape ~~must shall~~ be deemed to be one "pollution incident<sub>2</sub>". "Waste" includes materials to be recycled, reconditioned<sub>2</sub> or reclaimed.

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The term "pollution incident" includes an "occurrence\_":

BOARD NOTE: This definition is used in the definition of "property damage\_":

"Property damage" means as follows:

Either of the following:

Physical injury to, destruction of or contamination of tangible property, including all resulting loss of use of that property; or

Loss of use of tangible property that is not physically injured, destroyed or contaminated, but has been evacuated, withdrawn from use or rendered inaccessible because of a "pollution incident\_":

This term does not include those liabilities that which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for property damage.

BOARD NOTE: Derived from 40 CFR 264.141 (2001) (1988), as amended at 53 Fed. Reg. 33950, September 1, 1988, modified to insert the Insurance Services Office definition.

"Sudden accidental occurrence" means an occurrence that which is not continuous or repeated in nature.

- h) "Substantial business relationship" means that one business entity has an ownership interest in another.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.242 Cost Estimate for Closure**

- a) The owner or operator must shall have detailed a written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in Sections 724.211 through 724.215 and applicable closure requirements in Sections 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451, and 724.701 through 724.703, and 724.1102.
- 1) The estimate must equal the cost of final closure at the point in the

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facility's active life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan (see Section 724.212(b)); and

- 2) The closure cost estimate must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of parent corporation in Section 724.241(d)). The owner or operator may use costs for on-site disposal if the owner or operator demonstrates that on-site disposal capacity will exist at all times over the life of the facility.
  - 3) The closure cost estimate must not incorporate any salvage value that may be realized with the sale of hazardous wastes, or non-hazardous wastes if applicable under Section 724.213(d), facility structures or equipment, land or other assets associated with the facility at the time of partial or final closure. hazardous wastes that might have economic value.
  - 4) The owner or operator ~~must shall~~ not incorporate a zero cost for hazardous wastes, or non-hazardous wastes if applicable under Section 724.213(d), that might have economic value.
- b) During the active life of the facility, the owner or operator ~~must shall~~ adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial ~~instruments~~ ~~instrument(s)~~ used to comply with Section 724.243. For owners and operators using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation within 30 days after the close of the firm's fiscal year and before submission of updated information to the Agency as specified in Section 724.243(f)(3). The adjustment may be made by recalculating the maximum costs of closure 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 closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.
  - 2) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.
- c) During the active life of the facility the owner or operator ~~must shall~~ revise the closure cost estimate no later than 30 days after the Agency has approved the request to modify the closure plan, if the change in the closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation as specified in Section 724.242(b).

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- d) The owner or operator ~~must shall~~ keep the following at the facility during the operating life of the facility: ~~the The~~ latest closure cost estimate prepared in accordance with Sections 724.242(a) and (c) and, when this estimate has been adjusted in accordance with Section 724.242(b), the latest adjusted closure cost estimate.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.243 Financial Assurance ~~for For~~ Closure**

An owner or operator of each facility ~~must shall~~ establish financial assurance for closure of the facility. The owner or operator ~~must shall~~ choose from the options ~~that are as~~ specified in subsections (a) through (f) of this Section.

- a) Closure trust fund.
- 1) An owner or operator may satisfy the requirements of this Section by establishing a closure trust fund ~~that which~~ 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 shall~~ 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 treatment, storage or disposal. The trustee must be an entity ~~that which~~ has the authority to act as a trustee and whose trust operations are regulated and examined by a ~~federal Federal~~ or State agency.
  - 2) The wording of the trust agreement must be ~~that as~~ specified in Section 724.251 and the trust agreement must be 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 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 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 treatment, storage, or 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

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least equal to the current 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 this-formula:

$$\text{Next payment} = (\text{CE} - \text{CV}) / \text{Y}$$

where CE is the current closure cost estimate, CV is the current value of the trust fund and Y is 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 725.243(a) and the value of that trust fund is less than the current closure cost estimate when a permit is awarded for the facility, the amount of the current 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 this-formula:

$$\text{Next payment} = (\text{CE} - \text{CV}) / \text{Y}$$

where CE is the current closure cost estimate, CV is the current value of the trust fund, and Y is 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 closure cost estimate at the time the fund is established. However, the owner or operator must shall 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 closure trust fund after having used one or more alternate mechanisms specified in this Section or in 35 Ill. Adm. Code 725.243, 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 725.243, as applicable.

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- 6) After the pay-in period is completed, whenever the current closure cost estimate changes, the owner or operator ~~must shall~~ 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 shall~~ either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current closure cost estimate, or obtain other financial assurance as specified in this Section to cover the difference.
- 7) If the value of the trust fund is greater than the total amount of the current 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 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 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 subsections (a)(7) or ~~(a)(8)~~ of this Section, the Agency ~~must shall~~ instruct the trustee to release to the owner or operator such funds as the Agency specifies in writing.
- 10) After beginning partial or final closure, an owner or operator or another person authorized to conduct partial or final closure may request reimbursement for closure expenditures by submitting itemized bills to the Agency. The owner or operator may request reimbursement for partial closure only if sufficient funds are remaining in the trust fund to cover the maximum costs of closing the facility over its remaining operating life. Within 60 days after receiving bills for partial or final closure activities, the Agency ~~must shall~~ instruct the trustee to make reimbursement in those amounts as the Agency specifies in writing if the Agency determines that the partial or final closure expenditures are in accordance with the approved closure plan, or otherwise justified. If the Agency determines that the maximum cost of closure over the remaining life of the facility will be significantly greater than the value of the trust fund, it ~~must shall~~ withhold reimbursement of such amounts as it deems prudent until it determines, in accordance with subsection (i) of this Section, that the owner or operator is no longer required to maintain financial assurance for final closure of the facility. If the Agency does not instruct the trustee to make such reimbursements, the Agency ~~must shall~~ provide the owner or operator with a detailed written statement of reasons.

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- 11) The Agency ~~must shall~~ agree to termination of the trust when either of the following occurs:
  - A) An owner or operator substitutes alternate 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).
- b) Surety bond guaranteeing payment into a closure trust fund.
  - 1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond ~~that which~~ conforms to the requirements of this subsection (b) and submitting the bond to the Agency. An owner or operator of a new facility ~~must shall~~ submit the bond to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or 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.
  - 2) The wording of the surety bond must be that as specified in Section 724.251.
  - 3) The owner or operator who uses a surety bond to satisfy the requirements of this Section ~~must shall~~ 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 that~~:
    - 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 (see 40 CFR 264.151(a)) to show current 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; ~~or~~
    - B) Fund the standby trust fund in an amount equal to the penal sum within 15 days after an order to begin final closure is issued by the

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- Board or a U.S. district court or other court of competent jurisdiction; or
- C) Provide alternate 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 closure cost estimate, except as provided in subsection (g) of this Section.
- 7) Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, ~~must shall~~ either cause the penal sum to be increased to an amount at least equal to the current 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 closure cost estimate decreases, the penal sum may be reduced to the amount of the current 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 evidenced 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 alternate financial assurance as specified in this Section.
- c) Surety bond guaranteeing performance of closure.
- 1) An owner or operator may satisfy the requirements of this by obtaining a surety bond ~~that which~~ conforms to the requirements of this subsection (c) and submitting the bond to the Agency. An owner or operator of a new facility ~~must shall~~ submit the bond to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage, or 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.

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- 2) The wording of the surety bond must be ~~that as~~ specified in Section 724.251.
- 3) The owner or operator who uses a surety bond to satisfy the requirements of this Section ~~must shall~~ 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 that~~:
  - 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 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 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 the following~~:
  - A) Perform final closure in accordance with the closure plan and other requirements of the permit for the facility whenever required to do so; or
  - B) Provide ~~alternative alternate~~ 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 final closure in accordance with the approved closure plan and other permit requirements when required to do so, under the terms of the bond the surety will perform final closure, as guaranteed by the bond, 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 closure cost estimate.
- 7) Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the

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- increase, ~~must shall~~ either cause the penal sum to be increased to an amount at least equal to the current 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, the penal sum may be reduced to the amount of the current 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 evidenced by the return receipts.
- 9) The owner or operator may cancel the bond if the Agency has given prior written consent. The Agency ~~must shall~~ provide such written consent when either of the following occurs:
- A) An owner or operator substitutes ~~alternative alternate~~ 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.
- 10) The surety ~~must shall~~ not be liable for deficiencies in the performance of closure 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) 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 which~~ conforms to the requirements of this subsection (d) and submitting the letter to the Agency. An owner or operator of a new facility ~~must shall~~ submit the letter of credit to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The letter of credit must be effective before this initial receipt of hazardous waste. The issuing institution must be an entity ~~that which~~ 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 as~~ specified in Section 724.251.
- 3) An owner or operator who uses a letter of credit to satisfy the requirements of this Section ~~must shall~~ 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 will~~ be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the

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Agency. This standby trust fund must meet the requirements of the trust fund specified in subsection (a) of this Section, except ~~as follows~~that:

- 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 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 ~~EPA Identification Number~~, name and address of the facility, and the amount of funds assured for closure 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 ~~1~~-year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one ~~1~~-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 closure cost estimate, except as provided in subsection (g) of this Section.
- 7) Whenever the current closure cost estimate increases to an amount greater than the amount of the credit, the owner or operator, within 60 days after the increase, ~~must shall~~ either cause the amount of the credit to be increased so that it at least equals the current 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 closure cost estimate decreases, the amount of the credit may be reduced to the amount of the current closure cost estimate following written approval by the Agency.

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- 8) Following a final judicial determination or Board order finding that the owner or operator has failed to perform final closure in accordance with the closure plan and other permit requirements when required to do so, the Agency may draw on the letter of credit.
  - 9) If the owner or operator does not establish alternative ~~alternate~~-financial assurance<sub>2</sub> as specified in this Section and obtain written approval of such alternative ~~alternate~~-assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice from issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the Agency ~~must shall~~ 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 shall~~ draw on the letter of credit if the owner or operator has failed to provide alternative ~~alternate~~ financial assurance<sub>2</sub> as specified in this Section<sub>2</sub> and obtain written approval of such assurance from the Agency.
  - 10) The Agency ~~must shall~~ return the letter of credit to the issuing institution for termination when either of the following occurs:
    - A) An owner or operator substitutes alternative ~~alternate~~-financial assurance<sub>2</sub> 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) Closure insurance.
- 1) An owner or operator may satisfy the requirements of this Section by obtaining closure insurance ~~that which~~ 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 shall~~ submit the certificate of insurance to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage<sub>2</sub> or 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<sub>5</sub> or be eligible to provide insurance as an excess or surplus lines insurer<sub>5</sub> in one or more States.
  - 2) The wording of the certificate of insurance must be that as-specified in Section 724.251.
  - 3) The closure insurance policy must be issued for a face amount at least equal to the current 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

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- liability will be lowered by the amount of the payments.
- 4) The closure insurance policy must guarantee that funds will be available to close the facility whenever final closure occurs. The policy must also guarantee that, once final closure 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) After beginning partial or final closure, an owner or operator or any other person authorized to conduct closure may request reimbursement for closure expenditures by submitting itemized bills to the Agency. The owner or operator may request reimbursements for partial closure only if the remaining value of the policy is sufficient to cover the maximum costs of closing the facility over its remaining operating life. Within 60 days after receiving bills for closure activities, the Agency ~~must shall~~ instruct the insurer to make reimbursement in such amounts, as the Agency specifies in writing, if the Agency determines that the partial or final closure expenditures are in accordance with the approved closure plan or otherwise justified. If the Agency determines that the maximum cost of closure over the remaining life of the facility will be significantly greater than the face amount of the policy, it ~~must shall~~ withhold reimbursement of such amounts ~~that as~~ it deems prudent, until it determines, in accordance with subsection (i) of this Section, that the owner or operator is no longer required to maintain financial assurance for closure of the facility. If the Agency does not instruct the insurer to make such reimbursements, the Agency ~~must shall~~ provide the owner or operator with a detailed written statement of reasons.
  - 6) The owner or operator ~~must shall~~ 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)(10) of this Section. Failure to pay the premium, without substitution of ~~alternative alternate~~ 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. 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

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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; ~~or~~
  - B) The permit is terminated or revoked or a new permit is denied; ~~or~~
  - C) Closure is ordered by the Board or a U.S. district court or other court of competent jurisdiction; ~~or~~
  - D) The owner or operator is named as debtor in a voluntary or involuntary proceeding under 11 U.S.C. (Bankruptcy); or
  - E) The premium due is paid.
- 9) Whenever the current closure cost estimate increases to an amount greater than the face amount of the policy, the owner or operator, within 60 days after the increase, ~~must shall~~ either cause the face amount to be increased to an amount at least equal to the current 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 closure cost estimate decreases, the face amount may be reduced to the amount of the current closure cost estimate following written approval by the Agency.
- 10) The Agency ~~must shall~~ give written consent to the owner or operator that it may terminate the insurance policy when either of the following occurs:
- A) An owner or operator substitutes alternative ~~alternate~~ 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 closure.
- 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 shall~~ meet the criteria of either following subsection (f)(1)(A) or (f)(1)(B) of this Section:
- A) The owner or operator ~~must shall~~ have the following:

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- 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; ~~and~~
  - 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; ~~and~~
  - iii) Tangible net worth of at least \$10 million; and
  - iv) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.
- B) The owner or operator ~~must shall~~ have the following:
- i) A current rating for its most recent bond issuance of AAA, AA, A<sub>2</sub> or BBB as issued by Standard and Poor's or Aaa, Aa, A<sub>2</sub> or Baa as issued by Moody's; ~~and~~
  - ii) Tangible net worth at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates; ~~and~~
  - iii) Tangible net worth of at least \$10 million; and
  - iv) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current closure and post-closure estimates and the current plugging and abandonment cost estimates.
- 2) The phrase "current closure and post-closure cost estimates<sub>2</sub>" as used in subsection (f)(1) of this Section, refers to the cost estimates required to be shown in subsections 1-4 of the letter from the owner's or operator's chief financial officer (40 CFR 264.151(f)) (incorporated by reference in Section 724.251). The phrase "current plugging and abandonment cost estimates<sub>2</sub>" as used in subsection (f)(1) of this Section, refers to the cost estimates required to be shown in Subsections 1-4 of the letter from the owner's or operator's chief financial officer (40 CFR 144.70(f)), incorporated by reference in 35 Ill. Adm. Code 704.240).
- 3) To demonstrate that it meets this test, the owner or operator ~~must shall~~ 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; and
  - B) A copy of the independent certified public accountant's report on

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- 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~~that~~:
- i) That the ~~The~~-accountant has compared the data that ~~which~~ 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, that no matters came to the accountant's attention which caused the accountant to believe that the specified data should be adjusted.
- 4) An owner or operator of a new facility must ~~shall~~ 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 treatment, storage, or disposal.
- 5) After the initial submission of items specified in subsection (f)(3) of this Section, the owner or operator must ~~shall~~ 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 ~~shall~~ send notice to the Agency of intent to establish alternative ~~alternate~~-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 ~~shall~~ provide the alternative ~~alternate~~-financial assurance within 120 days after the end of such fiscal year.
- 7) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (f)(1) of this Section, 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 ~~shall~~ provide alternative ~~alternate~~-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

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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 shall evaluate other qualifications on an individual basis. The owner or operator must shall provide alternative alternate financial assurance, as specified in this Section, within 30 days after notification of the disallowance.

- 9) 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 alternate 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.
- 10) 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 shall meet the requirements for owners or operators in subsections (f)(1) through (f)(8) of this Section, must shall comply with the terms of the corporate guarantee, and the wording of the corporate guarantee must be that as specified in Section 724.251. 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 ~~that~~:
  - A) If the owner or operator fails to perform final closure of a facility covered by the corporate guarantee in accordance with the 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) The corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or

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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) If the owner or operator fails to provide ~~alternative alternate~~ financial assurance as specified in this Section and obtain the written approval of such ~~alternative alternate~~ assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the corporate guarantee from the guarantor, the guarantor 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 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 which~~ must provide financial assurance for an amount at least equal to the current 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 closure 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~~ EPA Identification Number, name, address, and the amount of funds for closure 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 closure 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 an

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independent registered professional engineer that final approved closure has been accomplished in accordance with the closure plan, the Agency ~~must shall~~ notify the owner or operator in writing that it is no longer required by this Section to maintain financial assurance for closure of the facility, unless the Agency determines that closure has not been in accordance with the approved closure plan. The Agency ~~must shall~~ provide the owner or operator a detailed written statement of any such determination that closure has not been in accordance with the approved 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 alternate~~ assurance upon a finding that an owner or operator, or parent corporation, no longer meets a financial test.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.244 Cost Estimate for ~~Post-Closure 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 shall~~ 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 724.603.
- 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 shall~~ adjust the post-closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial ~~instruments instrument(s)~~ 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

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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 shall 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 shall 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 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.245 Financial Assurance for Post-Closure ~~For Post-closure~~ Care**

An owner or operator of a hazardous waste management unit subject to the requirements of Section 724.244 must shall 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 shall 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 which 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 shall submit the original, signed duplicate of the trust agreement to the Agency at least 60 days before the date on which

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hazardous waste is first received for disposal. The trustee must be an entity ~~that which~~ has the authority to act as a trustee and whose trust operations are regulated and examined by a ~~federal Federal~~ or State agency.

- 2) The wording of the trust agreement must be ~~that as~~ 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 this formula:

$$\text{Next payment} = (\text{CE} - \text{CV}) / Y$$

where CE is the current post-closure cost estimate, CV is the current value of the trust fund, and Y is 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

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by ~~the following this~~ formula:

$$\text{Next payment} = (\text{CE} - \text{CV}) / Y$$

where CE is the current post-closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.

- 4) The owner or operator may accelerate payments into the trust fund or owner or operator ~~must shall~~ 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 alternate~~ 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 shall~~ 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 shall~~ 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 subsections (a)(7) or (a)(8) ~~of this Section~~, the Agency ~~must shall~~ 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 shall~~ approve a release of funds if the owner or operator demonstrates to the Agency that

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- 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 shall~~ instruct the trustee to make requirements in those amounts ~~that 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 trustee to make such reimbursements, the Agency ~~must shall~~ provide the owner or operator with a detailed written statement of reasons.
  - 12) The Agency ~~must shall~~ agree to termination of the trust when either of the following occurs:
    - A) An owner or operator substitutes alternative ~~alternate~~ 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 which~~ conforms to the requirements of this subsection (b) and submitting the bond to the Agency. An owner or operator of a new facility ~~must shall~~ 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.
  - 2) The wording of the surety bond must be ~~that as~~ specified in Section 724.251.
  - 3) The owner or operator who uses a surety bond to satisfy the requirements of this Section ~~must shall~~ 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 ~~that~~:
    - 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)

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- ii) of this Section;  
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; ~~or~~
- 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 ~~alternate~~ 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 shall~~ 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 evidenced by the return receipts.
- 9) The owner or operator may cancel the bond if the Agency has given prior

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- written consent based on its receipt of evidence of ~~alternative~~ ~~alternate~~ 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 which~~ conforms to the requirements of this subsection ~~(c)~~ and submitting the bond to the Agency. An owner or operator of a new facility ~~must shall~~ 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.
  - 2) The wording of the surety bond must be ~~that as~~ specified in Section 724.251.
  - 3) The owner or operator who uses a surety bond to satisfy the requirements of this Section ~~must shall~~ 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~~ ~~that~~:
    - 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 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 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 alternate~~ financial assurance as specified in this Section, and obtain the Agency's written approval of the assurance provided, within 90 days of receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the

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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 shall~~ 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 shall~~ 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 shall~~ provide such written consent when either of the following occurs:
  - A) An owner or operator substitutes ~~alternative alternate~~ 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

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- 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 which~~ conforms to the requirements of this subsection (d) and submitting the letter to the Agency. An owner or operator of a new facility ~~must shall~~ 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 which~~ has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a ~~federal~~ Federal or State agency.
  - 2) The wording of the letter of credit must be ~~that as~~ specified in Section 724.251.
  - 3) An owner or operator who uses a letter of credit to satisfy the requirements of this Section ~~must shall~~ 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 will~~ be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements of the trust fund specified in subsection (a) of this Section, except ~~as follows~~ that:
    - 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 ~~EPA 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

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- one ~~1~~-year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one ~~1~~-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 ~~shall~~ 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 ~~shall~~ 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 ~~alternate~~ financial assurance as specified in this Section and obtain written approval of such alternative ~~alternate~~ assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the Agency must ~~shall~~ 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 ~~shall~~ draw on the letter of credit if the owner or operator has failed to provide alternative ~~alternate~~ financial assurance, as specified in this Section, and obtain written

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- approval of such assurance from the Agency.
- 11) The Agency ~~must shall~~ return the letter of credit to the issuing institution for termination when ~~either of the following occurs~~:
- A) An owner or operator substitutes ~~alternative alternate~~ 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 which~~ 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 shall~~ 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 shall~~ 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 as~~ 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 shall~~ 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

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- reimbursements, the Agency ~~must shall~~ provide the owner or operator with a detailed written statement of reasons.
- 6) The owner or operator ~~must shall~~ 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 alternate~~ 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<sub>2</sub> 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<sub>2</sub> or fail to renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination<sub>2</sub> 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<sub>2</sub> or failure to renew may not occur<sub>2</sub> and the policy will remain in full force and effect<sub>2</sub> in the event that on or before the date of expiration one of the following occurs:
- A) The Agency deems the facility abandoned; ~~or~~
  - B) The permit is terminated or revoked or a new permit is denied; ~~or~~
  - C) Closure is ordered by the Board or a U.S. district court or other court of competent jurisdiction; ~~or~~
  - D) The owner or operator is named as debtor in a voluntary or involuntary proceeding under 11 U.S.C. (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 operating life of the facility, the owner or operator, within 60 days after the increase, ~~must shall~~ 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

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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 shall~~ 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 shall~~ 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 alternate 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 shall~~ meet the criteria of either following subsection (f)(1)(A) or (f)(1)(B) of this Section:
    - A) The owner or operator ~~must shall~~ 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; ~~and~~
      - 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; ~~and~~
      - 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 shall~~ have the following:

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- i) A current rating for its most recent bond issuance of AAA, AA, A<sub>2</sub> or BBB as issued by Standard and Poor's or Aaa, Aa, A<sub>2</sub> or Baa as issued by Moody's; and
  - 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; and
  - 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<sub>2</sub>" as used in subsection (f)(1) of this Section, refers to the cost estimates required to be shown in subsections 1-4 of the letter from the owner's or operator's chief financial officer (40 CFR 264.151(f)) (incorporated by reference in Section 724.251). The phrase "current plugging and abandonment cost estimates<sub>2</sub>" as used in subsection (f)(1) of this Section, refers to the cost estimates required to be shown in subsections 1-4 of the letter from the owner's or operator's chief financial officer (40 CFR 144.70(f), incorporated by reference in 35 Ill. Adm. Code 704.240.
- 3) To demonstrate that it meets this test, the owner or operator must shall submit the following items to the Agency:
  - A) A letter signed by the owner's or operator's chief financial officer and worded<sub>2</sub> as specified in Section 724.251; and
  - 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~~that~~:
    - i) The accountant has compared the data that ~~which~~ 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 ~~which~~ caused the accountant to believe that the specified data should be adjusted.
- 4) An owner or operator of a new facility must shall submit the items specified in subsection (f)(3) of this Section to the Agency at least 60 days

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- 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 shall~~ 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 shall~~ send notice to the Agency of intent to establish ~~alternative alternate~~ 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 shall~~ provide the ~~alternative alternate~~ financial assurance within 120 days after the end of such fiscal year.
  - 7) ~~Based The Agency may, 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 shall~~ provide ~~alternative alternate~~ 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 shall~~ evaluate other qualifications on an individual basis. The owner or operator ~~must shall~~ provide ~~alternative alternate~~ 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 shall~~ 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 alternate~~ financial

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- 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 shall~~ 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 shall~~ meet the requirements for owners or operators in subsections (f)(1) through (f)(9), and ~~must shall~~ comply with the terms of the corporate guarantee. The wording of the corporate guarantee must be ~~that as~~ 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~~ that:
- A) ~~That if~~ ~~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~~ ~~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~~ ~~If~~ the owner or operator fails to provide ~~alternative~~ ~~alternate~~ financial assurance as specified in this section and obtain the written approval of such ~~alternative~~ ~~alternate~~ assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the corporate guarantee from the guarantor, the guarantor will provide such

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- ~~alternative alternate~~ 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 which~~ 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~~ EPA 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 an independent registered 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 shall~~ 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 shall~~ provide the owner or operator with 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

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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 ~~alternate~~-assurance upon a finding that an owner or operator, or parent corporation, no longer meets a financial test.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.246 Use of a Mechanism for Financial Assurance of Both Closure and Post-Closure Post-closure Care**

An owner or operator may satisfy the requirements for financial assurance for both closure and post-closure care for one or more facilities by using a trust fund, surety bond, letter of credit, insurance, financial test, or corporate guarantee that meets the specifications for the mechanism in both Sections 724.243 and 724.245. 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 financial assurance of closure and of post-closure care.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.247 Liability Requirements**

- a) Coverage for sudden accidental occurrences. An owner or operator of a hazardous waste treatment, storage or disposal facility, or a group of such facilities, must shall-demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must shall-have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense costs. This liability coverage may be demonstrated as specified in subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), or (a)(6) of this Section below:
  - 1) An owner or operator may demonstrate the required liability coverage by having liability insurance, as specified in this subsection (a).
    - A) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the endorsement must be that as-specified in Section 724.251. The wording of the certificate of insurance must be that as specified in Section 724.251. The owner or operator must shall-submit a signed

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duplicate original of the endorsement or the certificate of insurance to the Agency. If requested by the Agency, the owner or operator ~~must shall~~ provide a signed duplicate original of the insurance policy. An owner or operator of a new facility ~~must shall~~ submit the signed duplicate original of the Hazardous Waste Facility Liability Endorsement or the Certificate of Liability Insurance to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The insurance must be effective before this initial receipt of hazardous waste.

- B) Each insurance policy must be issued by an insurer ~~that which~~ is licensed by the Illinois Department of Insurance.
- 2) An owner or operator may meet the requirements of this Section by passing a financial test or using the guarantee for liability coverage, as specified in subsections (f) and (g) ~~of this Section~~ below.
- 3) An owner or operator may meet the requirements of this Section by obtaining a letter of credit for liability coverage, as specified in subsection (h) ~~of this Section~~ below.
- 4) An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage, as specified in subsection (i) ~~of this Section~~ below.
- 5) An owner or operator may meet the requirements of this Section by obtaining a trust fund for liability coverage, as specified in subsection (j) ~~of this Section~~ below.
- 6) An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, guarantee, letter of credit, surety bond, and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated must total at least the minimum amounts required by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under this subsection (a), the owner or operator ~~shall must~~ specify at least one such assurance as "primary" coverage, and ~~shall must~~ specify other such assurance as "excess" coverage.
- 7) An owner or operator ~~must shall~~ notify the Agency within 30 days whenever ~~any of the following occurs~~:
- A) A claim results in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized

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- in subsections (a)(1) through (a)(6) ~~of this Section~~above.
- B) A Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is entered between the owner or operator and third-party claimant for liability coverage under subsections (a)(1) through (a)(6) ~~of this Section~~above; or
- C) A final court order establishing a judgement for bodily injury or property damage caused by a sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage under subsections (a)(1) through (a)(6) ~~of this Section~~above.
- b) Coverage for nonsudden accidental occurrences. An owner or operator of a surface impoundment, landfill, land treatment facility, or disposal miscellaneous unit ~~that which~~ is used to manage hazardous waste, or a group of such facilities, ~~must shall~~ demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator ~~must shall~~ have and maintain liability coverage for nonsudden accidental occurrences in the amount of at least \$3 million per occurrence with an annual aggregate of at least \$6 million, exclusive of legal defense costs. An owner or operator meeting the requirements of this Section may combine the required per-occurrence coverage levels for sudden and nonsudden accidental occurrences into a single per-occurrence level, and combine the required annual aggregate coverage levels for sudden and nonsudden accidental occurrences into a single annual aggregate level. Owners or operators who combine coverage levels for sudden and nonsudden accidental occurrences ~~must shall~~ maintain liability coverage in the amount of at least \$4 million per occurrence and \$8 million annual aggregate. This liability coverage may be demonstrated as specified in subsections (b)(1), ~~(b)(2), (b)(3), (b)(4), (b)(5), or (b)(6) of this Section~~below:
- 1) An owner or operator may demonstrate the required liability coverage by having liability insurance, as specified in this subsection ~~(b)~~.
- A) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the endorsement must be ~~that as~~ specified in Section 724.251. The wording of the certificate of insurance must be ~~that as~~ specified in Section 724.251. The owner or operator ~~must shall~~ submit a signed

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duplicate original of the endorsement or the certificate of insurance to the Agency. If requested by the Agency, the owner or operator ~~must shall~~ provide a signed duplicate original of the insurance policy. An owner or operator of a new facility ~~must shall~~ submit the signed duplicate original of the Hazardous Waste Facility Liability Endorsement or the Certificate of Liability Insurance to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The insurance must be effective before this initial receipt of hazardous waste.

- B) Each insurance policy must be issued by an insurer ~~that which~~ is licensed by the Illinois Department of Insurance.
- 2) An owner or operator may meet the requirements of this Section by passing a financial test or using the guarantee for liability coverage, as specified in subsections (f) and (g) ~~of this Section~~ below.
- 3) An owner or operator may meet the requirements of this Section by obtaining a letter of credit for liability coverage, as specified in subsection (h) ~~of this Section~~ below.
- 4) An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage, as specified in subsection (i) ~~of this Section~~ below.
- 5) An owner or operator may meet the requirements of this Section by obtaining a trust fund for liability coverage, as specified in subsection (j) ~~of this Section~~ below.
- 6) An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, letter of credit, surety bond, and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated must total at least the minimum amounts required by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under this subsection (b), the owner or operator ~~must shall~~ specify at least one such assurance as "primary" coverage, and ~~must shall~~ specify other such assurance as "excess" coverage.
- 7) An owner or operator ~~must shall~~ notify the Agency within 30 days whenever ~~any of the following occurs~~:
- A) A claim results in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized

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- in subsections (b)(1) through (b)(6) ~~of this Section~~above.
- B) A Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is entered between the owner or operator and third-party claimant for liability coverage under subsections (b)(1) through (b)(6) ~~of this Section~~above; or
- C) A final court order establishing a ~~judgment~~judgement for bodily injury or property damage caused by a sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage under subsections (b)(1) through (b)(6) ~~of this Section~~above.
- c) Request for adjusted level of required liability coverage. If an owner or operator demonstrates to the Agency that the levels of financial responsibility required by subsections (a) or (b) ~~of this Section~~ above are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the owner or operator may obtain an adjusted level of required liability coverage from the Agency. The request for an adjusted level of required liability coverage must be submitted to the Agency as part of the application under 35 Ill. Adm. Code 703.182 for a facility that does not have a permit, or pursuant to the procedures for permit modification under 35 Ill. Adm. Code 705.128 for a facility that has a permit. If granted, the modification will take the form of an adjusted level of required liability coverage, such level to be based on the Agency assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. The Agency may require an owner or operator who requests an adjusted level of required liability coverage to provide such technical and engineering information as is necessary to determine a level of financial responsibility other than that required by subsection (a) or (b) ~~of this Section~~ above. Any request for an adjusted level of required liability coverage for a permitted facility will be treated as a request for a permit modification under 35 Ill. Adm. Code 703.271(e)(3) and 705.128.
- d) Adjustments by the Agency. If the Agency determines that the levels of financial responsibility required by subsection (a) or (b) ~~of this Section~~ above are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of facilities, the Agency ~~must shall~~ adjust the level of financial responsibility required under subsection (a) or (b) ~~of this Section~~ above as may be necessary to protect human health and the environment. This adjusted level must be based on the Agency's assessment of the degree and

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duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the Agency determines that there is a significant risk to human health and the environment from nonsudden accidental occurrences resulting from the operations of a facility that is not a surface impoundment, landfill, or land treatment facility, the Agency may require that an owner or operator of the facility comply with subsection (b) ~~of this Section~~ above. An owner or operator ~~must~~ shall furnish to the Agency, within a time specified by the Agency in the request, which must be not be less than 30 days, any information ~~that which~~ the Agency requests to determine whether cause exists for such adjustments of level or type of coverage. Any adjustment of the level or type of coverage for a facility that has a permit will be treated as a permit modification under 35 Ill. Adm. Code 703.271(e)(3) and 705.128.

- e) Period of coverage. Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that final closure has been completed in accordance with the approved closure plan, the Agency ~~must shall~~ notify the owner or operator in writing that the owner or operator is no longer required by this Section to maintain liability coverage for that facility, unless the Agency determines that closure has not been in accordance with the approved closure plan.
- f) Financial test for liability coverage.
- 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 shall~~ meet the criteria of ~~following~~ subsection (f)(1)(A) or ~~(f)(1)(B)~~ ~~of this Section~~ below:
- A) The owner or operator ~~must shall~~ have ~~the following~~:
- i) Net working capital and tangible net worth each at least six times the amount of liability coverage to be demonstrated by this test; ~~and~~
- ii) Tangible net worth of at least \$10 million; and
- iii) Assets in the United States amounting to either ~~of the following~~: at least 90 percent of the total assets; or at least six times the amount of liability coverage to be demonstrated by this test.
- B) The owner or operator ~~must shall~~ have ~~the following~~:
- i) A current rating for its most recent bond issuance of AAA, AA, A<sub>2</sub> or BBB as issued by Standard and Poor's, or Aaa, Aa, A<sub>2</sub> or Baa as issued by Moody's; ~~and~~
- ii) Tangible net worth of at least \$10 million; ~~and~~
- iii) Tangible net worth at least six times the amount of liability coverage to be demonstrated by this test; and

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- iv) Assets in the United States amounting to either of the following: at least 90 percent of the total assets; or at least six times the amount of liability coverage to be demonstrated by this test.
- 2) The phrase "amount of liability coverage" as used in subsection (f)(1) of this Section above refers to the annual aggregate amounts for which coverage is required under subsections (a) and (b) of this Section above.
- 3) To demonstrate that it meets this test, the owner or operator must shall submit the following three items to the Agency:
  - A) A letter signed by the owner's or operator's chief financial officer and worded as specified in Section 724.251. If an owner or operator is using the financial test to demonstrate both assurance for closure or post-closure care, as specified by Sections 724.243(f) and 724.245(f) and 35 Ill. Adm. Code 725.243(e) and 725.245(e), and liability coverage, it must shall submit the letter specified in Section 274.251 to cover both forms of financial responsibility; a separate letter, as specified in Section 274.251, is not required.
  - 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.
  - C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating the following that:
    - i) The accountant has compared the data that which 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 which caused the accountant to believe that the specified data should be adjusted.
- 4) An owner or operator of a new facility must shall submit the items specified in subsection (f)(3) of this Section above to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal.
- 5) After the initial submission of items specified in subsection (f)(3) of this Section above, the owner or operator must shall 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

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- subsection (f)(3) ~~of this Section~~above.
- 6) If the owner or operator no longer meets the requirements of subsection (f)(1) ~~of this Section~~above, the owner or operator ~~must shall~~ obtain insurance, a letter of credit, a surety bond, a trust fund, or a guarantee for the entire amount of required liability coverage as specified in this Section. Evidence of insurance must be submitted to the Agency within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the test requirements.
- 7) The Agency 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~~above). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency ~~must shall~~ evaluate other qualifications on an individual basis. The owner or operator ~~must shall~~ provide evidence of insurance for the entire amount of required liability coverage, as specified in this Section, within 30 days after notification of disallowance.
- g) Guarantee for liability coverage.
- 1) Subject to subsection (g)(2) ~~of this Section~~below, an owner or operator may meet the requirements of this Section by obtaining a written guarantee, referred to as a "guarantee." The guarantor ~~must shall~~ 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 shall~~ meet the requirements for owners and operators in subsections (f)(1) through (f)(6) ~~of this Section~~above. The wording of the guarantee must be ~~that as~~ specified in Section 724.251. A certified copy of the guarantee must accompany the items sent to the Agency, as specified in subsection (f)(3) ~~of this Section~~above. One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, this letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee. The terms of the guarantee must provide ~~for the following~~that:
- A) If the owner or operator fails to satisfy a judgment based on a determination of liability for bodily injury or property damage to third parties caused by sudden or nonsudden accidental

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- occurrences (or both as the case may be); arising from the operation of facilities covered by this guarantee, or if the owner or operator fails to pay an amount agreed to in settlement of claims arising from or alleged to arise from such injury or damage, that the guarantor will do so up to the limits of coverage.
- B) That the ~~The~~ guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. The guarantee must not be terminated unless and until the Agency approves alternative ~~alternate~~ liability coverage complying with Section 724.247 or 35 Ill. Adm. Code 725.247.
- 2) The guarantor must shall execute the guarantee in Illinois. The guarantee must shall be accompanied by a letter signed by the guarantor that which states that as follows:
- A) The guarantee was signed in Illinois by an authorized agent of the guarantor;
- B) The guarantee is governed by Illinois law; and
- C) The name and address of the guarantor's registered agent for service of process.
- 3) The guarantor must shall have a registered agent pursuant to Section 5.05 of the Business Corporation Act of 1983 (~~Ill. Rev. Stat. 1991, ch. 32, par. 5.05~~) [805 ILCS 5/5.05] or Section 105.05 of the General Not-for-Profit Corporation Act of 1986 (~~Ill. Rev. Stat. 1991, ch. 32, par. 105.05~~) [805 ILCS 105/105.05].
- h) Letter of credit for liability coverage.
- 1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit that which conforms to the requirements of this subsection (h), and submitting a copy of the letter of credit to the Agency.
- 2) The financial institution issuing the letter of credit must shall be an entity that which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies.
- 3) The wording of the letter of credit must be that as specified in Section 724.251.
- 4) An owner or operator who uses a letter of credit to satisfy the requirements of this Section may also establish a trust fund. Under the terms of such a letter of credit, all amounts paid pursuant to a draft by the trustee of the standby trust in accordance with instructions from the trustee. The trustee of the standby trust fund must be an entity that which

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has the authority to act as a trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or who complies with the Corporate Fiduciary Act ~~(Ill. Rev. Stat. 1991, ch. 32, par. 1551-1 et seq. [205 ILCS 620/1-1 et seq.])~~.

- 5) The wording of the standby trust fund must be identical to that ~~the wording~~ specified in Section 724.251(n).
- i) Surety bond for liability coverage.
  - 1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond that ~~which~~ conforms to the requirements of this subsection (i) and submitting a copy of the bond to the Agency.
  - 2) The surety company issuing the bond must ~~shall~~ be licensed by the Illinois Department of Insurance.
  - 3) The wording of the surety bond must be that ~~as~~ specified in Section 724.251.
- j) Trust fund for liability coverage.
  - 1) An owner or operator may satisfy the requirements of this Section by establishing a trust fund that ~~which~~ conforms to the requirements of this subsection (j) and submitting a signed, duplicate original of the trust agreement to the Agency.
  - 2) The trustee must ~~shall~~ be an entity that ~~which~~ has the authority to act as a trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or who complies with the Corporate Fiduciary Act ~~(Ill. Rev. Stat. 1991, ch. 17, par. 1551-1 et seq.) [205 ILCS 620/1-1 et seq.]~~.
  - 3) The trust fund for liability coverage must be funded for the full amount of the liability coverage to be provided by the trust fund before it may be relied upon to satisfy the requirements of this Section. If at any time after the trust fund is created the amount of funds in the trust fund is reduced below the full amount of liability coverage to be provided, the owner or operator, by the anniversary of the date of establishment of the fund, must ~~shall~~ either add sufficient funds to the trust fund to cause its value to equal the full amount of liability coverage to be provided, or obtain other financial assurance as specified in this Section to cover the difference. For purposes of this subsection (j), "the full amount of the liability coverage to be provided" means the amount of coverage for sudden and nonsudden accidental occurrences required to be provided by the owner or operator by this Section, less the amount of financial assurance for liability coverage that ~~which~~ is being provided by other financial assurance mechanisms being used to demonstrate financial assurance by the owner or operator.

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- 4) The wording of the trust fund must be that as-specified in Section 724.251.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.248 Incapacity of Owners or Operators, Guarantors, or Financial Institutions**

- a) An owner or operator must notify the Agency by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 of the United States Code 11 U.S.C. (Bankruptcy) naming the owners or operators as debtor, within 10 days after commencement of the proceeding. A guarantor of a corporate guarantee, as specified in Sections 724.243(f) and 724.245(f), must make such a notification if he is named as a debtor, as required under the terms of the corporate guarantee (40 CFR 264.151(h), incorporated by reference in Section 724.251).
- b) An owner or operator who fulfills the requirements of Sections 724.243, 724.245, or 724.247 by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The owner or operator must establish other financial assurance or liability coverage within 60 days after such an event.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.251 Wording of the Instruments**

The Board incorporates by reference 40 CFR 264.151 (2001) (1992), as amended at 59 Fed. Reg. 29960, June 10, 1994. This incorporation includes Section incorporates no later amendments or editions. The Agency must shall-promulgate standardized forms based on 40 CFR 264.151 with such changes in wording as are necessary under Illinois law. Any owner or operator required to establish financial assurance under this Subpart H must shall do so only upon the standardized forms promulgated by the Agency. The Agency must shall-reject any financial assurance document that is not submitted on such standardized forms.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART I: USE AND MANAGEMENT OF CONTAINERS

**Section 724.270 Applicability**

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The regulations in this Subpart I apply to the owner or operator ~~owners and operators~~ of a ~~all~~ hazardous waste facility ~~facilities~~ that stores ~~store~~ containers of hazardous waste, except as Section 724.101 provides otherwise.

BOARD NOTE: ~~(Board Note:~~ Under Sections 721.107 and 721.133(c), if a hazardous waste is emptied from a container the residue remaining in the container is not considered a hazardous waste if the container is "empty," as defined in Section 721.107. In that event, management of the container is exempt from the requirements of this Subpart I.)

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.271 Condition of Containers**

If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects, etc.) or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition or manage the waste in some other way that complies with the requirements of this Part.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.272 Compatibility of Waste with ~~With~~ Container**

The owner or operator must use a container made of or lined with materials that ~~which~~ will not react with, and which are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.273 Management of Containers**

- a) A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
  - b) A container holding hazardous waste must not be opened, handled, or stored in a manner that ~~which~~ may rupture the container or cause it to leak.
- BOARD NOTE: ~~(Board Note:~~ Reuse of containers in transportation is governed by U.S. Department of Transportation regulations including those set forth in 49 CFR 173.28.)

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.274 Inspections**

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At least weekly, the owner or operator must inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors.

**BOARD NOTE:** ~~(Board Note:~~ See Sections 724.115(c) and 724.271 for remedial action required if deterioration or leaks are detected.)

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.275 Containment**

- a) Container storage areas must have a containment system that is designed and operated in accordance with ~~subsection paragraph~~(b) of this Section, except as otherwise provided by ~~subsection paragraph~~(c) of this Section.
- b) A containment system must be designed and operated as follows:
  - 1) A base must underlay the containers ~~that 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 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 containment system must have sufficient capacity to contain 10 percent ~~10%~~ of the volume of containers or the volume of the largest container, whichever is greater. Containers that do not contain free liquids need not be considered in this determination;
  - 4) Run-on into the containment system must be prevented, unless the collection system has sufficient excess capacity in addition to that required in ~~subsection paragraph~~(b)(3) of this Section to contain any run-on ~~that which~~ might enter the system; and
  - 5) Spilled or leaked waste 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 collection system.

**BOARD NOTE:** ~~(Board Note:~~ If the collected material is a hazardous waste, it must be managed as a hazardous waste in accordance with all applicable requirements. If the collected material is discharged through a point source to waters of the State, it is subject to the National Pollution Discharge Elimination System (NPDES) permit requirement of Section 12(f) of the Environmental Protection Act [415 ILCS 5/12(f)] and 35 Ill. Adm. Code 309.102.)

- c) Storage areas that store containers holding only wastes that do not contain free

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liquids need not have a containment system defined by ~~subsection paragraph~~(b) ~~of this Section~~ except that provided by ~~subsection paragraph~~(d) ~~of this Section~~, or provided ~~as follows~~that:

- 1) ~~That the~~ The storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation, or
  - 2) ~~That the~~ The containers are elevated or are otherwise protected from contact with accumulated liquid.
- d) Storage areas that store containers holding the wastes listed below that do not contain free liquids must have a containment system defined by ~~subsection paragraph~~(b) ~~of this Section~~: F020, F021, F022, F023, F026<sub>2</sub> and F027.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.276 Special Requirements for Ignitable or Reactive Waste**

Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's property line.

~~BOARD NOTE: (Board Note: See Section 724.117(a) for additional requirements.)~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.277 Special Requirements for Incompatible Wastes**

- a) Incompatible wastes<sub>5</sub>, or incompatible wastes and materials (see Appendix E for examples)<sub>5</sub>, must not be placed in the same container, unless Section 724.117(b) is complied with.
- b) Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material.

~~BOARD NOTE: (Board Note: As required by Section 724.113, the waste analysis plan must include analyses needed to comply with Section 724.277. Also Section 724.117(c) requires waste analyses, trial tests<sub>2</sub>, or other documentation to assure compliance with Section 724.117(b). As required by Section 724.173, the owner or operator must place the results of each waste analysis and trial test, and any documented information, in the operating record of the facility.)~~

- c) A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks<sub>2</sub> or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall<sub>2</sub> or other device.

~~BOARD NOTE: (Board Note: The purpose of this Section is to prevent fires, explosions, gaseous emission, leaching<sub>2</sub>, or other discharge of hazardous waste or hazardous waste~~

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constituents ~~that which~~ could result from the mixing of incompatible wastes or materials if containers break or leak.)

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.278 Closure**

At closure, all hazardous waste and hazardous waste residues must be removed from the containment system. Remaining containers, liners, bases, and soil containing or contaminated with hazardous waste or hazardous waste residues must be decontaminated or removed.

**BOARD NOTE:** (~~Board Note:~~ At closure, as throughout the operating period, unless the owner or operator can demonstrate in accordance with 35 Ill. Adm. Code 721.103(d) that the solid waste removed from the containment system is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 722 through 725.)

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.279 Air Emission Standards**

The owner or operator ~~must shall~~ manage all hazardous waste placed in a container in accordance with the requirements of ~~724~~.Subparts AA, BB, and CC of this Part.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART J: TANK SYSTEMS

**Section 724.290 Applicability**

The requirements of this Subpart J apply to owners and operators of facilities that use tank systems for storing or treating hazardous waste, except as otherwise provided in subsections (a), (b), or (c) of this Section below or in Section 724.101.

- a) Tank systems that are used to store or treat hazardous waste that contains no free liquids and are situated inside a building with an impermeable floor are exempted from the requirements in Section 724.293. To demonstrate the absence or presence of free liquids in the stored or treated waste, the following test must be used: ~~USEPA U.S. EPA~~ Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes Physical/Chemical Methods" ~~USEPA U.S. EPA~~ Publication No. SW-846), incorporated by reference in 35 Ill. Adm. Code 720.111.

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- b) Tank systems, including sumps, are defined in 35 Ill. Adm. Code 720.110, that serve as part of a secondary containment system to collect or contain releases of hazardous wastes are exempted from the requirements in Section 724.293(a).
- c) Tanks, sumps and other such collection devices or systems used in conjunction with drip pads, as defined in 35 Ill. Adm. Code 720.110 and regulated under Subpart W of this Part, must meet the requirements of this Subpart J.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.291 Assessment of Existing Tank ~~System~~ System's Integrity**

- a) For each existing tank system that does not have secondary containment meeting the requirements of Section 724.293, the owner or operator ~~must shall~~ determine either that the tank system is not leaking or that it is unfit for use. Except as provided in subsection (c) of this Section, the owner or operator ~~must shall~~ by January 12, 1988, obtain and keep on file at the facility a written assessment reviewed and certified by an independent, qualified registered professional engineer, in accordance with 35 Ill. Adm. Code 702.126(d), that attests to the tank system's integrity.
- b) This assessment must determine whether the tank system is adequately designed and has sufficient structural strength and compatibility with the ~~wastes waste(s)~~ to be stored or treated, to ensure that it will not collapse, rupture, or fail. At a minimum, this assessment must consider the following:
  - 1) Design ~~standards standard(s)~~, if available, according to which the tank and ancillary equipment were constructed;
  - 2) Hazardous characteristics of the ~~wastes waste(s)~~ that have been and will be handled;
  - 3) Existing corrosion protection measures;
  - 4) Documented age of the tank system, if available (otherwise an estimate ~~estimated~~ of the age); and
  - 5) Results of a leak test, internal inspection, or other tank integrity examination ~~so such~~ that the following is true:
    - 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 an independent, qualified, registered professional engineer in

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accordance with 35 Ill. Adm. Code 702.126(d), that address cracks, leaks, corrosion, and erosion.

**BOARD NOTE:** ~~(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," incorporated by reference in 35 Ill. Adm. Code 720.111, may be used, where applicable, as guidelines in conducting other than a leak test.)

- c) Tank systems that store or treat materials that become hazardous wastes subsequent to July 14, 1986, must conduct this assessment within 12 months after the date that the waste becomes a hazardous waste.
- d) If, as a result of the assessment conducted in accordance with subsection (a) of this Section, a tank system is found to be leaking or unfit for use, the owner or operator must shall comply with the requirements of Section 724.296.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.292 Design and Installation of New Tank Systems or Components**

- a) Owners or operators of new tank systems or components must shall obtain and submit to the Agency, at time of submittal of Part B information, a written assessment, reviewed and certified by an independent, qualified registered professional engineer, in accordance with 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. The assessment must show 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 waste(s) to be stored or treated and corrosion protection to ensure that it will not collapse, rupture, or fail. This assessment, which will be used by the Agency to review and approve or disapprove the acceptability of the tank system design, must include, at a minimum, the following information:
  - 1) Design standards standard(s) according to which tanks tank(s) and/or the ancillary equipment are constructed;
  - 2) Hazardous characteristics of the wastes waste(s) 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, including but not limited to the following:

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- i) Soil moisture content;
  - ii) Soil pH;
  - iii) Soil sulfide level;
  - iv) Soil resistivity;
  - v) Structure to soil potential;
  - vi) Influence of nearby underground metal structures (e.g., piping);
  - vii) Existence of stray electric current;
  - viii) Existing corrosion-protection measures (e.g., coating, cathodic protection, etc.); and
- B) The type and degree of external corrosion protection that are 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 (e.g., impressed current or sacrificial anodes); and
  - iii) Electrical isolation devices, such as insulating joints, flanges, etc.
- BOARD NOTE: ~~(Board Note:~~ The practices described in the National Association of Corrosion Engineers (NACE) standard, "Recommended Practice (RP-02-85) Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," and API Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems, incorporated by reference in 35 Ill. Adm. Code 720.111, may be used, where applicable, as guidelines in providing corrosion protection for tank systems.)
- 4) For underground tank system components that are likely to be adversely affected by vehicular traffic, a determination of design or operational measures that will protect the tank system against potential damage; and
- 5) Design considerations to ensure the following~~that~~:
- A) That tank ~~Fank~~-foundations will maintain the load of a full tank;
  - B) That tank ~~Fank~~-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 724.118(a); and
  - C) That tank ~~Fank~~-systems will withstand the effects of frost heave.

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- b) The owner or operator of a new tank system ~~must shall~~ ensure that proper handling procedures are adhered to in order to prevent damage to the system during installation. Prior to covering, enclosing or 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:
- 1) Weld breaks;
  - 2) Punctures;
  - 3) Scrapes of protective coatings;
  - 4) Cracks;
  - 5) Corrosion;
  - 6) Other structural damage or inadequate ~~construction or installation~~ ~~construction/installation~~. All discrepancies must be remedied before the tank system is covered, enclosed, or placed in use.
- c) New tank systems or components that are placed underground and ~~which that~~ are backfilled must be provided with a backfill material that is a noncorrosive, porous, ~~and~~ homogeneous substance ~~which and that~~ is installed so that the backfill is placed completely around the tank and compacted to ensure that the tank and piping are fully and uniformly supported.
- d) All new tanks and ancillary equipment must be tested for tightness prior to being covered, enclosed or placed in use. If a tank system is found not be tight, all repairs necessary to remedy the ~~leaks leak(s)~~ in the system must be performed prior to the tank system being covered, enclosed, or placed into use.
- e) Ancillary equipment must be supported and protected against physical damage and excessive stress due to settlement, vibration, expansion, or contraction.  
~~BOARD NOTE: (Board Note:~~ The piping system installation procedures described in API Publication 1615, "Installation of Underground Petroleum Storage Systems"; or American National Standards Institute (ANSI) Standard B31.3, "Petroleum Refinery Piping"; and ANSI Standard B31.4 "Liquid Petroleum Transportation Piping Systems," incorporated by reference in 35 Ill. Adm. Code 720.111, may be used where applicable, as guidelines for proper installation of piping systems.)
- f) The owner or operator ~~must shall~~ provide the type and degree of corrosion protection recommended by an independent corrosion expert, based on the information provided under subsection (a)(3) ~~of this Section~~, or other corrosion protection if the Agency determines that other corrosion protection is necessary to ensure the integrity of the tank system during use of the tank system. The installation of a corrosion protection system that is field fabricated must be supervised by an independent corrosion expert to ensure proper installation.

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- g) The owner or operator ~~must~~shall obtain and keep on file at the facility written statements by those persons required to certify the design of the tank system and supervise the installation of the tank system in accordance with the requirements of subsections (b) through (f) of this Section, that attest that the tank system was properly designed and installed and that repairs, pursuant to subsections (b) and (d) of this Section, were performed. These written statements must also include the certification statement as required in 35 Ill. Adm. Code 702.126(d).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.293 Containment and Detection of Releases**

- a) In order to prevent the release of hazardous waste or hazardous constituents to the environment, secondary containment that meets the requirements of this Section must be provided (except as provided in subsection (f) and (g) of this Section).
- 1) For ~~a all~~ new tank ~~system or components~~systems or components, prior to their being put into service;
  - 2) For all existing tank systems used to store or treat Hazardous Waste Numbers F020, F021, F022, F023, F026<sub>2</sub> or F027, as defined in 35 Ill. Adm. Code 721.131, within two years after January 12, 1987;
  - 3) For those existing tank systems of known and documented age, within two years after January 12, 1987, or when the tank system has reached 15 years of age, whichever comes later;
  - 4) For those existing tank systems for which the age cannot be documented, within eight years of January 12, 1987; but if the age of the facility is greater than seven years, secondary containment must be provided by the time the facility reaches 15 years of age, or within two years of January 12, 1987, whichever comes later; and
  - 5) For tank systems that store or treat materials that become hazardous wastes subsequent to January 12, 1987, within the time intervals required in subsections (a)(1) through (a)(4) of this Section, except that the date that a material becomes a hazardous waste must be used in place of January 12, 1987.
- b) Secondary containment systems must fulfill the following~~be~~:
- 1) It must be designed, ~~Designed~~, installed, and operated to prevent any migration of wastes or accumulated liquid out of the system to the soil, groundwater, or surface water at any time during the use of the tank system; and
  - 2) It must be capable ~~Capable~~ of detecting and collecting releases and accumulated liquids until the collected material is removed.

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c) To meet the requirements of subsection (b) of this Section, secondary containment systems must ~~be~~ at a minimum, fulfill the following:

- 1) It must be constructed ~~Constructed~~ of or lined with materials that are compatible with the wastes ~~waste(s)~~ 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);
- 2) It must be placed ~~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) It must be provided ~~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, or at the earliest practicable time if the owner or operator demonstrates, by way of permit application, to the Agency that existing detection technologies or site conditions will not allow detection of a release within 24 hours; and
- 4) It must be sloped ~~Sloped~~ or otherwise designed or operated to drain and remove liquids resulting from leaks, spills or precipitation. Spilled or leaked waste and accumulated precipitation must be removed from the secondary containment system within 24 hours, or in as timely a manner as is possible to prevent harm to human health and the environment, if the owner or operator demonstrates to the Agency, by way of permit application, that removal of the released waste or accumulated precipitation cannot be accomplished within 24 hours.

BOARD NOTE: If the collected material is a hazardous waste under 35 Ill. Adm. Code 721, it is subject to management as a hazardous waste in accordance with all applicable requirements of 35 Ill. Adm. Code 722 through 725. If the collected material is discharged through a point source to waters of the State, 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 Work (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 40 CFR 302.6, incorporated by reference in 35 Ill. Adm. Code 720.111.

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- d) Secondary containment for tanks must include one or more of the following devices:
- 1) A liner (external to the tank);
  - 2) A vault;
  - 3) A double-walled tank; or
  - 4) An equivalent device, as approved by the Board in an adjusted standards proceeding.
- e) In addition to the requirements of subsections (b), (c), and (d) of this Section, secondary containment systems must satisfy the following requirements:
- 1) An external External-liner system systems must fulfill the following be:
    - A) It must be designed Designed or operated to contain 100 percent of the capacity of the largest tank within its boundary.
    - B) It must be designed 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. Such additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event;
    - C) It must be free Free of cracks or gaps; and
    - D) It must be designed 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 tank(s) (i.e. capable of preventing lateral as well as vertical migration of the waste).
  - 2) A vault system Vault systems must fulfill the following be:
    - A) It must be designed Designed or operated to contain 100 percent of the capacity of the largest tank within the vault system's boundary;
    - B) It must be designed 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. Such additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event;
    - C) It must be constructed Constructed with chemical-resistant water stops in place at all joints (if any);
    - D) It must be provided Provided with an impermeable interior coating or lining that is compatible with the stored waste and that will prevent migration of waste into the concrete;
    - E) It must be provided Provided with a means to protect against the formation of an ignition of vapors within the vault, if the waste

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being stored, or treated fulfills the following:

- i) ~~It meets Meets~~ the definition of ignitable waste under 35 Ill. Adm. Code 721.121; or
  - ii) ~~It meets Meets~~ the definition of reactive waste under 35 Ill. Adm. Code 721.123, and may form an ignitable or explosive vapor;
- F) ~~It must be provided 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 Double-walled tanks~~ must fulfill the following:
- A) ~~It must be designed 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) ~~It must be protected, 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 Provided~~ with a built-in continuous leak detection system capable of detecting a release within 24-hours, or at the earliest practicable time, if the owner or operator demonstrates, by way of permit application, to the Agency that the existing detection technology or site conditions would not allow detection of a release within 24 hours.
- BOARD NOTE: The provisions outlined in the Steel Tank Institute's (STI) "Standard for Dual Wall Underground Steel Storage Tanks<sub>2</sub>"; incorporated by reference in 35 Ill. Adm. Code 720.111, may be used as a guideline guidelines for aspects of the design of underground steel double-walled tanks.
- f) Ancillary equipment must be provided with secondary containment (e.g., trench, jacketing, double-walled piping, etc.) that meets the requirements of subsections (b) and (c) of this Section, except as follows for:
- 1) Aboveground piping (exclusive of flanges, joints, valves<sub>2</sub> and other connections) that are visually inspected for leaks on a daily basis;
  - 2) Welded flanges, welded joints<sub>2</sub> and welded connections<sub>5</sub>; that are visually inspected for leaks on a daily basis;
  - 3) Sealless or magnetic coupling pumps and sealless valves<sub>5</sub>; 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.

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- g) Pursuant to Section 28.1 of the Environmental Protection Act [415 ILCS 5/28.1], and in accordance with 35 Ill. Adm. Code 101 and 104, ~~106~~.Subpart D, an adjusted standard will be granted by the Board regarding alternative design and operating practices only if the Board finds either that the alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous waste or hazardous constituents into the groundwater or surface water at least as effectively as secondary containment during the active life of the tank system, or that in the event of a release that does migrate to groundwater or surface water, no substantial present or potential hazard will be posed to human health or the environment. New underground tank systems may not receive an adjusted standard from the secondary containment requirements of this Section through a justification in accordance with subsection (g)(2) of this Section.
- 1) When determining whether to grant alternative design and operating practices based on a demonstration of equivalent protection of groundwater and surface water, the Board will consider whether the petitioner has justified an adjusted standard based on the following factors:
    - A) The nature and quantity of the wastes;
    - B) The proposed alternative ~~alternate~~-design and operation;
    - C) The hydrogeologic setting of the facility, including the thickness of soils present between the tank system and groundwater; and
    - D) All other factors that would influence the quality and mobility of the hazardous constituents and the potential for them to migrate to groundwater or surface water.
  - 2) When determining whether to grant alternative design and operating practices based on a demonstration of no substantial present or potential hazard, the Board will consider whether the petitioner has justified an adjusted standard based on the following factors:
    - A) The potential adverse effects on groundwater, surface water and land quality taking into account, considering the following:
      - i) The physical and chemical characteristics of the waste in the tank system, including its potential for migration;
      - ii) The hydrogeological characteristics of the facility and surrounding land;
      - iii) The potential for health risk caused by human exposure to waste constituents;
      - iv) The potential for damage to wildlife, crops, vegetation and physical structures caused by exposure to waste constituents; and
      - v) The persistence and permanence of the potential adverse

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- effects.
- B) The potential adverse effects of a release on groundwater quality, taking into account;
- i) The quantity and quality of groundwater and the direction of groundwater flow;
  - ii) The proximity and withdrawal rates of groundwater users;
  - iii) The current and future uses of groundwater in the area; and
  - iv) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality.
- C) The potential adverse effects of a release on surface water quality, taking the following into account:
- i) The quantity and quality of groundwater and the direction of groundwater flow;
  - ii) The patterns of rainfall in the region;
  - iii) The proximity of the tank system to surface waters;
  - iv) The current and future uses of surface waters in the area and water quality standards established for those surface waters; and
  - v) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality.
- D) The potential adverse effect of a release on the land surrounding the tank system, taking the following into account;
- i) The patterns of rainfall in the region; and
  - ii) The current and future uses of the surrounding land.
- 3) The owner or operator of a tank system, for which alternative design and operating practices had been granted in accordance with the requirements of subsection (g)(1) of this Section, at which a release of hazardous waste has occurred from the primary tank system but which has not migrated beyond the zone of engineering control (as established in the alternative design and operating practices), must do the followingshall:
- A) It must comply ~~Comply~~ with the requirements of Section 724.296, except Section 724.296(d), and
  - B) It must decontaminate ~~Decontaminate~~ or remove contaminated soil to the extent necessary to do the following:
    - i) Enable the tank system for which the alternative design and operating practices were granted to resume operation with the capability for the detection of releases at least equivalent to the capability it had prior to the release; and

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- ii) Prevent the migration of hazardous waste or hazardous constituents to groundwater or surface water, and
      - C) If contaminated soil cannot be removed or decontaminated in accordance with subsection (g)(3)(B) of this Section, the owner or operator must comply with the requirement of Section 724.297(b).
    - 4) The owner or operator of a tank system, for which alternative design and operating practices had been granted in accordance with the requirements of subsection (g)(1) of this Section, at which a release of hazardous waste has occurred from the primary tank system and which has migrated beyond the zone of engineering control (as established in the alternative design and operating practices), must do the following-shall:
      - A) Comply with the requirements of Section 724.296(a), (b), (c), and (d); and
      - B) Prevent the migration of hazardous waste or hazardous constituents to groundwater or surface water, if possible, and decontaminate or remove contaminated soil. If contaminated soil cannot be decontaminated or removed, or if groundwater has been contaminated, the owner or operator must shall comply with the requirements of Section 724.297(b); and
      - C) If repairing, replacing or reinstalling the tank system, provide secondary containment in accordance with the requirements of subsections (a) through (f) of this Section, or make the alternative design and operating practices demonstration to the Board again, and meet the requirements for new tank systems in Section 724.292 if the tank system is replaced. The owner or operator must shall comply with these requirements even if contaminated soil is decontaminated or removed and groundwater or surface water has not been contaminated.
  - h) In order to make an alternative design and operating practices, the owner or operator must shall follow the following procedures in addition to those specified in Section 28.1 of the Act [415 ILCS 5/28.1] and 35 Ill. Adm. Code 101 and 104106.Subpart D:
    - 1) The owner or operator must shall file a petition for approval of alternative design and operating practices according to the following schedule:
      - A) For existing tank systems, at least 24 months prior to the date that secondary containment must be provided in accordance with subsection (a) of this Section.
      - B) For new tank systems, at least 30 days prior to entering into a contract for installation.
    - 2) As part of the petition, the owner or operator must shall also submit the

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following to the Board:

- A) A description of the steps necessary to conduct the demonstration and a timetable for completing each of the steps. The demonstration must address each of the factors listed in subsections (g)(1) or (g)(2) of this Section; and
  - B) The portion of the Part B permit application specified in 35 Ill. Adm. Code 703.202.
  - 3) The owner or operator ~~must~~shall complete its showing within 180 days after filing its petition for approval of alternative design and operating practices.
  - 4) The Agency ~~must~~shall issue or modify the RCRA permit so as to require the permittee to construct and operate the tank system in the manner that was provided in any Board order approving alternative design and operating practices.
  - i) All tank systems, until such time as secondary containment that meets the requirements of this Section is provided, must comply with the following:
    - 1) For non-enterable underground tanks, a leak test that meets the requirements of Section 724.291(b)(5) or other tank integrity methods, as approved or required by the Agency, must be conducted at least annually.
    - 2) For other than non-enterable underground tanks, the owner or operator ~~must do~~shall either of the following:
      - A) Conduct a leak test, as in subsection (i)(1) of this Section, or
      - B) Develop a schedule and procedure for an assessment of the overall condition of the tank system by an independent, qualified registered professional engineer. The schedule and procedure must be adequate to detect obvious cracks, leaks, and corrosion or erosion that may lead to cracks and leaks. The owner or operator ~~must~~shall remove the stored waste from the tank, if necessary, to allow the condition of all internal tank surfaces to be assessed. The frequency of these assessments must be based on the material of construction of the tank and its ancillary equipment, the age of the system, the type of corrosion or erosion protection used, the rate of corrosion or erosion observed during the previous inspection and the characteristics of the waste being stored or treated.
    - 3) For ancillary equipment, a leak test or other integrity assessment, as approved by the Agency, must be conducted at least annually.
- BOARD NOTE: The practices described in the API Publication, Guide for Inspection of Refinery Equipment, Chapter XIII, "Atmospheric and Low-Pressure Storage Tanks," incorporated by reference in 35 Ill. Adm.

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Code 720.111, may be used, where applicable, as a guideline guidelines for assessing the overall condition of the tank system.

- 4) The owner or operator ~~must shall~~ maintain on file at the facility a record of the results of the assessments conducted in accordance with subsections (i)(1) through (i)(3) of this Section.
- 5) If a tank system or component is found to be leaking or unfit for use as a result of the leak test or assessment in subsections (i)(1) through (1)(3) of this Section, the owner or operator ~~must shall~~ comply with the requirements of Section 724.296.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.294 General Operating Requirements**

- a) Hazardous wastes or treatment reagents must not be placed in a tank system if they could cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.
- b) The owner or operator ~~must shall~~ use appropriate controls and practices to prevent spills and overflows from tank or containment systems. These include the following at a minimum:
  - 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 owner or operator ~~must shall~~ comply with the requirements of Section 724.296 if a leak or spill occurs in the tank system.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.295 Inspections**

- a) The owner or operator ~~must shall~~ develop and follow a schedule and procedure for inspecting overfill controls.
- b) The owner or operator ~~must shall~~ inspect the following at least once each operating day:
  - 1) Aboveground portions of the tank system, if any, to detect corrosion or releases of waste;
  - 2) Data gathered from monitoring and leak detection equipment (e.g.,

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pressure or temperature gauges, monitoring wells, etc.) to ensure that the tank system is being operated according to its design; and

- 3) The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system (e.g., dikes) to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation, etc.).

**BOARD NOTE:** ~~(Board Note:~~ Section 724.115(c) requires the owner or operator to remedy any deterioration or malfunction the owner or operator finds. Section 724.296 requires the owner or operator to notify the Agency within 24 hours of confirming a leak. Also 40 CFR 302 ~~(1986)~~ may require the owner or operator to notify the National Response Center of a release.)

- c) The owner or operator ~~must shall~~ inspect cathodic protection systems, if present, according to, at a minimum, the following schedule to ensure that they are functioning properly:
- 1) The proper operation of the cathodic protection system must be confirmed within six months after initial installation and annually thereafter; and
  - 2) All sources of impressed current must be inspected ~~and~~/or tested, as appropriate, at least bimonthly (i.e., every other month).
- BOARD NOTE:** ~~(Board Note:~~ The practices described in the NACE Standard, RP-02-85, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," and API Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," incorporated by reference in 35 Ill. Adm. Code 720.111, may be used, where applicable, as guidelines in maintaining and inspecting cathodic protection systems.)
- d) The owner or operator ~~must shall~~ document in the operating record of the facility an inspection of those items in subsections (a) through (c) of this Section.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.296 Response to Leaks or Spills and Disposition of Leaking or Unfit-for-Use ~~unfit-for-use~~ Tank Systems**

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

- a) Cease using; prevent flow or addition of wastes. The owner or operator ~~must shall~~ 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.

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- b) Removal of waste from tank system or secondary containment system.
- 1) If the release was from the tank system, the owner or operator ~~must~~shall, within 24 hours after detection of the leak or as otherwise provided in the permit, remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the tank system to be performed.
  - 2) If the material released was to a secondary containment system, all released materials must be removed within 24 hours or as otherwise provided in the permit to prevent harm to human health and the environment.
- c) Containment of visible releases to the environment. The owner or operator must ~~shall~~ immediately conduct a visual inspection of the release and, based upon that inspection, do the following:
- 1) Prevent further migration of the leak or spill to soils or surface water; and
  - 2) Remove, and properly dispose, of any visible contamination of the soil or surface water.
- d) Notifications, reports.
- 1) Any release to the environment, except as provided in subsection (d)(2) of this Section, must be reported to the Agency within 24 hours of its detection.
  - 2) A leak or spill of hazardous waste is exempted from the requirements of this subsection (d) paragraph ~~if it the following is true~~:
    - A) The spill was less ~~Less~~ than or equal to a quantity of one (1) pound; and
    - B) It was immediately ~~Immediately~~ contained and cleaned-up.
  - 3) Within 30 days of detection of a release to the environment, a report containing the following information must be submitted to the Agency:
    - A) Likely route of migration of the release;
    - B) Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate, etc.);
    - C) Results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within 30 days, these data must be submitted to the Agency as soon as they become available.
    - D) Proximity the downgradient drinking water, surface water, and populated areas; and
    - E) Description of response actions taken or planned.
- e) Provision of secondary containment, repair, or closure.
- 1) Unless the owner or operator satisfies the requirements of subsections (e)(2) through (e)(4) of this Section, the tank system must be closed in

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accordance with Section 724.297.

- 2) If the cause of the release was a spill that has not damaged the integrity of the system, the owner or operator may return the system to service as soon as the released waste is removed and repairs, if necessary, are made.
- 3) If the cause of the release was a leak from the primary tank system into the secondary containment system, the system must be repaired prior to returning the tank system to service.
- 4) If the source of the release was a leak to the environment from a component of a tank system without secondary containment, the owner or operator ~~must shall~~ provide the component of the system from which the leak occurred with secondary containment that satisfies the requirements of Section 724.293 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 this subsection ~~(e)(f)~~ are satisfied. If a component is replaced to comply with the requirements of this subsection, that component must satisfy the requirements of new tank systems or components in Sections 724.292 and 724.293. Additionally, if a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection (e.g., the bottom of an ~~in-ground inground~~ or ~~on-ground onground~~ tank), the entire component must be provided with secondary containment in accordance with Section 724.293 prior to being returned to use.
- f) Certification of major repairs. If the owner or operator has repaired a tank system in accordance with subsection (e) of this Section, and the repair has been extensive (e.g., installation of an internal liner, repair or a ruptured primary containment or secondary containment vessel), the tank system must not be returned to service unless the owner or operator has obtained a certification by an independent, qualified, ~~registered~~ professional engineer, in accordance with 35 Ill. Adm. Code 702.126(d), that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. This certification must be submitted to the Agency within seven days after returning the tank system to use.

BOARD NOTE: See Section 724.115(c) for the requirements necessary to remedy a failure. Also, 40 CFR 302.6, incorporated by reference in 35 Ill. Adm. Code 720.111, may require the owner or operator to notify the National Response Center of certain releases.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 724.297 Closure and Post-Closure Care**

- a) At closure of a tank system, the owner or operator ~~must shall~~ remove or decontaminate all waste residues, contained 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 Subparts G and H of this Part.
- b) If the owner or operator demonstrates to the Agency by way of permit application that not all contaminated soils can be practicably removed or decontaminated as required in subsection (a) of this Section, then the owner or operator ~~must shall~~ close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (Section 724.410). In addition, for the purposes of closure, post-closure and financial responsibility, such a tank system is then considered to be a landfill, and the owner or operator ~~must shall~~ meet all of the requirements for landfills specified in Subparts G and H of this Part.
- c) If an owner or operator has a tank system that does not have secondary containment ~~which that~~ meets the requirements of Section 724.193(b) through (f), and the owner and operator has not been granted alternative design and operating practices for secondary containment requirements in accordance with Section 724.293(g), then the following apply:
- 1) The closure plan for the tank system must include both a plan for complying with subsection (a) of this Section and a contingent plan for complying with subsection (b) of this Section.
  - 2) A contingent post-closure plan for complying with subsection (b) of this Section must be prepared and submitted as part of the permit application.
  - 3) The cost estimates calculated for closure and post-closure care must reflect the costs of complying with the contingent closure plan and the contingent post-closure plan; if those costs are greater than the costs of complying with the closure plan prepared for the expected closure under subsection (a) of this Section.
  - 4) Financial assurance must be based on the cost estimates in subsection (c)(3) of this Section.
  - 5) For the purposes of the contingent closure and post-closure plans, such a tank system is considered to be a landfill, and the contingent plans must meet all of the closure, post-closure, and financial responsibility requirements for landfills under Subparts G and H of this Part.

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(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.298 Special Requirements for Ignitable or Reactive Waste**

- a) Ignitable or reactive waste must not be placed in a tank systems unless the following is true:
- 1) The waste is treated, rendered, or mixed before or immediately after placement in the tank system so that the following is true:
    - A) The resulting waste, mixture, or dissolved material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123, and
    - B) Section 724.117(b) is complied with; or
  - 2) The waste is stored or treated in such a way that it is protected from any material or conditions ~~that which~~ may cause the waste to ignite or react; or
  - 3) The tank is used solely for emergencies.
- b) The owner or operator of a facility where ignitable or reactive waste is stored or treated in a tank 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 upon, as required in ~~required in~~ tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code," NFPA 30, incorporated by reference in 35 Ill. Adm. Code 720.111).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.299 Special Requirements for Incompatible Wastes**

- a) Incompatible wastes, or incompatible wastes and materials, must not be placed in the same tank, unless Section 724.117(b) is complied with.
- b) Hazardous waste must not be placed in a tank system ~~that which~~ has not been decontaminated and which previously held an incompatible waste or material, unless Section 724.117(b) is complied with.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.300 Air Emission Standards**

The owner or operator ~~must shall~~ manage all hazardous waste placed in a tank in accordance with the requirements of 724.Subparts AA, BB, and CC of this Part.

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(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART K: SURFACE IMPOUNDMENTS

**Section 724.320 Applicability**

The regulations in this Subpart J apply to owners and operators of facilities that use surface impoundments to treat, store, or dispose of hazardous waste except as Section 724.101 provides otherwise.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.321 Design and Operating Requirements**

- a) Any surface impoundment that is not covered by subsection (c) of this Section below or 35 Ill. Adm. Code 725.321 must have a liner for all portions of the impoundment (except for existing portions of such impoundment). The liner must be designed, constructed and installed to prevent any migration of wastes out of the impoundment to the adjacent subsurface soil or groundwater or surface water at any time during the active life (including the closure period) of the impoundment. The liner may be constructed of materials that may allow wastes to migrate into the liner (but not into the adjacent subsurface soil or groundwater or surface water) during the active life of the facility, provided that the impoundment is closed in accordance with Section 724.328(a)(1). For impoundments that will be closed in accordance with Section 724.328(a)(2), the liner must be constructed of materials that can prevent wastes from migrating into the liner during the active life of the facility. The liner must be as follows:
- 1) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;
  - 2) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and
  - 3) Installed to cover all surrounding earth likely to be in contact with the waste or leachate.
- b) The owner or operator will be exempted from the requirements of subsection (a)

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~~of this Section above~~ if the Board grants an adjusted standard pursuant to Section 28.1 of the Act [415 ILCS 5/28.1] and 35 Ill. Adm. Code 101 and 104106. ~~Subpart G.~~ The level of justification is a demonstration by the owner or operator that ~~alternative alternate~~ design or operating practices, together with location characteristics, will prevent the migration of any hazardous constituents (see Section 724.193) into the groundwater or surface water at any future time. In deciding whether to grant an adjusted standard, the Board will consider the following:

- 1) The nature and quantity of the wastes;
  - 2) The proposed ~~alternative alternate~~ design and operation;
  - 3) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the impoundment and groundwater or surface water; and
  - 4) All other factors ~~that which~~ would influence the quality and mobility of the leachate produced and the potential for it to migrate to groundwater or surface water.
- c) The owner or operator of each new surface impoundment unit on which construction commences after January 29, 1992, each lateral expansion of a surface impoundment unit on which construction commences after July 29, 1992, and each replacement of an existing surface impoundment unit that is to commence reuse after July 29, 1992, ~~must shall~~ install two or more liners and a leachate collection and removal system between such liners. "Construction commences" is as defined in 35 Ill. Adm. Code 720.110<sub>2</sub> under the definition of "existing facility":
- 1) Liner requirements.
    - A) The liner system must include the following:
      - i) A top liner designed and constructed of materials (e.g., a geomembrane) to prevent the migration of hazardous constituents into such liner during the active life and post-closure care period; and
      - ii) A composite bottom liner, consisting of at least two components. The upper component must be designed and constructed of materials (e.g., a geomembrane) to prevent the migration of hazardous constituents into this component during the active life and post-closure care period. The lower component must be designed and constructed of materials to minimize the migration of hazardous constituents if a breach in the upper component were to occur. The lower component must be constructed of at least 3 feet (91 cm) of compacted soil material with a

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hydraulic conductivity of no more than  $1 \times 10^7$  cm/sec.

- B) The liners must comply with subsections (a)(1), ~~(a)(2)~~, and ~~(a)(3)~~ of this Section ~~above~~.
- 2) The leachate collection and removal system between the liners, and immediately above the bottom composite liner in the case of multiple leachate collection and removal systems, is also a leak detection system (LDS). This LDS must be capable of detecting, collecting, and removing leaks of hazardous constituents at the earliest practicable time through all areas of the top liner likely to be exposed to waste or leachate during the active life and post-closure care period. The requirements for a LDS in this subsection ~~(c)~~ are satisfied by installation of a system that is, at a minimum, ~~as follows~~:
- A) ~~It is constructed~~ ~~Constructed~~ with a bottom slope of one percent or more;
- B) ~~It is constructed~~ ~~Constructed~~ of granular drainage materials with a hydraulic conductivity of  $1 \times 10^1$  cm/sec or more and a thickness of 12 inches (30.5 cm) or more; or constructed of synthetic or geonet drainage materials with a transmissivity of  $3 \times 10^4$  m<sup>2</sup>/sec or more;
- C) ~~It is constructed~~ ~~Constructed~~ of materials that are chemically resistant to the waste managed in the surface impoundment and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes and any waste cover materials or equipment used at the surface impoundment;
- D) ~~It is designed~~ ~~Designed~~ and operated to minimize clogging during the active life and post-closure care period; and
- E) ~~It is constructed~~ ~~Constructed~~ with sumps and liquid removal methods (e.g., pumps) of sufficient size to collect and remove liquids from the sump and prevent liquids from backing up into the drainage layer. Each unit must have its own ~~sump~~ ~~sump(s)~~. The design of each sump and removal system must provide a method for measuring and recording the volume of liquids present in the sump and of liquids removed.
- 3) The owner or operator ~~must shall~~ collect and remove pumpable liquids in the sumps to minimize the head on the bottom liner.
- 4) The owner or operator of a LDS that is not located completely above the seasonal high water table must demonstrate that the operation of the LDS will not be adversely affected by the presence of groundwater.
- d) Subsection (c) ~~of this Section above~~ will not apply if the owner or operator

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demonstrates to the Agency, and the Agency finds for such surface impoundment, that alternative design or operating practices, together with location characteristics, will do the following:

- 1) It will ~~Will~~ prevent the migration of any hazardous constituent into the groundwater or surface water at least as effectively as the liners and leachate collection and removal system specified in subsection (c) of this Section above; and
  - 2) It will ~~Will~~ allow detection of leaks of hazardous constituents through the top liner at least as effectively.
- e) The double liner requirement set forth in subsection (c) of this Section above may be waived by the Agency for any monofill, if the following is true of the unit:
- 1) The monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand, and such wastes do not contain constituents that which would render the wastes hazardous for reasons other than the toxicity characteristic in 35 Ill. Adm. Code 721.124; and
  - 2) Design and location.
    - A) Liner, location, and groundwater monitoring.
      - i) The monofill has at least one liner for which there is no evidence that such liner is leaking. For the purposes of this subsection (e), the term "liner" means a liner designed, constructed, installed, and operated to prevent hazardous waste from passing into the liner at any time during the active life of the facility, or a liner designed, constructed, installed, and operated to prevent hazardous waste from migrating beyond the liner to adjacent subsurface soil, ground water or surface water at any time during the active life of the facility. In the case of any surface impoundment that which has been exempted from the requirements of subsection (c) of this Section above on the basis of a liner designed, constructed, installed, and operated to prevent hazardous waste from passing beyond the liner, at the closure of such impoundment, the owner or operator must remove or decontaminate all waste residues, all contaminated liner material, and contaminated soil to the extent practicable. If all contaminated soil is not removed or decontaminated, the owner or operator of such impoundment will comply with appropriate post-closure requirements, including but not limited to groundwater monitoring and corrective action;

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- ii) The monofill is located more than one-quarter mile from an underground source of drinking water (as that term is defined in 35 Ill. Adm. Code 702.110); and
  - iii) The monofill is in compliance with generally applicable groundwater monitoring requirements for facilities with permits; or
- B) The owner or operator demonstrates to the Board that the monofill is located, designed, and operated so as to assure that there will be no migration of any hazardous constituent into groundwater or surface water at any future time.
- f) The owner or operator of any replacement surface impoundment unit is exempt from subsection (c) of this Section above if the following is true of the unit:
- 1) The existing unit was constructed in compliance with the design standards of 35 Ill. Adm. Code 724.321(c), (d) and (e), ~~as amended in R86-1, at 10 Ill. Reg. 14119, effective August 12, 1986~~; and  
BOARD NOTE: The cited subsections implemented the design standards of sections 3004 (o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.).
  - 2) There is no reason to believe that the liner is not functioning as designed.
- g) A surface impoundment must be designed, constructed, maintained, and operated to prevent overtopping resulting from normal or abnormal operations; overfilling; wind and wave action; rainfall; run-on; malfunctions of level controllers, alarms, and other equipment; and human error.
- h) A surface impoundment must have dikes that are designed, constructed, and maintained with sufficient structural integrity to prevent massive failure of the dikes. In ensuring structural integrity, it must not be presumed that the liner system will function without leakage during the active life of the unit.
- i) The Agency ~~must will~~ specify in the permit all design and operating practices that are necessary to ensure that the requirements of this Section are satisfied.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.322 Action Leakage Rate**

- a) The Agency ~~must shall~~ approve an action leakage rate for surface impoundment units subject to Section 724.321(c) or (d). The action leakage rate is the maximum design flow rate that the LDS can remove without the fluid head on the bottom liner exceeding 1 foot. The action leakage rate must include an adequate safety margin to allow for uncertainties in the design (e.g., slope, hydraulic conductivity, thickness of drainage material, etc.), construction, operation, and

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location of the LDS, waste and leachate characteristics, likelihood and amounts of other sources of liquids in the LDS, and proposed response actions (e.g., the action leakage rate must consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover and creep of synthetic components of the system, overburden pressures, etc.).

- b) To determine if the action leakage rate has been exceeded, the owner or operator ~~must shall~~ convert the weekly or monthly flow rate from the monitoring data obtained under Section 724.326(d) to an average daily flow rate (gallons per acre per day) for each sump. The average daily flow rate for each sump must be calculated weekly during the active life and closure period and, if the unit is closed in accordance with Section 724.328(b), monthly during the post-closure care period, unless the Agency approves a different frequency pursuant to Section 724.326(d).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.323 Response Actions**

- a) The owner or operator of surface impoundment units subject to Section 724.321(c) or (d) ~~must shall~~ have an approved response action plan before receipt of waste. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in subsection (b) ~~of this Section~~ below.
- b) If the flow rate into the LDS exceeds the action leakage rate for any sump, the owner or operator ~~must do the followingshall~~:
- 1) Notify the Agency in writing of the exceedence within ~~seven~~ 7-days of the determination;
  - 2) Submit a preliminary written assessment to the Agency within 14 days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size and cause of any leaks, and short-term actions taken and planned;
  - 3) Determine to the extent practicable the location, size, and cause of any leak;
  - 4) Determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs or controls, and whether or not the unit should be closed;
  - 5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks; and
  - 6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Agency the results of the determinations specified

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in subsections (b)(3), ~~(b)(4)~~, and ~~(b)(5) of this Section above~~, the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the LDS exceeds the action leakage rate, the owner or operator ~~must shall~~ submit to the Agency a report summarizing the results of any remedial actions taken and actions planned.

- c) To make the leak or remediation determinations in subsections (b)(3), ~~(b)(4)~~, and ~~(b)(5) of this Section above~~, the owner or operator ~~must do shall~~ either of the following:
- 1) Perform the following assessments:
    - A) Assess the source of liquids and amounts of liquids by source;
    - B) Conduct a fingerprint, hazardous constituent, or other analyses of the liquids in the LDS to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid; and
    - C) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or
  - 2) Document why such assessments are not needed.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.326 Monitoring and Inspection**

- a) During construction and installation, liners (except in the case of existing portions of surface impoundments exempt from Section 724.321(a)) and cover systems (e.g., membranes, sheets, or coatings) must be inspected for uniformity, damage and imperfections (e.g., holes, cracks, thin spots, or foreign materials).  
Immediately after construction or installation:
- 1) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, and blisters; and
  - 2) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural non-uniformities that may cause an increase in the permeability of that liner or cover.
- b) While a surface impoundment is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:
- 1) Deterioration, malfunctions, or improper operation of overtopping control systems;
  - 2) Sudden drops in the level of the impoundment's contents; and
  - 3) Severe erosion or other signs of deterioration in dikes or other containment devices.

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- c) Prior to the issuance of a permit, and after any extended period of time (more than six months) during which the impoundment was not in service, the owner or operator ~~must shall~~ obtain a certification from a qualified engineer that the impoundment's dike, including that portion of any dike ~~that which~~ provides freeboard, has structural integrity. The certification must establish, in particular, that ~~the following are true of~~ the dike:
- 1) ~~It will Will~~ withstand the stress of the pressure exerted by the types and amounts of wastes to be placed in the impoundment; and
  - 2) ~~It will Will~~ not fail due to scouring or piping, without dependence on any liner system included in the surface impoundment construction.
- d) Monitoring of LDS.
- 1) An owner or operator required to have a LDS under Section 724.321(c) or (d) ~~must shall~~ record the amount of liquids removed from each LDS sump at least once each week during the active life and closure period.
  - 2) After the final cover is installed, the amount of liquids removed from each LDS sump must be recorded at least monthly. If the liquid level in the sump stays below the pump operating level for two consecutive months, the amount of liquids in the sumps must be recorded at least quarterly. If the liquid level in the sump stays below the pump operating level for two consecutive quarters, the amount of liquids in the sumps must be recorded at least semi-annually. If at any time during the post-closure care period the pump operating level is exceeded at units on quarterly or semi-annual recording schedules, the owner or operator ~~must shall~~ return to monthly recording of amounts of liquids removed from each sump until the liquid level again stays below the pump operating level for two consecutive months.
  - 3) "Pump operating level" is a liquid level proposed by the owner or operator pursuant to 35 Ill. Adm. Code 703.203(b)(5) and approved by the Agency based on pump activation level, sump dimensions, and level that avoids backup into the drainage layer and minimizes head in the sump.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.327 Emergency Repairs; Contingency Plans**

- a) A surface impoundment must be removed from service in accordance with ~~subsection paragraph~~ (b) of this Section when ~~either of the following occurs~~:
- 1) The level of liquids in the impoundment suddenly drops and the drop is not known to be caused by changes in the flows into or out of the impoundment; or

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- 2) The dike leaks.
- b) When a surface impoundment must be removed from service as required by ~~subsection paragraph~~ (a) of this Section, the owner or operator must do the following:
- 1) Immediately shut off the flow or stop the addition of wastes into the impoundment;
  - 2) Immediately contain any surface leakage ~~that which~~ has occurred or is occurring;
  - 3) Immediately stop the leak;
  - 4) Take any other necessary steps to stop or prevent catastrophic failure;
  - 5) If a leak cannot be stopped by any other means, empty the impoundment; and
  - 6) Notify the Agency of the problem in writing within seven days after detecting the problem.
- c) As part of the contingency plan required in Subpart D of this Part, the owner or operator must specify a procedure for complying with the requirements of ~~subsection paragraph~~ (b) of this Section.
- d) No surface impoundment that has been removed from service in accordance with the requirements of this section may be restored to service unless the portion of the impoundment ~~that which~~ was failing is repaired and the following steps are taken:
- 1) If the impoundment was removed from service as the result of actual or imminent dike failure, the dike's structural integrity must be re-certified ~~recertified~~ in accordance with Section 724.326(c).
  - 2) If the impoundment was removed from service as the result of a sudden drop in the liquid level, then the following apply:
    - A) For any existing portion of the impoundment, a liner must be installed in compliance with Sections 724.321(a) or 724.322; and
    - B) For any other portion of the impoundment, the repaired liner system must be certified by a qualified engineer as meeting the design specifications approved in the permit.
- e) A surface impoundment that has been removed from service in accordance with the requirements of this ~~Section section~~ and that is not being repaired must be closed in accordance with the provisions of Section 724.328.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.328 Closure and Post-Closure ~~Post-closure~~ Care**

- a) At closure, the owner or operator must do the followingshall:

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- 1) Remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils and structures, and equipment contaminated with waste and leachate, and manage them as hazardous waste, unless 35 Ill. Adm. Code 721.103(d) applies; or
- 2) Closure in place.
  - A) Eliminate free liquids by removing liquid wastes or solidifying the remaining wastes and waste residues;
  - B) Stabilize remaining wastes to a bearing capacity sufficient to support final cover; and
  - C) Cover the surface impoundment with a final cover designed and constructed to do the following:
    - i) Provide long-term minimization of the migration of liquids through the closed impoundment;
    - ii) Function with minimum maintenance;
    - iii) Promote drainage and minimize erosion or abrasion of the final cover;
    - iv) Accommodate settling and subsidence so that the cover's integrity is maintained; and
    - v) Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.
- b) If some waste residues or contaminated materials are left in place at final closure, the owner or operator must shall comply with all post-closure requirements contained in Sections 724.217 through 724.220, including maintenance and monitoring throughout the post-closure care period (specified in the permit under Section 724.217). The owner or operator must do the followingshall:
  - 1) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap, as necessary to correct the effects of settling, subsidence, erosion, or other events;
  - 2) Maintain and monitor the LDS in accordance with Sections 724.321(c)(2)(D) and (c)(3) and 724.326(d), and comply with all other applicable LDS requirements of this Part;
  - 3) Maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of Subpart F of this Part; and
  - 4) Prevent run-on and run-off from eroding or otherwise damaging the final cover.
- c) Contingent plans.
  - 1) If an owner or operator plans to close a surface impoundment in accordance with subsection (a)(1) of this Sectionabove, and the impoundment does not comply with the liner requirements of Section 724.321(a) and is not exempt from them in accordance with Section

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724.321(b), then the following apply:

- A) The closure plan for the impoundment under Section 724.212 must include both a plan for complying with subsection (a)(1) of this Section above and a contingent plan for complying with subsection (a)(2) of this Section above in case not all contaminated subsoils can be practicably removed at closure; and
  - B) The owner or operator ~~must shall~~ prepare a contingent post-closure plan under Section 724.218 for complying with subsection (b) of this Section above in case not all contaminated subsoils can be practicably removed at closure.
- 2) The cost estimates calculated under Sections 724.242 and 724.244 for closure and post-closure care of an impoundment subject to this subsection (c) must include the cost of complying with the contingent closure plan and the contingent post-closure plan, but are not required to include the cost of expected closure under subsection (a)(1) of this Section above.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.329 Special Requirements for Ignitable or Reactive Waste**

Ignitable or reactive waste must not be placed in a surface impoundment, unless the waste and impoundment satisfy all applicable requirements of 35 Ill. Adm. Code 728; and the following:

- a) The waste is treated, rendered, or mixed before or immediately after placement in the impoundment so that the following is true:
  - 1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and
  - 2) Section 724.117(b) is complied with; ~~or~~
- b) The waste is managed in such a way that it is protected from any material or conditions that which may cause it to ignite or react; or
- c) The surface impoundment is used solely for emergencies.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.330 Special Requirements for Incompatible Wastes**

Incompatible wastes, or incompatible wastes and materials, (see Appendix E for examples) must not be placed in the same surface impoundment, unless Section 724.117(b) is complied with.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 724.331 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026<sub>2</sub> and F027**

- a) Hazardous Wastes F020, F021, F022, F023, F026<sub>2</sub> and F027 must not be placed in a surface impoundment unless the owner or operator operates the surface impoundment in accordance with a management plan for these wastes that is approved by the Agency pursuant to the standards set out in this subsection (a) paragraph, and in accord with all other applicable requirements of this Part. The factors to be considered are the following:
- 1) The volume, physical and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere.
  - 2) The attenuative properties of underlying and surrounding soils or other materials;
  - 3) The mobilizing properties of other materials co-disposed with these wastes; and
  - 4) The effectiveness of additional treatment, design<sub>2</sub> or monitoring techniques.
- b) The Agency may determine that additional design, operating and monitoring requirements are necessary for surface impoundments managing hazardous wastes F020, F021, F022, F023, F026<sub>2</sub> and F027 in order to reduce the possibility of migration of these wastes to ground water, surface water<sub>2</sub> or air so as to protect human health and the environment.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.332 Air Emission Standards**

The owner or operator ~~must shall~~ manage all hazardous waste placed in a surface impoundment in accordance with the requirements of ~~724~~.Subparts BB and CC of this Part.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART L: WASTE PILES

**Section 724.350 Applicability**

- a) The regulations in this Subpart L apply to owners and operators of facilities that store or treat hazardous waste in piles, except as Section 724.101 provides

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otherwise.

- b) The regulations in this Subpart L do not apply to owners or operators of waste piles that are closed with wastes left in place. Such waste piles are subject to regulation under Subpart N of this Part (Landfills).
- c) The owner or operator of any waste pile that is inside or under a structure that provides protection from precipitation so that neither run-off nor leachate is generated is not subject to regulation under Section 724.351 or under Subpart F of this Part (Groundwater Protection), provided that the following is true:
  - 1) Liquids or materials containing free liquids are not placed in the pile;
  - 2) The pile is protected from surface water run-on by the structure or in some other manner;
  - 3) The pile is designed and operated to control dispersal of the waste by wind, where necessary, by means other than wetting; and
  - 4) The pile will not generate leachate through decomposition or other reactions.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.351 Design and Operating Requirements**

- a) A waste pile (except for an existing portion of a waste pile) must have the following:
  - 1) A liner that is designed, constructed, and installed to prevent any migration of wastes out of the pile into the adjacent subsurface soil or groundwater or surface water at any time during the active life (including the closure period) of the waste pile. The liner may be constructed of materials that may allow waste to migrate into the liner itself (but not into the adjacent subsurface soil or groundwater or surface water) during the active life of the facility. The liner must be as follows:
    - A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;
    - B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and
    - C) Installed to cover all surrounding earth likely to be in contact with

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- the waste or leachate; and
- 2) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained, and operated to collect and remove leachate from the pile. The Agency ~~must shall~~ specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must be as follows:
- A) Constructed of materials that are as follows:
- i) Chemically resistant to the waste managed in the pile and the leachate expected to be generated; and
  - ii) Of sufficient strength and thickness to prevent collapse under the pressure exerted by overlying wastes, waste cover materials and by any equipment used at the pile; and
- B) Designed and operated to function without clogging through the scheduled closure of the waste pile.
- b) The owner or operator will be exempted from the requirements of subsection (a) ~~of this Section above~~ if the Board grants an adjusted standard pursuant to Section 28.1 of the Act [415 ILCS 5/28.1] and 35 Ill. Adm. Code 101 and 104 106.Subpart G. The level of justification is a demonstration by the owner or operator that alternative alternate design or operating practices, together with location characteristics, will prevent the migration of any hazardous constituents (see Section 724.193) into the groundwater or surface water at any future time. In deciding whether to grant an adjusted standard, the Board will consider the following:
- 1) The nature and quantity of the wastes;
  - 2) The proposed alternative alternate design and operation;
  - 3) The hydrogeologic setting of the facility, including attenuative capacity and thickness of the liners and soils present between the pile and groundwater or surface water; and
  - 4) All other factors that which influence the quality and mobility of the leachate produced and the potential for it to migrate to groundwater or surface water.
- c) The owner or operator of each new waste pile unit on which construction ~~commenced commences~~ after January 29, 1992, each lateral expansion of a waste pile unit on which construction ~~commenced commences~~ after July 29, 1992, and each replacement of an existing waste pile unit that ~~was is~~ to commence reuse after July 29, 1992, ~~must shall~~ install two or more liners and a leachate collection and removal system above and between such liners. "Construction ~~commenced commences~~" is as defined in Section 720.110 under "existing facility."

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- 1) Liners.
  - A) The liner system must include the following:
    - i) A top liner designed and constructed of materials (e.g., a geomembrane) to prevent the migration of hazardous constituents into such liner during the active life and post-closure care period; and
    - ii) A composite bottom liner, consisting of at least two components. The upper component must be designed and constructed of materials (e.g., a geomembrane) to prevent the migration of hazardous constituents into this component during the active life and post-closure care period. The lower component must be designed and constructed of materials to minimize the migration of hazardous constituents if a breach in the upper component were to occur. The lower component must be constructed of at least 3 feet (91 cm) of compacted soil material with a hydraulic conductivity of no more than  $1 \times 10^{-7}$  cm/sec.
  - B) The liners must comply with subsections (a)(1)(A), (a)(1)(B), and (a)(1)(C) of this Section above.
- 2) The leachate collection and removal system immediately above the top liner must be designed, constructed, operated and maintained to collect and remove leachate from the waste pile during the active life and post-closure care period. The Agency ~~must will~~ specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must comply with subsections (c)(3)(C) and (c)(3)(D) of this Section below.
- 3) The leachate collection and removal system between the liners, and immediately above the bottom composite liner in the case of multiple leachate collection and removal systems, is also a leak detection system (LDS). This LDS must be capable of detecting, collecting and removing leaks of hazardous constituents at the earliest practicable time through all areas of the top liner likely to be exposed to waste or leachate during the active life and post-closure care period. The requirements for a LDS in this subsection (c) are satisfied by installation of a system that is, at a minimum, as follows:
  - A) Constructed with a bottom slope of one percent or more;
  - B) Constructed of granular drainage materials with a hydraulic conductivity of  $1 \times 10^{-2}$  cm/sec or more and a thickness of 12 inches (30.5 cm) or more; or constructed of synthetic or geonet drainage

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- materials with a transmissivity of  $3 \times 10^{-5}$  m<sup>2</sup>/sec or more;
- C) Constructed of materials that are chemically resistant to the waste managed in the waste pile and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials, and equipment used at the waste pile;
  - D) Designed and operated to minimize clogging during the active life and post-closure care period; and
  - E) Constructed with sumps and liquid removal methods (e.g., pumps) of sufficient size to collect and remove liquids from the sump and prevent liquids from backing up into the drainage layer. Each unit must have its own sumpsump(s). The design of each sump and removal system must provide a method for measuring and recording the volume of liquids present in the sump and of liquids removed.
- 4) The owner or operator ~~must shall~~ collect and remove pumpable liquids in the LDS sumps to minimize the head on the bottom liner.
  - 5) The owner or operator of a LDS that is not located completely above the seasonal high water table ~~must shall~~ demonstrate that the operation of the LDS will not be adversely affected by the presence of groundwater.
- d) The Agency ~~must shall~~ approve alternative design or operating practices to those specified in subsection (c) ~~of this Section above~~ if the owner or operator demonstrates to the Agency, by way of permit or permit modification application, that such design or operating practices, together with location characteristics, will do the following:
- 1) Will prevent the migration of any hazardous constituent into the ground water or surface water at least as effectively as the liners and leachate collection and removal systems specified in subsection (c) ~~of this Section above~~; and
  - 2) Will allow detection of leaks of hazardous constituents through the top liner at least as effectively.
- e) Subsection (c) ~~of this Section above~~ does not apply to monofills that are granted a waiver by the Agency in accordance with Section 724.321(e).
- f) The owner or operator of any replacement waste pile unit is exempt from subsection (c) ~~of this Section above~~ if the following are true:
- 1) The existing unit was constructed in compliance with the design standards of section 3004(o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act (42 USC 6901 et seq.); and
- BOARD NOTE: The cited provisions required the installation of two or more liners and a leachate collection system above (in the case of a

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landfill) and between such liners, including a top liner designed, operated and constructed of materials to prevent the migration of any constituent into such liner during the period the facility remained in operation (including any post-closure monitoring period), and a lower liner to prevent the migration of any constituent through the liner during such period. The lower liner was deemed to satisfy the requirement if it was constructed of at least a 3-foot thick layer of recompacted clay or other natural material with a permeability of no more than  $1 \times 10^{-7}$  cm/sec.

- 2) There is no reason to believe that the liner is not functioning as designed.
- g) The owner or operator ~~must shall~~ design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portion of the pile during peak discharge from at least a 25-year storm.
  - h) The owner or operator ~~must shall~~ design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.
  - i) Collection and holding facilities (e.g. tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.
  - j) If the pile contains any particulate matter ~~that which~~ may be subject to wind dispersal, the owner or operator ~~must shall~~ cover or otherwise manage the pile to control wind dispersal.
  - k) The Agency ~~must shall~~ specify in the permit all design and operating practices that are necessary to ensure that the requirements of this Section are satisfied.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.352 Action Leakage Rate**

- a) The Agency ~~must shall~~ approve an action leakage rate for surface impoundment units subject to Section 724.351(c) or (d). The action leakage rate is the maximum design flow rate that the LDS can remove without the fluid head on the bottom liner exceeding ~~one~~ 4-foot. The action leakage rate must include an adequate safety margin to allow for uncertainties in the design (e.g., slope, hydraulic conductivity, thickness of drainage material, etc.), construction, operation, and location of the LDS; waste and leachate characteristics; likelihood and amounts of other sources of liquids in the LDS; and proposed response actions (e.g., the action leakage rate must consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover and creep of synthetic components of the system, overburden pressures, etc.).
- b) To determine if the action leakage rate has been exceeded, the owner or operator

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~~must shall~~ convert the weekly or monthly flow rate from the monitoring data obtained under Section 724.354(c) to an average daily flow rate (gallons per acre per day) for each sump. The average daily flow rate for each sump must be calculated weekly during the active life and closure period.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.353 Response Action Plan**

- a) The owner or operator of waste pile units subject to Section 724.351(c) or (d) ~~must shall~~ have an approved response action plan before receipt of waste. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in subsection (b) ~~of this Section below~~.
- b) If the flow rate into the LDS exceeds the action leakage rate for any sump, the owner or operator ~~must do the followingshall~~:
- 1) Notify the Agency in writing of the exceedence within ~~seven 7~~ days of the determination;
  - 2) Submit a preliminary written assessment to the Agency within 14 days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size and cause of any leaks, and short-term actions taken and planned;
  - 3) Determine to the extent practicable the location, size, and cause of any leak;
  - 4) Determine whether waste receipt should cease or be curtailed; whether any waste should be removed from the unit for inspection, repairs, or controls; and whether or not the unit should be closed;
  - 5) Determine any other short-term and long-term actions to be taken to mitigate or stop any leaks; and
  - 6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Agency the results of the determinations specified in subsections (b)(3), (b)(4), and (b)(5) ~~of this Section above~~, the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the LDS exceeds the action leakage rate, the owner or operator ~~must shall~~ submit to the Agency a report summarizing the results of any remedial actions taken and actions planned.
- c) To make the leak or remediation determinations in subsections (b)(3), (b)(4), and (b)(5) ~~of this Section above~~, the owner or operator ~~must doshall~~ either ~~of the following~~:
- 1) Perform the following assessments:

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- A) Assess the source of liquids and amounts of liquids by source;
  - B) Conduct a fingerprint, hazardous constituent<sub>2</sub> or other analyses of the liquids in the LDS to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid; and
  - C) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or
- 2) Document why such assessments are not needed.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.354 Monitoring and Inspection**

- a) During construction or installation, liners (except in the case of existing portions of piles exempt from Section 724.351(a)) and cover systems (e.g., membranes, sheets or coatings) must be inspected for uniformity, damage<sub>2</sub> and imperfections (e.g., holes, cracks, thin spots<sub>2</sub> or foreign materials). Immediately after construction or installation, the following must be done:
  - 1) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures<sub>2</sub> and blisters; and
  - 2) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes<sub>2</sub> or other structural non-uniformities that may cause an increase in the permeability of the liner or cover.
- b) While a waste pile is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:
  - 1) Deterioration, malfunctions<sub>2</sub> or improper operation of run-on and run-off control systems;
  - 2) Proper functioning of wind dispersal control systems, where present; or
  - 3) The presence of leachate in and proper functioning of leachate collection and removal systems, where present.
- c) An owner or operator required to have a LDS under Section 724.351(c) must shall record the amount of liquids removed from each LDS sump at least once each week during the active life and closure period.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.356 Special Requirements for Ignitable or Reactive Waste**

Ignitable or reactive waste must not be placed in a waste pile<sub>2</sub> unless the waste and waste pile

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satisfy all applicable requirements of 35 Ill. Adm. Code 728, and the following:

- a) The waste is treated, rendered<sub>2</sub> or mixed before or immediately after placement in the pile so that the following is true:
  - 1) The resulting waste, mixture or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill Adm. Code 721.121 or 721.123; and
  - 2) Section 724.117(b) is complied with; or
- b) The waste is managed in such a way that it is protected from any material or conditions ~~that which~~ may cause it to ignite or react.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.357 Special Requirements for Incompatible Wastes**

- a) Incompatible wastes, or incompatible wastes and materials, (see Appendix E for examples) must not be placed in the same pile, unless Section 724.117(b) is complied with.
- b) A pile of hazardous waste that is incompatible with any waste or other material stored nearby in containers, other piles, open tanks<sub>2</sub> or surface impoundments must be separated from the other materials<sub>7</sub> or protected from them by means of a dike, berm, wall<sub>2</sub> or other device.
- c) Hazardous waste must not be piled on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to ensure compliance with Section 724.117(b).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.358 Closure and Post-Closure ~~Post-closure~~ Care**

- a) At closure, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc), contaminated subsoils<sub>2</sub> and structures and equipment contaminated with waste and leachate<sub>7</sub> and manage them as hazardous waste<sub>2</sub> unless 35 Ill. Adm. 721.103(d) applies.
- b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures<sub>2</sub> and equipment<sub>2</sub> as required in subsection paragraph (a) of this Section, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, it must close the facility and perform post-closure care in accordance with the closure and post-closure care

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requirements that apply to landfills (Section 724.410).

- c) Contingent closure plan.
- 1) The owner or operator of a waste pile that does not comply with the liner requirements of Section 724.351(a)(1), and is not exempt from them in accordance with Sections 724.350(c) or 724.351(b), must do the following:
    - A) Include in the closure plan for the pile under Section 724.212 both a plan for complying with subsection paragraph (a) of this Section and a contingent plan for complying with subsection paragraph (b) of this Section in case not all contaminated subsoils can be practicably removed at closure; and
    - B) Prepare a contingent post-closure plan under Section 724.218 for complying with subsection paragraph (b) of this Section in case not all contaminated subsoils can be practicably removed at closure.
  - 2) The cost estimates calculated under Sections 724.242 and 724.244 for closure and post-closure care of a pile subject to this subsection (b) paragraph must include the cost of complying with the contingent closure plan and the contingent post-closure plan, but are not required to include the cost of expected closure under subsection paragraph (a) of this Section.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.359 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026<sub>2</sub> and F027**

- a) Hazardous Wastes F020, F021, F022, F023, F026<sub>2</sub> and F027 must not be placed in waste piles that are not enclosed (as defined in Section 724.350(c)) unless the owner or operator operates the waste pile in accordance with a management plan for these wastes that is approved by the Agency pursuant to the standards set out in this subsection (a) paragraph, and in accord with all other applicable requirements of this Part. The factors to be considered are the following:
- 1) The volume, physical<sub>2</sub> and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;
  - 2) The attenuative properties of underlying and surrounding soils or other materials;
  - 3) The mobilizing properties of other materials co-disposed with these wastes; and
  - 4) The effectiveness of additional treatment, design<sub>2</sub> or monitoring techniques.

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- b) The Agency may determine that additional design, operating and monitoring requirements are necessary for piles managing hazardous wastes F020, F021, F022, F023, F026, and F027 in order to reduce the possibility of migration of these wastes to ground-water, surface water, or air so as to protect human health and the environment.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART M: LAND TREATMENT

**Section 724.370 Applicability**

The regulations in this Subpart **M** apply to owners and operators of facilities that treat or dispose of hazardous waste in land treatment units, except as Section 724.101 provides otherwise.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.371 Treatment Program**

- a) An owner or operator subject to this Subpart **M** must establish a land treatment program that is designed to ensure that hazardous constituents placed in or on the treatment zone are degraded, transformed or immobilized within the treatment zone. The Agency ~~must will~~ specify in the facility permit the elements of the treatment program, including the following:
- 1) The wastes that are capable of being treated at the unit based on a demonstration under Section 724.372.
  - 2) Design measures and operating practices necessary to maximize the success of degradation, transformation, and immobilization processes in the treatment zone in accordance with Section 724.373(a); and
  - 3) Unsaturated zone monitoring provisions meeting the requirements of Section 724.378.
- b) The Agency will specify in the facility permit the hazardous constituents that must be degraded, transformed or immobilized under this Subpart. Hazardous constituents are constituents identified in Appendix H to 35 Ill. Adm. Code 721; ~~Appendix H~~ that are reasonably expected to be in, or derived from, waste placed in or on the treatment zone.
- c) The Agency ~~must will~~ specify the vertical and horizontal dimensions of the treatment zone in the facility permit. The treatment zone is the portion of the unsaturated zone below and including the land surface in which the owner or operator intends to maintain the conditions necessary for effective degradation,

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transformation or immobilization of hazardous constituents. The maximum depth of the treatment zone must be as follows:

- 1) No more than 1.5 meters (5 feet) from the initial soil surface; and
- 2) More than 1 meter (3 feet) above the seasonal high water table.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.372 Treatment Demonstration**

- a) For each waste that will be applied to the treatment zone, the owner or operator must demonstrate, prior to application of the waste, that the hazardous constituents in the waste can be completely degraded, transformed, or immobilized in the treatment zone.
- b) In making this demonstration, the owner or operator may use field tests, laboratory analyses, available data or, in the case of existing units, operating data. If the owner or operator intends to conduct field tests or laboratory analyses in order to make the demonstration required under subsection paragraph (a) of this Section, it must obtain a treatment or disposal permit under 35 Ill. Adm. Code 703.230. The Agency must will-specify in this permit the testing, analytical, design and operating requirements (including the duration of the tests and analyses and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone, monitoring procedures, closure, and clean-up activities) necessary to meet the requirements in subsection paragraph (c) of this Section.
- c) Any field test or laboratory analysis conducted in order to make a demonstration under subsection paragraph (a) of this Section must meet the following requirements:
  - 1) It must accurately~~Accurately~~ simulate the characteristics and operating conditions for the proposed land treatment unit including:
    - A) The characteristics of the waste (including the presence of constituents of Appendix H to 35 Ill. Adm. Code 721, ~~Appendix H constituents~~):
    - B) The climate in the area;
    - C) The topography of the surrounding area;
    - D) The characteristics of the soil in the treatment zone (including depth); and
    - E) The operating practices to be used at the unit.
  - 2) It must be Be-likely to show that hazardous constituents in the waste to be tested will be completely degraded, transformed or immobilized in the treatment zone of the proposed land treatment unit; and
  - 3) It must be Be-conducted in a manner that protects human health and the

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environment considering the following:

- A) The characteristics of the waste to be tested;
- B) The operating and monitoring measures taken during the course of the test;
- C) The duration of the test;
- D) The volume of waste used in the test;
- E) In the case of field tests, the potential for migration of hazardous constituents to groundwater or surface water.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.373 Design and Operating Requirements**

The Agency must will-specify in the facility permit how the owner or operator will design, construct, operate, and maintain the land treatment unit in compliance with this Section-section.

- a) The owner or operator must design, construct, operate and maintain the unit to maximize the degradation, transformation, and immobilization of hazardous constituents in the treatment zone. The owner or operator must design, construct, operate and maintain the unit in accord with all design and operating conditions that were used in the treatment demonstration under Section 724.372. At a minimum, the Agency must will-specify the following in the facility permit:
  - 1) The rate and method of waste application to the treatment zone;
  - 2) Measures to control soil pH;
  - 3) Measures to enhance microbial or chemical reactions (e.g., fertilization, tilling, etc.); and
  - 4) Measures to control the moisture content of the treatment zone.
- b) The owner or operator must design, construct, operate and maintain the treatment zone to minimize run-off of hazardous constituents during the active life of the land treatment unit.
- c) The owner or operator must design, construct, operate and maintain a run-on control system capable of preventing flow onto the treatment zone during peak discharge from at least a 25-year storm.
- d) The owner or operator must design, construct, operate and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.
- e) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain the design capacity of the system.
- f) If the treatment zone contains particulate matter that which-may be subject to wind dispersal, the owner or operator must manage the unit to control wind

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dispersal.

- g) The owner or operator must inspect the unit weekly and after storms to detect evidence of the following:
- 1) Deterioration, malfunctions, or improper operation of run-on and run-off control systems; and
  - 2) Improper functioning of wind dispersal control measures.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.376 Food-Chain ~~Food-chain~~ Crops**

The Agency may allow the growth of food-chain crops in or on the treatment zone only if the owner or operator satisfies the conditions of this ~~Section~~ section. The Agency ~~must will~~ specify in the facility permit the specific food-chain crops ~~that which~~ may be grown.

- a) Food chain crops grown in the treatment zone.
- 1) The owner or operator must demonstrate that there is no substantial risk to human health caused by the growth of such crops in or on the treatment zone by demonstrating, prior to the planting of such crops, that the following is true of hazardous constituents other than cadmium:
    - A) They will ~~Will~~ not be transferred to the food or feed portions of the crop by plant uptake or direct contact, and will not otherwise be ingested by food-chain animals (e.g., by grazing); or
    - B) They will ~~Will~~ not occur in greater concentrations in or on the food or feed portions of crops grown on the treatment zone than in or on identical portions of the same crops grown on untreated soils under similar conditions in the same region.
  - 2) The owner or operator must make the demonstration required under this subsection (a) paragraph prior to the planting of crops at the facility for all constituents identified in Appendix H to 35 Ill. Adm. Code 721, ~~Appendix H~~ that are reasonably expected to be in, or derived from, waste placed in or on the treatment zone.
  - 3) In making a demonstration under this subsection (a) paragraph, the owner or operator may use field tests, greenhouse studies, available data or, in the case of existing units, operating data, and must do the following:
    - A) Base the demonstration on conditions similar to those present in the treatment zone, including soil characteristics (e.g., pH, cation exchange capacity), specific wastes, application rates, application methods and crops to be grown; and
    - B) Describe the procedures used in conducting any tests, including the sample selection criteria, sample size, analytical methods and

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statistical procedures.

- 4) If the owner or operator intends to conduct field tests or greenhouse studies in order to make the demonstration required under this subsection (a) paragraph it must obtain a permit for conducting such activities.
- b) The owner or operator must comply with the following conditions if cadmium is contained in wastes applied to the treatment zone:
- 1) Limited cadmium application
- A) The pH of the waste, and soil mixture must be 6.5 or greater at the time of each waste application, except for waste containing cadmium at concentrations of 2 mg/kg (dry weight) or less;
- B) The annual application of cadmium from waste must not exceed 0.5 kilograms per hectare (kg/ha) on land used use-for production of tobacco, leafy vegetables or root crops grown for human consumption. For other food-chain crops, the annual cadmium application rate must not exceed the following:
- | Time period                       | Annual cadmium application rate (kg/ha) |
|-----------------------------------|-----------------------------------------|
| Present to June 30, 1984          | 2.0                                     |
| July 1, 1984 to December 31, 1986 | 1.25                                    |
| Beginning January 1, 1987         | 0.5                                     |
- C) The cumulative application of cadmium from waste must not exceed 5 kg/ha if the waste and soil mixture has a pH of less than 6.5; and
- D) If the waste and soil mixture has a pH of 6.5 or greater or is maintained at a pH of 6.5 or greater during crop growth, the cumulative application of cadmium from waste must not exceed: 5 kg/ha if soil cation exchange capacity (CEC) is less than 50 milliequivalents per kilogram (50 meq/kg); 10 kg/ha if soil CEC is 50 to 150 meq/kg; and 20 kg/ha if soil CEC is greater than 150 meq/kg; or
- 2) Limited future use of land and crops.
- A) Animal feed must be the only food-chain crop produced;
- B) The pH of the waste and soil mixture must be 6.5 or greater at the time of waste application or at the time the crop is planted, whichever occurs later, and this pH level must be maintained whenever food-chain crops are grown;
- C) There must be an operating plan that which demonstrates how the

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animal feed will be distributed to preclude ingestion by humans.

The operating plan must describe the measures to be taken to safeguard against possible health hazards from cadmium entering the food chain, which may result from alternative land uses; and

- D) Future property owners must be notified by a stipulation in the land record or property deed ~~that which~~ states that the property has received waste at high cadmium application rates and that food-chain crops must not be grown except in compliance with subsection paragraph-(b)(2) of this Section.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.378 Unsaturated Zone Monitoring**

An owner or operator subject to this Subpart M must establish an unsaturated zone monitoring program to carry out the following responsibilities:

- a) The owner or operator must monitor the soil and soil-pore liquid to determine whether hazardous constituents migrate out of the treatment zone.
- 1) The Agency ~~must will~~ specify the hazardous constituents to be monitored in the facility permit. The hazardous constituents to be monitored are those specified under Section 724.371(b).
  - 2) The Agency may require monitoring for principal hazardous constituents (PHCs) in lieu of the constituents specified under Section 724.371(b). PHCs are hazardous constituents contained in the wastes to be applied at the unit that are the most difficult to treat, considering the combined effects of degradation, transformation and immobilization. The Agency ~~must will~~ establish PHCs if it finds, based on waste analyses, treatment demonstrations or other data, that effective degradation transformation or immobilization of the PHCs will assure treatment at at least equivalent levels for the other hazardous constituents in the wastes.
- b) The owner or operator must install an unsaturated zone monitoring system that includes soil monitoring using soil cores and soil-pore liquid monitoring using devices such as lysimeters. The unsaturated zone monitoring system must consist of a sufficient number of sampling points at appropriate locations and depths to yield samples that fulfill the following:
- 1) Represent the quality of background soil-pore liquid quality and the chemical make-up of soil that has not been affected by leakage from the treatment zone; and
  - 2) Indicate the quality of soil-pore liquid and the chemical make-up of the soil below the treatment zone.

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- c) The owner or operator must establish a background value for each hazardous constituent to be monitored under subsection paragraph (a) of this Section. The permit will specify the background values for each constituent or specify the procedures to be used to calculate the background values.
- 1) Background soil values may be based on a one-time sampling at a background plot having characteristics similar to those of the treatment zone.
  - 2) Background soil-pore liquid values must be based on at least quarterly sampling for one year at a background plot having characteristics similar to those of the treatment zone.
  - 3) The owner or operator must express all background values in a form necessary for the determination of statistically significant increases under subsection paragraph (f) of this Section.
  - 4) In taking samples used in the determination of all background values, the owner or operator must use an unsaturated zone monitoring system that complies with subsection paragraph (b)(1) of this Section.
- d) The owner or operator must conduct soil monitoring and soil-pore liquid monitoring immediately below the treatment zone. The Agency must will-specify the frequency and timing of soil and soil-pore liquid monitoring in the facility permit after considering the frequency, timing, and rate of waste application and the soil permeability. The owner or operator must express the results of soil and soil-pore liquid monitoring in a form necessary for the determination of statistically significant increases under subsection paragraph (f) of this Section.
- e) The owner or operator must use consistent sampling and analysis procedures that are designed to ensure sampling results that provide a reliable indication of soil-pore liquid quality and the chemical make-up of the soil below the treatment zone. At a minimum, the owner or operator must implement procedures and techniques for the following:
- 1) Sample collection;
  - 2) Sample preservation and shipment;
  - 3) Analytical procedures; and
  - 4) Chain of custody control.
- f) The owner or operator must determine whether there is a statistically significant change over background values for any hazardous constituent to be monitored under subsection paragraph (a) of this Section below-the treatment zone each time it conducts soil monitoring and soil-pore liquid monitoring under subsection paragraph (d) of this Section.
- 1) In determining whether a statistically significant increase has occurred, the owner or operator must compare the value of each constituent, as determined under subsection paragraph (d) of this Section, to the

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- background value for that constituent according to the statistical procedure specified in the facility permit under this ~~subsection (f) paragraph~~.
- 2) The owner or operator must determine whether there has been a statistically significant increase below the treatment zone within a reasonable time period after completion of sampling. The Agency ~~will~~ **must** specify that time period in the facility permit after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of soil and soil-pore liquid samples.
  - 3) The owner or operator must determine whether there is a statistically significant increase below the treatment zone using a statistical procedure that provides reasonable confidence that migration from the treatment zone will be identified. The Agency ~~will~~ **must** specify a statistical procedure in the facility permit that it finds ~~fulfills the following~~:
    - A) Is appropriate for the distribution of the data used to establish background values; and
    - B) Provides a reasonable balance between the probability of falsely identifying migration from the treatment zone and the probability of failing to identify real migration from the treatment zone.
- g) If the owner or operator determines, pursuant to ~~subsection paragraph (f) of this Section~~, that there is a statistically significant increase of hazardous constituents below the treatment zone, it must ~~do the following~~:
- 1) Notify the Agency of this finding in writing within seven days. The notification must indicate what constituents have shown statistically significant increases.
  - 2) Within 90 days, submit to the Agency an application for a permit modification to modify the operating practices at the facility in order to maximize the success of degradation, transformation, or immobilization processes in the treatment zone.
- h) If the owner or operator determines, pursuant to ~~subsection paragraph (f) of this Section~~, that there is a statistically significant increase of hazardous constituents below the treatment zone, it may demonstrate that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis or evaluation. While the owner or operator may make a demonstration under this ~~subsection (h) paragraph~~ in addition to, or in lieu of, submitting a permit modification application under ~~subsection paragraph (g)(2) of this Section~~, it is not relieved of the requirement to submit a permit modification application within the time specified in ~~subsection paragraph (g)(2) of this Section~~, unless the demonstration made under this ~~subsection (h) paragraph~~ successfully shows that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis or evaluation. In making a demonstration

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under this ~~subsection (h) paragraph~~, the owner or operator must do the following:

- 1) Notify the Agency in writing within seven days of determining a statistically significant increase below the treatment zone that the owner or operator intends to make a determination under this ~~subsection (h) paragraph~~;
- 2) Within 90 days, submit a report to the Agency demonstrating that a source other than the regulated units caused the increase or that the increase resulted from error in sampling, analysis or evaluation;
- 3) Within 90 days, submit to the Agency an application for a permit modification to make any appropriate changes to the unsaturated zone monitoring program at the facility; and
- 4) Continue to monitor in accordance with the unsaturated zone monitoring program established under this ~~Section~~section.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.380 Closure and Post-Closure ~~Post-closure~~ Care**

- a) During the closure period the owner or operator must do the following:
  - 1) Continue all operations (including pH control) necessary to maximize degradation, transformation or immobilization of hazardous constituents within the treatment zone as required under Section 724.373(a), except to the extent such measures are inconsistent with ~~subsection paragraph (a)(8) of this Section~~;
  - 2) Continue all operations in the treatment zone to minimize run-off of hazardous constituents, as required under Section 724.373(b);
  - 3) Maintain the run-on control system required under Section 724.373(c);
  - 4) Maintain the run-off management system required under Section 724.373(d);
  - 5) Control wind dispersal of hazardous waste if required under Section 724.373(f);
  - 6) Continue to comply with any prohibitions or conditions concerning growth of food-chain crops under Section 724.376;
  - 7) Continue unsaturated zone monitoring in compliance with Section 724.378, except that soil-pore liquid monitoring may be terminated 90 days after the last application of waste to the treatment zone; and
  - 8) Establish a vegetative cover on the portion of the facility being closed at such time that the cover will not substantially impede degradation, transformation or immobilization of hazardous constituents in the treatment zone. The vegetative cover must be capable of maintaining

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growth without extensive maintenance.

- b) For the purpose of complying with Section 724.215, when closure is completed the owner or operator may submit to the Agency certification by an independent qualified soil scientist, in lieu of an independent registered professional engineer, that the facility has been closed in accordance with the specifications in the approved closure plan.
- c) During the post-closure care period the owner or operator must do the following:
- 1) Continue all operations (including pH control) necessary to enhance degradation and transformation and sustain immobilization of hazardous constituents in the treatment zone to the extent that such measures are consistent with other post-closure care activities;
  - 2) Maintain a vegetative cover over closed portions of the facility;
  - 3) Maintain the run-on control system required under Section 724.373(c);
  - 4) Maintain the run-off management system required under Section 724.373(d);
  - 5) Control wind dispersal of hazardous waste if required under Section 724.373(f);
  - 6) Continue to comply with any prohibitions or conditions concerning growth of food-chain crops under Section 724.376; and
  - 7) Continue unsaturated zone monitoring in compliance with Section 724.378, except that soil-pore liquid monitoring may be terminated 90 days after the last application of waste to the treatment zone.
- d) The owner or operator is not subject to regulation under subsections paragraphs (a)(8) and (c) of this Section if the Agency finds that the level of hazardous constituents in the treatment zone soil does not exceed the background value of those constituents by an amount that is statistically significant when using the test specified in subsection paragraph (d)(3) of this Section. The owner or operator may submit such a demonstration to the Agency at any time during the closure or post-closure care periods. For the purposes of this subsection (d), the owner or operator must do the following paragraph:
- 1) The owner or operator must establish background soil values and determine whether there is a statistically significant increase over those values for all hazardous constituents specified in the facility permit under Section 724.371.
    - A) Background soil values may be based on a one-time sampling of a background plot having characteristics similar to those of the treatment zone.
    - B) The owner or operator must express background values and values for hazardous constituents in the treatment zone in a form necessary for the determination of statistically significant increases

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- under ~~subsection paragraph~~(d)(3) of this Section.
- 2) In taking samples used in the determination of background and treatment zone values, the owner or operator must take samples at a sufficient number of sampling points and at appropriate locations and depths to yield samples that represent the chemical make-up of soil that has not been affected by leakage from the treatment zone and the soil within the treatment zone, respectively.
  - 3) In determining whether a statistically significant increase has occurred, the owner or operator must compare the value of each constituent in the treatment zone to the background value for that constituent using a statistical procedure that provides reasonable confidence that constituent presence in the treatment zone will be identified. The owner or operator must use a statistical procedure that does the following:
    - A) Is appropriate for the distribution of the data used to establish background values; and
    - B) Provides a reasonable balance between the probability of falsely identifying hazardous constituent presence in the treatment zone and the probability of failing to identify real presence in the treatment zone.
- e) The owner or operator is not subject to regulation under Subpart F of this Part if the Agency finds that the owner or operator satisfies ~~subsection paragraph~~(d) of this Section and if unsaturated zone monitoring under Section 724.378 indicates that hazardous constituents have not migrated beyond the treatment zone during the active life of the land treatment unit.

(Source: Amended at 27-Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.381 Special Requirements for Ignitable or Reactive Waste**

The owner or operator must not apply ignitable or reactive waste to the treatment zone, unless the waste and ~~and~~ the treatment zone satisfy all applicable requirements of 35 Ill. Adm. Code 728, and the following is true:

- a) The waste is immediately incorporated into the soil so that the following is true:
  - 1) The resulting waste, mixture or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and
  - 2) Section 724.117(b) is complied with; or
- b) The waste is managed in such a way that it is protected from any material or conditions ~~that which~~ may cause it to ignite or react.

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(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.382 Special Requirements for Incompatible Wastes**

The owner or operator must not place incompatible wastes, or incompatible wastes and materials (see Appendix E [of this Part](#) for examples), in or on the same treatment zone, unless Section 724.117(b) is complied with.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.383 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026<sub>2</sub> and F027**

- a) Hazardous Wastes F020, F021, F022, F023, F026<sub>2</sub> and F027 must not be placed in a land treatment unit unless the owner or operator operates the facility in accordance with a management plan for these wastes that is approved by the Agency pursuant to the standards set out in this [subsection \(a\) paragraph](#), and in accord with all other applicable requirements of this Part. The factors to be considered are [the following](#):
- 1) The volume, physical<sub>2</sub> and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;
  - 2) The attenuative properties of underlying and surrounding soils or other materials;
  - 3) The mobilizing properties of other materials co-disposed with these wastes; and
  - 4) The effectiveness of additional treatment, design<sub>2</sub> or monitoring techniques.
- b) The Agency may determine that additional design, operating and monitoring requirements are necessary for land treatment facilities managing hazardous wastes F020, F021, F022, F023, F026<sub>2</sub> and F027 in order to reduce the possibility of migration of these wastes to groundwater, surface water<sub>2</sub> or air so as to protect human health and the environment.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART N: LANDFILLS

**Section 724.400 Applicability**

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The regulations in this Subpart N apply to owners and operators of facilities that dispose of hazardous waste in landfills, except as Section 724.101 provides otherwise.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.401 Design and Operating Requirements**

- a) Any landfill that is not covered by subsection (c) ~~of this Section below~~ or 35 Ill. Adm. Code 725.401(a) must have a liner system for all portions of the landfill (except for existing portions of such landfill). The liner system must have the following:
- 1) A liner that is designed, constructed, and installed to prevent any migration of wastes out of the landfill to the adjacent subsurface soil or groundwater or surface water at any time during the active life (including the closure period) of the landfill. The liner must be constructed of materials that prevent wastes from passing into the liner during the active life of the facility. The liner must fulfill the following:
    - A) ~~It must be constructed~~ ~~Constructed~~ of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation and the stress of daily operation;
    - B) ~~It must be placed~~ ~~Placed~~ upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and
    - C) ~~It must be installed~~ ~~Installed~~ to cover all surrounding earth likely to be in contact with the waste or leachate; and
  - 2) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained, and operated to collect and remove leachate from the landfill. The Agency ~~must~~ ~~shall~~ specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must fulfill the following:
    - A) Constructed of materials that fulfill the following:
      - i) Chemically resistant to the waste managed in the landfill and the leachate expected to be generated; and
      - ii) Of sufficient strength and thickness to prevent collapse

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under the pressures exerted by overlying wastes, waste cover materials, and ~~by~~ any equipment used at the landfill; and

- B) Designed and operated to function without clogging through the scheduled closure of the landfill.
- b) The owner or operator will be exempted from the requirements of subsection (a) ~~of this Section above~~ if the Board grants an adjusted standard pursuant to Section 28.1 of the Act [415 ILCS 5/28.1] and 35 Ill. Adm. Code 101 and 104 106.Subpart G. The level of justification is a demonstration by the owner or operator that alternative design or operating practices, together with location characteristics, will prevent the migration of any hazardous constituents (see Section 724.193) into the groundwater or surface water at any future time. In deciding whether to grant an adjusted standard, the Board will consider the following:
- 1) The nature and quantity of the wastes;
  - 2) The proposed ~~alternative alternate~~ design and operation;
  - 3) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the landfill and groundwater or surface water; and
  - 4) All other factors ~~that which~~ influence the quality and mobility of the leachate produced and the potential for it to migrate to groundwater or surface water.
- c) The owner or operator of each new landfill unit on which construction ~~commenced commences~~ after January 29, 1992, each lateral expansion of a landfill unit on which construction commences after July 29, 1992, and each replacement of an existing landfill unit that ~~was is~~ to commence reuse after July 29, 1992, ~~must shall~~ install two or more liners and a leachate collection and removal system above and between such liners. "Construction ~~commenced commences~~" is as defined in 35 Ill. Adm. Code 720.110 under "existing facility\_":
- 1) Liner requirements.
    - A) The liner system must include the following:
      - i) A top liner designed and constructed of materials (e.g., a geomembrane) to prevent the migration of hazardous constituents into such liner during the active life and post-closure care period; and
      - ii) A composite bottom liner, consisting of at least two components. The upper component must be designed and constructed of materials (e.g., a geomembrane) to prevent the migration of hazardous constituents into this component during the active life and post-closure care period. The

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lower component must be designed and constructed of materials to minimize the migration of hazardous constituents if a breach in the upper component were to occur. The lower component must be constructed of at least 3 feet (91 cm) of compacted soil material with a hydraulic conductivity of no more than  $1 \times 10^{-7}$  cm/sec.

- B) The liners must comply with subsections (a)(1)(A), ~~(a)(1)(B)~~, and ~~(a)(1)(C)~~ of this Section above.
- 2) The leachate collection and removal system immediately above the top liner must be designed, constructed, operated, and maintained to collect and remove leachate from the landfill during the active life and post-closure care period. The Agency ~~must will~~ specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must comply with subsections (c)(3)(C) and ~~(c)(3)(D)~~ of this Section below.
- 3) The leachate collection and removal system between the liners, and immediately above the bottom composite liner in the case of multiple leachate collection and removal systems, is also a leak detection system (LDS). This LDS must be capable of detecting, collecting, and removing leaks of hazardous constituents at the earliest practicable time through all areas of the top liner likely to be exposed to waste or leachate during the active life and post-closure care period. The requirements for a LDS in this subsection ~~(c)~~ are satisfied by installation of a system that ~~is~~, at a minimum, fulfills the following:
- A) ~~It is constructed Constructed~~ with a bottom slope of one percent or more;
- B) ~~It is constructed Constructed~~ of granular drainage materials with a hydraulic conductivity of  $1 \times 10^{-2}$  cm/sec or more and a thickness of 12 inches (30.5 cm) or more; or constructed of synthetic or geonet drainage materials with a transmissivity of  $3 \times 10^{-5}$  m<sup>2</sup>/sec or more;
- C) ~~It is constructed Constructed~~ of materials that are chemically resistant to the waste managed in the landfill and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials, and equipment used at the landfill;
- D) ~~It is designed Designed~~ and operated to minimize clogging during the active life and post-closure care period; and
- E) ~~It is constructed Constructed~~ with sumps and liquid removal

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methods (e.g., pumps) of sufficient size to collect and remove liquids from the sump and prevent liquids from backing up into the drainage layer. Each unit must have its own ~~sump(s)~~~~sump(s)~~. The design of each sump and removal system must provide a method for measuring and recording the volume of liquids present in the sump and of liquids removed.

- 4) The owner or operator ~~must shall~~ collect and remove pumpable liquids in the LDS sumps to minimize the head on the bottom liner.
- 5) The owner or operator of a LDS that is not located completely above the seasonal high water table ~~must shall~~ demonstrate that the operation of the LDS will not be adversely affected by the presence of ground water.
- d) Subsection (c) ~~of this Section above~~ will not apply if the owner or operator demonstrates to the Agency, and the Agency finds for such landfill, that alternative design or operating practices, together with location characteristics, will do the following:
  - 1) ~~It will Will~~ prevent the migration of any hazardous constituent into the groundwater or surface water at least as effectively as the liners and leachate collection and removal systems, specified in subsection (c) ~~of this Section above~~; and
  - 2) ~~It will Will~~ allow detection of leaks of hazardous constituents through the top liner at least as effectively.
- e) The Agency ~~must shall~~ not require a double liner as set forth in subsection (c) ~~of this Section above~~ for any monofill, if the following is true:
  - 1) The monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand, and such wastes do not contain constituents ~~that which~~ render the wastes hazardous for reasons other than the toxicity characteristics in 35 Ill. Adm. Code 721.124, with USEPA hazardous waste numbers D004 through D017; and
  - 2) No migration demonstration.
    - A) Design and location requirements.
      - i) The monofill has at least one liner for which there is no evidence that such liner is leaking;-
      - ii) The monofill is located more than one-quarter mile from an underground source of drinking water (as that term is defined in 35 Ill. Adm. Code 702.110; ~~and~~-
      - iii) The monofill is in compliance with generally applicable groundwater monitoring requirements for facilities with RCRA permits; or
    - B) The owner or operator demonstrates to the Board that the monofill is located, designed, and operated so as to assure that there will be

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no migration of any hazardous constituent into groundwater or surface water at any future time.

- f) The owner or operator of any replacement landfill unit is exempt from subsection (c) ~~of this Section above~~ if the following is true:
- 1) The existing unit was constructed in compliance with the design standards of 35 Ill. Adm. Code 724.401(c), (d), and (e), ~~as amended in R86-1, at 10 Ill. Reg. 14119, effective August 12, 1986;~~ and  
BOARD NOTE: The cited subsections implemented the design standards of sections 3004(o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.).
  - 2) There is no reason to believe that the liner is not functioning as designed.
- g) The owner or operator ~~must shall~~ design, construct, operate and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a 25-year storm.
- h) The owner or operator ~~must shall~~ design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.
- i) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.
- j) If the landfill contains any particulate matter ~~that which~~ may be subject to wind dispersal, the owner or operator ~~must shall~~ cover or otherwise manage the landfill to control wind dispersal.
- k) The Agency ~~must shall~~ specify in the permit all design and operating practices that are necessary to ensure that the requirements of this Section are satisfied.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.402 Action Leakage Rate**

- a) The Agency ~~must shall~~ approve an action leakage rate for landfill units subject to Section 724.401(c) or (d). The action leakage rate is the maximum design flow rate that the LDS can remove without the fluid head on the bottom liner exceeding 1 foot. The action leakage rate must include an adequate safety margin to allow for uncertainties in the design (e.g., slope, hydraulic conductivity, thickness of drainage material), construction, operation and location of the LDS, waste and leachate characteristics, likelihood and amounts of other sources of liquids in the LDS, and proposed response actions (e.g., the action leakage rate must consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover and creep of synthetic components of the system,

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overburden pressures, etc.).

- b) To determine if the action leakage rate has been exceeded, the owner or operator ~~must shall~~ convert the weekly or monthly flow rate from the monitoring data obtained under Section 724.403(c) to an average daily flow rate (gallons per acre per day) for each sump. The average daily flow rate for each sump must be calculated weekly during the active life and closure period, and monthly during the post-closure care period, unless the Agency approves a different frequency pursuant to Section 724.403(c)(2).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.403 Monitoring and Inspection**

- a) During construction or installation, liners (except in the case of existing portions of landfills exempt from Section 724.401(a)) and cover systems (e.g., membranes, sheets or coatings) must be inspected for uniformity, damage and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation the following must occur:
- 1) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and
  - 2) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes or other structural non-uniformities that may cause an increase in the permeability of the liner or cover.
- b) While a landfill is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:
- 1) Deterioration, malfunctions, or improper operation of run-on and run-off control systems;
  - 2) Proper functioning of wind dispersal control systems, where present; and
  - 3) The presence of leachate in and proper functioning of leachate collection and removal systems, where present.
- c) Monitoring of LDS.
- 1) An owner or operator required to have a LDS under Section 724.401(c) or (d) ~~must shall~~ record the amount of liquids removed from each LDS sump at least once each week during the active life and closure period.
  - 2) After the final cover is installed, the amount of liquids removed from each LDS sump must be recorded at least monthly. If the liquid level in the sump stays below the pump operating level for two consecutive months, the amount of liquids in the sumps must be recorded at least quarterly. If the liquid level in the sump stays below the pump operating level for two

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consecutive quarters, the amount of liquids in the sumps must be recorded at least semi-annually. If at any time during the post-closure care period the pump operating level is exceeded at units on quarterly or semi-annual recording schedules, the owner or operator ~~must shall~~ return to monthly recording of amounts of liquids removed from each sump until the liquid level again stays below the pump operating level for two consecutive months.

- 3) "Pump operating level" is a liquid level proposed by the owner or operator pursuant to 35 Ill. Adm. Code 703.207(b)(1)(E) and approved by the Agency based on pump activation level, sump dimensions, and level that avoids backup into the drainage layer and minimizes head in the sump.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.404 Response Actions**

- a) The owner or operator of landfill units subject to Section 724.401(c) or (d) ~~must shall~~ have an approved response action plan before receipt of waste. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in subsection (b) ~~of this Section below~~.
- b) If the flow rate into the LDS exceeds the action leakage rate for any sump, the owner or operator ~~must do the following shall~~:
  - 1) Notify the Agency in writing of the exceedence within ~~seven~~ 7 days of the determination;
  - 2) Submit a preliminary written assessment to the Agency within 14 days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned;
  - 3) Determine to the extent practicable the location, size, and cause of any leak;
  - 4) Determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or controls, and whether or not the unit should be closed;
  - 5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks; and
  - 6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Agency the results of the determinations specified in subsections (b)(3), (b)(4), and (b)(5) ~~of this Section above~~, the results of actions taken, and actions planned. Monthly thereafter, as long as the

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flow rate in the LDS exceeds the action leakage rate, the owner or operator ~~must shall~~ submit to the Agency a report summarizing the results of any remedial actions taken and actions planned.

- c) To make the leak or remediation determinations in subsections (b)(3), ~~(b)(4)~~<sub>2</sub> and ~~(b)(5) of this Section above~~, the owner or operator ~~must do shall~~ either of the following:
- 1) Perform the following assessments:
    - A) Assess the source of liquids and amounts of liquids by source;
    - B) Conduct a fingerprint, hazardous constituent<sub>2</sub> or other analyses of the liquids in the LDS to identify the source of liquids and possible location of any leaks<sub>2</sub>; and the hazard and mobility of the liquid; and
    - C) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or
  - 2) Document why such assessments are not needed.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.410 Closure and ~~Post-Closure~~ ~~Post-closure~~ Care**

- a) At final closure of the landfill or upon closure of any cell, the owner or operator ~~must shall~~ cover the landfill or cell with a final cover designed and constructed to do the following:
- 1) Provide long-term minimization of migration of liquids through the closed landfill;
  - 2) Function with minimum maintenance;
  - 3) Promote drainage and minimize erosion or abrasion of the cover;
  - 4) Accommodate settling and subsidence so that the cover's integrity is maintained; and
  - 5) Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.
- b) After final closure, the owner or operator ~~must shall~~ comply with all post-closure requirements contained in Sections 724.217 through 724.220, including maintenance and monitoring throughout the post-closure care period (specified in the permit under Section 724.217). The owner or operator ~~must do the following shall~~:
- 1) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion<sub>2</sub> or other events;
  - 2) Continue to operate the leachate collection and removal system until

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- leachate is no longer detected;
- 3) Maintain and monitor the LDS in accordance with Sections 724.401(c)(3)(D) and (c)(4) and 724.403(c), and comply with all other applicable LDS requirements of this Part;
  - 4) Maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of Subpart F of this Part;
  - 5) Prevent run-on and run-off from eroding or otherwise damaging the final cover; and
  - 6) Protect and maintain surveyed benchmarks used in complying with Section 724.409.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.412 Special Requirements for Ignitable or Reactive Waste**

- a) Except as provided in subsection (b) of this Section and in Section 724.416, ignitable or reactive waste must not be placed in a landfill, unless the waste and landfill meet all applicable requirements of 35 Ill. Adm. Code 728, and the waste is treated, rendered, or mixed before or immediately after placement in a landfill so that the following is true:
  - 1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and
  - 2) Section 724.117(b) is complied with.
- b) Except for prohibited wastes ~~that which~~ remain subject to treatment standards in Subpart D to 35 Ill. Adm. Code 728 ~~35 Ill. Adm. Code Subpart D~~, ignitable wastes in containers may be landfilled without meeting the requirements of subsection (a) of this Section provided that the wastes are disposed of in such a way that they are protected from any material or conditions ~~that which~~ may cause them to ignite. At a minimum, ignitable wastes must be disposed of in non-leaking containers ~~that which~~ are carefully handled and placed so as to avoid heat, sparks, rupture, or any other condition that might cause ignition of the wastes; must be covered daily with soil or other non-combustible material to minimize the potential for ignition of the wastes; and must not be disposed of in cells that contain or will contain other wastes ~~that which~~ may generate heat sufficient to cause ignition of the waste.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.413 Special Requirements for Incompatible Wastes**

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Incompatible wastes, or incompatible wastes and materials, (see Appendix E of this Part for examples) must not be placed in the same landfill cell, unless Section 724.117(b) is complied with.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.414 Special Requirements for Bulk and Containerized Liquids**

- a) This subsection (a) corresponds with 40 CFR 264.314(a), which pertains to pre May 8, 1985 actions, a date long since passed. This statement maintains structural consistency with USEPA rules.
- b) 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.
- c) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," USEPA Publication No. SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111.
- d) 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.
- e) 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 (e)(1) of this Section; materials that pass one of the tests in subsection (e)(2) of this Section; or materials that are determined by the Board to be nonbiodegradable through the ~~35 Ill. Adm. Code 106~~-adjusted standard procedure of 35 Ill. Adm. Code 104 process.
  - 1) Nonbiodegradable sorbents are the following:
    - A) Inorganic minerals, other inorganic materials, and elemental carbon (e.g., aluminosilicates, (clays, smectites, Fuller's earth,

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- 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, polystyrene, 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;
- 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; or
- C) The sorbent material is determined to be non-biodegradable under OECD test 301B (CO<sub>2</sub> Evolution (Modified Sturm Test)), incorporated by reference in 35 Ill. Adm. Code 720.111.
- f) 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 unlimited 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).

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(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.415 Special Requirements for Containers**

Unless they are very small, such as an ampule, containers must be either of the following:

- a) At least 90 percent full when placed in the landfill; or
- b) Crushed, shredded or similarly reduced in volume to the maximum practical extent before burial in the landfill.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)**

Small containers of hazardous waste in overpacked drums (lab packs) may be placed in a landfill if the following requirements are met:

- a) Hazardous waste must be packaged in non-leaking inside containers. The inside containers must be of a design and constructed of a material that will not react dangerously with, be decomposed by, or be ignited by the contained waste. Inside containers must be tightly and securely sealed. The inside containers must be of the size and type specified in the Department of Transportation (DOT) hazardous materials regulations (49 CFR 173, 178, and 179), if those regulations specify a particular inside container for the waste.
- b) The inside containers must be overpacked in an open head DOT-specification metal shipping container (49 CFR 178 and 179) of no more than 416 liter (110 gallon) capacity and surrounded by, at a minimum, a sufficient quantity of sorbent material, determined to be nonbiodegradable in accordance with Section 724.414(e), to completely sorb all of the liquid contents of the inside containers. The metal outer container must be full after packing with inside containers and absorbent material.
- c) In accordance with Section 724.117(b), the absorbent material used must not be capable of reacting dangerously with, being decomposed by, or being ignited by the contents of the inside containers, in accordance with 724.117(b).
- d) Incompatible wastes, as defined in 35 Ill. Adm. Code 720.110, must not be placed in the same outside container.
- e) Reactive wastes, other than cyanide- or sulfide-bearing waste as defined in 35 Ill. Adm. Code 721.123(a)(5), must be treated or rendered non-reactive prior to packaging in accordance with subsections (a) through (d) of this Section. Cyanide- and sulfide-bearing reactive waste may be packed in accordance with subsections (a) through (d) of this Section without first being treated or rendered

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non-reactive.

- f) Such disposal is in compliance with 35 Ill. Adm. Code 728. Persons who incinerate lab packs according to 35 Ill. Adm. Code 728.142(c)(1) may use fiber drums in place of metal outer containers. Such fiber drums must meet the DOT specifications in 49 CFR 173.12 and be overpacked according to the requirements of subsection (b) of this Section.
- g) Pursuant to 35 Ill. Adm. Code 729.312, the use of labpacks for disposal of liquid wastes or wastes containing free liquids allowed under this Section is restricted to labwaste and non-periodic waste, as those terms are defined in that Part.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.417 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026<sub>2</sub> and F027**

- a) Hazardous wastes F020, F021, F022, F023, F026<sub>2</sub> and F027 must not be placed in a landfill<sub>2</sub> unless the owner or operator operates the landfill in accord with a management plan for these wastes that is approved by the Agency pursuant to the standards set out in this subsection (a) paragraph, and in accord with all other applicable requirements of this Part. The factors to be considered are the following:
- 1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through the soil or to volatile volatilie or escape into the atmosphere;
  - 2) The attenuative properties of underlying and surrounding soils or other materials;
  - 3) The mobilizing properties of other materials co-disposed with these wastes; and
  - 4) The effectiveness of additional treatment, design<sub>2</sub> or monitoring requirements.
- b) The Agency may determine that additional design, operating<sub>2</sub> and monitoring requirements are necessary for landfills managing hazardous wastes F020, F021, F022, F023, F026<sub>2</sub> and F027 in order to reduce the possibility of migration of these wastes to ground-water, surface water<sub>2</sub> or air so as to protect human health and the environment.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART O: INCINERATORS

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**Section 724.440 Applicability**

- a) The regulations in this Subpart Q apply to owners and operators of hazardous waste incinerators (as defined in 35 Ill. Adm. Code 720.110), except as Section 724.101 provides otherwise.
- b) Integration of the MACT standards.
  - 1) Except as provided by subsections (b)(2), ~~and (b)(3)~~, and (b)(4) 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 40 CFR 63, Subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111, by conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance, under 40 CFR 63.1207(j) and 63.1210(b) ~~63.1210(d)~~, documenting compliance requirements of 40 CFR 63, Subpart EEE. Nevertheless, even after this demonstration of compliance with the MACT standards, RCRA permit conditions that were based on the standards of this Part will continue to be in effect until they are removed from the permit or the permit is terminated or revoked, unless the permit expressly provides otherwise.
  - 2) The MACT standards of 40 CFR 63, Subpart EEE 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) The particulate matter standard of Section 724.443(c) remains in effect for incinerators that elect to comply with the alternative to the particulate matter standard of 40 CFR 63.1206(b)(14), incorporated by reference in 35 Ill. Adm. Code 720.111.
  - 4) The following requirements remain in effect for startup, shutdown, and malfunction events if the owner or operator elects to comply with 35 Ill. Adm. Code 703.320(a)(1)(A) to minimize emissions of toxic compounds from the following events:
    - A) Section 724.445(a), requiring that an incinerator operator operate in accordance with operating requirements specified in the permit;  
and
    - B) Section 724.445(c), requiring compliance with the emission standards and operating requirements during startup and shutdown if hazardous waste is in the combustion chamber, except for particular hazardous wastes.

BOARD NOTE: Sections 9.1 and 39.5 of the Environmental Protection Act [415 ILCS 5/9.1 and 39.5] make the federal MACT standards directly applicable to entities in Illinois and authorize the Agency to issue permits

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based on the federal standards. In adopting this subsection (b), USEPA stated as follows (at 64 Fed Reg. 52828, 52975 (Sept. 30, 1999)): Under this approach . . . , MACT air emissions and related operating requirements are to be included in Title V permits; RCRA permits will continue to be required for all other aspects of the combustion unit and the facility that are governed by RCRA (e.g., corrective action, general facility standards, other combustor-specific concerns such as material handling, risk-based emissions limits and operating requirements, as appropriate, and other hazardous waste management units).

~~64 Fed. Reg. 52828, 52975 (Sept. 30, 1999).~~

- c) After consideration of the waste analysis included with Part B of the permit application, the Agency, in establishing the permit conditions, must exempt the applicant from all requirements of this Subpart Q, except Section 724.441 (Waste Analysis) and Section 724.451 (Closure):
- 1) If the Agency finds that the waste to be burned is one of the following:
    - A) It is listed ~~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;
    - B) It is listed ~~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 Section 721.123(a)(4) and (5), and will not be burned when other hazardous wastes are present in the combustion zone;
    - C) It is a A-hazardous waste solely because it possesses the characteristic of ignitability, as determined by the test for characteristics of hazardous wastes under Subpart C of 35 Ill. Adm. Code 721; or
    - D) It is a A-hazardous waste solely because it possesses any of the reactivity characteristics described by 35 Ill. Adm. Code 721.123(a)(1), (a)(2), (a)(3), (a)(6), (a)(7), and (a)(8) and will not be burned when other hazardous wastes are present in the combustion zone; and
  - 2) If the waste analysis shows that the waste contains none of the hazardous constituents listed in Subpart H of 35 Ill. Adm. Code 721 that would reasonably be expected to be in the waste.
- d) If the waste to be burned is one that is described by subsection (b)(1)(A), (b)(1)(B), (b)(1)(C) or (b)(1)(D) of this Section and contains insignificant concentrations of the hazardous constituents listed in Subpart H of 35 Ill. Adm. Code 721, then the Agency may, in establishing permit conditions, exempt the applicant from all requirements of this Subpart Q, except Section 724.441 (Waste

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Analysis) and Section 724.451 (Closure), after consideration of the waste analysis included with Part B of the permit application, unless the Agency finds that the waste will pose a threat to human health or the environment when burned in an incinerator.

- e) The owner or operator of an incinerator may conduct trial burns subject only to the requirements of 35 Ill. Adm. Code 703.222 through 703.225 (short-term and incinerator permits).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.442 Principal Organic Hazardous Constituents (POHCs)**

- a) Principal organic hazardous constituents (POHCs) in the waste feed must be treated to the extent required by the performance standard of Section 724.443.
- b) Designation of POHCs.
  - 1) One or more POHCs will be specified in the facility's permit, from among those constituents listed in 35 Ill. Adm. Code 721, Appendix H, for each waste feed to be burned. This specification will be based on the degree of difficulty of incineration of the organic constituents in the waste and on their concentration or mass in the waste feed, considering the results of waste analyses and trial burns or alternative data submitted with Part B of the facility's permit application. Organic constituents ~~that which~~ represent the greatest degree of difficulty of incineration will be those most likely to be designated as POHCs. Constituents are more likely to be designated as POHCs if they are present in large quantities or concentrations in the waste.
  - 2) Trial POHCs will be designated for performance of trial burns in accordance with the procedure specified in 35 Ill. Adm. Code 703.222 through 703.225 for obtaining trial burn permits.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.443 Performance Standards**

An incinerator burning hazardous waste must be designed, constructed and maintained so that, when operated in accordance with operating requirements specified under Section 724.445, it will meet the following performance standards:

- a) Destruction and removal efficiency.
  - 1) Except as provided in ~~subsection paragraph~~ (a)(2) of this Section, an incinerator burning hazardous waste must achieve a destruction and

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removal efficiency (DRE) of 99.99% for each principal organic hazardous constituent (POHC) designated (under Section 724.442) in its permit for each waste feed. DRE is determined for each POHC from the following equation:

$$\text{DRE} = 100(N-O)/N$$

$$\text{DRE} = \frac{100x(N-O)}{N}$$

Where:

- N = Mass feed rate of one principal organic hazardous constituent (POHC) in the waste stream feeding the incinerator, and  
 O = Mass emission rate of the same POHC present in exhaust emissions prior to release to the atmosphere.

- 2) An incinerator burning hazardous wastes F020, F021, F022, F023, F026, or F027 must achieve a destruction and removal efficiency (DRE) of 99.9999% for each principal organic hazardous constituent (POHC) designated (under Section 724.442) in its permit. This performance must be demonstrated on POHCs that are more difficult to incinerate than tetra-, penta-, and hexachlorodibenzo-p-dioxins and dibenzofurans. DRE is determined for each POHC from the equation in subsection paragraph (a)(1) of this Section. In addition, the owner or operator of the incinerator must shall notify the Agency of its intent to incinerate hazardous wastes F020, F021, F022, F023, F026, or F027.
- b) An incinerator burning hazardous waste and producing stack emissions of more than 1.8 kilograms per hour (4 pounds per hour) of hydrogen chloride (HCl) must control HCl emissions such that the rate of emission is no greater than the larger of either 1.8 kilograms per hour or one percent 1% of the HCl in the stack gas prior to entering any pollution control equipment.
- c) An incinerator burning hazardous waste must not emit particulate matter in excess of 180 milligrams per dry standard cubic meter (0.08 grains per dry standard cubic foot) when corrected for the amount of oxygen in the stack gas according to the following formula:

$$C = 14(M)/(21-Y)$$

$$C = \frac{14xM}{\quad}$$

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21-Y

- 1) Where:
  - C = the corrected concentration of particulate matter,
  - M = the measured concentration of particulate matter, and
  - Y = the measured concentration of oxygen in the stack gas, using the Orsat method for oxygen analysis of dry flue gas, presented in 40 CFR 60, Appendix A (Method 3).
- 2) This correction procedure is to be used by all hazardous waste incinerators except those operating under conditions of oxygen enrichment. For these facilities, the Agency ~~must will~~ select an appropriate correction procedure, to be specified in the facility permit.
- d) For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 724.445) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the performance requirements of this Section may be "information" justifying modification, revocation or reissuance of a permit under 35 Ill. Adm. Code 702.184.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.444 Hazardous Waste Incinerator Permits**

- a) The owner or operator of a hazardous waste incinerator may burn only wastes specified in its permit and only under operating conditions specified for those wastes under Section 724.445 except the following:
  - 1) In approved trial burns under 35 Ill. Adm. Code 703.222 through 703.225;  
or
  - 2) Under exemptions created by Section 724.440.
- b) Other hazardous wastes may be burned only after operating conditions have been specified in a new permit or a permit modification as applicable. Operating requirements for new wastes may be based on either trial burn results or alternative data included with Part B of a permit application under 35 Ill. Adm. Code 703.205.
- c) The permit for a new hazardous waste incinerator must establish appropriate conditions for each of the applicable requirements of this Subpart O, including but

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not limited to allowable waste feeds and operating conditions necessary to meet the requirements of Section 724.445, sufficient to comply with the following standards:

- 1) For the period beginning with initial introduction of hazardous waste to the incinerator and ending with initiation of the trial burn, and only for the minimum time required to establish operating conditions required in ~~subsection paragraph~~ (c)(2) of this Section, not to exceed a duration of 720 hours operating time for treatment of hazardous waste, the operating requirements must be those most likely to ensure compliance with the performance standards of Section 724.443, based on the Agency's engineering judgement. The Agency may extend the duration of this period once for up to 720 additional hours when good cause for the extension is demonstrated by the applicant
- 2) For the duration of the trial burn, the operating requirements must be sufficient to demonstrate compliance with the performance standards of Section 724.443 and must be in accordance with the approved trial burn plan;
- 3) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation, and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the Agency, the operating requirements must be those most likely to ensure compliance with the performance standards of Section 724.443 based on the Agency's engineering ~~judgment~~ judgement.
- 4) 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 703.205(c), as sufficient to ensure compliance with the performance standards of Section 724.443.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.445 Operating Requirements**

- a) An incinerator must be operated in accordance with operating requirements specified in the permit. These will be specified on a case-by-case basis as those demonstrated (in a trial burn or in alternative data as specified in Section 724.444(b) and included with Part B of the facility's permit application) to be sufficient to comply with the performance standards of Section 724.443.
- b) Each set of operating requirements will specify the composition of the waste feed (including acceptable variations in the physical or chemical properties of the

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waste feed ~~that which~~ will not affect compliance with the performance requirement of Section 724.443) to which the operating requirements apply. For each such waste feed, the permit will specify acceptable operating limits, including the following conditions:

- 1) Carbon monoxide (CO) level in the stack exhaust gas;
  - 2) Waste feed rate;
  - 3) Combustion temperature;
  - 4) An appropriate indicator of combustion gas velocity;
  - 5) Allowable variations in incinerator system design or operating procedures; and
  - 6) Such other operating requirements as are necessary to ensure that the performance standards of Section 724.443 are met.
- c) During start-up and shut-down of an incinerator, hazardous waste (except wastes exempted in accordance with Section 724.440) must not be fed into the incinerator unless the incinerator is operating within the conditions of operation (temperature, air feed rate, etc.) specified in the permit.
- d) Fugitive emissions from the combustion zone must be controlled by the following:
- 1) Keeping the combustion zone totally sealed against fugitive emissions; ~~or~~
  - 2) Maintaining a combustion zone pressure lower than atmospheric pressure; or
  - 3) An alternative alternate 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.
- e) An incinerator must be operated with a functioning system to automatically cut off waste feed to the incinerator when operating conditions deviate from limits established under subsection paragraph (a) of this Section.
- f) An incinerator must cease operation when changes in waste feed, incinerator design, or operating conditions exceed limits designated in its permit.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.447 Monitoring and Inspections**

- a) The owner or operator must conduct, as a minimum, the following monitoring while incinerating hazardous waste:
- 1) Combustion temperature, waste feed rate, and the indicator of combustion gas velocity specified in the facility permit must be monitored on a continuous basis.

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- 2) Carbon monoxide must be monitored on a continuous basis at a point in the incinerator downstream of the combustion zone and prior to release to the atmosphere.
- 3) Upon request by the Agency, sampling and analysis of the waste and exhaust emissions must be conducted to verify that the operating requirements established in the permit achieved the performance standard of Section 724.443.
- b) The incinerator and associated equipment (pumps, valves, conveyors, pipes, etc.) must be subjected to thorough visual inspection, at least daily, for leaks, spills, fugitive emissions and signs of tampering.
- c) The emergency waste feed cutoff system and associated alarms must be tested at least weekly to verify operability, unless the applicant demonstrates to the Agency that weekly inspections will unduly restrict or upset operations and that less frequent inspection will be adequate. At a minimum, operational testing must be conducted at least monthly.
- d) This monitoring and inspection data must be recorded and the records must be placed in the operating log required by Section 724.173.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.451 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 incinerator site.

**BOARD NOTE**(~~Board Note~~: At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(d), that the residue removed from the incinerator is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with applicable requirements of this Subchapter.)

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART S: SPECIAL PROVISIONS FOR CLEANUP

**Section 724.651 Grandfathered Corrective Action Management Units**

- a) To implement remedies under Section 724.201 or RCRA section 3008(h), or to implement remedies at a permitted facility that is not subject to Section 724.201, the Agency may designate an area at the facility as a corrective action

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management unit in accordance with the requirements of this Section.

"Corrective action management unit" or "CAMU" means an area within a facility that is used only for managing remediation wastes for implementing corrective action or cleanup at that facility. A CAMU must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the CAMU originated. One or more CAMUs may be designated at a facility.

- 1) Placement of remediation wastes into or within a CAMU does not constitute land disposal of hazardous wastes.
  - 2) Consolidation or placement of remediation wastes into or within a CAMU does not constitute creation of a unit subject to minimum technology requirements.
- b) Designation of a CAMU.
- 1) The Agency may designate a regulated unit (as defined in Section 724.190(a)(2)) as a CAMU, or it may incorporate a regulated unit into a CAMU, if the following is true:
    - A) The regulated unit is closed or closing, meaning it has begun the closure process under Section 724.213 or 35 Ill. Adm. Code 725.213; and
    - B) Inclusion of the regulated unit will enhance implementation of effective, protective, and reliable remedial actions for the facility.
  - 2) The requirements of Subparts F, G, and H of this Part and the unit-specific requirements of this Part or the 35 Ill. Adm. Code 725 requirements that applied to that regulated unit will continue to apply to that portion of the CAMU after incorporation into the CAMU.
- c) The Agency must designate a CAMU in accordance with the following factors:
- 1) The CAMU must facilitate the implementation of reliable, effective, protective, and cost-effective remedies;
  - 2) Waste management activities associated with the CAMU must not create unacceptable risks to humans or to the environment resulting from exposure to hazardous wastes or hazardous constituents;
  - 3) The CAMU must include uncontaminated areas of the facility only if including such areas for the purpose of managing remediation waste is more protective than managing such wastes at contaminated areas of the facility;
  - 4) Areas within the CAMU where wastes remain in place after its closure must be managed and contained so as to minimize future releases to the extent practicable;
  - 5) The CAMU must expedite the timing of remedial activity implementation, when appropriate and practicable;

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- 6) The CAMU must enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU; and
  - 7) The CAMU must, to the extent practicable, minimize the land area of the facility upon which wastes will remain in place after closure of the CAMU.
- d) The owner or operator must provide sufficient information to enable the Agency to designate a CAMU in accordance with the standards of this Section.
- e) The Agency must specify in the permit the requirements applicable to a CAMU, including the following:
- 1) The areal configuration of the CAMU.
  - 2) Requirements for remediation waste management, including the specification of applicable design, operation, and closure requirements.
  - 3) Requirements for groundwater monitoring that are sufficient to do the following:
    - A) Continue to detect and to characterize the nature, extent, concentration, direction, and movement of existing releases of hazardous constituents in groundwater from sources located within the CAMU; and
    - B) Detect and subsequently characterize releases of hazardous constituents to groundwater that may occur from areas of the CAMU in which wastes will remain in place after closure of the CAMU.
  - 4) Closure and post-closure care requirements.
    - A) Closure of a CAMU must do the following:
      - i) Minimize the need for further maintenance; and
      - ii) Control, minimize, or eliminate, to the extent necessary to protect human health and the environment, for areas where wastes remain in place, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated runoff, or hazardous waste decomposition products to the ground, to surface waters, or to the atmosphere.
    - B) Requirements for closure of a CAMU must include the following, as appropriate:
      - i) Requirements for excavation, removal, treatment, or containment of wastes;
      - ii) For areas in which wastes will remain after closure of the CAMU, requirements for the capping of such areas; and
      - iii) Requirements for the removal and decontamination of

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- equipment, devices, and structures used in remediation waste management activities within the CAMU.
- C) In establishing specific closure requirements for a CAMU under this subsection (e), the Agency must consider the following factors:
- i) The characteristics of the CAMU;
  - ii) The volume of wastes that remain in place after closure;
  - iii) The potential for releases from the CAMU;
  - iv) The physical and chemical characteristics of the waste;
  - v) The hydrological and other relevant environmental conditions at the facility that may influence the migration of any potential or actual releases; and
  - vi) The potential for exposure of humans and environmental receptors if releases were to occur from the CAMU.
- D) Post-closure care requirements as necessary to protect human health and the environment, including, for areas where wastes will remain in place, monitoring and maintenance activities and the frequency with which such activities must be performed to ensure the integrity of any cap, final cover, or other containment system.
- f) The Agency must document the rationale for designating the CAMU and must make such documentation available to the public.
- g) Incorporation of a CAMU into an existing permit must be approved by the Agency according to the procedures for Agency-initiated permit modifications under 35 Ill. Adm. Code 703.270 through 703.273 or according to the permit modification procedures of 35 Ill. Adm. Code 703.283.
- h) The designation of a CAMU does not change the Agency's existing authority to address cleanup levels, media-specific points of compliance to be applied to remediation at a facility, or other remedy selection decisions.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.652 Corrective Action Management Units**

- a) To implement remedies under Section 724.201 or RCRA section 3008(h), or to implement remedies at a permitted facility that is not subject to Section 724.201, the Agency may designate an area at the facility as a corrective action management unit under the requirements in this Section. "Corrective action management unit" or "CAMU" means an area within a facility that is used only for managing CAMU-eligible wastes for implementing corrective action or cleanup at that facility. A CAMU must be located within the contiguous property

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under the control of the owner or operator where the wastes to be managed in the CAMU originated. One or more CAMUs may be designated at a facility.

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

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- C) The placement of any liquid ~~that which~~ is not a hazardous waste in a CAMU is prohibited unless such placement facilitates the remedy selected for the waste or a demonstration is made pursuant to Section 724.414(f).
- D) The absence or presence of free liquids in either a containerized or a bulk waste must be determined in accordance with Section 724.414(c). Sorbents used to treat free liquids in a CAMU must meet the requirements of Section 724.414(e).
- 4) Placement of CAMU-eligible wastes into or within a CAMU does not constitute land disposal of hazardous waste.
- 5) Consolidation or placement of CAMU-eligible wastes into or within a CAMU does not constitute creation of a unit subject to minimum technology requirements.
- b) Establishing a CAMU.
- 1) The Agency must designate a regulated unit (as defined in Section 724.190(a)(2)) as a CAMU or must incorporate a regulated unit into a CAMU, if it determines that the following is true of a regulated unit:
- A) The regulated unit is closed or closing, meaning it has begun the closure process under Section 724.213 or 35 Ill. Adm. Code 725.213; and
- B) Inclusion of the regulated unit will enhance implementation of effective, protective, and reliable remedial actions for the facility.
- 2) The Subpart F, G, and H requirements and the unit-specific requirements of this Part or 35 Ill. Adm. Code 265 that applied to the regulated unit will continue to apply to that portion of the CAMU after incorporation into the CAMU.
- c) The Agency must designate a CAMU that will be used for storage or treatment only in accordance with subsection (f) of this Section. The Agency must designate any other CAMU in accordance with the following requirements:
- 1) The CAMU must facilitate the implementation of reliable, effective, protective, and cost-effective remedies;
- 2) Waste management activities associated with the CAMU must not create unacceptable risks to humans or to the environment resulting from exposure to hazardous wastes or hazardous constituents;
- 3) The CAMU must include uncontaminated areas of the facility, only if including such areas for the purpose of managing CAMU-eligible waste is more protective than management of such wastes at contaminated areas of the facility;
- 4) Areas within the CAMU, where wastes remain in place after closure of the CAMU, must be managed and contained so as to minimize future releases,

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- to the extent practicable;
- 5) The CAMU must expedite the timing of remedial activity implementation, when appropriate and practicable;
  - 6) The CAMU must enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU; and
  - 7) The CAMU must, to the extent practicable, minimize the land area of the facility upon which wastes will remain in place after closure of the CAMU.
- d) The owner or operator must provide sufficient information to enable the Agency to designate a CAMU in accordance with the criteria in this Section. This must include, unless not reasonably available, information on the following:
- 1) The origin of the waste and how it was subsequently managed (including a description of the timing and circumstances surrounding the disposal or release);
  - 2) Whether the waste was listed or identified as hazardous at the time of disposal or release; and
  - 3) Whether the disposal or release of the waste occurred before or after the land disposal requirements of 35 Ill. Adm. Code 728 were in effect for the waste listing or characteristic.
- e) The Agency must specify, in the permit or order, requirements for the CAMU to include the following:
- 1) The areal configuration of the CAMU.
  - 2) Except as provided in subsection (g) of this Section, requirements for CAMU-eligible waste management to include the specification of applicable design, operation, treatment, and closure requirements.
  - 3) Minimum Design Requirements: a CAMU, except as provided in subsection (f) of this Section, into which wastes are placed must be designed in accordance with the following:
    - A) Unless the Agency approves alternative requirements under subsection (e)(3)(B) of this Section, a CAMU that consists of new, replacement, or laterally expanded units must include a composite liner and a leachate collection system that is designed and constructed to maintain less than a 30-cm depth of leachate over the liner. For purposes of this Section, "composite liner" means a system consisting of two components; the upper component must consist of a minimum 30-mil flexible membrane liner (FML), and the lower component must consist of at least a two-foot layer of compacted soil with a hydraulic conductivity of no more than

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$1 \times 10^{-7}$  cm/sec. FML components consisting of high density polyethylene (HDPE) must be at least 60 mil thick. The FML component must be installed in direct and uniform contact with the compacted soil component;

- B) Alternative Requirements. The Agency must approve ~~alternate~~ alternative requirements if it determines that either of the following is true:
- i) The Agency determines that alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous constituents into the groundwater or surface water at least as effectively as the liner and leachate collection systems in subsection (e)(3)(A) of this Section; or
  - ii) The CAMU is to be established in an area with existing significant levels of contamination, and the Agency determines that an alternative design, including a design that does not include a liner, would prevent migration from the unit that would exceed long-term remedial goals.
- 4) Minimum treatment requirements: Unless the wastes will be placed in a CAMU for storage or treatment only in accordance with subsection (f) of this Section, CAMU-eligible wastes that, absent this Section, would be subject to the treatment requirements of 35 Ill. Adm. Code 728, and that the Agency determines contain principal hazardous constituents must be treated to the standards specified in subsection (e)(4)(C) of this Section.
- A) Principal hazardous constituents are those constituents that the Agency determines pose a risk to human health and the environment substantially higher than the cleanup levels or goals at the site.
- i) In general, the Agency must designate as principal hazardous constituents those contaminants specified in subsection (e)(4)(H) of this Section.  
BOARD NOTE: The Board has codified 40 CFR 264.552(e)(4)(i)(A)(1) and (e)(4)(i)(A)(2) as subsections (e)(4)(H)(i) and (e)(4)(H)(ii) of this Section in order to comply with Illinois Administrative Code codification requirements.
  - ii) The Agency must also designate constituents as principal hazardous constituents, where appropriate, when risks to human health and the environment posed by the potential migration of constituents in wastes to groundwater are

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substantially higher than cleanup levels or goals at the site; when making such a designation, the Agency must consider such factors as constituent concentrations, and fate and transport characteristics under site conditions.

iii) The Agency must also designate other constituents as principal hazardous constituents that the Agency determines pose a risk to human health and the environment substantially higher than the cleanup levels or goals at the site.

B) In determining which constituents are "principal hazardous constituents," the Agency must consider all constituents ~~that~~<sup>which</sup>, absent this Section, would be subject to the treatment requirements in 35 Ill. Adm. Code 728.

C) Waste that the Agency determines contains principal hazardous constituents must meet treatment standards determined in accordance with subsection (e)(4)(D) or (e)(4)(E) of this Section.

D) Treatment standards for wastes placed in a CAMU.

i) For non-metals, treatment must achieve 90 percent reduction in total principal hazardous constituent concentrations, except as provided by subsection (e)(4)(D)(iii) of this Section.

ii) For metals, treatment must achieve 90 percent reduction in principal hazardous constituent concentrations as measured in leachate from the treated waste or media (tested according to the TCLP) or 90 percent reduction in total constituent concentrations (when a metal removal treatment technology is used), except as provided by subsection (e)(4)(D)(iii) of this Section.

iii) When treatment of any principal hazardous constituent to a 90 percent reduction standard would result in a concentration less than 10 times the Universal Treatment Standard for that constituent, treatment to achieve constituent concentrations less than 10 times the Universal Treatment Standard is not required. Universal Treatment Standards are identified in ~~Table U to~~ 35 Ill. Adm. Code 728.~~Table U.~~

iv) For waste exhibiting the hazardous characteristic of ignitability, corrosivity, or reactivity, the waste must also be treated to eliminate these characteristics.

v) For debris, the debris must be treated in accordance with

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Section 268.45, or by methods or to levels established under subsections (e)(4)(D)(i) through (e)(4)(D)(iv) or subsection (e)(4)(E) of this Section, whichever the Agency determines is appropriate.

- vi) Alternatives to TCLP. For metal bearing wastes for which metals removal treatment is not used, the Agency must specify a leaching test other than the TCLP (SW846, Method 1311, incorporated by reference in 35 Ill. Adm. Code 720.111) to measure treatment effectiveness, provided the Agency determines that an alternative leach testing protocol is appropriate for use, and that the alternative more accurately reflects conditions at the site that affect leaching.
- E) Adjusted standards. The Board will grant an adjusted standard pursuant to Section 28.1 of the Act to adjust the treatment level or method in subsection (e)(4)(D) of this Section to a higher or lower level, based on one or more of the following factors, as appropriate, if the owner or operator demonstrates that the adjusted level or method would be protective of human health and the environment, based on consideration of the following:
- i) The technical impracticability of treatment to the levels or by the methods in subsection (e)(4)(D) of this Section;
  - ii) The levels or methods in subsection (e)(4)(D) of this Section would result in concentrations of principal hazardous constituents (PHCs) that are significantly above or below cleanup standards applicable to the site (established either site-specifically, or promulgated under State or federal law);
  - iii) The views of the affected local community on the treatment levels or methods in subsection (e)(4)(D) of this Section, as applied at the site, and, for treatment levels, the treatment methods necessary to achieve these levels;
  - iv) The short-term risks presented by the on-site treatment method necessary to achieve the levels or treatment methods in subsection (e)(4)(D) of this Section;
  - v) The long-term protection offered by the engineering design of the CAMU and related engineering controls under the circumstances set forth in subsection (e)(4)(I) of this Section.

BOARD NOTE: The Board has codified 40 CFR

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264.552(e)(4)(v)(E)(1) through (e)(4)(v)(E)(5) as subsections (e)(4)(I)(i) through (e)(4)(I)(v) of this Section in order to comply with Illinois Administrative Code codification requirements.

- F) The treatment required by the treatment standards must be completed prior to, or within a reasonable time after, placement in the CAMU.
- G) For the purpose of determining whether wastes placed in a CAMU have met site-specific treatment standards, the Agency must specify a subset of the principal hazardous constituents in the waste as analytical surrogates for determining whether treatment standards have been met for other principal hazardous constituents if it determines that the specification is appropriate based on the degree of difficulty of treatment and analysis of constituents with similar treatment properties.
- H) Principal hazardous constituents that the Agency must designate are the following:
  - i) Carcinogens that pose a potential direct risk from ingestion or inhalation at the site at or above  $10^{-3}$ ; and
  - ii) Non-carcinogens that pose a potential direct risk from ingestion or inhalation at the site an order of magnitude or greater over their reference dose.
- I) Circumstances relating to the long-term protection offered by engineering design of the CAMU and related engineering controls are the following:
  - i) Where the treatment standards in subsection (e)(4)(D) of this Section are substantially met and the principal hazardous constituents in the waste or residuals are of very low mobility;
  - ii) Where cost-effective treatment has been used and the CAMU meets the Subtitle C liner and leachate collection requirements for new land disposal units at Section 724.401(c) and (d);
  - iii) Where, after review of appropriate treatment technologies, the Board determines that cost-effective treatment is not reasonably available, and the CAMU meets the Subtitle C liner and leachate collection requirements for new land disposal units at Section 724.401(c) and (d);
  - iv) Where cost-effective treatment has been used and the principal hazardous constituents in the treated wastes are of

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- very low mobility; or
- v) Where, after review of appropriate treatment technologies, the Board determines that cost-effective treatment is not reasonably available, the principal hazardous constituents in the wastes are of very low mobility, and either the CAMU meets or exceeds the liner standards for new, replacement, or a laterally expanded CAMU in subsections (e)(3)(A) and (e)(3)(B) of this Section or the CAMU provides substantially equivalent or greater protection.
- 5) Except as provided in subsection (f) of this Section, requirements for groundwater monitoring and corrective action that are sufficient to do the following:
- A) Continue to detect and to characterize the nature, extent, concentration, direction, and movement of existing releases of hazardous constituents in groundwater from sources located within the CAMU; ~~and~~
- B) Detect and subsequently characterize releases of hazardous constituents to groundwater that may occur from areas of the CAMU in which wastes will remain in place after closure of the CAMU; and
- C) Require notification to the Agency and corrective action as necessary to protect human health and the environment for releases to groundwater from the CAMU.
- 6) Except as provided in subsection (f) of this Section, closure and post-closure requirements, as follows:
- A) Closure of corrective action management units must do the following:
- i) Minimize the need for further maintenance; and
- ii) Control, minimize, or eliminate, to the extent necessary to protect human health and the environment, for areas where wastes remain in place, post-closure escape of hazardous wastes, hazardous constituents, leachate, contaminated runoff, or hazardous waste decomposition products to the ground, to surface waters, or to the atmosphere.
- B) Requirements for closure of a CAMU must include the following, as appropriate and as deemed necessary by the Agency for a given CAMU:
- i) Requirements for excavation, removal, treatment or containment of wastes; and
- ii) Requirements for removal and decontamination of

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- equipment, devices, and structures used in CAMU-eligible waste management activities within the CAMU.
- C) In establishing specific closure requirements for a CAMU under this subsection (e), the Agency must consider the following factors:
- i) CAMU characteristics;
  - ii) Volume of wastes ~~that which~~ remain in place after closure;
  - iii) Potential for releases from the CAMU;
  - iv) Physical and chemical characteristics of the waste;
  - v) Hydrological and other relevant environmental conditions at the facility ~~that which~~ may influence the migration of any potential or actual releases; and
  - vi) Potential for exposure of humans and environmental receptors if releases were to occur from the CAMU.
- D) Cap requirements:
- i) At final closure of the CAMU, for areas in which wastes will remain with constituent concentrations at or above remedial levels or goals applicable to the site after closure of the CAMU, the owner or operator must cover the CAMU with a final cover designed and constructed to meet the performance criteria listed in subsection (e)(6)(F) of this Section, except as provided in subsection (e)(6)(D)(ii) of this Section:  
BOARD NOTE: The Board has codified 40 CFR 264.552(e)(6)(iv)(A)(1) through (e)(6)(iv)(A)(5) as subsections (e)(6)(F)(i) through (e)(6)(F)(v) of this Section in order to comply with Illinois Administrative Code codification requirements.
  - ii) The Agency must apply cap requirements that deviate from those prescribed in subsection (e)(6)(D)(i) of this Section if it determines that the modifications are needed to facilitate treatment or the performance of the CAMU (e.g., to promote biodegradation).
- E) Post-closure requirements as necessary to protect human health and the environment, to include, for areas where wastes will remain in place, monitoring and maintenance activities, and the frequency with which such activities must be performed to ensure the integrity of any cap, final cover, or other containment system.
- F) The final cover design and performance criteria are as follows:
- i) Provide long-term minimization of migration of liquids

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- through the closed unit;
    - ii) Function with minimum maintenance;
    - iii) Promote drainage and minimize erosion or abrasion of the cover;
    - iv) Accommodate settling and subsidence so that the cover's integrity is maintained; and
    - v) Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.
- f) A CAMU used for storage or treatment only is a CAMU in which wastes will not remain after closure. Such a CAMU must be designated in accordance with all of the requirements of this Section, except as follows:
  - 1) A CAMU that is used for storage or treatment only and that operate in accordance with the time limits established in the staging pile regulations at Section 724.654(d)(1)(C), (h), and (i) is subject to the requirements for staging piles at Section 724.654(d)(1)(A) and (d)(1)(B), (d)(2), (e), (f), (j), and (k), in lieu of the performance standards and requirements for a CAMU in subsections (c) and (e)(3) through (e)(6) of this Section.
  - 2) A CAMU that is used for storage or treatment only and that does not operate in accordance with the time limits established in the staging pile regulations at Section 724.654(d)(1)(C), (h), and (i):
    - A) The owner or operator must operate in accordance with a time limit, established by the Agency, that is no longer than necessary to achieve a timely remedy selected for the waste and
    - B) The CAMU is subject to the requirements for staging piles at Section 724.654(d)(1)(A) and (d)(1)(B), (d)(2), (e), (f), (j), and (k) in lieu of the performance standards and requirements for a CAMU in subsections (c), ~~and~~ (e)(4), and (6) of this Section.
- g) A CAMU into which wastes are placed where all wastes have constituent levels at or below remedial levels or goals applicable to the site do not have to comply with the requirements for liners at subsection (e)(3)(A) of this Section, caps at subsection (e)(6)(D) of this Section, groundwater monitoring requirements at subsection (e)(5) of this Section or, for treatment or storage-only a CAMU, the design standards at subsection (f) of this Section.
- h) The Agency must provide public notice and a reasonable opportunity for public comment before designating a CAMU. Such notice must include the rationale for any proposed adjustments under subsection (e)(4)(E) of this Section to the treatment standards in subsection (e)(4)(D) of this Section.
- i) Notwithstanding any other provision of this Section, the Agency must impose those additional requirements that it determines are necessary to protect human health and the environment.

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- j) Incorporation of a CAMU into an existing permit must be approved by the Agency according to the procedures for Agency-initiated permit modifications under 35 Ill. Adm. Code 703.270 through 703.273, or according to the permit modification procedures of 35 Ill. Adm. Code 703.280 through 703.283.
- k) The designation of a CAMU does not change the Agency's existing authority to address clean-up levels, media-specific points of compliance to be applied to remediation at a facility, or other remedy selection decisions.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.653 Temporary Units**

- a) For temporary tanks and container storage areas used to treat or store hazardous remediation wastes during remedial activities required under Section 724.201 or RCRA section 3008(h), or at a permitted facility that is not subject to Section 724.201, the Agency may designate a unit at the facility as a temporary unit. A temporary unit must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the temporary unit originated. For temporary units, the Agency may replace the design, operating, or closure standards applicable to these units under this Part 724 or 35 Ill. Adm. Code 725 with alternative requirements that protect human health and the environment.
- b) Any temporary unit to which alternative requirements are applied in accordance with subsection (a) of this Section must ~~shall~~ be as follows:
  - 1) Located within the facility boundary; and
  - 2) Used only for treatment or storage of remediation wastes.
- c) In establishing alternative requirements to be applied to a temporary unit, the Agency must ~~shall~~ consider the following factors:
  - 1) The length of time such unit will be in operation;
  - 2) The type of unit;
  - 3) The volumes of wastes to be managed;
  - 4) The physical and chemical characteristics of the wastes to be managed in the unit;
  - 5) The potential for releases from the unit;
  - 6) The hydrogeological and other relevant environmental conditions at the facility that may influence the migration of any potential releases; and
  - 7) The potential for exposure of humans and environmental receptors if releases were to occur from the unit.
- d) The Agency must ~~shall~~ specify in the permit the length of time a temporary unit will be allowed to operate, which must ~~shall~~ be no longer than one year. The

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- Agency ~~must shall~~ also specify the design, operating, and closure requirements for the unit.
- e) The Agency may extend the operational period of a temporary unit once, for no longer than a period of one year beyond that originally specified in the permit, if the Agency determines ~~the following that~~:
- 1) ~~That continued Continued~~ operation of the unit will not pose a threat to human health and the environment; and
  - 2) ~~That continued~~ Continued operation of the unit is necessary to ensure timely and efficient implementation of remedial actions at the facility.
- f) Incorporation of a temporary unit or a time extension for a temporary unit into an existing permit ~~must shall~~ be ~~as follows~~:
- 1) Approved in accordance with the procedures for Agency-initiated permit modifications under 35 Ill. Adm. Code 703.270 through 703.273; or
  - 2) Requested by the ~~owner or operator~~ ~~owner/operator~~ as a Class 2 modification according to the procedures under 35 Ill. Adm. Code 703.283.
- g) The Agency ~~must shall~~ document the rationale for designating a temporary unit and for granting time extensions for temporary units and ~~must shall~~ make such documentation available to the public.
- BOARD NOTE: USEPA promulgated this provision pursuant to HSWA provisions of RCRA Subtitle C. Since the federal provision became immediately effective in Illinois, and until USEPA authorizes this Illinois provision, an owner or operator must seek TU authorization from USEPA Region V, as well as authorization from the Agency under this provision.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.654 Staging Piles**

- a) Definition of a staging pile. A staging pile is an accumulation of solid, non-flowing remediation waste (as defined in 35 Ill. Adm. Code 720.110) that is not a containment building and which is used only during remedial operations for temporary storage at a facility. A staging pile must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the staging pile originated. Staging piles must be designated by the Agency in accordance with the requirements in this Section.
- 1) For the purposes of this Section, storage includes mixing, sizing, blending, or other similar physical operations as long as they are intended to prepare the wastes for subsequent management or treatment.
  - 2) This subsection (a)(2) corresponds with 40 CFR 264.554(a)(2), which

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USEPA has marked as "reserved." This statement maintains structural consistency with the federal regulations.

- b) Use of a staging pile. An owner or operator may use a staging pile to store hazardous remediation waste (or remediation waste otherwise subject to land disposal restrictions) only if an owner or operator follows the standards and design criteria the Agency has designated for that staging pile. The Agency must designate the staging pile in a permit or, at an interim status facility, in a closure plan or order (consistent with 35 Ill. Adm. Code 703.155(a)(5) and (b)(5)). The Agency must establish conditions in the permit, closure plan, or order that comply with subsections (d) through (k) of this Section.
- c) Information that an owner or operator must submit to gain designation of a staging pile. When seeking a staging pile designation, an owner or operator must provide the following:
  - 1) Sufficient and accurate information to enable the Agency to impose standards and design criteria for the facility's staging pile according to subsections (d) through (k) of this Section;
  - 2) Certification by an independent, qualified, registered professional engineer of technical data, such as design drawings and specifications, and engineering studies, unless the Agency determines, based on information that an owner or operator provides, that this certification is not necessary to ensure that a staging pile will protect human health and the environment; and
  - 3) Any additional information the Agency determines is necessary to protect human health and the environment.
- d) Performance criteria that a staging pile must satisfy. The Agency must establish the standards and design criteria for the staging pile in the permit, closure plan, or order.
  - 1) The standards and design criteria must comply with the following:
    - A) The staging pile must facilitate a reliable, effective, and protective remedy;
    - B) The staging pile must be designed so as to prevent or minimize releases of hazardous wastes and hazardous constituents into the environment, and minimize or adequately control cross-media transfer, as necessary to protect human health and the environment (for example, through the use of liners, covers, or runoff and runoff controls, as appropriate); and
    - C) The staging pile must not operate for more than two years, except when the Agency grants an operating term extension under subsection (i) of this Section. An owner or operator must measure the two-year limit or other operating term specified by the Agency

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in the permit, closure plan, or order from the first time an owner or operator places remediation waste into a staging pile. An owner or operator must maintain a record of the date when it first placed remediation waste into the staging pile for the life of the permit, closure plan, or order, or for three years, whichever is longer.

- 2) In setting the standards and design criteria, the Agency must consider the following factors:
  - A) The length of time the pile will be in operation;
  - B) The volumes of wastes the owner or operator intends to store in the pile;
  - C) The physical and chemical characteristics of the wastes to be stored in the unit;
  - D) The potential for releases from the unit;
  - E) The hydrogeological and other relevant environmental conditions at the facility that may influence the migration of any potential releases; and
  - F) The potential for human and environmental exposure to potential releases from the unit.
- e) Receipt of ignitable or reactive remediation waste. An owner or operator must not place ignitable or reactive remediation waste in a staging pile unless the following is true:
  - 1) The owner or operator has treated, rendered, or mixed the remediation waste before it placed the waste in the staging pile so that the following is true of the waste:
    - A) The remediation waste no longer meets the definition of ignitable or reactive under 35 Ill. Adm. Code 721.121 or 721.123; and
    - B) The owner or operator has complied with Section 724.117(b); or
  - 2) ~~The An~~ owner or operator manages the remediation waste to protect it from exposure to any material or condition that may cause it to ignite or react.
- f) Managing incompatible remediation wastes in a staging pile. The term "incompatible waste" is defined in 35 Ill. Adm. Code 720.110. An owner or operator must comply with the following requirements for incompatible wastes in staging piles:
  - 1) ~~The An~~ owner or operator must not place incompatible remediation wastes in the same staging pile unless an owner or operator has complied with Section 724.117(b);
  - 2) If remediation waste in a staging pile is incompatible with any waste or material stored nearby in containers, other piles, open tanks, or land disposal units (for example, surface impoundments), an owner or operator

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- must separate the incompatible materials, or protect them from one another by using a dike, berm, wall, or other device; and
- 3) ~~The An~~-owner or operator must not pile remediation waste on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to comply with Section 724.117(b).
  - g) Staging piles are subject to land disposal restrictions and federal minimum technological requirements. Placing hazardous remediation wastes into a staging pile does not constitute land disposal of hazardous wastes or create a unit that is subject to the federal minimum technological requirements of section 3004(o) of RCRA-3004(o), 42 USC 6924(o).
  - h) How long an owner or operator may operate a staging pile. The Agency may allow a staging pile to operate for up to two years after hazardous remediation waste is first placed into the pile. An owner or operator must use a staging pile no longer than the length of time designated by the Agency in the permit, closure plan, or order (the "operating term"), except as provided in subsection (i) of this Section.
  - i) Receiving an operating extension for a staging pile.
    - 1) The Agency may grant one operating term extension of up to 180 days beyond the operating term limit contained in the permit, closure plan, or order (see subsection (1) of this Section for modification procedures). To justify the need for an extension, an owner or operator must provide sufficient and accurate information to enable the Agency to determine that the following is true of continued operation of the staging pile:
      - A) Continued operation will not pose a threat to human health and the environment; and
      - B) Continued operation is necessary to ensure timely and efficient implementation of remedial actions at the facility.
    - 2) The Agency must, as a condition of the extension, specify further standards and design criteria in the permit, closure plan, or order, as necessary, to ensure protection of human health and the environment.
  - j) The closure requirement for a staging pile located in a previously contaminated area.
    - 1) Within 180 days after the operating term of the staging pile expires, an owner or operator must close a staging pile located in a previously contaminated area of the site by removing or decontaminating all of the following:
      - A) Remediation waste;
      - B) Contaminated containment system components; and
      - C) Structures and equipment contaminated with waste and leachate.

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- 2) An owner or operator must also decontaminate contaminated subsoils in a manner and according to a schedule that the Agency determines will protect human health and the environment.
- 3) The Agency must include the above requirements in the permit, closure plan, or order in which the staging pile is designated.
- k) The closure requirement for a staging pile located in a previously uncontaminated area.
  - 1) Within 180 days after the operating term of the staging pile expires, an owner or operator must close a staging pile located in an uncontaminated area of the site according to Sections 724.358(a) and 724.211 or according to 35 Ill. Adm. Code 725.358(a) and 725.211.
  - 2) The Agency must include the above requirements in the permit, closure plan, or order in which the staging pile is designated.
- l) Modifying an existing permit (e.g., a RAP), closure plan, or order to allow the use of a staging pile.
  - 1) To modify a permit, other than a RAP, to incorporate a staging pile or staging pile operating term extension, either of the following must occur:
    - A) The Agency must approve the modification under the procedures for Agency-initiated permit modifications in 35 Ill. Adm. Code 703.270 through 703.273; or
    - B) An owner or operator must request a Class 2 modification under 35 Ill. Adm. Code 703.280 through 703.283.
  - 2) To modify a RAP to incorporate a staging pile or staging pile operating term extension, an owner or operator must comply with the RAP modification requirements under 35 Ill. Adm. Code 703.304(a) and (b).
  - 3) To modify a closure plan to incorporate a staging pile or staging pile operating term extension, an owner or operator must follow the applicable requirements under Section 724.212(c) or 35 Ill. Adm. Code 725.212(c).
  - 4) To modify an order to incorporate a staging pile or staging pile operating term extension, an owner or operator must follow the terms of the order and the applicable provisions of 35 Ill. Adm. Code 703.155(a)(5) or (b)(5).
- m) Public availability of information about a staging pile. The Agency must document the rationale for designating a staging pile or staging pile operating term extension and make this documentation available to the public.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.655 Disposal of CAMU-Eligible Wastes in Permitted Hazardous Waste Landfills**

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- a) The Agency must approve placement of CAMU-eligible wastes in hazardous waste landfills not located at the site from which the waste originated, without the wastes meeting the requirements of 35 Ill. Adm. Code 728, if it determines that the following conditions are met:
- 1) The waste meets the definition of CAMU-eligible waste in Section 724.652(a)(1) and (a)(2).
  - 2) The Agency identifies principal hazardous constituents ~~constitutes~~ in such waste, in accordance with Section 724.652(e)(4)(A) and (e)(4)(B), and requires that such principal hazardous constituents are treated to any of the following standards specified for CAMU-eligible wastes:
    - A) The treatment standards under Section 724.652(e)(4)(D); or
    - B) Treatment standards adjusted in accordance with Section 724.652(e)(4)(E)(i), (e)(4)(E)(iii), (e)(4)(E)(iv), or (e)(4)(F)(i); or
    - C) Treatment standards adjusted in accordance with Section 724.652(e)(4)(I)(ii), where treatment has been used and that treatment significantly reduces the toxicity or mobility of the principal hazardous constituents in the waste, minimizing the short-term and long-term threat posed by the waste, including the threat at the remediation site.
  - 3) The landfill receiving the CAMU-eligible waste must have a RCRA hazardous waste permit, meet the requirements for new landfills in Subpart N of this Part, and be authorized to accept CAMU-eligible wastes; for the purposes of this requirement, "permit" does not include interim status.
- b) The person seeking approval must ~~shall~~ provide sufficient information to enable the Agency to approve placement of CAMU-eligible waste in accordance with subsection (a) of this Section. Information required by Section 724.652(d)(1) through (d)(3) for CAMU applications must be provided, unless not reasonably available.
- c) The Agency must provide public notice and a reasonable opportunity for public comment before approving CAMU eligible waste for placement in an off-site permitted hazardous waste landfill, consistent with the requirements for CAMU approval at Section 724.652(h). The approval must be specific to a single remediation.
- d) Applicable hazardous waste management requirements in this Part, including recordkeeping requirements to demonstrate compliance with treatment standards approved under this Section, for CAMU-eligible waste must be incorporated into the receiving facility permit through permit issuance or a permit modification, providing notice and an opportunity for comment and a hearing. Notwithstanding 35 Ill. Adm. Code 702.181(a), a landfill may not receive hazardous CAMU-

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- eligible waste under this Section unless its permit specifically authorizes receipt of such waste.
- e) For each remediation, CAMU-eligible waste may not be placed in an off-site landfill authorized to receive CAMU-eligible waste in accordance with subsection (d) of this Section until the following additional conditions have been met:
- 1) The landfill owner or operator notifies the Agency and persons on the facility mailing list, maintained in accordance with 35 Ill. Adm. Code 705.163(a), of his or her intent to receive CAMU-eligible waste in accordance with this Section; the notice must identify the source of the remediation waste, the principal hazardous constituents in the waste, and treatment requirements.
  - 2) Persons on the facility mailing list may provide comments, including objections to the receipt of the CAMU-eligible waste, to the Agency within 15 days after notification.
  - 3) The Agency must object to the placement of the CAMU-eligible waste in the landfill within 30 days of notification; the Agency must extend the review period an additional 30 days if it determines that the extension is necessary because of public concerns or insufficient information.
  - 4) CAMU-eligible wastes may not be placed in the landfill until the Agency has notified the facility owner or operator that it does not object to its placement.
  - 5) If the Agency objects to the placement or does not notify the facility owner or operator that it has chosen not to object, the facility may not receive the waste, notwithstanding 35 Ill. Adm. Code 702.181(a), until the objection has been resolved, or the owner/operator obtains a permit modification in accordance with the procedures of 35 Ill. Adm. Code 703.280 through 703.283 specifically authorizing receipt of the waste.
  - 6) The Board will grant an adjusted standard under Section 28.1 of the Act that modifies, reduces, or eliminates the notification requirements of this subsection (e) as they apply to specific categories of CAMU-eligible waste, if the owner or operator demonstrates that this is possible based on minimal risk.
- f) Generators of CAMU-eligible wastes sent off-site to a hazardous waste landfill under this Section must comply with the requirements of 35 Ill. Adm. Code 728.107(a)(4). Off-site facilities treating CAMU-eligible wastes to comply with this Section must comply with the requirements of 35 Ill. Adm. Code 728.107(b)(4), except that the certification must be with respect to the treatment requirements of subsection (a)(2) of this Section.
- g) For the purposes of this Section only, the "design of the CAMU" in Section 724.652(e)(4)(E)(v) means design of the permitted Subtitle C landfill.

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(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART W: DRIP PADS

**Section 724.670 Applicability**

- a) The requirements of this Subpart V 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 has-a design and had has-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 are-constructed after December 24, 1992 except for those constructed after December 24, 1992 for which the owner or operator had has-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 724.672(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 Federal-regulations.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.671 Assessment of Existing Drip Pad Integrity ~~existing drip pad integrity~~**

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- a) For each existing drip pad, the owner or operator ~~must shall~~ evaluate the drip pad and determine that 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 shall~~ obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by an independent, qualified registered 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 of 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 shall~~ 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 2~~-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 an independent qualified, registered professional engineer. All upgrades, repairs and modifications must be completed in accordance with the following:
- 1) For existing drip pads of known and documentable age, all upgrades, repairs, and modifications ~~must have been~~ completed by June 6, 1993, or when the drip pad has reached 15 years of age, whichever comes later.
  - 2) For existing drip pads for which the age cannot be documented, by June 6, 1999; but, if the age of the facility is greater than ~~seven 7~~-years, all upgrades, repairs and modifications must be completed by the time the facility reaches 15 years of age or by June 6, 1993, whichever comes later.
  - 3) The owner or operator may petition the Board for an extension of the deadline in subsection (b)(1) or ~~(b)(2) of this Section~~.
    - A) The owner or operator ~~must shall~~ file a petition for a RCRA variance, as specified in 35 Ill. Adm. Code 104.
    - B) The Board will grant the petition for extension if it finds ~~the following that~~:
      - i) The drip pad meets all of the requirements of Section 724.673, except those for liners and leak detection systems specified in Section 724.673(b); and
      - ii) That it will continue to be protective of human health and the environment.

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- c) Upon completion of all upgrades, repairs, and modifications, the owner or operator ~~must shall~~ submit to the Agency, the as-built drawings for the drip pad, together with a certification by an independent, qualified, registered 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 shall~~ comply with the provisions of Section 724.672(m) or close the drip pad in accordance with Section 724.675.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.672 Design and Installation of New Drip Pads ~~installation of new drip pads~~**

Owners and operators of new drip pads ~~must shall~~ ensure that the pads are designed, installed and operated in accordance with one of the following:

- a) All of the requirements of Sections 724.673 (except 724.673(a)(4)), 724.674, and 724.675; or
- b) All of the requirements of Sections 724.673 (except 724.673(b)), 724.674, and 724.675.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.673 Design and Operating Requirements ~~operating requirements~~**

- a) Drip pads must fulfill the following:
  - 1) Not be constructed of earthen materials, wood, or asphalt, unless the asphalt is structurally supported;
  - 2) Be sloped to free-drain to the associated collection system treated wood drippage, rain, other waters, or solutions of drippage and water or other wastes;
  - 3) Have a curb or berm around the perimeter;
  - 4) In addition, the drip pad must fulfill the following:
    - A) Have a hydraulic conductivity of less than or equal to  $1 \times 10^{-7}$  centimeters per second (cm/sec), e.g., existing concrete drip pads must be sealed, coated, or covered with a surface material with a hydraulic conductivity of less than or equal to  $1 \times 10^{-7}$  cm/sec such that the entire surface where drippage occurs or may run across is capable of containing such drippage and mixtures of drippage and precipitation, materials, or other wastes while being routed to an associated collection system. This surface material must be maintained free of cracks and gaps that could adversely

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affect its hydraulic conductivity, and the material must be chemically compatible with the preservatives that contact the drip pad. The requirements of this provision apply only to the existing drip pads and those drip pads for which the owner or operator elects to comply with Section 724.672(a) instead of Section 724.672(b).

- B) The owner or operator must obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by an independent qualified registered professional engineer that attests to the results of the evaluation. The assessment must be reviewed, updated and recertified annually. The evaluation must document the extent to which the drip pad meets the design and operating standards of this Section, except for in subsection (b) of this Section below.

- 5) Be of sufficient structural strength and thickness to prevent failure due to physical contact, climatic conditions, the stress of installation, and the stress of daily operations, e.g., variable and moving loads such as vehicle traffic, movement of wood, etc.

BOARD NOTE: In judging the structural integrity requirement of this subsection (c), the Agency should generally consider applicable standards established by professional organizations generally recognized by the industry, including ACI 318 or ASTM C94, incorporated by reference in 35 Ill. Adm. Code 720.111.

- b) If an owner or operator elects to comply with Section 724.672(b) instead of Section 724.672(a), the drip pad must have the following:
- 1) A synthetic liner installed below the drip pad that is designed, constructed and installed to prevent leakage from the drip pad into the adjacent subsurface soil or groundwater or surface water at any time during the active life (including the closure period) of the drip pad. The liner must be constructed of materials that will prevent waste from being absorbed into the liner and to prevent releases into the adjacent subsurface soil or groundwater or surface water during the active life of the facility. The liner must fulfill the followingbe:
- A) It must be constructed ~~Constructed~~ of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or drip pad leakage to which they are exposed, climatic conditions, the stress of installation and the stress of daily operation (including stresses from vehicular traffic on the drip

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- pad);
- B) ~~It must be placed~~ ~~Placed~~ upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression or uplift; and
  - C) ~~It must be installed~~ ~~Installed~~ to cover all surrounding earth that could come in contact with the waste or leakage; and
- 2) A leakage detection system immediately above the liner that is designed, constructed, maintained, and operated to detect leakage from the drip pad. The leakage detection system must fulfill the following:
- A) ~~It must be constructed~~ ~~Constructed~~ of materials that are as follows:
    - i) Chemically resistant to the waste managed in the drip pad and the leakage that might be generated; and
    - ii) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlaying materials and by any equipment used at the drip pad; and
  - B) ~~It must be designed~~ ~~Designed~~ and operated to function without clogging through the scheduled closure of the drip pad; and
  - C) ~~It must be designed~~ ~~Designed~~ so that it will detect the failure of the drip pad or the presence of a release of hazardous waste or accumulated liquid at the earliest practicable time.
- 3) A leaking collection system immediately above the liner that is designed, constructed, maintained, and operated to collect leakage from the drip pad such that it can be removed from below the drip pad. The date, time, and quantity of any leakage collected in this system and removed must be documented in the operating log.
- A) The drip pad surface must be cleaned thoroughly in a manner and frequency such that accumulated residues of hazardous waste or other materials are removed, with residues being properly managed as to allow weekly inspections of the entire drip pad surface without interference or hindrance from accumulated residues of hazardous waste or other materials on the drip pad. The owner or operator must document the date and time of each cleaning and cleaning procedure used in the facility's operating log. The owner or operator must determine if the residues are hazardous, as per 35 Ill. Adm. Code 722.111, and, if so, the owner or operator must manage them under 35 Ill. Adm. Code 721 through 728, and Section 3010 of RCRA.
  - B) The Federal rules do not contain a 40 CFR 264.573(b)(3)(B). This subsection (b) is added to conform to Illinois Administrative Code

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rules.

- c) Drip pads must be maintained such that they remain free of cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the drip pad.  
BOARD NOTE: See subsection (m) of this Section for remedial action required if deterioration or leakage is detected.
- d) The drip pad and associated collection system must be designed and operated to convey, drain, and collect liquid resulting from drippage or precipitation in order to prevent run-off.
- e) Unless the drip pad is protected by a structure, as described in Section 724.670(b), the owner or operator must shall design, construct, operate, and maintain a run-on control system capable of preventing flow onto the drip pad during peak discharge from at least a 24-hour, 25-year storm, unless the system has sufficient excess capacity to contain any run-on that might enter the system.
- f) Unless the drip pad is protected by a structure or cover, as described in Section 724.670(b), the owner or operator must shall design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.
- g) The drip pad must be evaluated to determine that it meets the requirements of subsections (a) through (f) of this Section. The owner or operator must shall obtain a statement from an independent, qualified, registered professional engineer certifying that the drip pad design meets the requirements of this Section.
- h) Drillage and accumulated precipitation must be removed from the associated collection system as necessary to prevent overflow onto the drip pad.
- i) The drip surface must be cleaned thoroughly at least once every seven days such that accumulated residues of hazardous waste or other materials are removed, using an appropriate and effective cleaning technique, including but not limited to, rinsing, washing with detergents or other appropriate solvents, or steam cleaning. The owner or operator must shall document, in the facility's operating log, the date and time of each cleaning and the cleaning procedure used.
- j) Drip pads must be operated and maintained in a manner to minimize tracking of hazardous waste or hazardous waste constituents off the drip pad as a result of activities by personnel or equipment.
- k) After being removed from the treatment vessel, treated wood from pressure and non-pressure processes must be held on the drip pad until drippage has ceased. The owner or operator must shall maintain records sufficient to document that all treated wood is held on the pad, in accordance with this Section, following treatment.
- l) Collection and holding units associated with run-on and run-off control systems

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must be emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system.

- m) Throughout the active life of the drip pad and as specified in the permit, if the owner or operator detects a condition that could lead to or has caused a release of hazardous waste, the condition must be repaired within a reasonably prompt period of time following discovery, in accordance with the following procedures:
- 1) Upon detection of a condition that may have caused or has caused a release of hazardous waste (e.g., upon detection of leakage in the leak detection system), the owner or operator ~~must do the following~~shall:
    - A) Enter a record of the discovery in the facility operating log;
    - B) Immediately remove from service the portion of the drip pad affected by the condition;
    - C) Determine what steps must be taken to repair the drip pad, clean up any leakage from below the drip pad, and establish a schedule for accomplishing the clean up and repairs;
    - D) Within 24 hours after discovery of the condition, notify the Agency of the condition and, within 10 working days, provide written notice to the Agency with a description of the steps that will be taken to repair the drip pad and clean up any leakage, and the schedule for accomplishing this work.
  - 2) The Agency ~~must do the following~~shall: review the information submitted<sub>2</sub>; make a determination regarding whether the pad must be removed from service completely or partially until repairs and clean up are complete<sub>2</sub>; and notify the owner or operator of the determination and the underlying rationale in writing.
  - 3) Upon completing all repairs and clean up, the owner or operator ~~must~~ shall notify the Agency in writing and provide a certification, signed by an independent, qualified<sub>2</sub>; registered professional engineer, that the repairs and clean up have been completed according to the written plan submitted in accordance with subsection (m)(1)(D) of this Section.
- n) If a permit is necessary, the Agency ~~must~~ shall-specify in the permit all design and operating practices that are necessary to ensure that the requirements of this Section are satisfied.
- o) The owner or operator shall maintain, as part of the facility operating log, documentation of past operating and waste handling practices. This must include identification of preservative formulations used in the past, a description of drippage management practices<sub>2</sub> and a description of treated wood storage and handling practices.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 724.674 Inspections**

- a) During construction or installation, liners and cover systems (e.g., membranes, sheets, or coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation, liners must be inspected and certified as meeting the requirements of Section 724.673 by an independent, qualified, registered professional engineer. The certification must be maintained at the facility as part of the facility operating record. After installation liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters.
- b) While a drip pad is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:
- 1) Deterioration, malfunctions, or improper operation of run-on and run-off control systems;
  - 2) The presence of leakage in and proper functioning of leak detection system.
  - 3) Deterioration or cracking of the drip pad surface.
- BOARD NOTE: See Section 724.672(m) for remedial action required if deterioration or leakage is detected.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.675 Closure**

- a) At closure, the owner or operator ~~must shall~~ remove or decontaminate all waste residues, contaminated containment system components (pad, liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leakage, and manage them as hazardous waste.
- 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 practically removed or decontaminated, the operator ~~must shall~~ close the unit and perform post-closure care in accordance with closure and post closure care requirements that apply to landfills (Section 724.410). For permitted units, the requirement to have a permit continues through out the post-closure period. In addition, for the purposes of closure, post closure, and financial responsibility, such a drip pad is then considered to be a landfill, and the owner or operator ~~must shall~~ meet all of

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- the requirements for landfills specified in Subparts G and H of this Part.
- c) Existing drip pads without liners.
- 1) The owner or operator of an existing drip pad that does not comply with the liner requirements of Section 724.673(b)(1) must do the followingshall:
- A) Include in the closure plan for the drip pad under Section 724.212 both a plan for complying with subsection (a) of this Section and a contingent plan for complying with subsection (b) of this Section in case not all contaminated subsoils can be practicably removed at closure; and
- B) Prepare a contingent post-closure plan under Section 724.218 for complying with subsection (b) of this Section in case not all contaminated subsoils can be practicably removed at closure.
- 2) The cost estimates calculated under Sections 724.212 and 724.244 for closure and post closure care of a drip pad subject to this subsection (c) must include the cost of complying with the contingent closure plan and the contingent post closure plan, but are not required to include the cost of expected closure under subsection (a) of this Section.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART X: MISCELLANEOUS UNITS

**Section 724.700 Applicability**

The requirements in this Subpart X apply to owners and operators of facilities that treat, store, or dispose of hazardous waste in miscellaneous units, except as Section 724.101 provides otherwise.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.701 Environmental Performance Standards**

A miscellaneous unit must be located, designed, constructed, operated, maintained, and closed in a manner that will ensure protection of human health and the environment. Permits for miscellaneous units are to contain such terms and provisions as are necessary to protect human health and the environment, including, but not limited to, as appropriate, design and operating requirements, detection and monitoring requirements, and requirements for responses to releases of hazardous waste or hazardous constituents from the unit. Permit terms and provisions must include those requirements of Subparts I through O and AA through CC of this Part; 35 Ill. Adm.

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Code 702, 703, and 730; and 40 CFR 63, Subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111, that are appropriate for the miscellaneous unit being permitted. Protection of human health and the environment includes, but is not limited to the following:

- a) Prevention of any releases that may have adverse effects on human health or the environment due to migration of waste constituents in the groundwater or subsurface environment, considering the following:
  - 1) The volume and physical and chemical characteristics of the waste in the unit, including its potential for migration through soil, liners, or other containing structures;
  - 2) The hydrologic and geologic characteristics of the unit and the surrounding area;
  - 3) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater;
  - 4) The quantity and direction of groundwater flow;
  - 5) The proximity to and withdrawal rates of current and potential groundwater users;
  - 6) The patterns of land use in the region;
  - 7) The potential for deposition or migration of waste constituents into subsurface physical structures and the root zone of food-chain crops and other vegetation;
  - 8) The potential for health risks caused by human exposure to waste constituents; and
  - 9) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents.
- b) Prevention of any releases that may have adverse effects on human health or the environment due to migration of waste constituents in surface water, in wetlands, or on the soil surface, considering the following:
  - 1) The volume and physical and chemical characteristics of the waste in the unit;
  - 2) The effectiveness and reliability of containing, confining, and collecting systems and structures in preventing migration;
  - 3) The hydrologic characteristics of the unit and surrounding area, including the topography of the land around the unit;
  - 4) The patterns of precipitation in the region;
  - 5) The quantity, quality, and direction of groundwater flow;
  - 6) The proximity of the unit to surface waters;
  - 7) The current and potential uses of the nearby surface waters and any water quality standards in 35 Ill. Adm. Code 302 or 303;
  - 8) The existing quality of surface waters and surface soils, including other sources of contamination and their cumulative impact on surface waters

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- and surface soils;
- 9) The patterns of land use in the region;
  - 10) The potential for health risks caused by human exposure to waste constituents; and
  - 11) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents.
- c) Prevention of any release that may have adverse effects on human health or the environment due to migration of waste constituents in the air, considering the following:
- 1) The volume and physical and chemical characteristics of the waste in the unit, including its potential for the emission and dispersal of gases, aerosols, and particulates;
  - 2) The effectiveness and reliability of systems and structures to reduce or prevent emissions of hazardous constituents to the air;
  - 3) The operating characteristics of the unit;
  - 4) The atmospheric, meteorologic, and topographic characteristics of the unit and the surrounding area;
  - 5) The existing quality of the air, including other sources of contamination and their cumulative impact on the air;
  - 6) The potential for health risks caused by human exposure to waste constituents; and
  - 7) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by waste constituents.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.702 Monitoring, Analysis, Inspection, Response, Reporting, and Corrective Action**

Monitoring, testing, analytical data, inspections, response and reporting procedures and frequencies must ensure compliance with Sections 724.115, 724.133, 724.175, 724.176, 724.177, 724.201, and 724.701, as well as any additional requirements needed to protect human health and the environment as specified in the permit.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.703 Post-Closure ~~Post-closure~~ Care**

A miscellaneous unit that is a disposal unit must be maintained in a manner that complies with Section 724.701 during the post-closure care period. In addition, if a treatment or storage unit

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has contaminated soils or groundwater that cannot be completely removed or decontaminated during closure, then that unit must also meet the requirements of Section 724.701 during post-closure care. The post-closure plan under Section 724.218 must specify the procedure that will be used to satisfy this requirement.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

**Section 724.930 Applicability**

- a) This Subpart AA applies to owners and operators of facilities that treat, store or dispose of hazardous wastes (except as provided in Section 724.101).
- b) Except for Sections 724.934(d) and (e), this Subpart AA applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 ppmw (parts per million by weight), if these operations are conducted as follows:
- 1) In units ~~Units~~ that are subject to the permitting requirements of 35 Ill. Adm. Code 703;
  - 2) In a A-unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 35 Ill. Adm. Code 703; or
  - 3) In a A-unit that is exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a 90-day tank or container) and which is not a recycling unit under the provisions of 35 Ill. Adm. Code 721.106.
- c) For the owner and operator of a facility subject to this Subpart AA that received a final permit under 35 Ill. Adm. Code 702, 703, and 705 prior to December 6, 1996, the requirements of this Subpart AA must shall be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705. Until such date when the owner and operator receives a final permit incorporating the requirements of this Subpart AA ~~subpart~~, the owner and operator is subject to the requirements of Subpart AA ~~of 35 Ill. Adm. Code 725.~~ ~~Subpart AA.~~

BOARD NOTE: The requirements of Sections 724.932 through 724.936 apply to process vents on hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104,

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- 722.134 and 724.101(g) are not affected by these requirements.
- d) This subsection (d) corresponds with 40 CFR 264.1030(d), which is marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules.
- e) The requirements of this Subpart AA do not apply to the process vents at a facility where the facility owner or operator certifies that all of the process vents that ~~which~~ would otherwise be subject to this Subpart AA are equipped with and operating air emission controls in accordance with the process vent requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63. The documentation of compliance under regulations at 40 CFR 60, 61, or 63 must be kept with, or made readily available with, the facility operating record.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.931 Definitions**

As used in this Subpart AA, all terms not defined in this Subpart AA have the meaning given them in the Resource Conservation and Recovery Act and 35 Ill. Adm. Code 720 through 726.

"Air stripping operation" means 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.

"Btu" means British thermal unit.

"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

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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~~ ~~stream(s)~~ into two or more exit streams, each exit stream having component concentrations different from those in the feed ~~streams~~ ~~stream(s)~~. 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, flange or other connector, and any control devices or systems required by this Subpart AA.

"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.

"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

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vent stream.

"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.

"ft" means foot.

"h" means hour.

"Hazardous waste management unit shutdown" means a work practice or operational procedure that stops operation of a hazardous waste management unit or part of a hazardous waste management unit. An unscheduled work practice or operational procedure that stops operation of a hazardous waste management unit or part of a hazardous waste management unit for less than 24 hours is not a hazardous waste management unit shutdown. The use of spare equipment and technically feasible bypassing of equipment without stopping operation are not hazardous waste 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 waste 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 waste 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 nonextractive 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.

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"Kg" means kilogram.

"kPa" means kilopascals.

"lb" means pound.

"m" means meter.

"Mg" means Megagrams, or metric tonnes.

"MJ" means Megajoules, or ten to the sixth Joules.

"MW" means Megawatts.

"Malfunction" means any sudden failure of a control device or a hazardous waste management unit or failure of a hazardous waste 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 a pressure relief valve, that has one side of the valve seat in contact with hazardous waste and one side open to the atmosphere, either directly or through open piping.

"ppmv" means parts per million by volume.

"ppmw" means parts per million by weight.

"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 waste distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations.

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"Repaired" means that equipment is adjusted, or otherwise altered, to eliminate a leak.

"s" means second.

"Sampling connection system" means an assembly of equipment within a process or waste management unit that is used during periods of representative operation to take samples of the process or waste fluid. Equipment that is used to take non-routine grab samples is not considered a sampling connection system.

"scm" means standard cubic meter.

"scft" means standard cubic foot.

"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 waste 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 in to 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.

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"USDOT" means the United States Department of Transportation.

"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.

"yr" means year.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.932 Standards: Process Vents**

- a) The owner or operator of a facility with process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations managing hazardous wastes with organic concentrations of at least 10 ppmw ~~must do so~~ either of the following:
  - 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 owner or operator installs a closed-vent system and control device to comply with the provisions of subsection (a) of this Section, the closed-vent system and control device must meet the requirements of Section 724.933.
- c) Determinations of vent emissions and emission reductions or total organic compound concentrations achieved by add-on control devices must be either 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 724.934(c).
- d) When an owner or operator 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

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procedures in Section 724.934(c) must be used to resolve the disagreement.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**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~~**shall** 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 shall~~ 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~~**begins** operation after December 21, 1990, and which ~~was is~~ subject to the provisions of this Subpart ~~AA~~ when operation ~~began~~**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 shall~~ comply with all requirements of this ~~subpart~~**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~~**shall** prepare an implementation schedule that includes the following information: ~~specific~~**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

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demonstrate that the installed equipment meets the applicable standards of this Subpart AA. The owner or operator ~~must shall~~ 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 scheduled 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 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 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.

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- 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 (1000 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 in 40 CFR 60, 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:

$$H_T = K \times \sum_{i=1}^n C_i X H_i$$

Where:

$H_T$  is 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.

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$K = 1.74 \times 10^7$  (1/ppm)(g mol/scm)(MJ/kcal) where standard temperature for (g mol/scm) 20°C.

S(Xi) means the sum of the values of X for each component i, from i=1 to n.

C<sub>i</sub> is the concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 in 40 CFR 60, and for carbon monoxide, by ASTM D 1946-90, incorporated by reference in 35 Ill. Adm. Code 720.111.

H<sub>i</sub> 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, incorporated by reference in 35 Ill. Adm. Code 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, 2A, 2C, or 2D in 40 CFR 60, 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<sub>max</sub>, for a flare complying with subsection (d)(4)(C) of this Section must be determined by the following equation:

$$\log_{10} (V \text{ max}) = \frac{H_T + 28.8}{31.7}$$

Where:

$\log_{10}$  means logarithm to the base 10

H<sub>T</sub> is the net heating value as determined in subsection (e)(2) of this Section.

- 5) The maximum allowed velocity in m/s, V<sub>max</sub>, for an air-assisted flare must be determined by the following equation:

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$$V_{\max} = 8.706 + 0.7084H_T$$

Where:

$H_T$  is the net heating value as determined in subsection (e)(2) of this Section.

- f) The owner or operator ~~must~~ shall 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 specified below~~:
    - A) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must have accuracy of  $\pm 1$  percent of the temperature being monitored in  $^{\circ}\text{C}$  or  $\pm 0.5^{\circ}\text{C}$ , whichever is greater. The temperature sensor must be installed at a location in the combustion chamber downstream of the combustion zone.
    - B) For a catalytic vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of  $\pm 1$  percent of the temperature being monitored in  $^{\circ}\text{C}$  or  $\pm 0.5^{\circ}\text{C}$ , whichever is greater. One temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed inlet and a second temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed outlet.
    - C) For a flare, a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.
    - 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  $\pm 1$  percent of the temperature being monitored in  $^{\circ}\text{C}$  or  $\pm 0.5^{\circ}\text{C}$ ,

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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 indicates 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  $\pm 1$  percent of the temperature being monitored in  $^{\circ}\text{C}$  or  $\pm 0.5^{\circ}\text{C}$ , whichever is greater. The temperature sensor must be installed at a location in the exhaust vent stream from the condenser exit (i.e., product side).
  - G) For a carbon adsorption system that regenerates the carbon bed directly in the control device such as a fixed-bed carbon adsorber, either 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~~ shall 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

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~~must~~**shall** 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~~**shall** 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~~**shall** be inspected and monitored in accordance with the following requirements:
      - A) An initial leak detection monitoring of the closed-vent system ~~must~~**shall** be conducted by the owner or operator on or before the

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- date that the system becomes subject to this Section. The owner or operator mustshall 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 mustshall 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 mustshall 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 mustshall repair the defect or leak in accordance with the requirements of subsection (l)(3) of this Section.
- D) The owner or operator mustshall 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

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- 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~~shall 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~~shall perform the inspections at least once every year.
  - C) In the event that a defect or leak is detected, the owner or operator ~~must~~shall repair the defect in accordance with the requirements of subsection (1)(3) of this Section.
  - D) The owner or operator ~~must~~shall maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 724.935.
- 3) The owner or operator ~~must~~shall 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 (1)(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~~shall 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~~shall 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

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- 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 C of 35 Ill. Adm. Code 725.~~Subparts AA and CC~~; or
- C) The unit is equipped with and operating air emission controls in accordance with a national emission standard for hazardous air pollution under 40 CFR 61 or 40 CFR 63.
- 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.~~Subpart O.~~
- 3) It is burned in a boiler or industrial furnace for which the owner or operator had done either of the following:
- A) The owner or operator had 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.~~Subpart H~~; 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.~~Subpart H.~~
- 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 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 724.934 Test Methods and Procedures**

- a) Each owner or operator subject to the provisions of this Subpart ~~AA must shall~~ 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 in 40 CFR 60, 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 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) Method 2 in 40 CFR 60 for velocity and volumetric flow rate.
    - B) Method 18 in 40 CFR 60 for organic content.
    - C) Each performance test must consist of three separate runs, each run conducted for at least ~~one~~ 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

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average must be computed on a time-weighted basis.

- D) Total organic mass flow rates must be determined by the following equation:

$$E_h = Q_{2sd} \times \sum_{i=1}^n (S C_i \times MW_i) \times 0.0416 \times 10^{-6}$$

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 Method 2 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.
- $N$  = The number of organic compounds in the vent gas.
- $C_i$  = The organic concentration on ppm, dry basis, of compound  $i$  in the vent gas, as determined by Method 18 in 40 CFR 60.
- $MW_i$  = 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<sup>3</sup>, at 293 K and 760 mm Hg
- $10^{-6}$  = 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 is total organic emission rate, kg/y.

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F is the total organic mass flow rate, kg/h, as calculated in subsection (c)(1)(D) of this Section.

H is 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~~shall 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~~shall 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~~platform(s).
- C) Safe access to sampling ~~platforms~~platform(s).
- 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~~shall 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

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following procedures:

- A) The owner or operator ~~must~~**shall** 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 9060 or 8260 of SW-846, incorporated by reference under 35 Ill. Adm. Code 720.111.
  - D) The arithmetic means 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.

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- 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, the procedures in Method 8260 in SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, may be used to resolve the dispute.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.935 Recordkeeping Requirements requirements**

- a) Compliance Required.
- 1) Each owner or operator subject to the provisions of this Subpart AA must shall 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 mustshall 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:

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- 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.

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- 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 (incorporated by reference in 35 Ill. Adm. Code 720.111) 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.

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- 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

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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% 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

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- 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~~20%~~ 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~~20%~~ greater than the design exhaust vent stream organic compound concentration level established as a requirement of subsection (b)(4)(C)(vi) of this Section.

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- 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~~shall 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 Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, after it is successfully repaired or determined to be

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- 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 3 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 mustshall 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 27 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:
    - Aa) 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

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- that a flare operated with visible emissions, as defined by 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 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

**Section 724.950 Applicability**

- a) The regulations in this Subpart **BB** apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in Section 724.101).
- b) Except as provided in Section 724.964(k), this Subpart **BB** applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in one of the following:
  - 1) A unit that is subject to the RCRA permitting requirements of 35 Ill. Adm. Code 702, 703, and 705,
  - 2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a hazardous waste recycling unit that is not a "90-day" tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 35 Ill. Adm. Code 702, 703, and 705, or
  - 3) A unit that is exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a "90-day" tank or container) and which is not a recycling unit under the provisions of 35 Ill. Adm. Code 721.106.
- c) For the owner or operator of a facility subject to this Subpart **BB** that received a final permit under 35 Ill. Adm. Code 702, 703, and 705 prior to December 6, 1996, the requirements of this Subpart **BB** ~~must shall~~ be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705. Until such date when the owner or operator receives a final permit incorporating the requirements of this Subpart **BB**, the owner or operator is subject to the requirements of Subpart BB of 35 Ill.

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- Adm. Code 265-~~Subpart BB~~.
- d) Each piece of equipment to which this Subpart **BB** applies must be marked in such a manner that it can be distinguished readily from other pieces of equipment.
  - e) Equipment that is in vacuum service is excluded from the requirements of Sections 724.952 to 724.960, if it is identified as required in Section 724.964(g)(5).
  - f) Equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year is excluded from the requirements of Sections 724.952 through 724.960 if it is identified as required in Section 724.964(g)(6).

BOARD NOTE: The requirements of Sections 724.952 through 724.965 apply to equipment associated with hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104 and 724.101(g) are not affected by these requirements.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.951 Definitions**

As used in this Subpart **BB**, all terms have the meaning given them in Section 724.931, the Resource Conservation and Recovery Act and 35 Ill. Adm. Code 720 through 726.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.952 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 724.963(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

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Section 724.959.

- 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) 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; ~~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 724.960; 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~~shall 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) 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 724.959.
    - 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 724.964(g)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm

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above background, is exempt from the requirements of subsections (a), (c), and (d) of this Section, if the pump meets the following requirements:

- 1) ~~It must~~**Must** have no externally actuated shaft penetrating the pump housing.
  - 2) ~~It must~~**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 724.963(c).
  - 3) ~~It must~~**Must** be tested for compliance with subsection (e)(2) of this Section initially upon designation, annually and at other times, as specified in the RCRA permit.
- 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 724.960, it is exempt from the requirements of subsections (a) through (e) of this Section.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.953 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 subsection (h) and (i) of this Section.
- b) Each compressor seal system as required in subsection (a) of this Section must be as follows:
  - 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 724.960; or
  - 3) Equipped with a system that purges the barrier fluid into a hazardous wastestream with no detectable emissions to atmosphere.
- c) The barrier fluid must not be a hazardous waste with organic concentrations 10 percent or greater by weight.
- d) Each barrier fluid system as described in subsections (a) through (c) of this Section must be equipped with a sensor that will detect failure of the seal system, barrier fluid system, or both.
- e) Failure detection.
  - 1) Each sensor as required in subsection (d) of this Section 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

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located within the boundary of an unmanned plant site, in which case the sensor must be checked daily.

- 2) The owner or operator ~~must~~shall 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) of this Section, 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 724.959.
  - 2) A first attempt at repair (e.g., tightening the packing gland) must be made no later than ~~five~~5 calendar days after each leak is detected.
- h) A compressor is exempt from the requirements of subsections (a) and (b) of this Section 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 724.960, except as provided in subsection (i) of this Section.
- i) Any compressor that is designated, as described in Section 724.964(g)(2), for no detectable emission as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of subsections (a) through (h) of this Section if ~~the following is true of~~ the compressor:
  - 1) ~~It is~~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 724.963(c).
  - 2) ~~It is~~Is tested for compliance with subsection (i)(1) of this Section initially upon designation, annually and other times, as specified in the RCRA permit.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.954 Standards: Pressure Relief Devices in ~~Gas—Vapor~~ 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 724.963(c).
- b) Actions following pressure release.
  - 1) After each pressure release, the pressure relief device must be returned to

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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 724.959.

- 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 724.963(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 724.960 is exempt from the requirements of subsections (a) and (b) of this Section.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.955 Standards: Sampling Connecting System**

- 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) of this Section, must meet one of the following requirements:
  - 1) ~~It must return~~Return the purged process fluid directly to the process line;
  - 2) ~~It must collect~~Collect and recycle the purged process fluid; or
  - 3) ~~It must be~~Be designed and operated to capture and transport all the purged process fluid to a waste management unit that complies with the applicable requirements of Section 724.984 through 724.986 or a control device that complies with the requirements of Section 724.960.
- c) In-situ sampling systems and sampling systems without purges are exempt from the requirements of subsections (a) and (b) of this Section.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.956 Standards: ~~Open-Ended~~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.

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- 2) The cap, blind flange, plug, or second valve must seal the open end at all times except during operations requiring hazardous wastestream 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 wastestream 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) of this Section at all other times.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.957 Standards: Valves in Gas/Vapor ~~Gas-vapor~~ or 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 724.963(b) and must comply with subsections (b) through (e) of this Section, except as provided in subsections (f), (g), and (h), of this Section, and in Section 724.961 and 724.962.
- 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 must 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 724.959.
  - 2) A first attempt at repair must be made no later than five ~~5~~ 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 724.964(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) of this

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Section if the following is true of the valve:

- 1) ~~It has~~Has no external actuating mechanism in contact with the hazardous wastestream.
  - 2) ~~It is~~Is operated with emissions less than 500 ppm above background as determined by the method specified in Section 724.963(c).
  - 3) ~~It is~~Is tested for compliance with subsection (f)(2) of this Section initially upon designation, annually, and at other times as specified in the RCRA permit.
- g) Any valve that is designated, as described in Section 724.964(h)(1), as an unsafe-to-monitor valve is exempt from the requirements of subsection (a) of this Section, if the following occurs:
- 1) The owner or operator of the valve 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) of this Section.
  - 2) The owner or operator of the valve 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 724.964(h)(2), as a difficult-to-monitor valve is exempt from the requirements of subsection (a) of this Section, if the following occurs:
- 1) The owner or operator of the valve determines that the valve cannot be monitored without elevating the monitoring personnel more than two meters above a support surface;
  - 2) The hazardous waste management unit within which the valve is located was in operation before June 21, 1990; 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: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.958 Standards: Pumps, Valves, Pressure Relief Devices, 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 724.963(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.

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- 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 724.959.
- 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 724.957(e).
- e) Any connector that is inaccessible or is ceramic or ceramic-lined (e.g., porcelain, glass, or glass-lined) is exempt from the monitoring requirements of subsection (a) of this Section and from the recordkeeping requirements of Section 724.964.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.959 Standards: Delay of Repair**

- a) Delay of repair of equipment for which leaks have been detected is allowed if the repair is technically infeasible without a hazardous waste management unit shutdown. In such a case, repair of this equipment must occur before the end of the next hazardous waste management unit shutdown.
- b) Delay of repair of equipment for which leaks have been detected is allowed for equipment that is isolated from the hazardous waste management unit and that does not continue to contain or contact hazardous waste with organic concentrations at least 10 percent by weight.
- c) Delay of repair for valves is allowed if the following are true:
  - 1) The owner or operator determines that emissions of purged material resulting from immediate repair are greater than the emissions likely to result from delay of repair; ~~and~~.
  - 2) When repair procedures are effected, the purged material is collected and destroyed or recovered in a control device complying with Section 724.960.
- d) Delay of repair for pumps is allowed if the following are true:
  - 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 waste management unit shutdown is allowed for a valve if valve assembly replacement is necessary during the hazardous waste 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 waste management unit

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shutdown is not allowed unless the next hazardous waste management unit shutdown occurs sooner than ~~six~~6 months after the first hazardous waste management unit shutdown.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.960 Standards: ~~Closed-Vent~~Closed-vent Systems and Control Devices**

- a) An owner or operator of a closed-vent system or control device subject to this Subpart ~~BB must shall~~ comply with the provisions of Section 724.933.
- b) Implementation Schedule.
  - 1) 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 ~~BB~~ on the effective date that the facility becomes subject to the provisions of this Subpart ~~BB must shall~~ 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 December 21, 1990, and which is subject to the provisions of this Subpart ~~BB~~ when operation begins, must comply with the rules immediately (i.e., the unit must have control devices installed and operating on startup of the affected unit); the 30-month implementation schedule does not apply.
  - 3) 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 ~~BB must shall~~ comply with all requirements of this Subpart ~~BB~~ as soon as practicable but no later than 30 months after the effective date of the amendment. 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 ~~mustshall~~ prepare an implementation schedule that includes the following information:  
~~specific~~~~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 owner or operator ~~mustshall~~ enter the implementation schedule in the operating record or in a permanent, readily available file located at the facility.

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- 4) An owner or operator of a facility or unit that becomes newly subject to the requirements of this Subpart **BB** due to an action other than those described in subsection (b)(3) of this Section ~~must~~ **shall** 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 **BB**; the 30-month implementation schedule does not apply).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.961 Alternative Percentage Standard for Valves**

- a) An owner or operator subject to the requirements of Section 724.957 may elect to have all valves within a hazardous waste management unit comply with an alternative standard ~~that which~~ allows no greater than ~~two~~ **2** percent of the valves to leak.
- b) The following requirements must be met if an owner or operator decides to comply with the alternative standard of allowing ~~two~~ **2** percent of valves to leak:
  - 1) An owner or operator ~~must~~ **shall** notify the Agency that the owner or operator has elected to comply with the requirements of this Section.
  - 2) A performance test as specified in subsection (c) of this Section must be conducted initially upon designation, annually and other times specified in the RCRA permit.
  - 3) If a valve leak is detected it must be repaired in accordance with Section 724.957(d) and (e).
- c) Performance tests must be conducted in the following manner:
  - 1) All valves subject to the requirements in Section 724.957 within the hazardous waste management unit must be monitored within ~~one~~ **1** week by the methods specified in Section 724.963(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 724.957 for which leaks are detected by the total number of valves subject to the requirements in Section 724.957 within the hazardous waste management unit.
- d) If an owner or operator decides to comply with this Section no longer, the owner or operator ~~must~~ **shall** notify the Agency in writing that the work practice standard described in Section 724.957(a) through (e) will be followed.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 724.962 Skip Period Alternative for Valves**

- a) Election
  - 1) An owner or operator subject to the requirements of Section 724.957 may elect for all valves within a hazardous waste management unit to comply with one of the alternative work practices specified in subsections (b)(2) and (b)(3) of this Section.
  - 2) An owner or operator ~~must~~**shall** notify the Agency before implementing one of the alternative work practices.
- b) Reduced Monitoring
  - 1) An owner or operator ~~must~~**shall** comply with the requirements for valves, as described in Section 724.957, 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, an owner or operator may begin to skip one of the quarterly leak detection periods (i.e., the owner or operator may monitor for leaks once every six months) for the valves subject to the requirements in Section 724.957.
  - 3) After five consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than two percent, an owner or operator may begin to skip three of the quarterly leak detection periods (i.e., the owner or operator may monitor for leaks once every year) for the valves subject to the requirements in Section 724.957.
  - 4) If the percentage of valves leaking is greater than 2 percent, the owner or operator ~~must~~**shall** monitor monthly in compliance with the requirements in Section 724.957, but may again elect to use this Section after meeting the requirements of Section 724.957(c)(1).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.963 Test Methods and Procedures**

- a) Each owner or operator subject to the provisions of this Subpart ~~BB must~~**shall** comply with the test methods and procedures requirements provided in this Section.
- b) Leak detection monitoring, as required in Sections 724.952 through 724.962, must comply with the following requirements:
  - 1) Monitoring must comply with Reference Method 21 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.

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- 2) The detection instrument must meet the performance criteria of Reference Method 21.
  - 3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.
  - 4) Calibration gases must be **as follows**:
    - A) Zero air (less than 10 ppm of hydrocarbon in air); ~~and-~~
    - B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than 10,000 ppm methane or n-hexane.
  - 5) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
- c) When equipment is tested for compliance with no detectable emissions, as required in Sections 724.952(e), 724.953(i), 724.954, and 724.957(f), the test must comply with the following requirements:
- 1) The requirements of subsections (b)(1) through (b)(4) of this Section 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) This arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.
- d) In accordance with the waste analysis plan required by Section 724.113(b), an owner or operator of a facility ~~must~~ determine, for each piece of equipment, whether the equipment contains or contacts a hazardous waste with organic concentration that equals or exceeds 10 percent by weight using the following:
- 1) Methods described in ASTM Methods D 2267-88, E 168-88, E 169-87, and E 260-85, incorporated by reference in 35 Ill. Adm. Code 720.111;
  - 2) Method 9060 or 8260 of SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111; or
  - 3) Application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced. Documentation of a waste 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 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 have a total organic content less than 10 percent, or prior speciation analysis results on the same wastestream where it is also documented that no process changes have

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occurred since that analysis that could affect the waste total organic concentration.

- e) If an owner or operator determines that a piece of equipment contains or contacts a hazardous waste 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) of this Section.
- f) When an owner or operator and the Agency do not agree on whether a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the procedures in subsection (d)(1) or (d)(2) of this Section must be used to resolve the dispute.
- g) Samples used in determining the percent organic content must be representative of the highest total organic content hazardous waste 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 must either be obtained from standard reference texts or 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 724.934(c)(1) through (c)(4).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.964 Recordkeeping Requirements**

- a) Lumping Units.
  - 1) Each owner or operator subject to the provisions of this Subpart **BB** ~~must shall~~ 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 shall~~ 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

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- 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).
  - 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 724.933(a)(2), an implementation schedule<sub>2</sub> 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<sub>2</sub> as specified in Section 724.935(b)(3).
  - 4) Documentation of compliance with Section 724.960, including the detailed design documentation or performance test results specified in Section 724.935(b)(4).
- c) When each leak is detected as specified in Sections 724.952, 724.953, 724.957<sub>2</sub> or 724.958, 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 724.958(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 724.957(c) and no leak has been detected during those ~~two~~ months.
  - d) When each leak is detected as specified in Section 724.952, 724.953, 724.957<sub>2</sub> or 724.958, 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 724.958(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"<sub>2</sub>; if the maximum instrument reading measured by the methods specified in Section 724.963(b) after each repair attempt is equal to or greater than 10,000 ppm.

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- 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 724.959(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.
- 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 724.960 must be recorded and kept up-to-date in the facility operating record, as specified in Section 724.935(c)(1) and (c)(2), and monitoring, operating and inspection information in Section 724.935(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~~ shall specify the appropriate recordkeeping requirements, indicating proper operation and maintenance of the control device, in the RCRA permit.
- g) The following information pertaining to all equipment subject to the requirements in Sections 724.952 through 724.960 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 724.952(e), 724.953(i), and 724.957(f).
    - B) The designation of this equipment as subject to the requirements of Section 724.952(e), 724.953(i), or 724.957(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 724.954(a).
  - 4) Compliance tests.
    - A) The dates of each compliance test required in Sections 724.952(e), 724.953(i), 724.954, and 724.957(f).
    - B) The background level measured during each compliance test.

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- 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 724.957(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.
  - 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 724.962:
  - 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 in the facility operating record:
  - 1) Criteria required in Sections 724.952(d)(5)(B) and 724.953(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 in the facility operating record for use in determining exemptions, as provided in Section 724.950 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 Section 724.960 and an analysis determining whether these hazardous wastes are heavy liquids.
  - 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 724.952 through 724.960. The record must include supporting documentation as required by Section 724.963(d)(3) when application of the knowledge of the nature of the hazardous wastestream or the process by which 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

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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 724.952 through 724.960, 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~~3 years.
- m) The owner or operator of any facility with equipment that is subject to this Subpart **BB** and to regulations at 40 CFR 60, 61, or 63, incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to determine compliance with this Subpart **BB** by documentation of compliance either pursuant to Section 724.964 or by documentation of compliance with the regulations at 40 CFR 60, 61, or 63, pursuant to the relevant provisions of 40 CFR 60, 61, or 63.-- 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 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.965 Reporting Requirements**

- a) A semiannual report must be submitted by owners and operators subject to the requirements of this Subpart **BB** 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) The equipment identification number of each valve for which a leak was not repaired, as required in Section 724.957(d).
    - B) The equipment identification number of each pump for which a leak was not repaired, as required in Sections 724.952(c) and (d)(6).
    - C) The equipment identification number of each compressor for which a leak was not repaired, as required in Section 724.953(g).
  - 3) Dates of hazardous waste management unit shutdowns that occurred within the semiannual reporting period.
  - 4) For each month during the semiannual reporting period, dates when the control device installed as required by Sections 724.952, 724.953, 724.954, or 724.955, exceeded or operated outside of the design specifications, as defined in Section 724.964(e) and as indicated by the control device monitoring required by Section 724.960 and was not corrected within 24 hours, the duration and cause of each exceedance, and

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any corrective measures taken.

- b) If, during the semiannual reporting period, leaks from valves, pumps and compressors are repaired as required in Sections 724.957(d), 724.952(c) and (d)(6), and 724.953(g), respectively, and the control device does not exceed or operate outside of the design specifications, as defined in Section 724.964(e) for more than 24 hours, a report to the Agency is not required.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

**Section 724.980 Applicability**

- a) The requirements of this Subpart CC apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers subject to Subpart I, J, or K of this Part, except as Section 724.101 and subsection (b) of this Section provide otherwise.
- b) The requirements of this Subpart CC do not apply to the following waste management units at the facility:
- 1) A waste management unit that holds hazardous waste placed in the unit before December 6, 1996, and in which no hazardous waste is added to the unit on or after December 6, 1996.
  - 2) A container that has a design capacity less than or equal to 0.1 m<sup>3</sup> (3.5 ft<sup>3</sup> or 26.4 gal).
  - 3) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
  - 4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
  - 5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is placed in the unit as a result of implementing remedial activities required pursuant to the Act or Board regulations or under the corrective action authorities of RCRA section 3004(u), 3004(v), or 3008(h); CERCLA authorities; or similar federal or State authorities.
  - 6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations

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under the authority of the Atomic Energy Act (42 USC 2011 et seq.) and the Nuclear Waste Policy Act.

- 7) A hazardous waste management unit that the owner or operator certifies is equipped with and 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. For the purpose of complying with this subsection (b)(7), a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with enclosure and control device requirements of Section 724.984(i), except as provided in Section 724.982(c)(5).
- 8) A tank that has a process vent, as defined in 35 Ill. Adm. Code 724.931.
- c) For the owner and operator of a facility subject to this Subpart and that received a final RCRA permit prior to December 6, 1996, the requirements of this Subpart CC must be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705. Until the date when the owner and operator receives a final permit incorporating the requirements of this Subpart CC, the owner and operator is subject to the requirements of Subpart CC of 35 Ill. Adm. Code 725.~~Subpart CC.~~
- d) The requirements of this Subpart CC, except for the recordkeeping requirements specified in Section 724.989(i), are stayed for a tank or container used for the management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations, when the owner or operator of the unit meets all of the following conditions:
  - 1) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purposes of this subsection (d), "organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.
  - 2) The owner or operator prepares documentation, in accordance with Section 724.989(i), explaining why an undue safety hazard would be created if air emission controls specified in Sections 724.984 through 724.987 are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of subsection

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- (d)(1) of this Section.
- 3) The owner or operator notifies the Agency in writing that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this Section are managed at the facility in tanks or containers meeting the conditions of subsection (d)(2) of this Section. The notification must state the name and address of the facility and be signed and dated by an authorized representative of the facility owner or operator.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.981 Definitions**

As used in this Subpart **CC**, all terms **mustshall** have the meaning given to them in 35 Ill. Adm. Code 725.981, RCRA, and 35 Ill. Adm. Code 720.110.

(Source: Amended at 27 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 shall** 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 **mustshall** be determined by the procedures specified in Section 724.983(a). The owner or operator **mustshall** 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

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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~~shall 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~~shall 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 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~~shall 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~~shall

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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 40 CFR 63, subpart RR, "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~~ shall 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~~ shall 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

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average VO concentration of the hazardous waste at the point of waste origination ~~must~~shall be determined using the procedure 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.Subpart H~~; 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.Subpart O~~.
- 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.Subpart H~~; 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 ~~725726.Subpart H~~.
- 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~~shall account for VO concentrations determined to be below the limit of detection of the analytical method by using the following VO concentration:
- i) If Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, 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  $1.8 \times 10^{-6}$  atmospheres/ gram-mole/m<sup>3</sup>) at 25°

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## 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 728.142; 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 40 CFR 61, subpart FF, "National Emission Standards for Benzene Waste Operations," incorporated by reference in 35 Ill. Adm. Code 720.111, 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 40 CFR 52.741, appendix B, 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 or electrical equipment; or to direct air flow into the enclosure. The owner or operator ~~must~~shall 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

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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~~shall 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~~shall 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~~shall 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~~shall 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~~shall 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

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hazardous waste at the point of waste origination is equal to or greater than 500 ppmw ~~must~~shall 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~~shall 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 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.983 Waste Determination Procedures**

- a) Waste determination procedure for average volatile organic (VO) concentration of a hazardous waste at the point of waste origination.
- 1) An owner or operator ~~must~~shall 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 724.982(c)(1) from using air emission controls in accordance with standards specified in Section 724.984 through Section 724.987, as applicable to the waste management unit.
- A) An owner or operator ~~must~~shall 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 724.982(c)(1) from using air emission controls. Thereafter, an owner or operator ~~must~~shall 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.

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- B) An owner or operator ~~must~~shall 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 applicable VO concentration limits specified in Section 724.982.
- 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 in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(a)(2) through (a)(4).
- b) Waste determination procedures for treated hazardous waste.
  - 1) An owner or operator ~~must~~shall perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of Section 724.982(c)(2)(A) through (c)(2)(F) from using air emission controls in accordance with standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit.
    - A) An owner or operator ~~must~~shall 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 exempt waste management unit. Thereafter, an owner or operator shall 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~~shall 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 724.982(c)(2) are not achieved.
  - 2) The waste determination for a treated hazardous waste must be performed in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(b)(2) through (b)(9), as applicable to the treated hazardous waste.
- c) Procedure to determine the maximum organic vapor pressure of a hazardous waste in a tank.
  - 1) An owner or operator ~~must~~shall 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 724.984(c).
  - 2) The maximum organic vapor pressure of the hazardous waste may be determined in accordance with the procedures specified in 35 Ill. Adm.

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Code 725.984(c)(2) through (c)(4).

- d) The procedure for determining no detectable organic emissions for the purpose of complying with this Subpart **CC** must be conducted in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(d).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.984 Standards: Tanks**

- a) The provisions of this Section apply to the control of air pollutant emissions from tanks for which Section 724.982(b) references the use of this Section for such air emission control.
- b) The owner or operator ~~must~~**shall** 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~~**shall** 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<sup>3</sup> (39,900 gal), the maximum organic vapor pressure limit for the tank is 5.2 kPa (0.75 psig).
      - ii) For a tank design capacity equal to or greater than 75 m<sup>3</sup> (19,800 gal) but less than 151 m<sup>3</sup> (39,900 gal), the maximum organic vapor pressure limit for the tank is 27.6 kPa (4.00 psig).
      - iii) For a tank design capacity less than 75 m<sup>3</sup> (19,800 gal), the maximum organic vapor pressure limit for the tank is 76.6 kPa (11.1 psig).
    - 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 owner or operator does not treat the hazardous waste in the

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tank using a waste stabilization process, as defined in 35 Ill. Adm. Code 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~~**shall** 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 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) Owners and operators 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~~**shall** 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 724.983(c). Thereafter, the owner or operator ~~must~~**shall** 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:

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- 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) of this Section.
- 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 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: the 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 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) of this

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Section are derived from 40 CFR 264.1084(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~~shall 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 the 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 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

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- 4) The owner or operator ~~must~~shall 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~~shall 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 shall~~ 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~~shall repair the defect in accordance with the requirements of subsection (k) of this Section.
  - D) The owner or operator ~~must~~shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).
- d) Owners and operators 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~~shall 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:

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- A) The internal floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.
  - B) The internal floating roof must be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:
    - i) A single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in 35 Ill. Adm. Code 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.
    - 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~~shall 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

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fastened closed (i.e., no visible gaps). Rim space vents must 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 mustshall 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, any of 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 mustshall 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 mustshall 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 mustshall notify the Agency of the date and location of the inspection, as follows:

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- 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.
  - 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~~**shall** 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 owner or operator ~~must~~**shall** repair the defect in accordance with the requirements of subsection (k) of this Section.
- F) The owner or operator ~~must~~**shall** maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).
- 4) Safety devices, as defined in 35 Ill. Adm. Code 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~~**shall** 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

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metallic shoe seal, as defined in 35 Ill. Adm. Code 725.981. The total area of the gaps between the tank wall and the primary seal must not exceed 212 square centimeters (cm<sup>2</sup>) per meter (10.0 square inches (in<sup>2</sup>) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 3.8 centimeters (cm) (1.5 in). 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 (24 in) 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<sup>2</sup> per meter (1.00 in<sup>2</sup> per foot) of tank diameter, and the width of any portion of these gaps must not exceed 1.3 cm (0.51 in).
- 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

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float or other device that 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 owner or operator mustshall 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 owner or operator mustshall inspect the external floating roof in accordance with the procedures specified as follows:
- A) The owner or operator mustshall measure the external floating roof seal gaps in accordance with the following requirements:
    - i) The owner or operator mustshall perform measurements of gaps between the tank wall and the primary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every five years.

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- ii) The owner or operator mustshall 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 mustshall determine the total surface area of gaps in the primary seal and in the secondary seal individually using the procedure of 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 mustshall repair the defect in accordance with the requirements of subsection (k) of this Section.
  - vi) The owner or operator mustshall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).
- B) The owner or operator mustshall 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 conditions: 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 mustshall 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 mustshall perform the inspections at least once every year except for

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- 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~~shall repair the defect in accordance with the requirements of subsection (k) of this Section.
  - iv) The owner or operator ~~must~~shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).
- C) Prior to each inspection required by subsection (f)(3)(A) or (f)(3)(B) of this Section, the owner or operator ~~must~~shall 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~~shall 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.
  - 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~~shall 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 the secondary seal:

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- i) The seal gap measurements must be performed at one or more floating roof levels when the roof is floating off the roof supports.
- ii) Seal gaps, if any, must be measured around the entire perimeter of the floating roof in each place where a 0.32 cm (0.125 in) 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 subsection (f)(3) of this Section, 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) of this Section.

BOARD NOTE: Subsections (f)(3)(D)(i) through (f)(3)(D)(iv) of this Section are derived from 40 CFR 264.1084(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 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any tank complying with the requirements of subsection (f) of this Section.
- 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

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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.
- D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.
- 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.
  - ii) To remove accumulated sludge or other residues from the

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bottom of a tank.

- B) 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.
- 3) The owner or operator ~~must~~shall 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 724.987.
  - C) The owner or operator ~~must~~shall 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~~shall 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~~shall repair the defect in accordance with the requirements of subsection (k) of this Section.
  - E) The owner or operator ~~must~~shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(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 724.983(d).
  - 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

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those times when the opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is required to avoid an unsafe condition.

- 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 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~~shall 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 40 CFR 52.741, appendix B, 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 owner or operator ~~must~~shall 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<sub>2</sub>"; 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 724.987.
  - 3) Safety devices, as defined in 35 Ill. Adm. Code 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.
  - 4) The owner or operator ~~must~~shall inspect and monitor the closed-vent system and control device<sub>2</sub> as specified in Section 724.987.
- j) The owner or operator ~~must~~shall 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 724.985 must be conducted using continuous hard-piping or another closed system that does not allow

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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 40 CFR 63, subpart RR, "National Emission Standards for Individual Drain Systems," incorporated by reference in 35 Ill. Adm. Code 720.111.

- 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 724.982(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 724.982(c)(2).
  - C) The hazardous waste meets the requirements of Section 724.982(c)(4).
- k) The owner or operator ~~must~~shall 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~~shall 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.
  - 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~~shall 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) In the case when 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.

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- B) Develop and implement a written plan and schedule to inspect and monitor the cover, using the procedures specified in the applicable Section of this Subpart **CC**, as frequently as practicable during those times when a worker can safely access the cover.
- 2) 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 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.985 Standards: Surface Impoundments**

- a) The provisions of this Section apply to the control of air pollutant emissions from surface impoundments for which Section 724.982(b) references the use of this Section for such air emission control.
- b) The owner or operator ~~must~~**shall** control air pollutant emissions from the surface impoundment by installing and operating either of the following:
  - 1) A floating membrane cover in accordance with the provisions specified in subsection (c) of this Section; or
  - 2) A cover that is vented through a closed-vent system to a control device in accordance with the provisions specified in subsection (d) of this Section.
- c) The owner or operator that controls air pollutant emissions from a surface impoundment using a floating membrane cover must meet the requirements specified in subsections (c)(1) through (c)(3) of this Section.
  - 1) The surface impoundment must be equipped with a floating membrane cover designed to meet the following specifications:
    - A) The floating membrane cover must be designed to float on the liquid surface during normal operations and form a continuous barrier over the entire surface area of the liquid.
    - B) The cover must be fabricated from a synthetic membrane material that is either **of the following**:
      - i) High density polyethylene (HDPE) with a thickness no less than 2.5 millimeters (mm) (0.098 in); or
      - ii) A material or a composite of different materials determined to have both organic permeability properties that are equivalent to those of the material listed in subsection (c)(1)(B)(i) of this Section and chemical and physical properties that maintain the material integrity for the

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intended service life of the material.

- C) The cover must be installed in such a manner that there are no visible cracks, holes, gaps, or other open spaces between cover section seams or between the interface of the cover edge and its foundation mountings.
  - D) Except as provided for in subsection (c)(1)(E) of this Section, each opening in the floating membrane cover must be equipped with a closure device so designed as to operate 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.
  - E) The floating membrane cover may be equipped with one or more emergency cover drains for removal of stormwater. Each emergency cover drain must be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening or a flexible fabric sleeve seal.
  - F) The 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 closure devices throughout their intended service life. Factors to be considered when selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the floating membrane cover is installed.
- 2) Whenever a hazardous waste is in the surface impoundment, the floating membrane cover must float on the liquid and each closure device must be secured in the closed position, except as follows:
- A) Opening of closure devices or removal of the cover is allowed at the following times:
    - i) To provide access to the surface impoundment 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 surface impoundment, 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 replace the cover and

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- secure the closure device in the closed position, as applicable.
- ii) To remove accumulated sludge or other residues from the bottom of surface impoundment.
- B) 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.
- 3) The owner or operator mustshall inspect the floating membrane cover in accordance with the following procedures:
- A) The floating membrane cover 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 cover section seams or between the interface of the cover edge and its foundation mountings; 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 mustshall perform an initial inspection of the floating membrane cover and its closure devices on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator mustshall perform the inspections at least once every year except for the special conditions provided for in subsection (g) of this Section.
- C) In the event that a defect is detected, the owner or operator mustshall repair the defect in accordance with the requirements of subsection (f) of this Section.
- D) The owner or operator mustshall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(c).
- d) The owner or operator that controls air pollutant emissions from a surface impoundment using a cover vented to a control device mustshall meet the requirements specified in subsections (d)(1) through (d)(3) of this Section.
- 1) The surface impoundment must be covered by a cover and vented directly through a closed-vent system to a control device in accordance with the following requirements:
- A) The cover and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the surface impoundment.
- B) Each opening in the cover not vented to the control device must be equipped with a closure device. If the pressure in the vapor

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headspace underneath the cover 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 cover 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 using the procedure specified in Section 724.983(d).

- C) The cover 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 that will maintain the integrity of the cover and closure devices throughout their intended service life. Factors to be considered when selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of any contact with the liquid or its vapors managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the cover is installed.
  - D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.
- 2) Whenever a hazardous waste is in the surface impoundment, the cover must be installed with each closure device secured in the closed position and the vapor headspace underneath the cover 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 cover is allowed at the following times:
    - i) To provide access to the surface impoundment 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 surface impoundment, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator ~~must~~ shall promptly secure the closure device in the closed position or reinstall the cover, as

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- applicable, to the surface impoundment.
- ii) To remove accumulated sludge or other residues from the bottom of the surface impoundment.
- B) 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.
- 3) The owner or operator ~~must~~shall inspect and monitor the air emission control equipment in accordance with the following procedures:
- A) The surface impoundment cover and its closure devices ~~must~~shall 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 cover section seams or between the interface of the cover edge and its foundation mountings; 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 724.987.
  - C) The owner or operator ~~must~~shall perform an initial inspection of the air emission control equipment on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator ~~must~~shall perform the inspections at least once every year except for the special conditions provided for in subsection (g) of this Section.
  - D) In the event that a defect is detected, the owner or operator ~~must~~shall repair the defect in accordance with the requirements of subsection (f) of this Section.
  - E) The owner or operator ~~must~~shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(c).
- e) The owner or operator ~~must~~shall transfer hazardous waste to a surface impoundment subject to this Section in accordance with the following requirements:
- 1) Transfer of hazardous waste, except as provided in subsection (e)(2) of this Section, to the surface impoundment from another surface impoundment subject to this Section or from a tank subject to Section 724.984 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the waste to the atmosphere. For the purpose of complying with this provision, an individual drain

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system is considered to be a closed system when it meets the requirements of 40 CFR 63, Subpart RR, "National Emission Standards for Individual Drain Systems", incorporated by reference in 35 Ill. Adm. Code 720.111.

- 2) The requirements of subsection (e)(1) of this Section do not apply when transferring a hazardous waste to the surface impoundment under any of the following conditions:
  - A) The hazardous waste meets the average VO concentration conditions specified in Section 724.982(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 724.982(c)(2).
  - C) The hazardous waste meets the requirements of Section 724.982(c)(4).
- f) The owner or operator **mustshall** repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(3) or (d)(3) of this Section as follows:
  - 1) The owner or operator **mustshall** 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 (f)(2) of this Section.
  - 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 surface impoundment and no alternative capacity is available at the site to accept the hazardous waste normally managed in the surface impoundment. In this case, the owner or operator **mustshall** repair the defect the next time the process or unit that is generating the hazardous waste managed in the surface impoundment stops operation. Repair of the defect must be completed before the process or unit resumes operation.
- g) 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 in the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions. In this case, the owner or operator may designate the cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:
  - 1) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.
  - 2) Develop and implement a written plan and schedule to inspect and monitor the cover using the procedures specified in the applicable Section

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of this Subpart CC as frequently as practicable during those times when a worker can safely access the cover.

(Source: Amended at 27 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 mustshall 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<sup>3</sup> (26 gal) and less than or equal to 0.46 m<sup>3</sup> (120 gal), the owner or operator mustshall 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<sup>3</sup> (120 gal) that is not in light material service, the owner or operator mustshall 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<sup>3</sup> (120 gal) that is in light material service, the owner or operator mustshall 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<sup>3</sup> (26 gal) is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator mustshall 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:

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- 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~~ shall 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~~ shall promptly secure the closure devices in the closed position and install the covers, as applicable to the

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- 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.

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- 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~~ shall 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~~ shall 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

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facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest, incorporated by reference in Appendix A to 35 Ill. Adm. Code 722~~Appendix A~~ (USEPA Forms 8700-22 and 8700-22A), as required under Section 724.171. If a defect is detected, the owner or operator ~~must~~shall 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~~shall 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~~shall 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~~shall 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~~shall maintain at the facility a copy of the procedure used to determine that containers with capacity of 0.46 m<sup>3</sup> (120 gal) or greater ~~that~~which do not meet applicable DOT 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 40 CFR 60, appendix A, Method

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27, incorporated by reference in 35 Ill. Adm. Code 720.111, 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 mustshall 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 mustshall 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 mustshall 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

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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~~ ~~shall~~ 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~~ ~~shall~~ 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

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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~~shall 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~~shall 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 incorporated by reference in the appendix to 40 CFR 262 (USEPA Forms 8700-22 and 8700-22A), as required under Section 724.171. If a defect is detected, the owner or operator ~~must~~shall 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~~shall 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

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- devices are secured in the closed position. If a defect is detected, the owner or operator ~~must~~**shall** 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~~**shall** 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~~**which** is exhausted through a closed-vent system to a control device in accordance with the requirements of subsections (e)(2)(A) and (e)(2)(B) of this Section.
- 2) The owner or operator ~~must~~**shall** 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 40 CFR 52.741, appendix B, 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 owner or operator ~~must~~**shall** 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

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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 ~~shall~~ 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 ~~shall~~ 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 in 49 CFR 178, "Specifications for Packaging<sub>2</sub>"; or 49 CFR 179, "Specifications for Tank Cars<sub>2</sub>"; both incorporated by reference in 35 Ill. Adm. Code 720.111.
  - 2) Hazardous waste is managed in the container in accordance with the applicable requirements specified in 49 CFR 107, Subpart B, "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<sub>2</sub>"; each 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 or 179 regulations are allowed, except as provided for in subsection (f)(4) of this Section.

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- 4) For a lab pack that is managed in accordance with the requirements of 49 CFR 178, incorporated by reference in 35 Ill. Adm. Code 720.111, for the purpose of complying with this Subpart **CC**, an owner or operator may comply with the exceptions for combination packagings specified in 49 CFR 173.12(b), **incorporated by reference in 35 Ill. Adm. Code 720.111.**
- 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 Method 27 of 40 CFR 60, appendix A for the purpose of complying with subsection (d)(1)(C) of this Section.
- 1) The test must be performed in accordance with Method 27 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- 2) A pressure measurement device must be used that has a precision of  $\pm 2.5$  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 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 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

| **Section 724.987 Standards: Closed-Vent~~Closed-vent~~ Systems and Control Devices**

- a) This Section applies to each closed-vent system and control device installed and operated by the owner or operator to control air emissions in accordance with

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standards of this Subpart CC.

- b) The closed-vent system mustshall meet the following requirements:
- 1) The closed-vent system mustshall route the gases, vapors, and fumes emitted from the hazardous waste in the waste management unit to a control device that meets the requirements specified in subsection (c) of this Section.
  - 2) The closed-vent system mustshall be designed and operated in accordance with the requirements specified in Section 724.933(k).
  - 3) 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) of this Section, or a seal or locking device, as specified in subsection (b)(3)(B) of this Section. 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 devices.
    - A) If a flow indicator is used to comply with this 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 the purposes of this subsection (b), a flow indicator means a device that 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) of this Section, the device must be placed on the mechanism by which the bypass device position is controlled (e.g., valve handle or damper lever) 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 owner or operator mustshall 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 owner or operator in accordance with the procedure specified in Section 724.933(l).
- c) The control device mustshall meet the following requirements:
- 1) The control device mustshall 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

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- least 95 percent by weight;
- B) An enclosed combustion device designed and operated in accordance with the requirements of Section 724.933(c); or
  - C) A flare designed and operated in accordance with the requirements of Section 724.933(d).
- 2) The owner or operator that 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) of this Section.
- 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) of this Section, as applicable, must not exceed 240 hours per year.
  - B) The specifications and requirements in subsection (c)(1)(A), (c)(1)(B), and (c)(1)(C) of this Section for control devices do not apply during periods of planned routine maintenance.
  - C) The specifications and requirements in subsections (c)(1)(A), (c)(1)(B), and (c)(1)(C) of this Section for control devices do not apply during a control device system malfunction.
  - D) The owner or operator ~~must~~ demonstrate compliance with the requirements of subsection (c)(2)(A) of this Section (i.e., planned routine maintenance of a control device, during which the control device does not meet the specifications of subsections (c)(1)(A), (C)(1)(B), or (c)(1)(C) of this Section, as applicable, must not exceed 240 hours per year) by recording the information specified in Section 724.989(e)(1)(E).
  - E) The owner or operator ~~must~~ correct control device system malfunctions as soon as practicable after their occurrence in order to minimize excess emissions of air pollutants.
  - F) The owner or operator ~~must~~ operate the closed-vent system so 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 owner or operator using a carbon adsorption system to comply with subsection (c)(1) of this Section ~~must~~ operate and maintain the control device in accordance with the following requirements:

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- A) Following the initial startup of the control device, all activated carbon in the control device ~~must~~ shall be replaced with fresh carbon on a regular basis in accordance with the requirements of Section 724.933(g) or Section 724.933(h).
- B) All carbon that is a hazardous waste and that is removed from the control device must be managed in accordance with the requirements of Section 724.933(n), regardless of the average volatile organic concentration of the carbon.
- 4) An owner or operator 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) of this Section ~~must~~ shall operate and maintain the control device in accordance with the requirements of Section 724.933(j).
- 5) The owner or operator ~~must~~ shall demonstrate that a control device achieves the performance requirements of subsection (c)(1) of this Section, as follows:
- A) An owner or operator ~~must~~ shall demonstrate using either a performance test, as specified in subsection (c)(5)(C) of this Section, or a design analysis, as specified in subsection (c)(5)(D) of this Section, the performance of each control device, except for the following:
- i) A flare;
  - ii) A boiler or process heater with a design heat input capacity of 44 megawatts or greater;
  - iii) A boiler or process heater into which the vent stream is introduced with the primary fuel;
  - iv) A boiler or industrial furnace burning hazardous waste for which the owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 and has designed and operates the unit in accordance with the interim status requirements of Subpart H of 35 Ill. Adm. Code 726.~~Subpart H~~; or
  - v) A boiler or industrial furnace burning hazardous waste that the owner or operator has designed and operates in accordance with the interim status requirements of Subpart H of 35 Ill. Adm. Code 726.~~Subpart H~~.
- B) An owner or operator ~~must~~ shall demonstrate the performance of each flare in accordance with the requirements specified in Section 724.933(e).
- C) For a performance test conducted to meet the requirements of

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- subsection (c)(5)(A) of this Section, the owner or operator mustshall use the test methods and procedures specified in Section 724.934(c)(1) through (c)(4).
- D) For a design analysis conducted to meet the requirements of subsection (c)(5)(A) of this Section, the design analysis mustshall meet the requirements specified in Section 724.935(b)(4)(C).
- E) The owner or operator mustshall demonstrate that a carbon adsorption system achieves the performance requirements of subsection (c)(1) of this Section 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 owner or operator and the Agency do not agree on a demonstration of control device performance using a design analysis then the disagreement mustshall be resolved using the results of a performance test performed by the owner or operator in accordance with the requirements of subsection (c)(5)(C) of this Section. The Agency may choose to have an authorized representative observe the performance test.
- 7) 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 724.933(f)(2) and (l). The readings from each monitoring device required by Section 724.933(f)(2) must be inspected at least once each operating day to check control device operation. Any necessary corrective measures must be immediately implemented to ensure the control device is operated in compliance with the requirements of this Section.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.988 Inspection and Monitoring Requirements**

- a) The owner or operator mustshall inspect and monitor air emission control equipment used to comply with this Subpart CC in accordance with the applicable requirements specified in Section 724.984 through Section 724.987.
- b) The owner or operator mustshall develop and implement a written plan and schedule to perform the inspections and monitoring required by subsection (a) of this Section. The owner or operator mustshall incorporate this plan and schedule into the facility inspection plan required under 35 Ill. Adm. Code 724.115.

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(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.989 Recordkeeping Requirements**

- a) Each owner or operator of a facility subject to the requirements of this Subpart ~~CC~~ ~~must~~~~shall~~ record and maintain the information specified in subsections (b) through (j) of this Section, as applicable to the facility. Except for air emission control equipment design documentation and information required by subsections (i) and (j) of this Section, records required by this Section must be maintained in the operating record for a minimum of three years. Air emission control equipment design documentation must be maintained in the operating record until the air emission control equipment is replaced or is otherwise no longer in service. Information required by subsections (i) and (j) of this Section must be maintained in the operating record for as long as the waste management unit is not using air emission controls specified in Sections 724.984 through 724.987, in accordance with the conditions specified in Section ~~724.980(d)~~ ~~724.984(d)~~ or (b)(7), respectively.
- b) The owner or operator of a tank using air emission controls in accordance with the requirements of Section 724.984 ~~must~~~~shall~~ 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 724.984, the owner or operator ~~must~~~~shall~~ record ~~the following~~:
    - A) A tank identification number (or other unique identification description, as selected by the owner or operator).
    - B) A record for each inspection required by Section 724.984 that includes the following information:
      - i) 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 724.984, the owner or operator ~~must~~~~shall~~ 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) of this Section, the owner or operator ~~must~~~~shall~~ record the following information, as applicable to the tank:
    - A) The owner or operator using a fixed roof to comply with the Tank

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Level 1 control requirements specified in Section 724.984(c) ~~must~~ prepare and maintain records for each determination for the maximum organic vapor pressure of the hazardous waste in the tank performed in accordance with the requirements of Section 724.984(c). The records must include the date and time the samples were collected, the analysis method used, and the analysis results.

- B) The owner or operator using an internal floating roof to comply with the Tank Level 2 control requirements specified in Section 724.984(e) ~~must~~ prepare and maintain documentation describing the floating roof design.
- C) Owners and operators using an external floating roof to comply with the Tank Level 2 control requirements specified in Section 724.984(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 724.984(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 724.984(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 owner or operator using an enclosure to comply with the Tank Level 2 control requirements specified in Section 724.984(i) ~~must~~ prepare and maintain the following records:
  - i) 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" under 40 CFR 52.741, appendix B, 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) of this Section.
- c) The owner or operator of a surface impoundment using air emission controls in

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accordance with the requirements of Section 724.985 mustshall prepare and maintain records for the surface impoundment that include the following information.

- 1) A surface impoundment identification number (or other unique identification description as selected by the owner or operator).
  - 2) Documentation describing the floating membrane cover or cover design, as applicable to the surface impoundment, 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 Section 724.985(c).
  - 3) A record for each inspection required by Section 724.985 that includes the following information:
    - A) Date inspection was conducted.
    - B) For each defect detected during the inspection the following information: 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 provisions of Section 724.985(f), the owner or operator mustshall also record the reason for the delay and the date that completion of repair of the defect is expected.
  - 4) For a surface impoundment equipped with a cover and vented through a closed-vent system to a control device, the owner or operator mustshall prepare and maintain the records specified in subsection (e) of this Section.
- d) The owner or operator of containers using Container Level 3 air emission controls in accordance with the requirements of Section 724.986 mustshall prepare and maintain records that include the following information:
- 1) 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" under 40 CFR 52.741, appendix B, 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) of this Section.
- e) The owner or operator using a closed-vent system and control device in accordance with the requirements of Section 724.987 mustshall prepare and maintain records that include the following information:
- 1) Documentation for the closed-vent system and control device that

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includes:

- A) Certification that is signed and dated by the owner or operator 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) of this Section or by performance tests as specified in subsection (e)(1)(C) of this Section when the tank, surface impoundment, 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 724.935(b)(4). The documentation must include information prepared by the owner or operator or provided by the control device manufacturer or vendor that describes the control device design in accordance with Section 724.935(b)(4)(C) and certification by the owner or operator that the control equipment meets the applicable specifications.
- C) If performance tests are used, then a performance test plan as specified in Section 724.935(b)(3) and all test results.
- D) Information as required by Section 724.935(c)(1) and Section 724.935(c)(2), as applicable.
- E) An owner or operator mustshall record, on a semiannual basis, the information specified in subsections (e)(1)(E)(i) and (e)(1)(E)(ii) of this Section for those planned routine maintenance operations that would require the control device not to meet the requirements of Section 724.987(c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section, 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 724.987(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, due to planned routine maintenance.
- F) An owner or operator mustshall record the information specified in subsections (e)(1)(F)(i) through (e)(1)(F)(iii) of this Section for

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those unexpected control device system malfunctions that would require the control device not to meet the requirements of Section 724.987 (c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section, 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 waste management unit through the closed-vent system to the control device while the control device is not properly functioning.
  - iii) Actions taken during periods of malfunction to restore a malfunctioning control device to its normal or usual manner of operation.
- G) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section 724.987(c)(3)(B).
- f) The owner or operator of a tank, surface impoundment, or container exempted from standards in accordance with the provisions of Section 724.982(c) mustshall prepare and maintain the following records, as applicable:
- 1) For tanks, surface impoundments, or containers exempted under the hazardous waste organic concentration conditions specified in Section 724.982(c)(1) or (c)(2)(A) through (c)(2)(E), the owner or operator mustshall record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the owner or operator mustshall record the date, time, and location that each waste sample is collected in accordance with the applicable requirements of Section 724.983.
  - 2) For tanks, surface impoundments, or containers exempted under the provisions of Section 724.982(c)(2)(G) or (c)(2)(H), the owner or operator mustshall record the identification number for the incinerator, boiler, or industrial furnace in which the hazardous waste is treated.
- g) An owner or operator designating a cover as "unsafe to inspect and monitor" pursuant to Section 724.984(l) or Section 724.985(g) mustshall record in a log that is kept in the facility operating record the following information: the identification numbers for waste 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.

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- h) The owner or operator of a facility that is subject to this Subpart CC and to the control device standards in 40 CFR 60, Subpart VV or 40 CFR 61, Subpart V, 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, or pursuant to the provisions of 40 CFR 60, Subpart VV or 40 CFR 61, Subpart CC V, to the extent that the documentation required by 40 CFR 60 or 61 duplicates the documentation required by this Section.
- i) For each tank or container not using air emission controls specified in Sections 724.984 through 724.987 in accordance with the conditions specified in Section 724.980(d), the owner or operator must shall record and maintain the following information:
- 1) A list of the individual organic peroxide compounds manufactured at the facility that meet the conditions specified in Section 724.980(d)(1).
  - 2) A description of how the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) of this Section are managed at the facility in tanks and containers. This description must include the following information:
    - A) For the tanks used at the facility to manage this hazardous waste, sufficient information must be provided to describe the following for each tank: a facility identification number for the tank, the purpose and placement of this tank in the management train of this hazardous waste, and the procedures used to ultimately dispose of the hazardous waste managed in the tanks.
    - B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to describe each tank: a facility identification number for the container or group of containers, the purpose and placement of this container or group of containers in the management train of this hazardous waste, and the procedures used to ultimately dispose of the hazardous waste managed in the containers.
  - 3) An explanation of why managing the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) of this Section in the tanks or containers identified pursuant to subsection (i)(2) of this Section would create an undue safety hazard if the air emission controls specified in Sections 724.984 through 724.987 were installed and operated on these waste management units. This explanation must include the following information:
    - A) For tanks used at the facility to manage this hazardous waste, sufficient information must be provided to explain the following:

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- how use of the required air emission controls on the tanks would affect the tank design features and facility operating procedures currently used to prevent an undue safety hazard during management of this hazardous waste in the tanks; and why installation of safety devices on the required air emission controls, as allowed under this Subpart CC, would not address those situations in which evacuation of tanks equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.
- B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to explain the following: how use of the required air emission controls on the tanks would affect the container design features and handling procedures currently used to prevent an undue safety hazard during management of this hazardous waste in the containers; and why installation of safety devices on the required air emission controls, as allowed under this Subpart CC, would not address those situations in which evacuation of containers equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.
- j) For each hazardous waste management unit not using air emission controls specified in Sections 724.984 through 724.987 in accordance with the requirements of Section 724.980(b)(7), the owner and operator ~~must~~shall record and maintain the following information:
- 1) The certification that the waste management unit is equipped with and 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.
  - 2) An identification of the specific federal requirements codified under 40 CFR 60, 61, or 63 with which the waste management unit is in compliance.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.990 Reporting Requirements**

- a) Each owner or operator managing hazardous waste in a tank, surface impoundment, or container exempted from using air emission controls under the provisions of Section 724.982(c) ~~must~~shall report to the Agency each occurrence when hazardous waste is placed in the waste management unit in noncompliance

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with the conditions specified in Section 724.982(c)(1) or (c)(2), as applicable. Examples of such occurrences include placing in the waste management unit a hazardous waste having an average VO concentration equal to or greater than 500 ppmw at the point of waste origination or placing in the waste management unit a treated hazardous waste that fails to meet the applicable conditions specified in Section 724.982(c)(2)(A) through (c)(2)(F). The owner or operator mustshall submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report mustshall contain the USEPA identification number, the facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report mustshall be signed and dated by an authorized representative of the owner or operator.

- b) Each owner or operator using air emission controls on a tank in accordance with the requirements of Section 724.984(c) mustshall report to the Agency each occurrence when hazardous waste is managed in the tank in noncompliance with the conditions specified in Section 724.984(b). The owner or operator mustshall submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report mustshall contain the USEPA identification number, the facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report mustshall be signed and dated by an authorized representative of the owner or operator.
- c) Each owner or operator using a control device in accordance with the requirements of Section 724.987 mustshall submit a semiannual written report to the Agency, except as provided for in subsection (d) of this Section. The report mustshall describe each occurrence during the previous ~~six-month~~ 6-month period when either of the two following events occurs: a control device is operated continuously for 24 hours or longer in noncompliance with the applicable operating values defined in Section 724.935(c)(4) or a flare is operated with visible emissions for five minutes or longer in a two-hour period, as defined in Section 724.933(d). The written report mustshall include the USEPA identification number, the facility name and address, and an explanation why the control device could not be returned to compliance within 24 hours, and actions taken to correct the noncompliance. The report mustshall be signed and dated by an authorized representative of the owner or operator.
- d) A report to the Agency in accordance with the requirements of subsection (c) of this Section is not required for a ~~six-month~~ 6-month period during which all control devices subject to this Subpart CC are operated by the owner or operator

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so that both of the following conditions result: during no period of 24 hours or longer did a control device operate continuously in noncompliance with the applicable operating values defined in Section 724.935(c)(4) and no flare was operated with visible emissions for five minutes or longer in a two-hour period, as defined in Section 724.933(d).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART DD: CONTAINMENT BUILDING

**Section 724.1100 Applicability**

The requirements of this Subpart **DD** apply to owners or operators who store or treat hazardous waste in units designed and operated under Section 724.1101. These provisions ~~became~~ **will become** effective on February 18, 1993. The owner or operator is not subject to the definition of land disposal in 35 Ill. Adm. Code 728.102 provided that the unit fulfils the following:

- a) ~~It is~~ **Is** a completely enclosed, self-supporting structure that is designed and constructed of manmade 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 the following:
  - 1) pressure gradients;
  - 2) settlement, compression, or uplift;
  - 3) physical contact with the hazardous wastes to which they are exposed;
  - 4) climatic conditions; or
  - 5) the stresses of daily operation including the movement of heavy equipment within the unit and contact of such equipment within the unit and contact of such equipment with containment walls.
- b) ~~It has~~ **Has** a primary barrier that is designed to be sufficiently durable to withstand the movement of personnel wastes, and handling equipment within the unit.
- c) If used to manage liquids, the unit has the following:
  - 1) A primary barrier designed and constructed of materials to prevent migration of hazardous constituents into the barrier;
  - 2) A liquid collection system designed and constructed of materials to minimize the accumulation of liquid on the primary barrier; and
  - 3) A secondary containment system designed and constructed of materials to prevent migration of hazardous constituents into the barrier, with a leak detection and liquid collection system capable of detecting, collecting, and removing leaks of hazardous constituents at the earliest practicable time, unless the unit has been granted a variance from the secondary containment system requirements under Section 724.1101(b)(4);

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- d) Has controls sufficient to permit fugitive dust emissions to meet that no visible emission standard in Section 724.1101(c)(1)(A); and
- e) Is designed and operated to ensure containment and prevent the tracking of materials from the unit by personnel or equipment.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

| **Section 724.1101 Design and Operating Standards ~~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 within 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 shall~~ 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 these~~ criteria:
    - A) They provide an effective barrier against fugitive dust emissions under subsection (c)(1)(C) ~~of this Section~~below; 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.

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- 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 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 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 ~~Constructed~~ with a bottom slope of 1 percent or more; and
      - ii) It is constructed ~~Constructed~~ of a granular drainage material with a hydraulic conductivity of  $1 \times 10^2$  cm/sec or more and a thickness of 12 inches (30.5) cm or more, or constructed of synthetic or geonet drainage materials with a transmissivity of  $3 \times 10^{-5}$  m<sup>2</sup>/sec or more.
    - B) If 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

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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(d)(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 Provide-written notice to USEPA of their request by November 16, 1992. This notification must have described 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) Responded Respond-to any comments from USEPA on these plans within 30 days; and
  - C) Fulfilled Fulfill-the terms of the revised plans, if such plans are approved by USEPA.
- c) Owners or operators of all containment buildings must do the following:
  - 1) 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 40 CFR 60, Appendix A, Method 22 - Visual

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Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares). 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), as added at 57 Fed. Reg. 37266 (Aug. 18, 1992), USEPA cites "40 CFR part 60, subpart 292.": At 57 Fed. Reg. 37217, USEPA repeats this citation in the preamble discussion of the rules. No such provision exists in the Code of Federal Regulations. The Board has chosen to use the more general citation: "40 CFR 60.":

- 2) Obtain certification by a qualified registered professional engineer (PE) that the containment building design meets the requirements of subsections (a) through (c) of this Section. For units placed into operation prior to February 18, 1993, this certification must be placed in the facility's operating record (on-site files for generators who are not formally required to have operating records) no later than 60 days after the date of initial operation of the unit. After February 18, 1993, PE certification will be required prior to operation of the unit.
- 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, must repair the condition promptly. In addition, however the following is required:
  - 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 7-days after the discovery of the condition, notify the Agency in writing of the condition, and within 14

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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 shall~~ 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 above.
- 4) Inspect and record in the facility's operating record, at least once every seven days, data gathered from monitoring equipment and leak detection equipment, as well as the containment building and the area immediately surrounding the containment building, to detect signs of releases of hazardous waste.
- d) For containment buildings that contain 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 shall~~ not require secondary containment for a permitted containment building where the owner operator demonstrates 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 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 724.1102 Closure and ~~Post-Closure~~ Post-closure Care

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- 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 35 Ill. Adm. Code 739.~~Subparts G and H.~~
- 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~~above~~, 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 (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 35 Ill. Adm. Code 739.~~Subparts G and H.~~

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

**Section 724.1201 Design and Operating Standards**

- a) An owner or operator of a hazardous waste munitions and explosives storage unit ~~must shall~~ design and operate the unit with containment systems, controls, and monitoring that fulfill each of the following requirements:
- 1) The owner or operator minimizes the potential for detonation or other means of release of hazardous waste, hazardous constituents, hazardous decomposition products, or contaminated run-off to the soil, ground water, surface water, and atmosphere;
  - 2) The owner or operator provides a primary barrier, which may be a container (including a shell) or tank, designed to contain the hazardous waste;
  - 3) For wastes stored outdoors, the owner or operator provides that the waste and containers will not be in standing precipitation;
  - 4) For liquid wastes, the owner or operator provides a secondary containment system that assures that any released liquids are contained and promptly

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- detected and removed from the waste area or a vapor detection system that assures that any released liquids or vapors are promptly detected and an appropriate response taken (e.g., additional containment, such as overpacking or removal from the waste area); and
- 5) The owner or operator provides monitoring and inspection procedures that assure the controls and containment systems are working as designed and that releases that may adversely impact human health or the environment are not escaping from the unit.
- b) Hazardous waste munitions and explosives stored under this Subpart EE may be stored in one of the following:
- 1) Earth-covered magazines. The owner or operator of an earth-covered magazine ~~must shall~~ fulfill each of the following requirements:
- A) The magazine is constructed of waterproofed, reinforced concrete or structural steel arches, with steel doors that are kept closed when not being accessed;
- B) The magazine is so designed and constructed that it fulfills each of the following requirements:
- i) The magazine is of sufficient strength and thickness to support the weight of any explosives or munitions stored and any equipment used in the unit;
- ii) The magazine provides working space for personnel and equipment in the unit; and
- iii) The magazine can withstand movement activities that occur in the unit; and
- C) The magazine is located and designed, with walls and earthen covers that direct an explosion in the unit in a safe direction, so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.
- 2) Above-ground magazines. Above-ground magazines must be located and designed so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.
- 3) Outdoor or open storage areas. Outdoor or open storage areas must be located and designed so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.
- c) An owner or operator ~~must shall~~ store hazardous waste munitions and explosives in accordance with a standard operating procedure that specifies procedures ~~that which~~ ensure safety, security, and environmental protection. If these procedures serve the same purpose as the security and inspection requirements of Section 724.114, the preparedness and prevention procedures of Subpart C of this Part, and the contingency plan and emergency procedures requirements of Subpart D of

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this Part, then the standard operating procedure may be used to fulfill those requirements.

- d) An owner or operator ~~must shall~~ package hazardous waste munitions and explosives to ensure safety in handling and storage.
- e) An owner or operator ~~must shall~~ inventory hazardous waste munitions and explosives at least annually.
- f) An owner or operator ~~must shall~~ inspect and monitor hazardous waste munitions and explosives and their storage units as necessary to ensure explosives safety and to ensure that there is no migration of contaminants out of the unit.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.1202 Closure and Post-Closure Care**

- a) At closure of a magazine or unit ~~which that~~ stored hazardous waste under this Subpart EE, the owner or operator ~~must shall~~ remove or decontaminate all waste residues, contaminated containment system components, contaminated subsoils, 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 magazines or units must meet all of the requirements specified in Subparts G and H of this Part, except that the owner or operator may defer closure of the unit as long as it remains in service as a munitions or explosives magazine or storage unit.
- 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, the owner or operator ~~must shall~~ close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (see Section 724.410).

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 724.APPENDIX A Recordkeeping Instructions**

The Board hereby incorporates by reference 40 CFR 264, Appendix I ~~(2001)(1992), as amended at 59 Fed. Reg. 13891 (Mar. 24, 1994)~~. This incorporation includes no later amendments or editions.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 724.APPENDIX I Groundwater Monitoring List**

- a) The regulatory requirements pertain only to the list of substances; the right hand columns (Methods and PQL) are given for informational purposes only. See also subsections (e) and (f) of this Section.
- b) Common names are those widely used in government regulations, scientific publications and commerce; synonyms exist for many chemicals.
- c) "CAS RN" means "Chemical Abstracts Service Registry Number." Where "total" is entered, all species in the groundwater that contain this element are included.
- d) CAS index names are those used in the 9th Cumulative index.
- e) "Suggested Methods" refer to analytical procedure numbers used in "Test Methods for Solid Waste," SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Analytical details can be found in "Test Methods," and in documentation of file with USEPA. The packed column gas chromatography methods 8010, 8020, 8030, 8040, 8060, 8080, 8090, 8110, 8120, 8140, 8150, 8240, and 8250 were in Update IIB of SW-846. However, in Update III, USEPA replaced these methods with "capillary column gas chromatography (GC) methods," as the suggested methods.
- f) Practical Quantitation Limits ("PQLs") are the lowest concentrations of analytes in groundwater that can be reliably determined within specified limits of precision and accuracy by the indicated methods under routine laboratory operating conditions. The POLs listed are generally stated to one significant figure. Caution: The PQL values in many cases are based only on a general estimate for the method and not on a determination for individual compounds; PQLs are not part of the regulation.
- g) PCBs (CAS RN 1336-36-3). This category contains congener chemicals, including constituents Aroclor-1016 (CAS RN 12674-11-2), Aroclor-1221 (CAS RN 11104-28-2), Aroclor-1232 (CAS RN 11141-16-5), Aroclor-1242 (CAS RN 53469-21-9), Aroclor-1248 (CAS RN 12672-29-6), Aroclor-1254 (CAS RN 11097-69-1) and Aroclor-1260 (CAS RN 11096-82-5). The PQL shown is an average value for PCB congeners.

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- h) PCDDs. This category includes congener chemicals, including tetrachlorodibenzo-p-dioxins (see also 2,3,7,8- TCDD), pentachlorodibenzo-p-dioxins and hexachlorodibenzo-p-dioxins. The PQL shown is an average value for PCDD congeners.
- i) PCDFs. This category contains congener chemicals, including tetrachlorodibenzofurans, pentachlorodibenzofurans and hexachlorodibenzofurans. The PQL shown is an average for all PCDF congeners.

Common Name	CAS RN	Chemical Abstracts Service Index Name	Suggested methods	PQL (ug/L)
Acenaphthene	83-32-9	Acenaphthylene, 1,2-dihydro-	8100 8270	200. 10.
Acenaphthylene	208-96-8	Acenaphthylene	8100 8270	200. 10.
Acetone	67-64-1	2-Propanone	8240	100.
Acetophenone	98-86-2	Ethanone, 1-phenyl-	8270	10.
Acetonitrile; Methyl cyanide	75-05-8	Acetonitrile	8015	100.
2-Acetylaminofluorene; 2-AAF	53-96-3	Acetamide, N-9H-fluoren-2-yl	8270	10.
Acrolein	107-02-8	2-Propenal	8030 8240	5. 5.
Acrylonitrile	107-13-1	2-Propenenitrile	8030 8240	5. 5.
Aldrin	309-00-2	1,4:5,8-Dimethano-naphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-(1 $\alpha$ ,4 $\alpha$ ,4a $\beta$ ,5 $\alpha$ ,8 $\alpha$ ,8a $\beta$ )-	8080 8270	0.05 10.

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Allyl chloride	107-05-1	1-Propene, 3-chloro-	8010 8240	5. 100.
4-Aminobiphenyl	92-67-1	[1,1'-Biphenyl]-4-amine	8270	10.
Aniline	62-53-3	Benzenamine	8270	10.
Anthracene	120-12-7	Anthracene	8100 8270	200. 10.
Antimony	(Total)	Antimony	6010 7040 7041	300. 2000. 30.
Aramite	140-57-8	Sulfurous acid, 2-chloro-ethyl 2-[4-(1,1-dimethyl-ethyl)phenoxy]-1-methyl-ethyl ester	8270	10.
Arsenic	(Total)	Arsenic	6010 7060 7061	500. 10. 20.
Barium	(Total)	Barium	6010 7080	20. 1000.
Benzene	71-43-2	Benzene	8020 8240	2. 5.
Benzo[a]anthracene; Benzanthracene	56-55-3	Benzo[a]anthracene	8100 8270	200. 10.
Benzo[b]fluoranthene	205-99-2	Benzo[e]acephenanthrylene	8100 8270	200. 10.
Benzo[k]fluoranthene	207-08-9	Benzo[k]fluoranthene	8100 8270	200. 10.
Benzo[ghi]perylene	191-24-2	Benzo[ghi]perylene	8100 8270	200. 10.

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Benzo[a]pyrene	50-32-8	Benzo[a]pyrene	8100 8270	200. 10.
Benzyl alcohol	100-51-6	Benzenemethanol	8270	20.
Beryllium	(Total)	Beryllium	6010 7090 7091	3. 50. 2.
$\alpha$ -BHC	319-84-6	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1 $\alpha$ ,2 $\alpha$ ,3 $\beta$ ,4 $\alpha$ ,5 $\beta$ ,6 $\beta$ )-	8080 8250	0.05 10.
$\beta$ -BHC	319-85-7	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1 $\alpha$ ,2 $\beta$ ,3 $\alpha$ ,4 $\beta$ ,5 $\alpha$ ,6 $\beta$ )-	8080 8250	0.05 40.
$\delta$ -BHC	319-86-8	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1 $\alpha$ ,2 $\alpha$ ,3 $\alpha$ ,4 $\beta$ ,5 $\alpha$ ,6 $\beta$ )-	8080 8250	0.1 30.
<del><math>\gamma</math>-BHC</del> ; Lindane	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1 $\alpha$ ,2 $\alpha$ ,3 $\beta$ ,4 $\alpha$ ,5 $\alpha$ ,6 $\beta$ )-	8080 8250	0.05 10.
Bis(2-chloroethoxy)-methane	111-91-1	Ethane, 1,1'-[methylenebis-(oxy)]bis[2-chloro-	8270	10.
Bis(2-chloroethyl)ether	111-44-4	Ethane, 1,1'-oxybis[2-chloro-	8270	10.
Bis(2-chloro-1-methylethyl) ether; 2,2'-Dichlorodiisopropyl ether	108-60-1	Propane, 2,2'-oxybis[1-chloro-	8010 8270	100. 10.
Bis(2-ethylhexyl) phthalate	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	8060 8270	20. 10.
Bromodichloromethane	75-27-4	Methane, bromodichloro-	8010	1.

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			8240	5.
Bromoform; Tribromo- methane	75-25-2	Methane, tribromo-	8010 8240	2. 5.
4-Bromophenyl phenyl ether	101-55-3	Benzene, 1-bromo-4- phenoxy	8270	10.
Butyl benzyl phthalate; Benzyl butyl phthalate	85-68-7	1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester	8060 8270	5. 10.
Cadmium	Total	Cadmium	6010 7130 7131	40. 50. 1.
Carbon disulfide	75-15-0	Carbon disulfide	8240	5.
Carbon tetrachloride	56-23-5	Methane, tetrachloro-	8010 8240	1. 5.
Chlordane	57-74-9	4,7-Methano-1H- indene, 1,2,4,5,6,7,8,8- octachloro-2,3,3a,4,7,7a- hexahydro-	8080 8250	0.1 10.
p-Chloroaniline	106-47-8	Benzeneamine, 4-chloro-	8270	20.
Chlorobenzene	108-90-7	Benzene, chloro-	8010 8020 8240	2. 2. 5.
Chlorobenzilate	510-15-6	Benzeneacetic acid, 4- $\alpha$ - chloro- $\alpha$ -(4-chlorophenyl)- hydroxy-, ethylf ester	8270	10.
p-Chloro-m-cresol	59-50-7	Phenol, 4-chloro-3-methyl-	8040 8270	5. 20.
Chloroethane; Ethyl	75-00-3	Ethane, chloro-	8010	5.

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chloride			8240	10.
Chloroform	67-66-3	Methane, trichloro-	8010	0.5
			8240	5.
2-Chloronaphthalene	91-58-7	Naphthalene, 2-chloro-	8120	10.
			8270	10.
2-Chlorophenol	95-57-8	Phenol, 2-chloro-	8040	5.
			8270	10.
4-Chlorophenyl phenyl ether	7005-72-3	Benzene, 1-chloro-4-phenoxy-	8270	10.
Chloroprene	126-99-8	1,3-Butadiene, 2-chloro-	8010	50.
			8240	5.
Chromium	(Total)	Chromium	6010	70.
			7190	500.
			7191	10.
Chrysene	218-01-9	Chrysene	8100	200.
			8270	10.
Cobalt	(Total)	Cobalt	6010	70.
			7200	500.
			7201	10.
Copper	(Total)	Copper	6010	60.
			7210	200.
m-Cresol	108-39-4	Phenol, 3-methyl-	8270	10.
o-Cresol	95-48-7	Phenol, 2-methyl-	8270	10.
p-Cresol	106-44-5	Phenol, 4-methyl-	8270	10.
Cyanide	57-12-5	Cyanide	9010	40.
2,4-D; 2,4-Dichloro-	94-75-7	Acetic acid, (2,4-dichloro-	8150	10.

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phenoxyacetic acid		phenoxy)-		
4,4'-DDD	72-54-8	Benzene, 1,1'-(2,2-di-	8080 8270	0.1 10.
4,4'-DDE	72-55-9	Benzene, 1,1'-(dichloro-ethylidene)bis[4-chloro-	8080 8270	0.05 10.
4,4'-DDT	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-chloro-	8080 8270	0.1 10.
Diallate	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro--2-propenyl) ester	8270	10.
Dibenz[a,h]anthracene	53-70-3	Dibenz[a,h]anthracene	8100 8270	200. 10.
Dibenzofuran	132-64-9	Dibenzofuran	8270	10.
Dibromochloromethane; Chlorodibromomethane	124-48-1	Methane, dibromochloro-	8010 8240	1. 5.
1,2-Dibromo-3-chloro- propane; DBCP	96-12-8	Propane, 1,2-dibromo-3-chloro-	8010 8240 8270	100. 5. 10.
1,2-Dibromoethane; Ethylene dibromide	106-93-4	Ethane, 1,2-dibromo-	8010 8240	10. 5.
Di-n-butyl phthalate	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester	8060 8270	5. 10.
o-Dichlorobenzene	95-50-1	Benzene, 1,2-dichloro-	8010 8020 8120 8270	2. 5. 10. 10.

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m-Dichlorobenzene	541-73-1	Benzene, 1,3-dichloro-	8010 8020 8120 8270	5. 5. 10. 10.
p-Dichlorobenzene	106-46-7	Benzene, 1,4-dichloro-	8010 8020 8120 8270	2. 5. 15. 10.
3,3'-Dichlorobenzidine	91-94-1	[1,1'-Biphenyl]-4,4'-di- amine, 3,3'-dichloro-	8270	20.
trans-1,4-Dichloro-2-butene	110-57-6	2-Butene, 1,4-dichloro-, (E)-	8240	5.
Dichlorodifluoromethane	75-71-8	Methane, dichlorodifluoro-	8010 8240	10. 5.
1,1-Dichloroethane	75-34-3	Ethane, 1,1-dichloro-	8010 8240	1. 5.
1,2-Dichloroethane; Ethylene dichloride	107-06-2	Ethane, 1,2-dichloro-	8010 8240	0.5 5.
1,1-Dichloroethylene; Vinylidene chloride	75-35-4	Ethene, 1,1-dichloro-	8010 8240	1. 5.
trans-1,2-Dichloroethylene	156-60-5	Ethene, 1,2-dichloro-, (E)-	8010 8240	1. 5.
2,4-Dichlorophenol	120-83-2	Phenol, 2,4-dichloro-	8040 8270	5. 10.
2,6-Dichlorophenol	87-65-0	Phenol, 2,6-dichloro-	8270	10.
1,2-Dichloropropane	78-87-5	Propane, 1,2-dichloro-	8010 8240	0.5 5.
cis-1,3-Dichloropropene	10061-01-5	1-Propene, 1,3-dichloro-,	8010	20.

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		(Z)-	8240	5.
trans-1,3-Dichloropropene	10061-02-6	1-Propene, 1,3-dichloro-, (E)-	8010 8240	5. 5.
Dieldrin	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-octa- hydro- ,(1 $\alpha$ ,2 $\beta$ ,2 $\alpha$ ,3 $\beta$ ,6 $\beta$ ,6 $\alpha$ ,7 $\beta$ , 7 $\alpha$ )-	8080 8270	0.05 10.
Diethyl phthalate	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester	8060 8270	5. 10.
O,O-Diethyl O-2-pyrazinyl phosphorothioate; Thionazin	297-97-2	Phosphorothioic acid, O,O- diethyl O-pyrazinyl ester	8270	10.
Dimethoate	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-[2-(methyl- amino)-2-oxoethyl] ester	8270	10.
p-(Dimethylamino)- azobenzene	60-11-7	Benzenamine, N,N-di- methyl-4-(phenylazo)-	8270	10.
7,12-Dimethylbenz[a]- anthracene	57-97-6	Benz[a]anthracene,7,12-di- methyl-	8270	10.
3,3'-Dimethylbenzidine	119-93-7	[1,1'-Biphenyl]-4,4'-di- amine, 3,3'-dimethyl-	8270	10.
$\alpha,\alpha$ -Dimethylphenethyl- amine	122-09-8	Benzeneethanamine, $\alpha,\alpha$ - dimethyl-	8270	10.
2,4-Dimethylphenol	105-67-9	Phenol, 2,4-dimethyl-	8040 8270	5. 10.

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Dimethyl phthalate	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester	8060 8270	5. 10.
m-Dinitrobenzene	99-65-0	Benzene, 1,3-dinitro-	8270	10.
4,6-Dinitro-o-cresol	534-52-1	Phenol, 2-methyl-4,6-dinitro-	8040 8270	150. 50.
2,4-Dinitrophenol	51-28-5	Phenol, 2,4-dinitro-	8040 8270	150. 50.
2,4-Dinitrotoluene	121-14-2	Benzene, 1-methyl-2,4-dinitro-	8090 8270	0.2 10.
2,6-Dinitrotoluene	606-20-2	Benzene, 2-methyl-1,3-dinitro-	8090 8270	0.1 10.
Dinoseb; DNBP; 2-sec-Butyl-4,6-dinitrophenol	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-	8150 8270	1. 10.
Di-n-octyl phthalate	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester	8060 8270	30. 10.
1,4-Dioxane	123-91-1	1,4-Dioxane	8015	150.
Diphenylamine	122-39-4	Benzeneamine, N-phenyl-	8270	10.
Disulfoton	298-04-4	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester	8140 8270	2. 10.
Endosulfan I	959-98-8	6,9-Methano-2,4,3-benzodioxathiepin,6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide, (3 $\alpha$ ,5a $\beta$ ,6 $\alpha$ ,9 $\alpha$ ,9a $\beta$ )-	8080 8250	0.1 10.
Endosulfan II	33213-65-9	6,9-Methano-2,4,3-benzodi-	8080	0.05

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		oxathiepin,6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide, (3 $\alpha$ ,5 $\alpha$ ,6 $\beta$ ,9 $\beta$ ,9 $\alpha$ )-		
Endosulfan sulfate	1031-07-8	6,9-Methano-2,4,3-benzodi-oxathiepin,6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9-hexahydro-, 3-dioxide	8080 8270	0.5 10.
Endrin	72-20-8	2,7:3,6-Dimethanonaphth-[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro, (1 $\alpha$ ,2 $\beta$ ,2a $\beta$ ,3 $\alpha$ ,6 $\alpha$ ,6a $\beta$ ,7 $\beta$ ,7a $\alpha$ )-	8080 8250	0.1 10.
Endrin aldehyde	7421-93-4	1,2,4-Methanocyclopenta-[cd]pentalene-5-carboxaldehyde, 2,2a,3,3,4,7-hexachlorodecahydro-, (1 $\alpha$ ,2 $\beta$ ,2a $\beta$ ,4 $\beta$ ,4a $\beta$ ,5 $\beta$ ,6a $\beta$ ,6b $\beta$ ,7R)-	8080 8270	0.2 10.
Ethylbenzene	100-41-4	Benzene, ethyl-	8020 8240	2. 5.
Ethyl methacrylate	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester	8015 8240 8270	10. 5. 10.
Ethyl methanesulfonate	62-50-0	Methanesulfonic acid, ethyl ester	8270	10.
Famphur	52-85-7	Phosphorothioic acid, O-[4-[(dimethylamino)sulfonyl]-phenyl]-O,O-dimethyl ester	8270	10.

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Fluoranthene	206-44-0	Fluoranthene	8100 8270	200. 10.
Fluorene	86-73-7	9H-Fluorene	8100 8270	200. 10.
Heptachlor	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro- 3a,4,7,7a-tetrahydro-	8080 8270	0.05 10.
Heptachlor epoxide	1024-57-3	2,5-Methano-2H-indeno- [1,2-b]-oxirene, 2,3,4,5,6,7,7-heptachloro- 1a,1b,5,5a,6,6a-hexahydro-, (1 $\alpha$ ,1b $\beta$ ,2 $\alpha$ ,5 $\alpha$ ,5a $\beta$ ,6 $\beta$ , 6a $\alpha$ )-	8080 8270	1. 10.
Hexachlorobenzene	118-74-1	Benzene, hexachloro-	8120 8270	0.5 10.
Hexachlorobutadiene	87-68-3	1,3-Butadiene, 1,1,2,3,4,4- hexachloro-	8120 8270	5. 10.
Hexachlorocyclopentadiene	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	8120 8270	5. 10.
Hexachloroethane	67-72-1	Ethane, hexachloro-	8120 8270	0.5 10.
Hexachlorophene	70-30-4	Phenol, 2,2'-methylenebis- [3,4,6-trichloro-	8270	10.
Hexachloropropene	1888-71-7	1-Propene, 1,1,2,3,3,3- hexachloro-	8270	10.
2-Hexanone	591-78-6	2-Hexanone	8240	50.
Indeno(1,2,3-cd)pyrene	193-39-5	Indeno[1,2,3-cd]pyrene	8100 8270	200. 10.

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Isobutyl alcohol	78-83-1	1-Propanol, 2-methyl-	8015	50.
Isodrin	465-73-6	1,4,5,8-Dimethano-naphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-(1 $\alpha$ ,4 $\alpha$ ,4 $\beta$ ,5 $\beta$ ,8 $\beta$ ,8a $\beta$ )-	8270	10.
Isophorone	78-59-1	2-Cyclohexen-1-one, 3,5,5-trimethyl-	8090 8270	60. 10.
Isosaffrole	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-	8270	10.
Kepone	143-50-0	1,3,4-Metheno-2H-cyclobuta-[c,d]pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-	8270	10.
Lead	(Total)	Lead	6010 7420 7421	40. 1000. 10.
Mercury	(Total)	Mercury	7470	2.
Methacrylonitrile	126-96-7	2-Propenenitrile, 2-methyl-	8015 8240	5. 5.
Methapyrilene	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-	8270	10.
Methoxychlor	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-methoxy-	8080 8270	2. 10.
Methyl bromide; Bromomethane	74-83-9	Methane, bromo-	8010 8240	20. 10.
Methyl chloride; Chloro-	74-87-3	Methane, chloro-	8010	1.

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methane			8240	10.
3-Methylcholanthrene	56-49-5	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-	8270	10.
Methylene bromide; Di-bromomethane	74-95-3	Methane, dibromo-	8010 8240	15. 5.
Methylene chloride; Dichloromethane	75-09-2	Methane, dichloro-	8010 8240	5. 5.
Methyl ethyl ketone; MEK	78-93-3	2-Butanone	8015 8240	10. 100.
Methyl iodide; Iodomethane	74-88-4	Methane, iodo-	8010 8240	40. 5.
Methyl methacrylate	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester	8015 8240	2. 5.
Methyl methanesulfonate	66-27-3	Methanesulfonic acid, methyl ester	8270	10.
2-Methylnaphthalene	91-57-6	Naphthylene, 2-methyl-	8270	10.
Methyl parathion; Parathionmethyl	298-00-0	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	8140 8270	0.5 10.
4-Methyl-2-pentanone; Methyl isobutyl ketone	108-10-1	2-Pentanone, 4-methyl-	8015 8240	5. 50.
Naphthalene	91-20-3	Naphthalene	8100 8270	200. 10.
1,4-Naphthoquinone	130-15-4	1,4-Naphthalenedione	8270	10.
1-Naphthylamine	134-32-7	1-Naphthalenamine	8270	10.
2-Naphthylamine	91-59-8	2-Naphthalenamine	8270	10.

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Nickel	(Total)	Nickel	6010 7520	50. 400.
o-Nitroaniline	88-74-4	Benzenamine, 2-nitro-	8270	50.
m-Nitroaniline	99-09-2	Benzenamine, 3-nitro-	8270	50.
p-Nitroaniline	100-01-6	Benzenamine, 4-nitro-	8270	50.
Nitrobenzene	98-95-3	Benzene, nitro-	8090 8270	40. 10.
o-Nitrophenol	88-75-5	Phenol, 2-nitro-	8040 8270	5. 10.
p-Nitrophenol	100-02-7	Phenol, 4-nitro-	8040 8270	10. 50.
4-Nitroquinoline 1-oxide	56-57-5	Quinoline, 4-nitro-, 1-oxide	8270	10.
N-Nitrosodi-n-butylamine	924-16-3	1-Butanamine, N-butyl-N-nitroso-	8270	10.
N-Nitrosodiethylamine	55-18-5	Ethanamine, N-ethyl-N-nitroso-	8270	10.
N-Nitrosodimethylamine	62-75-9	Methanamine, N-methyl-N-nitroso-	8270	10.
N-Nitrosodiphenylamine	86-30-6	Benzenamine, N-nitroso-N-phenyl-	8270	10.
N-Nitrosodipropylamine; Di-n-propylnitrosamine	621-64-7	1-Propanamine, N-nitroso-N-propyl-	8270	10.
N-Nitrosomethylethylamine	10595-95-6	Ethanamine, N-methyl-N-nitroso-	8270	10.
N-Nitrosomorpholine	59-89-2	Morpholine, 4-nitroso-	8270	10.

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N-Nitrosopiperidene	100-75-4	Piperidene, 1-nitroso-	8270	10.
N-Nitrosopyrrolidine	930-55-2	Pyrrolidine, 1-nitroso-	8270	10.
5-Nitro-o-toluidine	99-55-8	Benzenamine, 2-methyl-5-nitro-	8270	10.
Parathion	56-38-2	Phosphorothioic acid, O,O-diethyl-O-(4-nitrophenyl) ester	8270	10.
Polychlorinated biphenyls; PCBs	See (g)	1,1'-Biphenyl, chloro derivatives	8080 8250	50. 100.
Polychlorinated dibenzo-p-dioxins; PCDDs	See (h)	Dibenzo[b,e][1,4]dioxin, chloro derivatives	8280	0.01
Polychlorinated dibenzofurans; PCDFs	See (i)	Bibenzofuran, chloro derivatives	8280	0.01
Pentachlorobenzene	608-93-5	Benzene, pentachloro-	8270	10.
Pentachloroethane	76-01-7	Ethane, pentachloro-	8240 8270	5. 10.
Pentachloronitrobenzene	82-68-8	Benzene, pentachloronitro-	8270	10.
Pentachlorophenol	87-86-5	Phenol, pentachloro-	8040 8270	5. 50.
Phenacetin	62-44-2	Acetamide, N-(4-ethoxyphenyl)	8270	10.
Phenanthrene	85-01-8	Phenanthrene	8100 8270	200. 10.
Phenol	108-95-2	Phenol	8040 8270	1. 10.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

p-Phenylenediamine	106-50-3	1,4-Benzenediamine	8270	10.
Phorate	298-02-2	Phosphorodithioic acid, O,)-diethyl S-[(ethylthio)- methyl] ester	8140 8270	2. 10.
2-Picoline	109-06-8	Pyridine, 2-methyl-	8240 8270	5. 10.
Pronamide	23950-58-5	Benzamide, 3,5-dichloro-N- (1,1-dimethyl-2-propenyl)-	8270	10.
Propionitrile; Ethyl cyanide	107-12-0	Propanenitrile	8015 8240	60. 5.
Pyrene	129-00-0	Pyrene	8100 8270	200. 10.
Pyridine	110-86-1	Pyridine	8240 8270	5. 10.
Safrole	94-59-7	1,3-Benzodioxole, 5-(2- propenyl)-	8270	10.
Selenium	(Total)	Selenium	6010 7740 7741	750. 20. 20.
Silver	(Total)	Silver	6010 7760	70. 100.
Silvex; 2,4,5-TP	93-72-1	Propanoic acid, 2-(2,4,5- trichlorophenoxy)-	8150	2.
Styrene	100-42-5	Benzene, ethenyl-	8020 8240	1. 5.
Sulfide	18496-25-8	Sulfide	9030	10000.
2,4,5-T; 2,4,5-Trichloro-	93-76-5	Acetic acid, (2,4,5-tri-	8150	2.

## POLLUTION CONTROL BOARD

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phenoxyacetic acid		chlorophenoxy)-		
2,3,7,8-TCDD; 2,3,7,8-Tetrachlorodibenzo-p-dioxin	1746-01-8	Dibenzo[b,e][1,4]dioxin, 2,3,7,8-tetrachloro-	8280	0.005
1,2,4,5-Tetrachlorobenzene	95-94-3	Benzene, 1,2,4,5-tetra-chloro-	8270	10.
1,1,1,2-Tetrachloroethane	630-20-6	Ethane, 1,1,1,2-tetra-chloro-	8010 8240	5. 5.
1,1,2,2,-Tetrachloroethane	79-34-5	Ethane, 1,1,2,2-tetrachloro-	8010 8240	0.5 5.
Tetrachloroethylene; Perchloroethylene; Tetrachloroethene	127-18-4	Ethene, tetrachloro-	8010 8240	0.5 5.
2,3,4,6-Tetrachlorophenol	58-90-2	Phenol, 2,3,4,6-tetrachloro-	8270	10.
Tetraethyl dithiopyrophosphate; Sulfotepp	3689-24-5	Thiodiphosphoric acid ((HO)2P(S)]2O), tetraethyl ester	8270	10.
Thallium	(Total)	Thallium	6010 7840 7841	400. 1000. 10.
Tin	(Total)	Tin	7870	8000.
Toluene	108-88-3	Benzene, methyl-	8020 8240	2. 5.
o-Toluidine	95-53-4	Benzenamine, 2-methyl-	8270	10.
Toxaphene	8001-35-2	Toxaphene	8080 8250	2. 10.
1,2,4-Trichlorobenzene	120-82-1	Benzene, 1,2,4-trichloro-	8270	10.

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1,1,1-Trichloroethane; Methyl chloroform	71-55-6	Ethane, 1,1,1-trichloro-	8240	5.
1,1,2-Trichloroethane	79-00-5	Ethane, 1,1,2-trichloro-	8010 8240	0.2 5.
Trichloroethylene; Tri- chloroethene	79-01-6	Ethene, trichloro-	8010 8240	1. 5.
Trichlorofluoromethane	75-69-4	Methane, trichlorofluoro-	8010 8240	10. 5.
2,4,5-Trichlorophenol	95-96-4	Phenol, 2,4,5-trichloro-	8270	10.
2,4,6-Trichlorophenol	88-06-2	Phenol, 2,4,6-trichloro-	8040 8270	5. 10.
1,2,3-Trichloropropane	96-18-4	Propane, 1,2,3-trichloro-	8010 8240	10. 5.
O,O,O-Triethyl phosphorothioate	126-68-1	Phosphorothioic acid, O,O,O- triethyl ester	8270	10.
sym-Trinitrobenzene	99-35-4	Benzene, 1,3,5-trinitro-	8270	10.
Vanadium	(Total)	Vanadium	6010 7910 7811	80. 2000. 40.
Vinyl acetate	108-05-4	Acetic acid, ethenyl ester	8240	5.
Vinyl chloride	75-01-4	Ethene, chloro-	8010 8240	2. 10.
Xylene (total)	1330-20-7	Benzene, dimethyl-	8020 8240	5. 5.
Zinc	(Total)	Zinc	6010 7950	20. 50.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- 2) Code citation: 35 Ill. Adm. Code 725
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action</u>
725.440	Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.
- 5) A complete description of the subjects and issues involved: The amendments to Part 725 are a single segment of a larger rulemaking that also affects 35 Ill. Adm. Code 703, 705, 720, 724, and 726, 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 larger rulemaking in this *Illinois Register* only in the answer to question 5 in the Notice of Proposed Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of October 3, 2002, proposing amendments in docket R03-7 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

Specifically, the amendments to Part 725 implement segments of the federal interim emission standards for hazardous waste combustors adopted by USEPA on February 13, 2002. Further, the Board uses the occasion of the federally-derived amendments to make various minor, non-substantive corrective amendments to the text of Part 725.

Tables appear in the Board's opinion and order of October 3, 2002 in docket R03-7 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 October 3, 2002 opinion and order in docket R03-7.

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).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No. Part 725 includes references to documents incorporated by reference. In fact, one of those documents incorporated by reference, 40 C.F.R. 63, is updated in the larger R03-7 proceeding of which the amendments to Part 725 are a single segment. However, 35 Ill. Adm. Code 720.111 is the centralized listing of all documents incorporated by reference for the purposes of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, 738, and 739. No incorporations are amended in the amendments to Part 725.
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates imposed by federal law.
- 11) 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 R03-7 and be addressed to:

Ms. Dorothy M. Gunn, 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 R03-7:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph, Suite 11-500  
Chicago IL 60601  
Phone: 312-814-6924  
E-mail: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

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>.

- 12) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. The present amendments do not appear to increase the impact of the existing regulations on these entities beyond that already imposed under federal law.
  - 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. The present amendments do not appear to increase the impact of the existing regulations on these entities beyond that already imposed under federal law.
  - 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. The present amendments do not appear to increase the impact of the existing regulations on these entities beyond that already imposed under federal law.
- 13) Regulatory agenda on which this rulemaking was summarized: July 2002

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

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

## PART 725

INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS  
WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

## SUBPART A: GENERAL PROVISIONS

## Section

- 725.101 Purpose, Scope, and Applicability  
725.104 Imminent Hazard Action

## SUBPART B: GENERAL FACILITY STANDARDS

## Section

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

## SUBPART C: PREPAREDNESS AND PREVENTION

## Section

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

## SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

## Section

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

## SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

## Section

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

## SUBPART F: GROUNDWATER MONITORING

## Section

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

## SUBPART G: CLOSURE AND POST-CLOSURE CARE

## Section

725.210	Applicability
725.211	Closure Performance Standard
725.212	Closure Plan; Amendment of Plan
725.213	Closure; Time Allowed for Closure
725.214	Disposal or Decontamination of Equipment, Structures and Soils

## POLLUTION CONTROL BOARD

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725.215	Certification of Closure
725.216	Survey Plat
725.217	Post-closure Care and Use of Property
725.218	Post-Closure Care Plan; Amendment of Plan
725.219	Post-Closure Notices
725.220	Certification of Completion of Post-Closure Care
725.221	Alternative Post-Closure Care Requirements

## SUBPART H: FINANCIAL REQUIREMENTS

Section	
725.240	Applicability
725.241	Definitions of Terms as Used in this Subpart
725.242	Cost Estimate for Closure
725.243	Financial Assurance for Closure
725.244	Cost Estimate for Post-closure Care
725.245	Financial Assurance for Post-closure Monitoring and Maintenance
725.246	Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care
725.247	Liability Requirements
725.248	Incapacity of Owners or Operators, Guarantors or Financial Institutions
725.251	Promulgation of Forms (Repealed)

## SUBPART I: USE AND MANAGEMENT OF CONTAINERS

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

## SUBPART J: TANK SYSTEMS

Section	
725.290	Applicability
725.291	Assessment of Existing Tank System's Integrity

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725.292	Design and Installation of New Tank Systems or Components
725.293	Containment and Detection of Releases
725.294	General Operating Requirements
725.295	Inspections
725.296	Response to leaks or spills and disposition of Tank Systems
725.297	Closure and Post-Closure Care
725.298	Special Requirements for Ignitable or Reactive Waste
725.299	Special Requirements for Incompatible Wastes
725.300	Waste Analysis and Trial Tests
725.301	Generators of 100 to 1000 kilogram of Hazardous Waste Per Month
725.302	Air Emission Standards

## SUBPART K: SURFACE IMPOUNDMENTS

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

## SUBPART L: WASTE PILES

Section	
725.350	Applicability
725.351	Protection from Wind
725.352	Waste Analysis
725.353	Containment
725.354	Design and Operating Requirements
725.355	Action Leakage Rates
725.356	Special Requirements for Ignitable or Reactive Waste
725.357	Special Requirements for Incompatible Wastes
725.358	Closure and Post-closure Care
725.359	Response Actions

## POLLUTION CONTROL BOARD

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725.360 Monitoring and Inspection

## SUBPART M: LAND TREATMENT

## Section

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

## SUBPART N: LANDFILLS

## Section

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

## SUBPART O: INCINERATORS

## Section

725.440 Applicability  
725.441 Waste Analysis  
725.445 General Operating Requirements  
725.447 Monitoring and Inspection  
725.451 Closure

## POLLUTION CONTROL BOARD

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725.452 Interim Status Incinerators Burning Particular Hazardous Wastes

## SUBPART P: THERMAL TREATMENT

## Section

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

## SUBPART Q: CHEMICAL, PHYSICAL AND BIOLOGICAL TREATMENT

## Section

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

## SUBPART R: UNDERGROUND INJECTION

## Section

725.530 Applicability

## SUBPART W: DRIP PADS

## Section

725.540 Applicability  
725.541 Assessment of existing drip pad integrity  
725.542 Design and installation of new drip pads  
725.543 Design and operating requirements  
725.544 Inspections  
725.545 Closure

## SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

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## Section

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

## SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

## Section

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

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

## Section

725.980	Applicability
725.981	Definitions
725.982	Schedule for Implementation of Air Emission Standards
725.983	Standards: General
725.984	Waste Determination Procedures
725.985	Standards: Tanks
725.986	Standards: Surface Impoundments
725.987	Standards: Containers

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725.988	Standards: Closed-Vent Systems and Control Devices
725.989	Inspection and Monitoring Requirements
725.990	Recordkeeping Requirements
725.991	Alternative Tank Emission Control Requirements (Repealed)

## SUBPART DD: CONTAINMENT BUILDINGS

## Section

725.1100	Applicability
725.1101	Design and operating standards
725.1102	Closure and Post-Closure Care

## SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

## Section

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

APPENDIX A	Recordkeeping Instructions
APPENDIX B	EPA Report Form and Instructions (Repealed)
APPENDIX C	EPA Interim Primary Drinking Water Standards
APPENDIX D	Tests for Significance
APPENDIX E	Examples of Potentially Incompatible Waste
APPENDIX F	Compounds With Henry's Law Constant Less Than 0.1 Y/X (at 25°C)

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

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990;

## POLLUTION CONTROL BOARD

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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. \_\_\_\_\_, 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 ~~subsection~~ subsection (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 40 CFR 63, Subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111, by conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance, under 40 CFR 63.1207(j) and 63.1210(b) 63.1210(d), documenting compliance with the requirements of 40 CFR 63, Subpart EEE.
  - 2) The MACT standards of 40 CFR 63, Subpart EEE 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.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

BOARD NOTE: Sections 9.1 and 39.5 of the Environmental Protection Act [415 ILCS 5/9.1 and 39.5] make the federal MACT standards directly applicable to entities in Illinois and authorize the Agency to issue permits based on the federal standards.

- c) An owner or operator~~Owners and operators~~ of an incinerator that burns incinerators burning hazardous waste ~~is are~~ exempt from all of the requirements of this Subpart Q, 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.~~Appendix H~~, and such documentation is retained at the facility, if the waste to be burned is one of the following:
- 1) It is listed~~Listed~~ as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721.~~Subpart D~~, solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both;
  - 2) It is listed~~Listed~~ as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721.~~Subpart D~~, 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~~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.~~Subpart C~~; or
  - 4) It is a~~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 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF PROPOSED AMENDMENT

- 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) 

<u>Section Numbers:</u>	<u>Proposed Action</u>
726.200	Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.
- 5) A complete description of the subjects and issues involved: The amendments to Part 726 are a single segment of a larger rulemaking that also affects 35 Ill. Adm. Code 703, 705, 720, 724, and 725, 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 larger rulemaking in this *Illinois Register* only in the answer to question 5 in the Notice of Proposed Amendments for 35 Ill. Adm. Code 720. A comprehensive description is contained in the Board's opinion and order of October 3, 2002, proposing amendments in docket R03-7 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

Specifically, the amendments to Part 726 implement segments of the federal interim emission standards for hazardous waste combustors adopted by USEPA on February 13, 2002 and the February 14, 2002 amendments intended to facilitate implementation of the hazardous waste combustion rule. Further, the Board uses the occasion of the federally-derived amendments to make various minor, non-substantive corrective amendments to the text of Part 726.

Tables appear in the Board's opinion and order of October 3, 2002 in docket R03-7 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 October 3, 2002 opinion and order in docket R03-7.

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

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not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No. Part 726 includes references to documents incorporated by reference. In fact, one of those documents incorporated by reference, 40 C.F.R. 63, is updated in the larger R03-7 proceeding of which the amendments to Part 726 are a single segment. However, 35 Ill. Adm. Code 720.111 is the centralized listing of all documents incorporated by reference for the purposes of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, 738, and 739. No incorporations are amended in the amendments to Part 726.
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates imposed by federal law.
- 11) 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 R03-7 and be addressed to:

Ms. Dorothy M. Gunn, 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 R03-7:

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

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Phone: 312-814-6924

E-mail: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

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>.

12) Initial regulatory flexibility analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. The present amendments do not appear to increase the impact of the existing regulations on these entities beyond that already imposed under federal law.
- 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. The present amendments do not appear to increase the impact of the existing regulations on these entities beyond that already imposed under federal law.
- 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. The present amendments do not appear to increase the impact of the existing regulations on these entities beyond that already imposed under federal law.

13) Regulatory agenda on which this rulemaking was summarized: July 2002

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

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

## PART 726

STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE AND  
SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

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 (Repealed)

## Section

- 726.140 Applicability (Repealed)  
726.141 Prohibitions (Repealed)  
726.142 Standards applicable to generators of used oil burned for energy recovery (Repealed)

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- 726.143 Standards applicable to marketers of used oil burned for energy recovery  
(Repealed)
- 726.144 Standards applicable to burners of used oil burned for energy recovery (Repealed)

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR  
PRECIOUS METAL RECOVERY

- Section  
726.170 Applicability and requirements

## SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

- Section  
726.180 Applicability and requirements

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS  
AND INDUSTRIAL FURNACES

- Section  
726.200 Applicability  
726.201 Management prior to Burning  
726.202 Permit standards for Burners  
726.203 Interim Status Standards for Burners  
726.204 Standards to Control Organic Emissions  
726.205 Standards to control PM  
726.206 Standards to Control Metals Emissions  
726.207 Standards to control HCl and Chlorine Gas Emissions  
726.208 Small quantity On-site Burner Exemption  
726.209 Low risk waste Exemption  
726.210 Waiver of DRE trial burn for Boilers  
726.211 Standards for direct Transfer  
726.212 Regulation of Residues  
726.219 Extensions of Time

## SUBPART M: MILITARY MUNITIONS

- Section  
726.300 Applicability  
726.301 Definitions  
726.302 Definition of Solid Waste  
726.303 Standards Applicable to the Transportation of Solid Waste Military Munitions

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- 726.304 Standards Applicable to Emergency Responses  
726.305 Standards Applicable to the Storage of Solid Waste Military Munitions  
726.306 Standards Applicable to the Treatment and Disposal of Waste Military Munitions

SUBPART N: CONDITIONAL EXEMPTION FOR LOW-LEVEL MIXED WASTE  
STORAGE, TREATMENT, TRANSPORTATION AND DISPOSAL

## Section

- 726.310 Definitions  
726.320 Storage and Treatment Conditional Exemption  
726.325 Wastes Eligible for a Storage and Treatment Conditional Exemption for Low-Level Mixed Waste  
726.330 Conditions to Qualify for and Maintain a Storage and Treatment Conditional Exemption  
726.335 Treatment Allowed by a Storage and Treatment Conditional Exemption  
726.340 Loss of a Storage and Treatment Conditional Exemption and Required Action  
726.345 Reclaiming a Lost Storage and Treatment Conditional Exemption  
726.350 Recordkeeping for a Storage and Treatment Conditional Exemption  
726.355 Waste No Longer Eligible for a Storage and Treatment Conditional Exemption  
726.360 Applicability of Closure Requirements to Storage Units  
726.405 Transportation and Disposal Conditional Exemption  
726.410 Wastes Eligible for a Transportation and Disposal Conditional Exemption  
726.415 Conditions to Qualify for and Maintain a Transportation and Disposal Conditional Exemption  
726.420 Treatment Standards for Eligible Waste  
726.425 Applicability of the Manifest and Transportation Condition  
726.430 Effectiveness of a Transportation and Disposal Exemption  
726.435 Disposal of Exemption Waste  
726.440 Containers Used for Disposal of Exempted Waste  
726.445 Notification  
726.450 Recordkeeping for a Transportation and Disposal Conditional Exemption  
726.455 Loss of a Transportation and Disposal Conditional Exemption and Required Action  
726.460 Reclaiming a Lost Transportation and Disposal Conditional Exemption
- APPENDIX A Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals  
APPENDIX B Tier I Feed Rate Screening Limits for Total Chlorine  
APPENDIX C Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride  
APPENDIX D Reference Air Concentrations  
APPENDIX E Risk Specific Doses

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APPENDIX F	Stack Plume Rise
APPENDIX G	Health-Based Limits for Exclusion of Waste-Derived Residues
APPENDIX H	Potential PICs for Determination of Exclusion of Waste-Derived Residues
APPENDIX I	Methods Manual for Compliance with BIF Regulations
APPENDIX J	Guideline on Air Quality Models
APPENDIX K	Lead-Bearing Materials That May be Processed in Exempt Lead Smelters
APPENDIX L	Nickel or Chromium-Bearing Materials that may be Processed in Exempt Nickel-Chromium Recovery Furnaces
APPENDIX M	Mercury-Bearing Wastes That May Be Processed in Exempt Mercury Recovery Units
TABLE A	Exempt Quantities for Small Quantity Burner Exemption

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

**SOURCE:** Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in R94-7 at 18 Ill. Reg. 12500, effective July 29, 1994; amended in R95-6 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. \_\_\_\_\_, effective \_\_\_\_\_.

**SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS  
AND INDUSTRIAL FURNACES**

**Section 726.200 Applicability**

- a) The regulations of this Subpart **H** apply to hazardous waste burned or processed in a boiler or industrial furnace (BIF) (as defined in 35 Ill. Adm. Code 720.110) irrespective of the purpose of burning or processing, except as provided by subsections (b), (c), (d), **(g)**, and **(h)(#)** of this Section. In this Subpart **H**, the term "burn" means burning for energy recovery or destruction or processing for

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materials recovery or as an ingredient. The emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 apply to facilities operating under interim status or under a RCRA permit, as specified in Sections 726.202 and 726.203.

- b) Integration of the MACT standards.
- 1) Except as provided by subsection (b)(2) of this Section, the standards of this Part no longer apply when an affected source demonstrates compliance with the maximum achievable control technology (MACT) requirements of 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111, by conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance, under 40 CFR 63.1207(j) and ~~63.1210(b)~~~~63.1210(d)~~, documenting compliance with the requirements of 40 CFR 63, subpart EEE. Nevertheless, even after this demonstration of compliance with the MACT standards, RCRA permit conditions that were based on the standards of this Part will continue to be in effect until they are removed from the permit or the permit is terminated or revoked, unless the permit expressly provides otherwise.
  - 2) The following standards continue to apply:
    - A) If An owner or operator elects to comply with 35 Ill. Adm. Code 703.320(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events, Section 726.202(e)(1), requiring operations in accordance with the operating requirements specified in the permit at all times that hazardous waste is in the unit, and Section 726.202(e)(2)(C), requiring compliance with the emission standards and operating requirements, during startup and shutdown if hazardous waste is in the combustion chamber, except for particular hazardous wastes. These provisions apply only during startup, shutdown, and malfunction events;
    - BA) The closure requirements of Sections 726.202(e)(11) and 726.203(l);
    - CB) The standards for direct transfer of Section 726.211;
    - DC) The standards for regulation of residues of Section 726.312; and
    - ED) The applicable requirements of Subparts A through H, ~~BB~~, and CC of 35 Ill. Adm. Code 724 and 725.

BOARD NOTE: Sections 9.1 and 39.5 of the Environmental Protection Act [415 ILCS 5/9.1 and 39.5] make the federal MACT standards directly applicable to entities in Illinois and authorize the Agency to issue permits based on the federal standards. In adopting this subsection (b), USEPA stated as follows (at 64 Fed Reg. 52828, 52975 (Sept. 30, 1999)):

Under [the approach adopted by USEPA as a] final rule, MACT air

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emissions and related operating requirements are to be included in title V permits; RCRA permits will continue to be required for all other aspects of the combustion unit and the facility that are governed by RCRA (e.g., corrective action, general facility standards, other combustor-specific concerns such as materials handling, risk-based emissions limits and operating requirements, as appropriate, and other hazardous waste management units).

~~64 Fed Reg. 52828, 52975 (Sept. 30, 1999).~~

- c) The following hazardous wastes and facilities are not subject to regulation under this Subpart H:
- 1) Used oil burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.~~Subpart C~~. Such used oil is subject to regulation under 35 Ill. Adm. Code 739, rather than this Subpart;
  - 2) Gas recovered from hazardous or solid waste landfills, when such gas is burned for energy recovery;
  - 3) Hazardous wastes that are exempt from regulation under 35 Ill. Adm. Code 721.104 and 721.106(a)(3)(C) and (a)(3)(D) and hazardous wastes that are subject to the special requirements for conditionally exempt small quantity generators under 35 Ill. Adm. Code 721.105; and
  - 4) Coke ovens, if the only hazardous waste burned is USEPA hazardous waste no. K087 decanter tank tar sludge from coking operations.
- d) Owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters, and foundry furnaces, but not including cement kilns, aggregate kilns, or halogen acid furnaces burning hazardous waste) that process hazardous waste solely for metal recovery are conditionally exempt from regulation under this Subpart H, except for Sections 726.201 and 726.212.
- 1) To be exempt from Sections 726.202 through 726.211, an owner or operator of a metal recovery furnace or mercury recovery furnace ~~must~~shall comply with the following requirements, except that an owner or operator of a lead or a nickel-chromium recovery furnace or a metal recovery furnace that burns baghouse bags used to capture metallic dust emitted by steel manufacturing ~~must~~shall comply with the requirements of subsection (d)(3) of this Section, and an owner or operator of a lead recovery furnace that is subject to regulation under the Secondary Lead Smelting NESHAP of 40 CFR 63, Subpart X ~~must~~shall comply with the requirements of subsection (h) of this Section:
    - A) Provide a one-time written notice to the Agency indicating the following:

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- i) The owner or operator claims exemption under this subsection;
  - ii) The hazardous waste is burned solely for metal recovery consistent with the provisions of subsection ~~(d)(2)~~ ~~(e)(2)~~ of this Section;
  - iii) The hazardous waste contains recoverable levels of metals; and
  - iv) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this subsection (d);
- B) Sample and analyze the hazardous waste and other feedstocks as necessary to comply with the requirements of this subsection (d) under procedures specified by "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator ~~shall~~ must use the best available method; and
- C) Maintain at the facility for at least three years records to document compliance with the provisions of this subsection (d) including limits on levels of toxic organic constituents and Btu value of the waste, and levels of recoverable metals in the hazardous waste compared to normal non-hazardous waste feedstocks.
- 2) A hazardous waste meeting either of the following criteria is not processed solely for metal recovery:
- A) The hazardous waste has a total concentration of organic compounds listed in Appendix H to 35 Ill. Adm. Code 721. ~~Appendix H~~ exceeding 500 ppm by weight, as fired, and so is considered to be burned for destruction. The concentration of organic compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 500 ppm limit is prohibited, and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection ~~(d)(1)(C)~~ ~~(e)(1)(C)~~ of this Section; or
  - B) The hazardous waste has a heating value of 5,000 Btu/lb or more, as-fired, and is so considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys

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organic constituents. Blending for dilution to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection ~~(d)(1)(C)(e)(1)(C)~~ of this Section.

- 3) To be exempt from Sections 726.202 through 726.211, an owner or operator of a lead, nickel-chromium, or mercury recovery furnace, except for an owner or operator of a lead recovery furnace that is subject to regulation under the Secondary Lead Smelting NESHAP of 40 CFR 63, subpart X, or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing ~~must~~ shall provide a one-time written notice to the Agency identifying each hazardous waste burned and specifying whether the owner or operator claims an exemption for each waste under this subsection (d) or subsection ~~(d)(1)(e)(1)~~ of this Section. The owner or operator ~~must~~ shall comply with the requirements of subsection ~~(d)(1)(e)(1)~~ of this Section for those wastes claimed to be exempt under that subsection and must comply with the following requirements for those wastes claimed to be exempt under this subsection ~~(d)(3)~~:
- A) The hazardous wastes listed in Appendices K, L, and M of this Part and baghouse bags used to capture metallic dusts emitted by steel manufacturing are exempt from the requirements of subsection ~~(d)(1)(e)(1)~~ of this Section, provided the following are true that:
- i) A waste listed in Appendix K of this Part must contain recoverable levels of lead, a waste listed in Appendix L of this Part must contain recoverable levels of nickel or chromium, a waste listed in Appendix M of this Part must contain recoverable levels of mercury and contain less than 500 ppm of Appendix H to 35 Ill. Adm. Code 261. ~~Appendix H~~ organic constituents, and baghouse bags used to capture metallic dusts emitted by steel manufacturing must contain recoverable levels of metal;
  - ii) The waste does not exhibit the toxicity characteristic of 35 Ill. Adm. Code 721.124 for an organic constituent;
  - iii) The waste is not a hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721. ~~Subpart D~~ because it is listed for an organic constituent, as identified in Subpart G of 35 Ill. Adm. Code 721. ~~Appendix G~~; and
  - iv) The owner or operator certifies in the one-time notice that hazardous waste is burned under the provisions of subsection ~~(d)(3)(e)(3)~~ of this Section and that sampling

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and analysis will be conducted or other information will be obtained as necessary to ensure continued compliance with these requirements. Sampling and analysis must be conducted according to subsection ~~(d)(1)(B)(e)(1)(B)~~ of this Section, and records to document compliance with subsection ~~(d)(3)(e)(3)~~ of this Section must be kept for at least three years.

- B) The Agency may decide, on a case-by-case basis, that the toxic organic constituents in a material listed in Appendix K, Appendix L, or Appendix M of this Part that contains a total concentration of more than 500 ppm toxic organic compounds listed in Appendix H to 35 Ill. Adm. Code 721. ~~Appendix H~~ may pose a hazard to human health and the environment when burned in a metal recovery furnace exempt from the requirements of this Subpart H. Under these circumstances, after adequate notice and opportunity for comment, the metal recovery furnace will become subject to the requirements of this Subpart H when burning that material. In making the hazard determination, the Agency ~~must~~shall consider the following factors:
- i) The concentration and toxicity of organic constituents in the material;
  - ii) The level of destruction of toxic organic constituents provided by the furnace; and
  - iii) Whether the acceptable ambient levels established in Appendix D or E of this Part will be exceeded for any toxic organic compound that may be emitted based on dispersion modeling to predict the maximum annual average off-site ground level concentration.
- e) The standards for direct transfer operations under Section 726.211 apply only to facilities subject to the permit standards of Section 726.202 or the interim status standards of Section 726.203.
- f) The management standards for residues under Section 726.212 apply to any BIF burning hazardous waste.
- g) Owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters, and foundry furnaces) that process hazardous waste for recovery of economically significant amounts of the precious metals gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these metals are conditionally exempt from regulation under this Subpart H, except for Section 726.212. To be exempt from Sections 726.202 through 726.211, an owner or

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operator must do the followingshall:

- 1) Provide a one-time written notice to the Agency indicating the following:
    - A) The owner or operator claims exemption under this Section,
    - B) The hazardous waste is burned for legitimate recovery of precious metal, and
    - C) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this Section;
  - 2) Sample and analyze the hazardous waste, as necessary, to document that the waste is burned for recovery of economically significant amounts of precious metal, using procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator mustshall use the best available method; and
  - 3) Maintain, at the facility for at least three years, records to document that all hazardous wastes burned are burned for recovery of economically significant amounts of precious metal.
- h) An owner or operator of a lead recovery furnace that processes hazardous waste for recovery of lead and which is subject to regulation under the Secondary Lead Smelting NESHAP of 40 CFR 63, Subpart X, is conditionally exempt from regulation under this Subpart, except for Section 726.201. To become exempt, an owner or operator mustshall provide a one-time notice to the Agency identifying each hazardous waste burned and specifying that the owner or operator claims an exemption under this subsection (h). The notice also must state that the waste burned has a total concentration of non-metal compounds listed in Appendix H to 35 Ill. Adm. Code 721-Appendix H of less than 500 ppm by weight, as fired and as provided in subsection (d)(2)(A) of this Section, or is listed in Appendix K to this Part.
- i) Abbreviations and definitions. The following definitions and abbreviations are used in this Subpart H:

"APCS" means air pollution control system.

"BIF" means boiler or industrial furnace.

"Carcinogenic metals" means arsenic, beryllium, cadmium, and chromium.

"CO" means carbon monoxide.

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"Continuous monitor" is a monitor that continuously samples the regulated parameter without interruption, that evaluates the detector response at least once each 15 seconds, and that computes and records the average value at least every 60 seconds.

"DRE" means destruction or removal efficiency.

"cu m" or "m<sup>3</sup>" means cubic meters.

"E" means "ten to the power -". For example, "XE-Y" means "X times ten to the -Y power -".

"Feed rates" are measured as specified in Section 726.202(e)(6).

"Good engineering practice stack height" is as defined by 40 CFR 51.100(ii), incorporated by reference in 35 Ill. Adm. Code 720.111.

"HC" means hydrocarbon.

"HCl" means hydrogen chloride gas.

"Hourly rolling average" means the arithmetic mean of the 60 most recent one-minute average values recorded by the continuous monitoring system.

"K" means Kelvin.

"kVA" means kilovolt amperes.

"MEI" means maximum exposed individual.

"MEI location" means the point with the maximum annual average off-site (unless on-site is required) ground level concentration.

"Noncarcinogenic metals" means antimony, barium, lead, mercury, thallium, and silver.

"One hour block average" means the arithmetic mean of the one minute averages recorded during the 60-minute period beginning at one minute after the beginning of preceding clock hour.

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"PIC" means product of incomplete combustion.

"PM" means particulate matter.

"POHC" means principal organic hazardous constituent.

"ppmv" means parts per million by volume.

"QA/QC" means quality assurance and quality control.

"Rolling average for the selected averaging period" means the arithmetic mean of one hour block averages for the averaging period.

"RAC" means reference air concentration, the acceptable ambient level for the noncarcinogenic metals for purposes of this Subpart. RACs are specified in Appendix D of this Part.

"RSD" means risk-specific dose, the acceptable ambient level for the carcinogenic metals for purposes of this Subpart. RSDs are specified in Appendix E of this Part.

"SSU" means "Saybolt Seconds Universal"; a unit of viscosity measured by ASTM D 88-87 or D 2161-87, incorporated by reference in 35 Ill. Adm. Code 720.111.

"TCLP test" means the toxicity characteristic leaching procedure of 35 Ill. Adm. Code 721.124.

"TESH" means terrain-adjusted effective stack height (in meters).

"Tier I" See Section 726.206(b).

"Tier II" See Section 726.206(c).

"Tier III" See Section 726.206(d).

"Toxicity equivalence" is estimated, pursuant to Section 726.204(e), using "Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners," incorporated by

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reference in Appendix I of this Part.

"mg" means microgram.

(Source: Amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Emergency Medical Services and Trauma Center Code
- 2) Code Citation: 77 Ill. Adm. Code 515
- 3) Section Numbers: 515.240                      Proposed Action: New Section
- 4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- 5) A complete description of the subjects and issues: A new Section is being added to establish requirements for the distribution of grant funds available from the federal Health Resources Services Administration to hospitals for bioterrorism preparedness.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

- 6) Will this rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain any incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
515.100	Amendment	26 Ill. Reg. 13165
515.220	Amendment	26 Ill. Reg. 11363
515.380	Amendment	26 Ill. Reg. 11363
515.450	New Section	26 Ill. Reg. 11363
515.500	Amendment	26 Ill. Reg. 11363
515.510	Amendment	26 Ill. Reg. 11363
515.520	Amendment	26 Ill. Reg. 11363
515.540	Amendment	26 Ill. Reg. 11363
515.590	Amendment	26 Ill. Reg. 11363
515.700	Amendment	26 Ill. Reg. 11363
515.710	Amendment	26 Ill. Reg. 11363

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

515.830	Amendment	26 Ill. Reg. 13165
515.4000	New Section	26 Ill. Reg. 7978
515.4010	New Section	26 Ill. Reg. 7978
Appendix K	New Section	26 Ill. Reg. 7978
Appendix L	New Section	26 Ill. Reg. 7978
Appendix M	New Section	26 Ill. Reg. 7978

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate under the State Mandate Act [30 ILCS 805].
- 11) Time, place, and manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Peggy Snyder  
Division of Legal Services  
Illinois Department of Public Health  
535 West Jefferson St., 5th Floor  
Springfield, Illinois 62761  
217/782-2043  
E-mail: rules@idph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present its comments in writing to Peggy Snyder at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate its status as such, in writing, in its comments.

- 12) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Hospitals
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because the need for the rulemaking did not exist at that time.

The full text of the proposed amendments begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETYPART 515  
EMERGENCY MEDICAL SERVICES AND TRAUMA CENTER CODE

## SUBPART A: GENERAL

Section	
515.100	Definitions
515.125	Incorporated and Referenced Materials
515.150	Waiver Provisions
515.160	Violations, Hearings and Fines
515.170	Employer Responsibility

## SUBPART B: EMS REGIONS

Section	
515.200	Emergency Medical Services Regions
515.210	EMS Regional Plan Development
515.220	EMS Regional Plan Content
515.230	Resolution of Disputes Concerning the EMS Regional Plan
<u>515.240</u>	<u>Bioterrorism Grants</u>

## SUBPART C: EMS SYSTEMS

Section	
515.300	Approval of New EMS Systems
515.310	Approval and Renewal of EMS Systems
515.315	Bypass Status Review
515.320	Scope of EMS Service
515.330	EMS System Program Plan
515.340	EMS Medical Director's Course
515.350	Data Collection and Submission
515.360	Approval of Additional Drugs and Equipment
515.370	Automated Defibrillation
515.380	Do Not Resuscitate (DNR) Policy
515.390	Minimum Standards for Continuing Operation
515.400	General Communications
515.410	EMS System Communications

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

515.420	System Participation Suspensions
515.430	Suspension, Revocation and Denial of Licensure of EMTs
515.440	State Emergency Medical Services Disciplinary Review Board
515.445	Pediatric Care

## SUBPART D: EMERGENCY MEDICAL TECHNICIANS

## Section

515.500	Emergency Medical Technician-Basic Training
515.510	Emergency Medical Technician-Intermediate Training
515.520	Emergency Medical Technician-Paramedic Training
515.530	EMT Testing and Fees
515.540	EMT Licensure
515.550	Scope of Practice – Licensed EMT
515.560	EMT-B Continuing Education
515.570	EMT-I Continuing Education
515.580	EMT-P Continuing Education
515.590	EMT License Renewals
515.600	EMT Inactive Status
515.610	EMT Reciprocity

## SUBPART E: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER, FIRST RESPONDER, PRE-HOSPITAL REGISTERED NURSE, EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND TRAUMA NURSE SPECIALIST

## Section

515.700	EMS Lead Instructor
515.710	Emergency Medical Dispatcher
515.720	First Responder
515.725	First Responder – AED
515.730	Pre-Hospital Registered Nurse
515.740	Emergency Communications Registered Nurse
515.750	Trauma Nurse Specialist
515.760	Trauma Nurse Specialist Program Plan

## SUBPART F: VEHICLE SERVICE PROVIDERS

## Section

515.800	Vehicle Service Provider Licensure
515.810	EMS Vehicle System Participation

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

- 515.820 Denial, Nonrenewal, Suspension and Revocation of a Vehicle Service Provider License  
515.825 Alternate Response Vehicle  
515.830 Ambulance Licensing Requirements

## SUBPART G: LICENSURE OF SPECIALIZED EMERGENCY MEDICAL SERVICES VEHICLE (SEMSV) PROGRAMS

## Section

- 515.900 Licensure of SEMSV Programs – General  
515.910 Denial, Nonrenewal, Suspension or Revocation of SEMSV Licensure  
515.920 SEMSV Program Licensure Requirements for All Vehicles  
515.930 Helicopter and Fixed-Wing Aircraft Requirements  
515.935 EMS Pilot Specifications  
515.940 Aeromedical Crew Member Training Requirements  
515.945 Aircraft Vehicle Specifications and Operation  
515.950 Aircraft Medical Equipment and Drugs  
515.955 Vehicle Maintenance for Helicopter and Fixed-wing Aircraft Programs  
515.960 Aircraft Communications and Dispatch Center  
515.965 Watercraft Requirements  
515.970 Watercraft Vehicle Specifications and Operation  
515.975 Watercraft Medical Equipment and Drugs  
515.980 Watercraft Communications and Dispatch Center  
515.985 Off-Road SEMSV Requirements  
515.990 Off-Road Vehicle Specifications and Operation  
515.995 Off-Road Medical Equipment and Drugs  
515.1000 Off-Road Communications and Dispatch Center

## SUBPART H: TRAUMA CENTERS

## Section

- 515.2000 Trauma Center Designation  
515.2010 Denial of Application for Designation or Request for Renewal  
515.2020 Inspection and Revocation of Designation  
515.2030 Level I Trauma Center Designation Criteria  
515.2035 Level I Pediatric Trauma Center  
515.2040 Level II Trauma Center Designation Criteria  
515.2045 Level II Pediatric Trauma Center  
515.2050 Trauma Center Uniform Reporting Requirements  
515.2060 Trauma Patient Evaluation and Transfer

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

515.2070	Trauma Center Designation Delegation to Local Health Departments
515.2080	Trauma Center Confidentiality and Immunity
515.2090	Trauma Center Fund
515.2100	Pediatric Care (Renumbered)
515.2200	Suspension Policy for Trauma Nurse Specialist Certification

## SUBPART I: EMS ASSISTANCE FUND

## Section

515.3000 EMS Assistance Fund Administration

APPENDIX A	A Request for Designation (RFD) Trauma Center
APPENDIX B	A Request for Renewal of Trauma Center Designation
APPENDIX C	Minimum Trauma Field Triage Criteria
APPENDIX D	Standing Medical Orders
APPENDIX E	Minimum Prescribed Data Elements
APPENDIX F	Template for In-House Triage for Trauma Centers
APPENDIX G	Credentials of General/Trauma Surgeons Level I and Level II
APPENDIX H	Credentials of Emergency Department Physicians Level I and Level II
APPENDIX I	Credentials of General/Trauma Surgeons Level I and Level II Pediatric Trauma Centers
APPENDIX J	Credentials of Emergency Department Physicians Level I and Level II Pediatric Trauma Centers

**AUTHORITY:** Implementing and authorized by the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

**SOURCE:** Emergency Rule adopted at 19 Ill. Reg. 13084, effective September 1, 1995 for a maximum of 150 days; emergency expired January 28, 1996; adopted at 20 Ill. Reg. 3203, effective February 9, 1996; emergency amendment at 21 Ill. Reg. 2437, effective January 31, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5170, effective April 15, 1997; amended at 22 Ill. Reg. 11835, effective June 25, 1998; amended at 22 Ill. Reg. 16543, effective September 8, 1998; amended at 24 Ill. Reg. 8585, effective June 10, 2000; amended at 24 Ill. Reg. 9006, effective June 15, 2000; amended at 24 Ill. Reg. 19218, effective December 15, 2000; amended at 25 Ill. Reg. 16386, effective December 20, 2001; amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: EMS REGIONS

| **Section 515.240 Bioterrorism Grants**

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

The Department shall distribute grant funds from the federal Health Resources Services Administration (HRSA) to hospitals that apply for these grants. Each hospital shall use the grant funds to meet minimum requirements for bioterrorism in one of the following tiers. Requirements are listed in order of priority. Grant applications shall indicate the level of participation and the anticipated amount of funds needed for compliance. Grants will be awarded based on factors, including, but not limited to, tier level of participation; community and population served; EMS and trauma center designation in accordance with this Part; availability of other sources of funding; and resources utilized (e.g., number of ambulance providers and EMT training programs).

a) Tier Level III – Participating Hospitals

- 1) Designate a contact person for disaster preparedness.
- 2) Have internet access in the emergency department utilizing a computer with at least Pentium 2, high speed internet access of minimum 384 KbPS, Internet Explore 5.5. or greater, to use Department-approved software for emergency department resources and hospital status.
- 3) Participate in disaster planning and disaster drills on a regional basis.
- 4) Have reference information on treatment of biological agents on site or post phone number of Illinois Poison Center (IPC).
- 5) Agree to implement System-Wide Crisis Policy and State Emergency Medical Disaster Plan and provide ongoing education to staff on both.
- 6) Have functional medical emergency radio communication of Illinois (MERC) radio.
- 7) Develop a plan to identify, receive and distribute the National Pharmaceutical Stockpile and/or the State Pharmaceutical Stockpile to hospital staff.
- 8) Make training in the recognition and treatment of weapons of mass destruction available to the hospital staff.
- 9) Maintain disaster bags and supplies as outlined in the State Emergency Medical Disaster Plan.

b) Tier Level II

This level includes hospitals that are not POD hospitals as identified in the State Emergency Medical Disaster Plan. (The disaster POD hospital is the lead hospital in a specific EMS region responsible for coordinating disaster medical response upon the activation of the State Emergency Medical Disaster Plan by the Illinois Operations Headquarters and Notification Office.) These hospitals include resource hospitals, associate hospitals and/or trauma centers as designated by the Department. These hospitals must meet Tier Level III capabilities and the following:

- 1) Have communication capability with prehospital care personnel.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

- 2) Assist with disaster planning and drills.
- 3) Have policy on decontamination capabilities.
- 4) Provide list of staff to POD hospital as part of a regional Illinois Medical Emergency Response Team (IMERT).
- 5) Resource Hospital Only – Act as a resource for disaster planning and actively participate in the development, education and implementation of the Regional Bioterrorism Response Plan.

c) Tier Level I

A Tier Level I hospital is the highest level for a bioterrorism preparedness hospital. A Level I hospital shall be a Department-designated POD hospital as defined in the State Emergency Medical Disaster Plan. A Tier Level I hospital must meet all the requirements of Tier III and Tier II and additionally meet the following:

- 1) Identify a disaster preparedness coordinator to work with the State coordinator for bioterrorism.
- 2) Perform as the lead hospital in a regional or State bioterrorism preparedness exercise.
- 3) Perform as the lead in planning and developing a Regional Bioterrorism Preparedness Plan. Identify members of this planning committee, including, at a minimum:
  - A) Emergency physicians
  - B) EMS coordinators from Resource & Associate Hospitals
  - C) Designated contact disaster person at Participating Hospitals
  - D) Local health department representative
  - E) Hospital administrator
  - F) Hospital security representative
  - G) Physician specializing in pediatrics, trauma and obstetrics
  - H) Representative from a specialized hospital/rehabilitation center
  - I) Representative from police, fire and EMS
  - J) ED nurse manager
  - K) Infectious disease physician or registered nurse
  - L) Legal representative
- 4) Ensure availability of one portable decontamination unit and one other – either portable or stationary – decontamination unit.
- 5) Maintain equipment and identify staff for a regional IMERT team.
- 6) Support training and educational programs for health professional staff in region.

(Source: Added at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Extensions of Jurisdiction
- 2) Code Citation: 80 Ill. Adm. Code 305
- 3) Section Numbers: 305.230      Adopted Action: New
- 4) Statutory Authority: Implementing and authorized by Section 4b of the Personnel Code [20 ILCS 415]
- 5) Effective Date of Amendment: October 18, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this Amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: August 2, 2002 26 Ill. Reg. 11623
- 10) Has JCAR issued a Statement of Objection to the amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.
- 13) Will this amendment replace an emergency amendment currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This amendment extends Personnel Code jurisdiction to certain employees of the Capital Development Board. These procedures are consistent with procedures for other extensions of jurisdiction in this Part.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Ben Bagby  
Department of Central Management Services

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

720 Stratton Office Building  
Springfield, IL 62706  
(217)782-9669

The full text of the adopted amendment begins on the next page:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS  
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICESPART 305  
EXTENSIONS OF JURISDICTION

## Section

305.50	Extends Jurisdiction A, B & C
305.60	Extends Jurisdiction A, B & C (July 1, 1970)
305.70	Extends Jurisdiction A, B & C (July 1, 1970)
305.80	Extends Jurisdiction A, B & C (August 1, 1970)
305.90	Extends Jurisdiction A, B & C (August 1, 1971)
305.100	Extends Jurisdiction A, B & C (November 16, 1971)
305.110	Extends Jurisdiction A, B & C (April 1, 1972)
305.120	Extends Jurisdiction A, B & C (May 1, 1972)
305.130	Extends Jurisdiction A & C (October 1, 1972)
305.140	Extends Jurisdiction A & C (October 1, 1972)
305.150	Extends Jurisdiction A, B and C (November 1, 1972)
305.160	Extends Jurisdiction B, Except 8b.1, 8b.3 and 8b.5 (January 1, 1973)
305.170	Extension of Jurisdiction
305.180	Termination of Extension of Jurisdiction
305.190	Extension of Jurisdiction
305.200	Third Extension of Jurisdiction to Office of the Treasurer
305.210	Extends Jurisdiction A, B and C (December 1, 1998)
305.220	Extends Jurisdiction A, B and C (December 1, 1998)
<u>305.230</u>	<u>Extends Jurisdiction A, B and C (July 16, 2002)</u>

AUTHORITY: Implementing and authorized by Section 4b of the Personnel Code [20 ILCS 415/4b].

SOURCE: Filed May 29, 1975; emergency amendment at 2 Ill. Reg. 46, p. 3, effective January 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 1, p. 61, effective January 1, 1979; codified at 7 Ill. Reg. 13214; amended at 10 Ill. Reg. 21643, effective December 15, 1986; amended at 22 Ill. Reg. 21302, effective December 1, 1998; emergency amendment at 26 Ill. Reg. 12060, effective July 16, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 305.230 Extends Jurisdiction A, B and C (July 16, 2002)**

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Effective July 16, 2002, Jurisdictions A, B and C of the Personnel Code will be extended to all non-Code, non-supervisory positions in the Capital Development Board Office of Information Systems, which includes the professional and technical specialist positions responsible for information technology services at the Board. Employees of this office serving prior to July 16, 2002, will be required to qualify within six months in the same kind of examination as the entrance examination for a comparable position. All appointments in these divisions made subsequent to July 16, 2002, will be made pursuant to provisions of the Illinois Personnel Code and the Personnel Rules of the Department of Central Management Services. No provision of this Section in any way affects the status of any employee in the Capital Development Board already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and the Personnel Rules of the Department of Central Management Services will apply to the employees of the above named office effective July 16, 2002.

(Source: Added at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## COMPTROLLER

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: State Gift Ban Act
- 2) Code Citation: 2 Ill. Adm. Code 626
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
626.5	New Section
626.10	New Section
626.20	New Section
626.30	New Section
626.40	New Section
626.50	New Section
626.60	New Section
626.70	New Section
626.80	New Section
- 4) Statutory Authority: Implementing and authorized by the State Gift Ban Act [5 ILCS 425]
- 5) Effective Date of Rules: October 21, 2002
- 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 Illinois Register: 26 Ill. Reg. 10133, July 12, 2002
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposed and final version: The First Notice Proposed Rules failed to provide how the Chairperson is selected or elected. The final version remedies this deficiency. The final version also clarifies that a majority of a Committee shall constitute a quorum, unless the guidelines issued by the Commission when it creates the Committee require a greater number. Otherwise, the Office of the Comptroller made only the technical, punctuation or grammar changes as agreed upon with JCAR.
- 12) Have all of the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

## COMPTROLLER

## NOTICE OF ADOPTED RULES

- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: The adopted rules govern the performance of the Comptroller's Ethics Commission duties and the exercise of its powers under the State Gift Ban Act [5 ILCS 425].
- 16) Information regarding this adopted rulemaking shall be directed to:

Whitney Wagner Rosen

Legislative Counsel  
Office of the Comptroller  
201 State Capitol  
Springfield, Illinois 62706  
217/782-6000

The full text of the adopted rules begins on the next page.

## COMPTROLLER

## NOTICE OF ADOPTED RULES

TITLE 2: GOVERNMENTAL ORGANIZATION  
CHAPTER VI: COMPTROLLERPART 626  
STATE GIFT BAN ACT

Section	
626.5	Ethics Commission Members and Terms of Office
626.10	Meetings of the Commission
626.20	Committees
626.30	Informal Action by Committee Members
626.40	Telephonic Meetings
626.50	Presumption of Assent
626.60	Resignations, Removals and Vacancies
626.70	Officers of the Commission
626.80	Conflict of Interest

AUTHORITY: Implementing and authorized by the State Gift Ban Act [5 ILCS 425].

SOURCE: Adopted at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 626.5 Ethics Commission Members and Terms of Office**

- a) The Office of the Comptroller's Ethics Commission (Ethics Commission) shall consist of seven commissioners appointed by the Comptroller of the State of Illinois. No more than four of the seven appointees shall be of the same political party (see 5 ILCS 425/45).
- b) The initial appointees to the Ethics Commission as Commissioners shall be divided into two groups. The Commissioners of the first group shall serve two-year terms, and the Commissioners of the second group shall serve one-year terms. Thereafter, Commissioners shall be appointed to two-year terms. Commissioners may be reappointed to serve subsequent terms.

**Section 626.10 Meetings of the Commission**

- a) Ethics Commission meetings shall be held each January and throughout the year as needed.
- b) The Chairperson or any two members of the Ethics Commission may call a Special Meeting of the Ethics Commission.
- c) The regular meetings of the Ethics Commission shall be held at Springfield,

## COMPTROLLER

## NOTICE OF ADOPTED RULES

- Illinois, or such other place as designated by the Chairperson. The Chairperson shall designate the place of Special Meetings.
- d) Notice of a meeting shall be transmitted to the members not less than five business days prior to any session of the Ethics Commission.
  - e) For the purposes of public notice, such notice to the public shall be posted at 325 West Adams, Springfield, Illinois, and at the Office of the Comptroller at 100 West Randolph, Suite 15-500 in Chicago, Illinois. Such public notice of meetings shall be posted at least 24 hours prior to the date and time of the meeting.
  - f) A quorum of the Ethics Commission shall consist of four members of the Ethics Commission. Official action of the Ethics Commission shall require the affirmative vote of four members of the Ethics Commission.
  - g) The Ethics Commission may nominate one of its members as Secretary of the Ethics Commission, or the Ethics Commission may designate a staff employee of the Office of the Comptroller as Secretary of the Ethics Commission or contract with an individual to perform the duties of Secretary of the Ethics Commission.
  - h) Voting shall be by voice vote and shall be recorded by the Secretary.

**Section 626.20 Committees**

The members of the Ethics Commission, by resolution, may create one or more committees and appoint members of the Ethics Commission or others to serve on the Committees. Each Committee shall have three or more members who shall serve at the pleasure of the Ethics Commission. Unless the guidelines issued by the Commission when it creates the Committee requires a greater number, a majority of any Committee shall constitute a quorum, and any action shall require the affirmative vote of a majority of the members of the Committee. A Committee may make recommendations to the Ethics Commission by unanimous consent, in writing, without a meeting, or subject to this Part. A Committee, by a majority vote of its members, shall determine the time and place of meetings and notice required for the meeting. A Committee shall be limited in its scope to such matters as specifically referred to it by the members of the Ethics Commission, and it shall take no action inconsistent with that direction nor consider any other matters, other than those matters given to it by the Ethics Commission.

**Section 626.30 Informal Action by Committee Members**

An action may be taken without a meeting if a consent in writing, setting forth the action so taken, is signed by all of the Committee members with respect to the subject matter. All approvals of the action taken and evidencing consent for the action shall be delivered to the Secretary to be placed in the Ethics Commission records.

**Section 626.40 Telephonic Meetings**

## COMPTROLLER

## NOTICE OF ADOPTED RULES

Members may attend meetings by telephone or video conference, so long as at least three of the members of the Ethics Commission are physically present at the time and place designated for the meeting. Members should notify the Chairperson, or the Chairperson's designee, of their intentions as to attendance. Members of any Committee of the Ethics Commission may participate and act at any meeting of the Ethics Commission through the use of a conference telephone or video communications equipment, by means of which all persons participating in such meeting shall constitute attendance. For a Committee Meeting, there is no requirement of physical presence.

**Section 626.50 Presumption of Assent**

A member of the Ethics Commission or a member of a Committee who is present at a meeting of either the Ethics Commission or a Committee at which action on any matter is taken shall be conclusively presumed to have assented to the action, unless his or her dissent is entered in the minutes of the meeting or unless he or she files written dissent to the action with the person acting as the Secretary of the meeting before adjournment, or shall forward his or her dissent to the Secretary immediately after the adjournment of the meeting.

**Section 626.60 Resignations, Removals and Vacancies**

- a) Any member of the Ethics Commission may resign at any time by giving written notice to the members of the Ethics Commission and the Comptroller. The resignation shall take effect at the time specified in the notice and, unless tendered to take effect upon acceptance, the acceptance of the resignation shall not be necessary to make it effective.
- b) The Comptroller may remove a Commissioner in case of incompetency, neglect of duty, or malfeasance in office. The charges against a Commissioner shall be in writing and shall be served on the Commissioner by certified mail, return receipt requested. The Commissioner so charged shall have 10 business days after the receipt of the charges to request an opportunity to be heard and respond to the charges in person or by counsel. A hearing requested by a Commissioner so charged shall be held not less than 10 business days after the request for a hearing on the charges is received.
- c) The Comptroller shall fill any vacancy occurring in the membership of the Ethics Commission for the completion of the term of the vacant position.

**Section 626.70 Officers of the Commission**

- a) The Commission shall annually elect from among the Commissioners a

## COMPTROLLER

## NOTICE OF ADOPTED RULES

- Chairperson, a Vice-Chairperson and a Secretary.
- b) The Chairperson, subject to the control of the Ethics Commission, shall in general supervise the business and affairs of the Ethics Commission and shall see that resolutions and directions of the Ethics Commission are carried into effect except when that responsibility is specifically assigned to some other person by the Ethics Commission. The Chairperson shall preside at all meetings of the Ethics Commission.
  - c) In the absence of the Chairperson, or in the event of the Chairperson's inability or refusal to act, the Vice Chairperson shall perform the duties of the Chairperson and, when so acting, shall have all the authority of and be subject to all the restrictions upon the Chairperson.
  - d) The Secretary shall:
    - 1) keep the minutes of the proceedings of the Ethics Commission;
    - 2) ensure that the Ethics Commission's records are maintained by the Comptroller's Office;
    - 3) in general, perform all such duties incident to the position of Secretary and such other duties as from time to time may be prescribed by the Chairperson or the Ethics Commission.

**Section 626.80 Conflict of Interest**

In the event that a member of the Ethics Commission believes that he or she has a conflict of interest with respect to any matter brought before the Ethics Commission or for any other reason, that member shall advise the Ethics Commission of the material facts of any transaction in which the member may have an interest or any relationship the member believes may create a conflict. If the members of the Ethics Commission believe that the situation constitutes a conflict of interest, then the member shall abstain from voting on the issue. The abstention from voting by the member shall not alter the requirement that four votes are necessary for the Ethics Commission to take official action.

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) Section Number: 1.762                      Adopted Action:  
New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.6 and 14-6.03
- 5) Effective Date of Amendment: October 21, 2002
- 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 amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 12, 2002; 26 Ill. Reg. 10139
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment:  
This amendment responds to Public Act 92-510, which sets requirements for the supervision of speech-language pathology assistants and paraprofessionals and requires training for individuals who supervise assistants. The Act requires the State Board to promulgate rules describing the requirements for that training and allows the agency to exempt individuals with experience. The training requirements being implemented cover the salient points found in nationally accepted approaches to training for supervisory responsibilities in this arena.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding this adopted amendment shall be directed to:

Kathryn Cox  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777-0001  
(217) 782-5589

The full text of the adopted amendment 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 a: PUBLIC SCHOOL RECOGNITION

## PART 1

## PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

## SUBPART A: SCHOOL RECOGNITION REQUIREMENTS

## Section

- 1.10 Public School Accountability Framework
- 1.20 Operational Requirements
- 1.30 Quality Assurance Reviews
- 1.40 Student Performance and School Improvement Requirements (Repealed)
- 1.50 State Assessment
- 1.60 Operational Compliance (Repealed)
- 1.70 Effective Dates of Accreditation (Repealed)
- 1.80 Academic Early Warning and Watch Lists
- 1.85 Revisions to School Improvement Plans
- 1.90 System of Rewards and Recognition
- 1.100 Waiver and Modification of State Board Rules and School Code Mandates

## SUBPART B: SCHOOL GOVERNANCE

## Section

- 1.210 Powers and Duties
- 1.220 Duties of Superintendent
- 1.230 Board of Education and the School Code
- 1.240 Equal Opportunities for all Students
- 1.245 Waiver of School Fees
- 1.250 District to Comply with 23 Ill. Adm. Code 170 and 180
- 1.260 Commemorative Holidays to be Observed by Public Schools
- 1.270 Book and Material Selection
- 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

## STATE BOARD OF EDUCATION

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## Section

- 1.310 Administrative Responsibilities
- 1.320 Duties
- 1.330 Hazardous Materials Training

## SUBPART D: THE INSTRUCTIONAL PROGRAM

## Section

- 1.410 Determination of the Instructional Program
- 1.420 Basic Standards
- 1.430 Additional Criteria for Elementary Schools
- 1.440 Additional Criteria for High Schools
- 1.445 Required Course Substitute
- 1.450 Special Programs
- 1.460 Credit Earned Through Proficiency Examinations
- 1.462 Uniform Annual Consumer Education Proficiency Test
- 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
- 1.520 School Food Services
- 1.530 Health Services
- 1.540 Pupil Personnel Services (Repealed)

## SUBPART F: STAFF CERTIFICATION REQUIREMENTS

## Section

- 1.610 Public School Districts
- 1.620 Accreditation of Staff
- 1.630 Noncertificated Personnel
- 1.640 Requirements for Different Certificates
- 1.650 Transcripts of Credits
- 1.660 Records of Professional Personnel

## SUBPART G: STAFF QUALIFICATIONS

## STATE BOARD OF EDUCATION

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## Section

1.705	Minimum Requirements for Teachers
1.710	Minimum Requirements for Elementary Teachers
1.720	Minimum Requirements for Teachers of Middle Grades
1.730	Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above
1.735	Requirements to Take Effect on July 1, 1991
1.736	Requirements to Take Effect on July 1, 1994
1.740	Standards for Reading
1.750	Standards for Media Services
1.760	Standards for Pupil Personnel Services
<u>1.762</u>	<u>Supervision of Speech-Language Pathology Assistants</u>
1.770	Standards for Special Education Personnel
1.780	Standards for Teachers in Bilingual Education Programs
1.781	Requirements for Bilingual Education Teachers in Grades K-12
1.782	Requirements for Teachers of English as a Second Language in Grades K-12
1.790	Substitute Teacher

APPENDIX A	Professional Staff Certification
APPENDIX B	Certification Quick Reference Chart
APPENDIX C	Glossary of Terms
APPENDIX D	State Goals for Learning
APPENDIX E	Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
APPENDIX F	Criteria for Determination – Student Performance and School Improvement (Repealed)
APPENDIX G	Criteria for Determination – State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 2-3.130, 10-17a, 10-20.14, 10-20.33, 10-22.43a, 14-6.03, 14C-8, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, and 27-23.3 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 2-3.130, 10-17a, 10-20.14, 10-20.33, 10-22.43a, 14-6.03, 14C-8, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, 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

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

## SUBPART G: STAFF QUALIFICATIONS

**Section 1.762 Supervision of Speech-Language Pathology Assistants**

- a) Pursuant to Section 14-6.03 of the School Code [105 ILCS 5/14-6.03], school districts and cooperative entities may employ licensed speech-language pathology assistants ("SLPAs"), as well as speech-language pathology paraprofessionals who are approved by the State Board of Education ("paraprofessionals"). These individuals are required by that Section to serve under the supervision of experienced speech-language pathologists, who are further required by Section 3.5(b) of the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110/3.5(b)] to be licensed under that Act. Therefore, a school district or cooperative entity shall not assign a speech-language pathologist certified under Article 21 of the School Code [105 ILCS 5/Art. 21] but not licensed under the Illinois Speech-Language Pathology and Audiology Practice Act to supervise any SLPA or paraprofessional.
- b) Except as provided in subsection (d) of this Section, a speech-language pathologist who supervises one or more SLPAs shall provide evidence of having completed training of at least ten hours' duration that was provided by an organization approved by the Illinois Department of Professional Regulation pursuant to the Department's rules titled "The Illinois Speech-Language Pathology and Audiology Practice Act" (68 Ill. Adm. Code 1465) and that addressed all the following topics:
- 1) Establishing and maintaining effective working relationships;
  - 2) Ethical, legal, regulatory, and reimbursement aspects of the profession;
  - 3) Strategies for direct and indirect supervision (supervisory process and practices, effective use of assistants);
  - 4) Evaluating the performance of assistants;
  - 5) The scope of assistants' responsibility; and

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- 6) Instructing and assisting SLPAs with:
- A) the execution of goals and objectives, data collection, and student outcomes,
  - B) standards and strategies for oral and written communication,
  - C) techniques, materials, and equipment utilized in the profession, and
  - D) the maintenance of records.
- c) In order to be eligible to supervise SLPAs, a speech-language pathologist shall provide to the employing district or cooperative a copy of a signed certificate of completion furnished by the provider. The employing district or cooperative shall maintain this written evidence on file.
- d) The requirements of subsections (b) and (c) of this Section shall not apply to speech-language pathologists who supervise paraprofessionals only. A speech-language pathologist who supervises one or more SLPAs shall be exempt from the requirements of subsections (b) and (c) of this Section provided that he or she presents to the employing district or cooperative entity, and the employer maintains, written evidence demonstrating that the speech-language pathologist had acquired at least one full school year's experience in supervising paraprofessional speech-language pathology staff serving individuals of school age prior to January 1, 2003.

(Source: Added at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Certification
- 2) Code Citation: 23 Ill. Adm. Code 25
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
25.710	Amendment
25.717	Amendment
25.720	Amendment
25.725	Amendment
25.730	Amendment
25.732	Amendment
25.733	Amendment
25.750	Amendment
25.760	Amendment
25.765	Amendment
25.770	Amendment
25.780	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6, 14C-8, and Art. 21
- 5) Effective Date of Amendments: October 21, 2002
- 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 amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 12, 2002; 26 Ill. Reg. 10146
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version:  
In the table of contents, the title of Section 25.355 was changed to "Superintendent Endorsement" to match the text of that Section, and the title of Section 25.728 was changed to "Use of Test Results by Institutions of Higher Education" to match the text of that Section.

The last word of Section 25.717(a) was changed from "rule" to "subsection".

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A new sentence was added to Section 25.720(a) to acknowledge new requirements for passing certain certification tests pursuant to Section 21-1a(d) of the School Code as recently amended by P.A. 92-734.

In Section 25.730(a)(4), the word “said” was changed to “that”.

In Section 25.730(g), a comma was added after the word “death”.

In Section 25.780(b) the word “rescoring” was hyphenated.

- 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 these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:  
Several changes are being made in the rules for certification testing. A number of these deal with electronic registration and processing and involve simply broadening the language of the rules to encompass that possibility. Other changes are technical in nature, such as those having to do with test scores.
- 16) Information and questions regarding these adopted amendments shall be directed to:

J. Robert Sampson  
Teacher Certification Services  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777-0001  
(217) 557-6763

The full text of the adopted amendments begins on the next page:

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## TITLE 23: EDUCATION AND CULTURAL RESOURCES

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## SUBCHAPTER b: PERSONNEL

## PART 25

## CERTIFICATION

## SUBPART A: DEFINITIONS

Section	
25.10	Definition of Terms Used in This Part

## SUBPART B: CERTIFICATES

Section	
25.11	New Certificates (February 15, 2000)
25.15	Standards for Certain Certificates
25.20	Requirements for Initial Elementary Certificate
25.30	Requirements for Initial Secondary Certificate
25.35	Temporary Provisions for the Acquisition of Subsequent Standard Certificates
25.40	Requirements for Initial Special K-12 Certificate
25.43	Standards for Certification of Special Education Teachers
25.45	Standards for the Standard Special Certificate – Speech and Language Impaired
25.50	General Certificate (Repealed)
25.60	State Special Certificate, Grades 11-12, For Teaching Elective Subjects (Repealed)
25.65	Alternative Certification
25.67	Alternative Route to Teacher Certification
25.70	State Provisional Vocational Certificate
25.75	Part-time Provisional Certificates
25.80	Requirements for Initial Early Childhood Certificate
25.85	Special Provisions for Endorsement in Foreign Language for Individuals Currently Certified
25.86	Special Provisions for Endorsement in Foreign Language for Individuals Prepared as Teachers But Not Currently Certified
25.90	Transitional Bilingual Certificate and Examination
25.95	Majors, Minors, and Separate Fields for the Illinois High School Certificate
25.99	Endorsing Teaching Certificates

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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, Accreditation of Educational Units, and Approval of Programs
25.120	Standards and Criteria for Institutional Recognition and Program Approval (Repealed)
25.125	Fifth-Year Review of the Educational Unit
25.127	Fifth-Year Review of Individual Programs
25.130	Special Provisions for Institutions Subject to Conditions for Continuing Accreditation
25.135	Interim Provisions for Continuing Accreditation and Approval – July 1, 2000, through Fall Visits of 2001
25.136	Interim Provisions for Continuing Accreditation – Institutions Visited from Spring of 2002 through Spring of 2003
25.137	Interim Provisions for Continuing Accreditation and Approval – July 1, 1999, through June 30, 2000 (Repealed)
25.140	Transitional Requirements for Unit Assessment Systems
25.145	Approval of New Programs Within Recognized Institutions
25.147	Approval of Programs for Foreign Language Beginning July 1, 2003
25.150	The Periodic Review Process (Repealed)
25.155	Initial Recognition Procedures
25.160	Notification of Recommendations; Decisions by State Board of Education
25.165	Discontinuation of Programs

## SUBPART D: SCHOOL SERVICE PERSONNEL

Section	
25.210	Requirements for the Certification of School Social Workers
25.220	Requirements for the Certification of Guidance Personnel
25.230	Requirements for the Certification of School Psychologists
25.240	Standard for School Nurse Endorsement

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF  
ADMINISTRATIVE AND SUPERVISORY POSITIONS

Section	
25.310	Definitions (Repealed)

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25.311	Administrative Certificate
25.313	Alternative Route to Administrative Certification
25.315	Renewal of Administrative Certificate
25.320	Application for Approval of Program (Repealed)
25.322	General Supervisory Endorsement
25.330	Standards and Guide for Approved Programs (Repealed)
25.333	General Administrative Endorsement
25.344	Chief School Business Official Endorsement
25.355	Superintendent <u>Endorsement</u>

## SUBPART F: GENERAL PROVISIONS

Section	
25.400	Registration of Certificates; Fees
25.405	Military Service
25.410	Revoked Certificates
25.415	Credit in Junior College
25.420	Psychology Accepted as Professional Education
25.425	Individuals Prepared in Out-of-State Institutions
25.427	Three-Year Limitation
25.430	Institutional Approval
25.435	School Service Personnel Certificate – Waiver of Evaluations (Repealed)
25.437	Equivalency of General Education Requirements (Repealed)
25.440	Master of Arts NCATE
25.442	Illinois Teacher Corps Programs
25.445	College Credit for High School Mathematics and Language Courses
25.450	Lapsed Certificates
25.455	Substitute Certificates
25.460	Provisional Special and Provisional High School Certificates
25.465	Credit
25.470	Meaning of Experience on Administrative Certificates
25.475	Certificates and Permits No Longer Issued (Repealed)
25.480	Credit for Certification Purposes
25.485	Provisional Recognition of Institutions (Repealed)
25.490	Rules for Certification of Persons Who Have Been Convicted of a Crime
25.493	Part-Time Teaching Interns
25.495	Approval of Out-of-State Institutions and Programs
25.497	Supervisory Endorsements

## SUBPART G: THE UTILIZATION OF TEACHER AIDES AND

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## OTHER NONCERTIFIED PERSONNEL

## Section

25.510	Teacher Aides
25.520	Other Noncertificated Personnel
25.530	Specialized Instruction by Noncertificated Personnel
25.540	Approved Teacher Aide Programs

## SUBPART H: CLINICAL EXPERIENCES

## Section

25.610	Definitions
25.620	Student Teaching
25.630	Pay for Student Teaching (Repealed)

## SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

## Section

25.705	Purpose – Severability
25.710	Definitions
25.715	Test Validation
25.717	Test Equivalence
25.720	Applicability of Testing Requirement
25.725	Applicability of Scores
25.728	Use of <del>Basic Skills</del> -Test <u>Results by Institutions of Higher at Time of Entry into</u> <del>Teacher</del> -Education
25.730	Registration
25.732	Late Registration
25.733	Emergency Registration
25.735	Frequency and Location of Examination
25.740	Accommodation of Persons with Special Needs
25.745	Special Test Dates
25.750	Conditions of Testing
25.755	Voiding of Scores
25.760	Passing Score
25.765	Individual Test Score Reports
25.770	Re-scoring
25.775	Institution Test Score Reports
25.780	Fees

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## SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

## Section

25.800	Professional Development Required
25.805	Requirements of the Plan
25.810	State Priorities
25.815	Submission and Review of the Plan
25.820	Review of Approved Plan
25.825	Progress Toward Completion
25.830	Application for Renewal of Certificate(s)
25.832	Validity and Renewal of Master Certificates
25.835	Review of and Recommendation Regarding Application for Renewal
25.840	Action by State Teacher Certification Board; Appeals
25.845	Responsibilities of School Districts
25.848	General Responsibilities of LPDCs
25.850	General Responsibilities of Regional Superintendents
25.855	Approval of Illinois Providers
25.860	Out-of-State Providers
25.865	Awarding of Credit for Activities with Providers
25.870	Continuing Education Units (CEUs)
25.875	Continuing Professional Development Units (CPDUs)
25.880	"Valid and Exempt" Certificates; Proportionate Reduction; Part-Time Teaching
25.885	Funding; Expenses
APPENDIX A	Statistical Test Equating – Certification Testing System
APPENDIX B	Certificates Available Effective February 15, 2000
APPENDIX C	Exchange of Certificates
APPENDIX D	National Board and Master Certificates

AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, 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

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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 amendment 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 amendment at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days; emergency expired November 27, 2001; emergency amendment 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. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

**Section 25.710 Definitions**

For the purposes of this Subpart, the following definitions apply:

"Passing raw score" is the minimum number of items which must be answered correctly on a given test.

"Passing score" is the minimum scaled score a person must obtain in order to pass a test.

"Re-scoring" means the process of reviewing an examinee's answers and the scores assigned to them to confirm that a test score reported to an examinee is the score earned by him or her.

"Retake" is the opportunity for a person who has taken a test of the Illinois Certification Testing System at one test administration to take the test in the same area as given at subsequent administrations.

"Scaled score" is the person's test score after the mathematical transformation of the number of test items the person answered correctly to a scale of numbers on which the minimum score ~~(0)~~, the maximum score ~~(100)~~, and the passing score

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(70) are set. For the tests of subject matter knowledge and language proficiency, the minimum scaled score is 0, the maximum score 100, and passing score 70. For the assessment of professional teaching, the basic skills test, and any new test of subject matter knowledge first administered after December 31, 2002, the minimum scaled score is 100, the maximum score 300, and the passing score 240.

"Subarea score" is the scaled score for the subset of test items on a subject matter test which measures specific content, and the "subarea score" is the scaled score for each subset of test items on the basic skills test which measures specific content in reading, writing, grammar and language arts, and mathematics.

"Test" or "Tests" refers to the test of basic skills, the assessment of professional teaching, the language proficiency tests, and the tests of subject matter knowledge for the Illinois Certification Testing System. These tests are:

Agriculture

Art (K-12)

Art (6-12)

Assessment of Professional Teaching – Early Childhood

Assessment of Professional Teaching – Elementary

Assessment of Professional Teaching – Secondary

Assessment of Professional Teaching – Special

Basic Skills

Grammar and Language Arts

Mathematics

Reading

Writing

Biological Science

Blind and Partially Sighted

Business/Marketing/Management

Chemistry

Chief School Business Official

Computer Science

Dance

Deaf and Hard of Hearing

Early Childhood

Educable Mentally Handicapped

Elementary

English

English as a Second Language

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English Language Proficiency  
French  
General Administrative  
General Science  
General Supervisory  
German  
Guidance  
Health  
Health Occupations  
Hebrew  
History  
Family and Consumer Sciences  
Industrial Technology Education  
Italian  
Latin  
Learning Disabilities  
Mathematics  
Media  
Music (K-12)  
Music (6-12)  
Physical Education (K-12)  
Physical Education (6-12)  
Physically Handicapped  
Physical Science  
Physics  
Reading  
Russian  
School Nurse  
School Psychology  
School Social Work  
Social/Emotional Disorders  
Social Science  
Spanish  
Speech  
Speech and Language Impaired  
Superintendent  
Theatre Arts  
Trainable Mentally Handicapped  
Transitional Bilingual Education  
Arabic

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Cantonese  
Greek  
Gujarati  
Hindi  
Japanese  
Korean  
Lao  
Mandarin  
Polish  
Russian  
Spanish  
Urdu  
Vietnamese

"Test items" are specific questions asked on a test that require a person either to select the correct response from those alternative responses provided or to produce a written response.

"Test objective" is a statement of the behavior or performance measured by test items.

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.717 Test Equivalence**

- a) The State Board of Education will implement the following procedures to maintain uniformity in the difficulty level of each form of the basic skills test, [each form of the assessment of professional teaching](#), each language proficiency test, and each subject matter knowledge test from test-to-test and from year-to-year. These procedures will conform to the accepted professional standards for test score comparability and equating promulgated by the National Council on Measurement in Education, the American Educational Research Association, and the American Psychological Association as presented in the "Standards for Educational and Psychological Testing" (1999) published by the American Educational Research Association, 1230 17th Street, N.W., Washington, D.C. 20036. No later amendments to these standards are incorporated by this ~~subsection~~rule.
- b) To achieve uniformity of test form difficulty, all test content advisory committees (see Section 25.715) shall be given identical orientation and training sessions throughout each step in test development and in standard setting. As a further

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measure to maintain test equivalence, when a new test form is produced, new items shall be matched to the items they are replacing in terms of average item difficulty statistics. Following the administration of a new test form, test scores for new test forms shall be made comparable in difficulty with the test scores on the previous test form by statistical test equating. The method to be used is set forth in Appendix A.

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.720 Applicability of Testing Requirement**

- a) Beginning July 1, 1999, each person seeking a school service personnel or administrative certificate or an initial early childhood, elementary, secondary or special certificate must pass the Illinois Certification Testing System's test of basic skills and a test of subject matter knowledge. Beginning with the 2002-2003 academic year, however, passage of those tests shall be required as specified in Section 21-1a(d) of the School Code [105 ILCS 5/21-1a(d)]. Beginning ~~October~~ July-1, 2003, each person seeking an initial early childhood, elementary, secondary, or special certificate shall also be required to pass the applicable assessment of professional teaching ~~test of the common core of teaching knowledge~~, which shall be based upon the standards set forth in "Standards for All Illinois Teachers" (23 Ill. Adm. Code 24). An individual seeking a standard certificate shall be required to pass the test of basic skills, the test of subject matter knowledge, or (beginning ~~October~~ July-1, 2003) the applicable assessment of professional teaching ~~test of the common core of teaching knowledge~~ only if:
- 1) he or she has not already passed that examination (except that an individual who met all applicable requirements for certification and applied for an initial certificate before October 1, 2003, shall not subsequently be required to take the assessment of professional teaching); or
  - 2) he or she has passed that examination but the score is more than five years old and no certificate has been issued on the basis of that score; or
  - 3) in the case of the basic skills test, the score is more than five years old and the individual was not admitted to an Illinois teacher preparation program on the basis of that score.
- b) The required test of subject matter knowledge is that test which corresponds to the individual's major field of study in a teacher education program in the State of Illinois approved pursuant to Subpart C of this Part.
- c) Persons who are graduates of colleges or universities outside the State of Illinois and who are seeking an Illinois certificate must take the test of basic skills, ~~and~~

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the subject matter knowledge test which corresponds to the Illinois certificate or endorsement sought, and, beginning October 1, 2003, the assessment of professional teaching relevant to the certificate sought. For example, someone seeking to teach whose major field of study is urban studies would, in addition to the basic skills test, also take the subject matter knowledge test in the social sciences and the assessment of professional teaching for the secondary certificate.

- d) It is the individual's responsibility to take the appropriate ~~subject matter~~ tests. Upon request, the State Board of Education shall assist individuals in identifying appropriate tests.
- ~~e) Beginning July 1, 2003, an individual seeking a standard certificate shall be required to pass the standard examination referred to in Section 25.11(d) of this Part unless he or she holds an Illinois standard certificate of some other type or holds a comparable certificate from another state and presents evidence of at least four years of teaching experience.~~

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.725 Applicability of Scores**

- a) Each person seeking certification in Illinois must pass the test of basic skills.
- b) Each person seeking certification must pass the appropriate test of subject matter knowledge, as set forth in Section 25.720(b) and (c) of this Part, for each certificate sought.
- c) Beginning October 1, 2003, each person seeking an early childhood, elementary, secondary, or special certificate must also pass the assessment of professional teaching relevant to the certificate sought, unless he or she has already passed an assessment of professional teaching that encompasses the grade levels of the certificate sought.
- d) Except as provided in subsections (c), (e) and (f) subsection (d) of this Section, for each person seeking an his or her first Illinois certificate, neither the score on the basic skills test, nor the score on the assessment of professional teaching, nor the score on the subject matter test may be more than five years old at the time application is made. The five-year period shall be calculated from the date the test was taken and passed to the date of receipt of the application by the State Board of Education. Scores more than five years old will not be accepted as part of an application.
- ~~ed)~~ A person who has passed the test of basic skills as a condition of admittance to an Illinois teacher education program approved pursuant to Subpart C of this Part shall not be required to retake that test.
- ~~e)~~ A person who has passed the basic skills test and has been issued a certificate on

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the basis of the test shall not be required to retake the basic skills test when seeking any subsequent certificate.

- f) ~~For persons seeking subsequent certificates, the subject matter test score upon which each application is based shall be no more than five years old, such five-year period to be calculated from the date the test was taken and passed to the date of receipt of the application by the State Board of Education. Scores more than five years old will not be accepted as part of an application.~~
- g) Any person may retake any test during any subsequent, regularly scheduled administration of that test, subject only to registration in accordance with the provisions of this Subpart.

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.730 Registration**

Registration materials and information about the tests will be available from the State Board of Education, 100 North First Street, Springfield, Illinois 62777-0001, and, beginning October 1, 2002, at [www.isbe.net](http://www.isbe.net).

- a) An individual's registration ~~form~~ must be either received by the testing contractor chosen by the State Board of Education on or before the registration deadline or must be postmarked by the United States Postal Service on or before the registration deadline and received by the testing contractor by the late registration deadline as specified in Section 25.732 of this Part. An individual's registration ~~form~~ must include the following:
- 1) Registrant's name, mailing home address, both daytime and evening telephone numbers, Social Security number, date of birth, gender and ethnicity;
  - 2) Name and identification number of test(s);
  - 3) Test date and first and second test site identification numbers;
  - 4) Name of Illinois teacher preparation institution attended, if applicable, and ~~student~~ status within thatsaid institution;
  - 5) An assurance that the registrant will abide by all the conditions of testing set forth in Section 25.750 of this Part;
  - 6) An assurance that the registrant has not had and will not seek access to any secure test materials, either prior to or after the test date; and
  - 7) The registrant's signature, which shall signify that the facts and assurances presented are true to the best of the registrant's knowledge and that the registrant agrees to abide by the testing conditions.
- b) The testing contractor will acknowledge receipt of registrations ~~registration forms~~ within four weeks after ~~of~~ their receipt.

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- c) An individual may amend or cancel his or her registration by submitting a properly completed change notice form to the testing contractor. The change notice form must be ~~either~~ received by the testing contractor on or before the ~~registration deadline or must be postmarked by the United States Postal Service on or before the registration deadline and received by the testing contractor by the~~ late registration deadline as specified in Section 25.732 of this Part. Changes that may be made by an individual to his or her registration are:
- 1) changing the test site or test date;
  - 2) adding a test or tests; and
  - 3) deleting a test or tests.
- d) All requests for changes to a registration, except for deletion of a test or tests, must be accompanied by payment of the appropriate fee ~~as set forth in Section 25.780 of this Part.~~
- e) An individual who cancels her or his registration in accordance with this Section, including meeting the specified deadline, will receive a partial refund ~~as set forth in Section 25.780 of this Part.~~ An individual who cancels his or her registration other than in strict accordance with this Section, or who is absent from the test administration, will receive no refund or credit of any kind.
- f) The registration deadline for each test administration will be six calendar weeks prior to the test administration date.
- g) The State Board of Education may issue a fee credit to an individual who is absent from a test administration for which he or she was registered because of a medical emergency or death, provided that:
- 1) a written request is received by the State Board of Education no later than six months from the date of the missed test administration, and
  - 2) a written statement from a member of the medical profession or funeral home documenting the reason for the absence accompanies the request.

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.732 Late Registration**

Late registration for individuals not meeting the deadlines established in Section 25.730 of this Part will be permitted.

- a) An individual's late registration ~~form~~ must be received by the testing contractor no later than the close of business three weeks before the date of test administration and must include the information specified in Section 25.730(a) of this Part.
- b) The testing contractor will acknowledge receipt of late registrations ~~registration forms~~ within two weeks after ~~of~~ their receipt.

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- c) All requests for a late registration must be accompanied by payment of a late fee in addition to the payment for each test to be taken~~the appropriate fee as set forth in Section 25.780 of this Part.~~
- d) The late registration fee will be waived for examinees who failed the examination at its most recent administration but whose score reports were not released before the next regular registration deadline.
- e) Late registration requests for the accommodation of persons with special needs as specified in Section 25.740 of this Part or a special test date as specified in Section 25.745 of this Part will be honored by the testing contractor only if space, staff, and time constraints allow.
- f) An individual may amend or cancel his or her registration or late registration by submitting a properly completed change ~~notice-form~~. The notice change form must be received by the testing contractor by the late registration deadline. Changes that may be made by an individual to his or her registration or late registration are:
- 1) changing the test site or test date;
  - 2) adding a test or tests; and
  - 3) deleting a test or tests.
- g) All requests for changes to a late registration, except for deleting of a test or tests, must be accompanied by the appropriate fee for a change in registration~~as set forth in Section 25.780 of this Part.~~
- h) ~~All requests for a change to a regular registration received by the State Board of Education between the registration and late registration deadlines must be accompanied by the appropriate fee for a change in registration and for a late registration as set forth in Section 25.780 of this Part.~~ i) The late registration deadline for each test administration will be three calendar weeks prior to the test administration date.

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.733 Emergency Registration**

A limited number of emergency registrations per test administration will be allowed on a space-available basis.

- a) Emergency registration will be offered at a limited number of test sites throughout the state, as identified in each year's the current year "Illinois Certification Testing System Registration Bulletin."
- b) Emergency registrations will be accepted up until the close of business on the Tuesday before the Saturday test date.
- c) All requests for emergency registration must be made by telephone or via the

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Internet to the testing company identified in the "Illinois Certification Testing System Registration Bulletin." Fees will be payable only by Visa or Master Card as specified in Section ~~25.780(j)~~ 25.780(i) of this Part.

- d) All individuals registering by emergency registration over the telephone must complete, prior to testing, a registration form and sign an assurance that they will abide by all the conditions set forth in Section 25.750 of this Part. Registration forms and assurance statements will be available at the test sites on the day of the test.

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.750 Conditions of Testing**

- a) On the day of the test, each person shall present the admission ticket received following test registration and two pieces of positive identification, one of which shall include a photograph taken within the last four years. Positive identification includes, but is not limited to, a driver's license, student identification card, Illinois identification card, passport, employee identification card, Social Security card, birth certificate, or selective service registration card. Any person lacking sufficient identification will be required to sign a declaration of identity statement. Any person lacking sufficient identification and refusing to sign a declaration of identity statement will be refused admission.
- b) Persons arriving more than 30 minutes after a test administration has begun will be refused admission. Persons arriving within 30 minutes after a test administration has begun will be required to sign an acknowledgment of late arrival specifying that no additional time will be allotted beyond that already given to the other examinees for the session.
- c) No refund of fees will be made to any person refused admission under subsection (a) or (b) of this Section.
- d) Each person admitted to a testing site shall abide by the instructions of the proctors administering the test in all matters relating to the test, including but not limited to seating arrangements and security measures. Each person authorizes the proctors to serve as his or her agents in maintaining a secure test administration.
- e) Each person beginning a test shall take every section of that test. The score of a person not completing all sections of a test will be reported as set forth in Sections 25.765 and 25.775 of this Part, unless such person requests voiding of that score as provided in Section 25.755 of this Part.
- f) No refund will be made to any person requesting that his or her score be voided, nor will credit be given toward the fee for any future test.
- g) No person may:

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- 1) use written notes during a test;
  - 2) make notes or copies of the contents of a test booklet;
  - 3) use scratch paper;
  - 4) bring into the testing site or use any mechanical or electronic device, except as expressly permitted in the registration materials (i.e., use of a nonprogrammable, solar or battery-powered calculator during the chemistry, mathematics, and physics subject matter tests);
  - 5) bring into the testing site or use any communications device (e.g., telephone, pager) or communicate in any way with other examinees or any person other than the proctors during a test session;
  - 6) remove any test materials from the testing site;
  - 7) engage in behavior that disrupts or gives unfair advantage or disadvantage to other examinees;
  - 8) fail to sign the document(s) on which he or she is directed to record his or her answers; or
  - 9) fail to follow the oral or written instructions or directions of the proctors dealing with the administration of the test.
- h) An individual who wishes to object to any of the testing conditions or procedures set forth in this Section shall notify the testing contractor in writing of the basis for this objection no later than six weeks prior to the test administration date. An individual who wishes to object shall not register using the late or emergency registration procedures described in Sections 25.732 and 25.733 of this Part.
- 1) The testing contractor shall inform the registrant as to whether his or her objection will be honored.
  - 2) If an individual's objection is not honored, the testing contractor shall inform the individual that he or she will not be registered for the test administration.
  - 3) An individual who objects to a condition of testing after using late or emergency registration procedures may be prohibited from taking the test, or his or her score may be voided.

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.760 Passing Score**

- a) The passing raw score will be established for each test by the State Board of Education, in consultation with the State Teacher Certification Board, based upon the professional judgments and recommendations of committees of Illinois educators about the acceptable, minimal level of performance for entry-level educators in Illinois classrooms.

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- b) The raw score for each test of subject matter knowledge ~~and~~, for each language proficiency test, ~~and for the test of basic skills~~ shall be transformed to a scaled score ranging from 0 to 100, with 70 established as the passing score. The passing raw score shall always be equal to a scaled score of 70. The following formula shall be used to transform raw scores to scaled scores, where MAX means the maximum raw score, CUT means the passing raw score and X means the number of multiple choice items correctly answered or the number of holistic score points assigned to a constructed-response item or section, as applicable ~~correct~~:
- 1) If X is greater than or equal to CUT, then the scaled score is  $70 + 30 [(X - CUT)/(MAX - CUT)]$ .
  - 2) If X is less than CUT, then the scaled score is  $70X/CUT$ .
- c) The raw score for the basic skills test and the assessment of professional teaching, and for new subject matter knowledge tests first administered after December 31, 2002, shall be transformed to a scaled score ranging from 100 to 300, with 240 established as the passing score. The passing raw score shall always be equal to a scaled score of 240. The following formula shall be used to transform raw scores to scaled scores, where MAX means the maximum raw score, CUT means the passing raw score and X means the number of multiple choice items correctly answered or the number of holistic score points assigned to a constructed-response item or section, as applicable:
- 1) If X is greater than or equal to CUT, then the scaled score is  $240 + 60 [(X - CUT)/(MAX - CUT)]$ .
  - 2) If X is less than CUT, then the scaled score is  $100 + 140X/CUT$ .
- d) Scaled scores are rounded to the nearest integer except between 69 and 70 ~~and between 239 and 240~~. To ensure that a score just below passing is not equated with a scaled score of 70 ~~or 240~~, scaled scores between 69 and 70 will be considered 69, ~~and scaled scores between 239 and 240 will be considered 239~~.
- ~~ed~~) In order to pass the basic skills test, a person must receive a passing score on the test as a whole and must also receive at least the minimum acceptable score in each of the subareas of reading, writing, grammar and language arts, and mathematics, at the same time.

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.765 Individual Test Score Reports**

- a) The State Board of Education will report each individual's test score(s) only to:
- 1) the individual candidate earning such score(s); ~~and~~
  - 2) the Illinois teacher education institution the candidate either attended or

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- seeks to attend ; and
- 3) the community college attended by the candidate, if the candidate approves such reporting.
- b) The score report released sent to each individual by the State Board of Education will:
- 1) indicate the test date and whether or not the person has passed the test; and
  - 2) report the person's total score and subarea scores as scaled scores.
- c) No test scores will be released via facsimile or over the telephone.
- d) A person shall have the right to request additional copies of his or her score report, subject to payment of the required a fee as set forth in Section 25.780 of this Part.

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.770 Re-scoring**

- a) A person shall have the right to request re-scoring of the basic skills test or a test of subject matter knowledge, provided such a request is submitted in writing and received by the State Board of Education within ten weeks after the test administration date and is accompanied by payment of the applicable fee as set forth in Section 25.780 of this Part. A person shall also have the right to request re-scoring of a language proficiency test. However, no re-scoring service shall be available for the constructed-response portions of a language proficiency test; re-scoring on such a test shall be limited to the multiple-choice items only.
- b) In the case of any discrepancy discerned as a result of rescoring, the State Board of Education will correct its records and inform all parties to whom the test score was reported as to the person's score.

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.780 Fees**

Each fee or refund required pursuant to this Section shall be established by the State Superintendent of Education in consultation with the testing contractor and published in all written materials related to the testing program. The fee schedule shall be maintained in the offices of the State Board of Education and shall also be available upon request.

- a) Each registration form shall be accompanied by payment of a fee for each test to be taken. The registration fee for a test to be administered by the testing contractor outside the United States may be different from other registration fees.
- b) Each request for re-scoring ~~reeseoring~~ of a test shall be accompanied by payment of

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- a fee, which shall be refunded if the original scoring is found to be in error.
- c) Each request for an additional individual score report shall be accompanied by payment of a fee.
  - d) Each request for change form requesting a change in the test(s), test date or test site for which the individual is scheduled shall be accompanied by payment of a fee.
  - e) Each request add-on form requesting to add a test or tests to an individual's registration shall be accompanied by payment of a fee.
  - f) An individual who cancels his or her registration in accordance with Section 25.730 of this Part shall receive a partial refund for each test for which he or she registered.
  - g) Each late registration ~~form~~ shall be accompanied by payment of a fee in addition to the payment of the fee for each test to be taken.
  - h) A fee of \$20 shall be charged for any test payment that does not clear.
  - i) Only cashiers' checks and money orders will be accepted for payment of fees by mail; payment of fees associated with registration transactions made via the Internet shall be made by Visa or Master Card only.
  - j) Payment of fees for emergency registration must be made by Visa or Master Card only, as identified in the current year "Illinois Certification Testing System Registration Bulletin."
    - 1) A fee in addition to the fee for each test to be taken as specified in subsection (a) of this Section will be charged for each emergency registration.
    - 2) No refund or credit of any kind shall be made to any person who registers by emergency registration.

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Evaluation of Certified School District Employees in Contractual Continued Service
- 2) Code Citation: 23 Ill. Adm. Code 50
- 3) Section Number: 50.50                      Adopted Action: Amendment
- 4) Statutory Authority: 105 ILCS 5/24A-7
- 5) Effective Date of Amendment: October 21, 2002
- 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 amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 3, 2002; 26 Ill. Reg. 6025
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment:  
Part 50 implements Sections 2-3.57 and 10-21.4a and Article 24A of the School Code on the subject of the evaluation of certified school district staff who have tenure. The present amendments respond to P.A. 90-653, which was enacted in 1998 and changed the schedule for the periodic evaluation of teachers serving under remediation plans in districts other than Chicago. Previously the law required quarterly evaluations during the year following a teacher's receipt of an unsatisfactory evaluation, whereas the 1998

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amendment requires evaluation every 30 school days for a period totaling 90 school days.  
Section 50.50 needed to be updated to conform to this change.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Don Full  
Accountability  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777-0001  
(217) 782-2948

The full text of the adopted amendment begins on the next page:

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## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER b: PERSONNEL

## PART 50

EVALUATION OF CERTIFIED SCHOOL DISTRICT EMPLOYEES  
IN CONTRACTUAL CONTINUED SERVICE

## Section

50.10	Definitions
50.20	Submission of Evaluation Plans
50.30	Review of Evaluation Plans
50.40	Content of Evaluation Plans for Teachers and School Service Personnel
50.50	Unsatisfactory Evaluations – Districts With a Population of 500,000 or Fewer
50.55	Unsatisfactory Evaluations – Districts With a Population Over 500,000
50.60	Multi-Year Collective Bargaining Agreements
50.70	Alternative Evaluations
50.80	Evaluation of Administrative Staff

AUTHORITY: Implementing Sections 2-3.57 and 10-21.4a and Article 24A of the School Code [105 ILCS 5/2-3.57, 10-21.4a, and Art. 24A] and authorized by Section 24A-7 of that Act [105 ILCS 5/24A-7].

SOURCE: Adopted at 10 Ill. Reg. 15050, effective August 28, 1986; amended at 12 Ill. Reg. 9882, effective May 27, 1988; amended at 14 Ill. Reg. 7503, effective May 7, 1990; amended at 22 Ill. Reg. 12507, effective July 6, 1998; amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 50.50 Unsatisfactory Evaluations – Districts With a Population of 500,000 or Fewer**

- a) The Plan shall provide, within 30 calendar days after an evaluation has been reduced to writing resulting in a rating of unsatisfactory, for the development and initiation by the district of a remediation plan designed to correct the areas identified as unsatisfactory, provided the deficiencies are deemed remediable.
  - 1) *The remediation plan shall provide for 90 school days of remediation within the classroom* (Section 24A-5 of the School Code [105 ILCS 5/24A-5] (see P.A. 90-548, effective January 1, 1998)).
  - 2) The remediation plan shall provide for ~~quarterly~~ evaluations and ratings to

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- occur once every 30 school days during the ~~year immediately following the teacher's receipt of a remediation plan based upon an unsatisfactory evaluation~~ remediation period.
- 3) The ~~quarterly~~ evaluations and ratings shall be conducted by a qualified administrator.
- A) ~~When a quarterly evaluation schedule requires an evaluation after the close of the school year, but on or before July 15, such evaluation shall be scheduled to occur no later than two weeks prior to the close of the preceding school year.~~
- B) ~~When a quarterly evaluation schedule requires an evaluation after the close of the school year, but after July 15, such evaluation shall be scheduled to occur not later than two weeks after students' attendance commences in the following school year.~~
- C) Failure to strictly comply with the timelines for the required ~~quarterly~~ evaluations because of illness or certain leaves granted teachers under a remediation plan, for example, shall not invalidate the results of the remediation plan.
- 4) The qualified administrator shall issue the ~~fourth and~~ final evaluation within ten days after the conclusion of the remediation period ~~year specified in subsection (a)(2) of this Section~~.
- 5) *The remediation plan shall provide reinstatement to a schedule of biennial evaluations for any teacher who successfully completes the ~~one-year~~ remediation plan by receiving a satisfactory or better rating, unless the district's plan regularly requires more frequent evaluations. (Section 24A-5 of the School Code)*
- b) Participants in the remediation plan shall include the teacher deemed unsatisfactory, a qualified administrator, and a consulting teacher. The remediation plan may include the participation of other personnel to assist in correcting areas identified as unsatisfactory.
- 1) The participation of the consulting teacher shall be voluntary.
- 2) The qualified consulting teacher shall be one who has received a rating of excellent on his or her most recent evaluation, has a minimum of five years' ~~years~~ experience in teaching, and has knowledge relevant to the assignment of the teacher under remediation.
- 3) The consulting teacher shall be chosen from a list developed by the district or, in districts with an exclusive bargaining agent, the bargaining agent may, if it chooses, supply a roster of at least five ~~5~~ qualified teachers from which the consulting teacher is to be selected, or the names of all teachers so qualified if that number is less than five ~~5~~. The participating administrator or principal of the teacher who was rated "unsatisfactory"

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- shall select the consulting teacher.
- 4) Where no consulting teacher is available in a district, the district shall request the State Board of Education to provide a consulting teacher. The State Board of Education shall thereupon provide a consulting teacher who meets the requirements of subsection (b)(2) of this Section. The State Board of Education shall compensate any consulting teacher provided to a school district under this subsection (b)(4).
  - 5) If the consulting teacher becomes unavailable during the course of a remediation plan, a new consulting teacher shall be selected in the same manner as the initial consulting teacher. The remediation plan shall be amended as necessary upon consultation with the new consulting teacher for the balance of the remediation period-year.
  - 6) The consulting teacher shall provide advice to the teacher rated as unsatisfactory on how to improve teaching skills and to successfully complete the remediation plan.
  - 7) The consulting teacher shall not participate in any of the required ~~quarterly~~ evaluations, nor be engaged to evaluate the performance of the teacher under remediation, unless a collective bargaining agreement provides otherwise.
  - 8) The consulting teacher shall be informed, through ~~three quarterly~~ conferences with the qualified administrator and the teacher under remediation, of the results of the periodic first three quarterly evaluations conducted pursuant to subsection (a)(2) of this Section in order to continue to provide assistance to the teacher under a remediation plan.
- c) The Plan shall provide that any teacher who fails to complete his or her ~~the one-year~~ remediation plan with a satisfactory or better rating shall be dismissed in accordance with Section 24-12 of the School Code [105 ILCS 5/24-12].

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Electronic Transfer of Funds
- 2) Code Citation: 23 Ill. Adm. Code 155
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
155.10	Amendment
155.20	Amendment
155.30	Amendment
155.50	Amendment
155.60	Amendment
155.70	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.2a and 2-3.116
- 5) Effective Date of Amendments: October 21, 2002
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 3, 2002; 26 Ill. Reg. 6030
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

Section 155.20(b) was revised to make it clear that directing their payments through the regional offices is an option for local school boards (rather than a requirement) and to remove the requirement for renewal of these arrangements every two years.

A change was made in Section 155.30(c)(2) to state the correct number of characters (38) contained in the descriptive entries that accompany transferred funds.

Section 155.30(f) was reworded to reflect the process for conducting pre-note transfers.

A new subsection (g) was added to Section 155.30 to accommodate the failure of pre-note transfers.

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Section 155.50 was amended instead of being repealed in its entirety as originally proposed.

Section 155.60(c) was revised to refer to 38 characters in descriptive entries.

Section 155.70 was added to this rulemaking to display several technical amendments requested by the Comptroller's staff.

- 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 these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:  
These amendments implement P.A. 92-121, which took effect on July 1, 2002, and made mandatory the electronic transfer of funds to school districts and other entities that receive payments from the State Board of Education.

Some of the changes in this set of amendments flow directly from the establishment of the requirement to receive funds electronically. Other revisions are technical in nature and reflect changes in the Comptroller's system that must be carried over into our rules as well.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Marcia Sailsbury  
Funding and Disbursements  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777-0001  
(217) 782-5256

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 c: FINANCE

## PART 155

## ELECTRONIC TRANSFER OF FUNDS

## Section

155.10	Purpose
155.20	<del>Participation-Eligible Participants</del>
155.30	Initiation of Electronic Fund Transfers
155.40	Altering Electronic Fund Transfer Arrangements
155.50	Terminating Electronic Fund Transfer Arrangements
155.60	Responsibilities of the State Board of Education
155.70	Responsibilities of the Comptroller

AUTHORITY: Implementing and authorized by Sections 2-3.2a and 2-3.116 of the School Code [105 ILCS 5/2-3.2a and 2-3.116].

SOURCE: Adopted at 19 Ill. Reg. 16538, effective December 5, 1995; amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 155.10 Purpose**

This Part sets forth the procedural requirements for receiving funds via electronic transfer from the State Board of Education through the Office of the Comptroller pursuant to Sections 2-3.2a and Section 2-3.116 of the School Code [105 ILCS 5/2-3.2a and 2-3.116 ~~5/2-3.116 (see P.A. 88-641, effective September 9, 1994)~~].

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 155.20 ~~Participation-Eligible Participants~~**

- a) Beginning July 1, 2002, each payment made under a program administered by the State Board of Education shall be disbursed by the Comptroller through the electronic transfer of funds. Entities required to receive funds electronically shall include but not be limited to:

- 1) school districts;
- 2) regional superintendents of schools;

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- 3) other public educational agencies such as cooperatives, joint agreements, and charter schools;
  - 4) other payees such as nonpublic schools, universities, hospitals, township treasurers, community-based organizations, and day care centers; and
  - 5) individuals.
- b) At the option of the local school board, a school district may request its regional superintendent of schools to receive all payments due to the district. Each school board that wishes payments to be directed to the regional office of education shall adopt a resolution to this effect. A school district shall make this request in writing no later than May 31 of the fiscal year preceding the fiscal year in which the arrangement is to begin and shall forward to the regional superintendent a copy of the resolution adopted by the local board.
- 1) If the regional superintendent wishes to accept receipt of one or more districts' funds, he or she shall do so no later than June 10 of the fiscal year preceding the fiscal year in which the arrangement is to begin by submitting to the State Board of Education a copy of each school board's resolution.
  - 2) If the regional superintendent does not accept receipt of a district's funds, he or she shall send written notification to this effect to the district superintendent no later than ten days after receiving the district's request so that the district may comply with the requirements of Section 155.30 of this Part prior to the beginning of the new fiscal year.
- c) The State Board of Education shall direct the Comptroller to transfer each payment to an account identified by a participant pursuant to Section 155.30 of this Part, unless:
- 1) an entity participates in the public funds investment account administered by the State Treasurer and an approved application has been provided to the State Board by the Treasurer;
  - 2) a State agency, by completing a form supplied by the State Board, instructs the State Board to remit funds due to the agency via intergovernmental transfer;
  - 3) the State Board is required to direct funds to a specified financial institution in conformance with an agreement executed under Section 7.59 of the Illinois Development Finance Authority Act [20 ILCS 3505/7.59], Section 13 of the Local Government Debt Reform Act [30 ILCS 350/13], or other applicable law; or
  - 4) the expected duration of a financial relationship is so short or the expected number of payments is so small as to make the establishment of an arrangement for the electronic transfer of funds undesirable in the judgement of the State Board.

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~~The payees listed below are eligible to receive funds via electronic transfer by following the procedures described in this Part, provided that they are expected to receive multiple payments of funds from the State Board of Education during any single fiscal year.~~

- ~~a) School districts~~
- ~~b) Regional superintendents of schools~~
- ~~c) Other education agencies such as educational cooperatives and joint agreements~~
- ~~d) Other payees such as universities, hospitals, community-based organizations, and day care centers~~
- ~~e) Individuals~~

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 155.30 Initiation of Electronic Fund Transfers**

- a) To initiate electronic transfer of payments, the ~~eligible~~ participant shall provide the following information to the State Board of Education ~~the following information~~, on a form prescribed by the State Board and, ~~as~~ approved by the Comptroller. ~~The form shall be signed and dated by an official authorized by the eligible participant.~~
  - 1) The participant's nine-digit taxpayer identification number or Social Security number;
  - 2) The participant's eleven-digit code assigned by the State Board ~~to signify its region, county, district, and type~~;
  - 3) The name of the participant in which payment is to be made;
  - 4) The telephone number of the participant's main business office;
  - 5) The street address, city, state, and zip code of the participant's main business office;
  - 6) The name of the chief executive officer ~~contact person~~ for the participant ~~electronic payment of funds~~;
  - 7) A dated statement of authorization, signed by the chief executive officer of the participant ~~entity~~, for all payments ~~from the State Board of Education~~ to be directed to the participant's account and for necessary debit entries and adjustments for errors to be initiated;
  - 8) The name of the financial organization to which funds are to be electronically transferred, which shall be a member of the Federal Access or the Automated Clearing House (the nationwide network that provides the electronic payment system);
  - 9) The street address, city, state, and zip code of the financial organization designated;
  - 10) The title, type (checking or savings), and number of the account into

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- which electronic transfers are to be made;
- 11) The nine-digit routing number of the financial organization designated;  
and
  - ~~12) The type of federal access agreement (governmental or commercial) held by the financial organization;~~
  - ~~13) The expiration date of the organization's membership in the Automated Clearing House;~~
  - ~~14) The branch designation of the financial organization, if applicable; and~~
  - 1215) The telephone number of the financial organization.
- b) A copy of a deposit slip or a voided check for the account into which funds are to be electronically transferred must be attached to the application form required under subsection (a) of this Section. If no deposit slip or check is available, the participant shall submit a signed statement from the financial organization verifying that the account belongs to the participant and that the information supplied is correct.
- c) Each participant shall ~~designate only one financial organization and one account number and shall~~ make all necessary arrangements with the designated financial organization for the receipt of electronic fund transfers, including at least:
- 1) obtaining the organization's signed, written agreement for electronic transfers, on a form supplied by the State Board of Education as approved by the Comptroller, which shall state that:
    - A) the financial organization agrees to receive and deposit sums for the participant payee,
    - B) the financial organization understands that its account number will be included as additional identification on individual payment credits to the participant payee's account and that the participant payee has the right to cancel the authorization with the financial organization,
    - C) the financial organization agrees to forward all communications from the State of Illinois to the participant payee promptly, including the information contained in the addendum,
    - D) the financial organization agrees to return all payments that are not due to the participant payee, and
    - ~~E) the financial organization agrees to notify the State Board of Education promptly of any changes in its membership status as a Federal Access or Automated Clearing House (ACH) member institution), and F) the financial organization may reserve the right to cancel the agreement by notice to the participant payee; and~~
  - 2) establishing the frequency and detail of transaction communications to ensure the participant payee's ~~participant's~~ receipt of the 38-character ~~40-~~

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- ~~character~~-descriptive entry called for in Section 155.60(c) of this Part, so that the origin and nature of each payment ~~origins of payments~~ can be correctly identified.
- d) Unless otherwise provided in this subsection (d), each participant shall designate only one financial organization and one account number to which funds shall be electronically transferred. Participants shall agree and accept that all payments of any kind from the State Board of Education shall be distributed only through electronic transfer.
- 1) A regional superintendent of schools may designate two accounts, provided that one is reserved for the operational funds of the regional office and the other is a distributive account into which funds received for school districts shall be deposited.
  - 2) A fiscal or administrative agent for a cooperative, a joint agreement, or another similar public educational entity may designate multiple accounts if necessary to segregate the funds attributable to different members.
  - 3) A university or college may designate one account for each of its administrative offices (e.g., the University of Illinois at Urbana/Champaign and at Chicago).
  - 4) A nonpublic or not-for-profit entity such as a child care company that operates several day care centers may designate one account for each of its administrative offices.
  - 5) A participant may receive approval from the State Board of Education to designate more than one account if it demonstrates that its structure, scope, or complexity compares to that of an entity discussed in any of subsections (d)(1) through (4) of this Section.
- e) Within 30 ~~thirty~~ days after receipt of a completed ~~complete~~ application from a ~~an~~ eligible participant, the State Board of Education will confirm the establishment of the electronic transfer of funds for the participant by submission of a pre-note or zero fund transfer, i.e., a practice exercise in which no funds are transmitted.
- f) After a ~~successful~~ pre-note transfer from the Comptroller is attempted and the time period allowed for completion of the pre-note transfer has expired, all payments ~~of any kind~~ to the participant for programs administered by the State Board of Education will be directed ~~made~~ electronically unless the Comptroller receives notice from the financial institution that the pre-note transfer has failed or as may be otherwise required by law.
- g) Upon receipt of notice that a pre-note transfer has failed, the Comptroller shall notify the State Board of Education. The State Board of Education shall take the actions necessary to identify the reason for the pre-note transfer's failure and to facilitate the electronic payment to the participant.

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(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 155.50 Terminating Electronic Fund Transfer Arrangements**

- a) ~~A participant wishing to terminate the electronic transfer of funds shall submit a letter to the State Board of Education requesting such termination, signed by an official authorized to act on behalf of the participant and stating:~~
- 1) ~~The participant's taxpayer identification number or Social Security number;~~
  - 2) ~~The code for the participant's region, county, district, and type;~~
  - 3) ~~The participant's name as submitted on the application for participation; and~~
  - 4) ~~The participant's address.~~
- b) ~~The State Board of Education shall cease electronic transfer of payments to a participant within thirty days after receipt of a letter requesting cancellation. Thereafter, all payments to the entity will be made by warrant. Warrants will be directed to the respective regional superintendents of schools or directly to payees as provided by law.~~
- e) The State Board of Education and the Comptroller shall have the right to terminate an arrangement for the electronic transfer of funds for repeated problems or other interruptions in the processing of electronic fund transfers, or as otherwise permitted or required by law.

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 155.60 Responsibilities of the State Board of Education**

- a) The State Board of Education shall follow the instructions given by a an-eligible participant in an application submitted pursuant to Section 155.30 or Section 155.40 of this Part, ~~or in a request for termination submitted in accordance with Section 155.50 of this Part.~~
- b) The State Board of Education shall transmit ~~all~~ information received from participants pursuant to this Part to the Comptroller, to ensure that participants receive transfers into the correct accounts.
- c) The State Board of Education shall transmit to the Comptroller a ~~38-~~ characterforty-character descriptive entry for each payment authorized which, when communicated to the participant (see Section 155.70 of this Part), will describe the origin and nature of the payment.
- d) The State Board of Education or the Comptroller may withhold payments to a participant as permitted or required by law. The State Board or the Comptroller, as applicable, shall provide written notice to the participant of its action.

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- e) The State Board of Education may withhold payments to a participant for failure to meet the terms of a contract.
- f) The State Board of Education will handle all inquiries regarding electronic fund transfers made by the State Board, and only authorized personnel of the State Board shall forward unresolved inquiries to the Office of the Comptroller.

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 155.70 Responsibilities of the Comptroller**

- a) The Comptroller will receive transmissions of information and instructions from the State Board of Education permitting the electronic transfer of funds.
- b) In response to instructions received from the State Board, the Comptroller will transmit payments electronically to designated financial institutions. Each such transmission shall include the complete 38-character ~~forty-character~~ descriptive entry called for in Section 155.60(c) of this Part.
- c) The Comptroller will notify the State Board of Education of all unsuccessful pre-note fund transfers.
- d) The Comptroller ~~may will~~ issue a warrant instead of transferring funds electronically when:
  - 1) A designated financial institution rejects a transfer attempted pursuant to this Part;
  - 2) An amount is subject to garnishment, offset, reduction, involuntary withholding, or other ~~collection~~ proceeding as provided by law (any amount payable after such action ~~may will~~ be issued as a warrant); or
  - 3) The transfer is rejected by the Comptroller's internal authorization system.

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Student Records
- 2) Code Citation: 23 Ill. Adm. Code 375
- 3) 

<u>Section Number:</u>	<u>Adopted Action:</u>
375.10	Amendment
375.40	Amendment
375.75	Amendment
- 4) Statutory Authority: 105 ILCS 10 and 105 ILCS 5/2-3.13a
- 5) Effective Date of Amendments: October 21, 2002
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 26 Ill. Reg. 7807; May 31, 2002
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The amendments respond to:
  - P.A. 92-64, effective July 12, 2001, which amended Section 2-3.13a of the School Code to allow a school district to adopt a policy that requires a student transferring into that district to complete the entire term of a suspension or expulsion before being admitted. While no rule amendment is needed to implement this new provision, it

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does affect another part of Section 2-3.13a, which requires student records to include the date and duration of certain suspensions or expulsions;

- P.A. 92-295, effective August 9, 2001, which made certain requirements concerning reports filed under the Abused and Neglected Child Reporting Act. The amendment incorporates the requirement for a school receiving a request to remove a report from the student's records and return it to Department of Children and Family Services. The amendment also would require that the school forward the request to any other school to which it may have transferred the records of the student who is the subject of the report; and
- A need to clarify schools' responsibilities with respect to records for transfer students by removing language that paraphrases requirements in Section 2-3.13a; however, its removal does not relieve school districts of their obligations set forth under the law.

16) Information and questions regarding these adopted amendments shall be directed to:

Don Full, Division Administrator  
Accountability Division  
100 North First Street, E-230  
Springfield, Illinois 62777-0001  
(217) 782-2948

The full text of the adopted amendments begins on the next page:

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## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER k: SCHOOL RECORDS

## PART 375

## STUDENT RECORDS

## Section

375.10	Definitions
375.20	Rights of Students
375.30	Notification
375.40	Maintenance
375.50	Costs for Copies of Records
375.60	Emergency Release of Information
375.70	Release of Information
375.75	Public and Nonpublic Schools: Transmission of Records for Transfer Students
375.80	Directory Information
375.90	Challenge Procedures
375.100	Implementation
375.110	Enforcement

AUTHORITY: Implementing and authorized by the Illinois School Student Records Act [105 ILCS 10] and Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a].

SOURCE: Emergency rule adopted March 24, 1976; codified at 7 Ill. Reg. 12864; amended at 10 Ill. Reg. 12602, effective July 9, 1986; amended at 12 Ill. Reg. 4818, effective February 25, 1988; amended at 20 Ill. Reg. 15304, effective November 18, 1996; amended at 23 Ill. Reg. 13843, effective November 8, 1999; amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 375.10 Definitions**

"Act" means the Illinois School Student Records Act [105 ILCS 10].

"Student Permanent Record" means and shall consist of the following, as limited by Section 2(d) of the Act [105 ILCS 10/2(d)]:

Basic identifying information, including the student's name and address, birth date and place, and gender, and the names and addresses of the student's parents;

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Academic transcript, including grades, class rank, graduation date, grade level achieved and scores on college entrance examinations;

Attendance record;

Accident reports and health record;

Record of release of permanent record information in accordance with Section 6(c) of the Act [105 ILCS 10/6(c)];

Scores received on all State assessment tests administered at the high school level (i.e., grades 9 through 12) (see 105 ILCS 5/2-3.64(a)); and

May also consist of:

Honors and awards received; and

Information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations.

No other information shall be placed in the student permanent record.

"Student Temporary Record" means all information not required to be in the student permanent record and shall consist of the following, as limited by Section 2(d) of the Act:

A record of release of temporary record information in accordance with Section 6(c) of the Act [105 ILCS 10/6(c)];

Scores received on the State assessment tests administered in the elementary grade levels (i.e., kindergarten through grade 8) (see 105 ILCS 5/2-3.64(a)); ~~and~~

*Information regarding serious infractions (i.e., those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension or the imposition of punishment or sanction;* ~~[105 ILCS 10/2(f)]; and~~

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*Information provided under Section 8.6 of the Abused and Neglected Child Reporting Act [325 ILCS 5/8.6], as required by Section 2(f) of the Act [105 ILCS 10/2(f)]; and*

May also consist of:

Family background information;

Intelligence test scores, group and individual;

Aptitude test scores;

Reports of psychological evaluations, including information on intelligence, personality and academic information obtained through test administration, observation, or interviews;

Elementary and secondary achievement level test results;

Participation in extracurricular activities, including any offices held in school-sponsored clubs or organizations;

Honors and awards received;

Teacher anecdotal records;

Other disciplinary information;

Special education files, including the report of the multidisciplinary staffing on which placement or nonplacement was based, and all records and tape recordings relating to special education placement hearings and appeals;

Any verified reports or information from non-educational persons, agencies or organizations; and

Other verified information of clear relevance to the education of the student.

"Substitute" means a person designated by the school to temporarily serve in the event of absence of a person employed by the school.

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(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 375.40 Maintenance**

- a) The provisions within the Act and this Part requiring records to be separated into permanent and temporary categories shall apply only to records of students who are enrolled in the school on or after the effective date of this Part. Records of students who have graduated or permanently withdrawn prior to the effective date of this Part are not subject to these classifications except:
  - 1) In compliance with the request of a parent or eligible student that such categorization occur; and
  - 2) The records custodian shall ensure that information characterized by the Act and this Part as "temporary" shall not be *disclosed except as provided by Section 5 of the Act or by court order* [105 ILCS 10/4(f)].
- b) Student records shall be reviewed every four years or upon a student's change in attendance centers, whichever occurs first, to verify entries and to eliminate or correct all out-of-date, misleading, inaccurate, unnecessary or irrelevant information pursuant to Section 375.10 of this Part.
- c) Upon graduation, transfer or permanent withdrawal of a student from a school, the school shall notify the parents and the student of the destruction schedule for the student permanent record and the student temporary record and of the right to request a copy of such records at any time prior to their destruction. Notification shall consist of the following: date of notification, parent name, name of records custodian, name of students and the scheduled destruction date of temporary and permanent records.
- d) Upon graduation or permanent withdrawal of a handicapped student, as defined in Article 14 of the School Code [105 ILCS 5/Art. 14] and 23 Ill. Adm. Code 226, Subpart A (Special Education), psychological evaluations, special education files and other information contained in the student temporary record which may be of continued assistance to the student may, after five years, be transferred to the custody of the parent or to the student if the student has succeeded to the rights of the parents. The school shall explain to the student and the parent the future usefulness of these records.
- e) If a certified copy of an order of protection has been filed with a school district, then the district shall notify its school employees that the student records or information in those records of a protected child identified in the order shall not be released to the person against whom the order was issued (Section 222(f) of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/222(f)]).
- f) Any report required by Section 8.6 of the Abused and Neglected Child Reporting

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Act that has been filed in a student's temporary record shall be removed from the student's record and returned to the Department of Children and Family Services upon written request made by the Department pursuant to Section 8.6 of the Abused and Neglected Child Reporting Act. If a school that receives such request from the Department has transferred the report to another school as part of the transfer of the student's records, the sending school shall forward a copy of the Department's request to the receiving school, which shall comply with this subsection (f).

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 375.75 Public and Nonpublic Schools: Transmission of Records for Transfer Students**

- a) This Section implements Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a], Section 5 of the Missing Children Records Act [325 ILCS 50/5] and Section 5 of the Missing Children Registration Law [325 ILCS 55/5]. This Section is applicable to all public, private or nonpublic elementary and secondary schools in the State of Illinois.
- b) As used in this Section, "Unofficial Record of Student Grades" means written information relative to the grade levels and subjects in which a student was enrolled and the record of academic grades achieved by that student prior to transfer. Such records shall also include the name and address of the school, the name of the student to whom the records pertain, the name and title of the school official transmitting the records, and the date of transmittal.
- c) As used in this Section, "Official Transcript of Scholastic Records" means the formal record showing dates of enrollment, courses studied, grades, credits, and awards received, and bearing the signature and title of the certifying official, the seal of the school, if any, and the date of issue.
- de)** As used in this Section, "Certified Copy of Student's Record" means:
  - 1) for public schools, the student's permanent and temporary record as defined in Section 375.10 of this Part; and
  - 2) for private and nonpublic schools, the individual student information maintained by such schools for all of their students. Such information may include:
    - A) Basic identifying information, including the student's name and address, birth date and place, and gender, and the names and addresses of the student's parents;
    - B) Academic transcript, including grades, class rank, graduation date, grade level achieved and scores on college entrance examinations;

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- C) Attendance record;
  - D) Accident reports and health record;
  - E) Honors and awards received; and
  - F) Information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations.
- e) Within 14 days after enrolling a transfer student, an elementary or secondary school shall comply with the requirements of Section 5 of the Missing Children Records Act and Section 5 of the Missing Children Registration Law regarding the records of such transfer student. The transfer of the record by a public school is subject to the prior notice to parents required by Section 375.70(a) of this Part.
- f) If the student has unpaid fines or fees and is transferring to a public school located in Illinois or any other state, the school may elect to include in the student's record transferred pursuant to this Section the unofficial record of the student's grades in lieu of the student's official transcript of scholastic records. If the school so elects, the school shall within 10 calendar days after the student has paid all of his or her unpaid fines or fees and at its own expense forward the student's official transcript of scholastic records to the student's new school.
- g) If the student is transferring to another public school located in Illinois or any other state and at the time of the transfer is currently serving a term of suspension or expulsion for ~~any reason those offenses enumerated in Section 2-3.13a of the School Code~~, then the transferring school shall include with the transferred records the following applies:
- 1) ~~any school student records required to be transferred shall include~~ the date and duration of the period of any current suspension or expulsion; and
  - 2) ~~the student shall not be permitted to attend class in the public school to which he or she is transferring until the term of the suspension or expulsion is expired~~whether the suspension or expulsion is for knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act (20 USC 8921 et seq.), for knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis, or for battering a staff member of the school. (Section 2-3.13a of the School Code)

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

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- 1) Heading of the Part: Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting
- 2) Code Citation: 17 Ill Adm. Code 530
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
530.10	Amendment
530.20	Amendment
530.70	Amendment
530.80	Amendment
530.105	Amendment
530.110	Amendment
530.115	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.13, 2.30, 2.33, 3.5, 3.27, 3.28, and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27,3.28 and 3.29]
- 5) Effective Date of Rulemaking: October 18, 2002
- 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 amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 31, 2002, 26 Ill. Reg. 7917
- 10) Has JCAR issued a Statement of Objection to this rule making? No
- 11) Differences between proposal and final version:  
  
Section 530.70(a) - changed "Resources" to "Resources"; added "Springfield Permit Office or reservation concessionaire" following "(Department or DNR)"; and deleted "Wayne Fitzgerald"  
  
Section 530.70(c) - added "reservation concessionaire" prior to "Springfield Permit Office"; deleted "For all DNR operated sites except Wayne Fitzgerald State Park,";

## DEPARTMENT OF NATURAL RESOURCES

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capitalized "permit"; and deleted "The fee for transferred permits cannot exceed the fee in the Wildlife Code for daily usage stamps for Public Hunting Grounds for Pheasants."

Section 530.(d) - deleted "from the Springfield Permit Office" and added "by the reservation concessionaire"; deleted "and" prior to "Sand Ridge" and added "and Wayne Fitzgerald State Park" at the end of the subsection.

Section 530.70(c) - removed "from the Springfield Permit Office" and added "by the reservation concessionaire"

Section 590.80(a)(1) - removed "Lee County Conservation Area (Green River)"

Section 530.80(a)(2) - added "Lee County Conservation Area (Green River State Wildlife Area)"

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is being amended to update regulations and sites open for hunting and to add information on penalties.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271  
217/782-1809

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 17: CONSERVATION

## CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

## SUBCHAPTER b: FISH AND WILDLIFE

## PART 530

COCK PHEASANT, HUNGARIAN PARTRIDGE, BOBWHITE QUAIL,  
AND RABBIT HUNTING

## Section

530.10	Statewide General Regulations
530.20	Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations
530.30	Statewide Hungarian Partridge Regulations (Repealed)
530.40	Statewide Bobwhite Quail Regulations (Repealed)
530.50	Statewide Rabbit Regulations (Repealed)
530.60	Statewide Crow Regulations (Repealed)
530.70	<del>Controlled Pheasant Hunting Sites</del> Permit Requirements <u>for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites</u>
530.80	<del>Controlled Pheasant Hunting</del> Regulations <u>for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites</u>
530.90	Illinois Youth Pheasant Hunting Sites Permit Requirements (Repealed)
530.100	Illinois Youth Pheasant Hunting Regulations (Repealed)
530.105	Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites
530.110	Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites
530.115	Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites
530.120	Regulations for Hunting Crow at Various Department-Owned or -Managed Sites (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: Adopted at 5 Ill. Reg. 8777, effective August 25, 1981; codified at 5 Ill. Reg. 10634; amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill. Reg. 15846, effective October 8, 1985; amended at 10 Ill. Reg. 15579, effective September 16, 1986; emergency amendment at 10 Ill. Reg. 18822, effective October 16, 1986, for a maximum

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of 150 days; emergency expired March 15, 1987; amended at 11 Ill. Reg. 10546, effective May 21, 1987; amended at 12 Ill. Reg. 12016, effective July 7, 1988; amended at 13 Ill. Reg. 12796, effective July 21, 1989; emergency amendment at 13 Ill. Reg. 12985, effective July 31, 1989, for a maximum of 150 days; emergency expired December 28, 1989; amended at 13 Ill. Reg. 17348, effective October 27, 1989; amended at 14 Ill. Reg. 10775, effective June 20, 1990; emergency amendment at 14 Ill. Reg. 18324, effective October 29, 1990, for a maximum of 150 days; emergency expired March 28, 1991; amended at 15 Ill. Reg. 9924, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 16124, effective October 25, 1991, for a maximum of 150 days; emergency expired March 23, 1992; amended at 15 Ill. Reg. 18138, effective December 6, 1991; amended at 16 Ill. Reg. 12470, effective July 28, 1992; amended at 16 Ill. Reg. 18951, effective December 1, 1992; amended at 17 Ill. Reg. 15534, effective September 10, 1993; amended at 18 Ill. Reg. 12628, effective August 9, 1994; amended at 19 Ill. Reg. 12615, effective August 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12397, effective August 30, 1996; amended at 21 Ill. Reg. 9042, effective June 26, 1997; amended at 22 Ill. Reg. 14762, effective August 3, 1998; amended at 23 Ill. Reg. 9012, effective July 28, 1999; amended at 24 Ill. Reg. 12496, effective August 7, 2000; amended at 25 Ill. Reg. 11119, effective August 21, 2001; amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 530.10 Statewide General Regulations**

- a) Game breeding and hunting preserve areas licensed pursuant to Section 3.27 of the Wildlife Code [520 ILCS 5/3.27] and managed pursuant to Sections 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/3.28 and 3.29] are exempt from all provisions in this Part except for those pertaining to rabbit and crow in Section 530.20, 530.60, and the provisions of Section 530.10(b) pertaining to holders of Standing Vehicle Permits.
- b) Holders of Standing Vehicle Permits issued by the Department pursuant to Section 2.33 of the Wildlife Code [520 ILCS 5/2.33] shall be permitted to carry a loaded and uncased shotgun in or on a vehicle or conveyance under the following conditions:
  - 1) the permittee must be in the field legally hunting pheasant, quail, Hungarian partridge or rabbit;
  - 2) the shotgun's mechanical safety must be functioning and engaged while the vehicle or conveyance is moving;
  - 3) the vehicle or conveyance must be operated by a responsible person other than the permittee;
  - 4) the permittee, the vehicle or conveyance operator, and any other persons in the hunting party must wear a blaze orange cap;
  - 5) the vehicle must be operated at a normal walk speed of no greater than 5

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- mph; and
- 6) The vehicle or conveyance must be constructed so:
- A) it puts the permittee forward of the vehicle operator; and
  - B) the permittee is in a securely fastened chair or seat.
- Hunting from a vehicle without a standing vehicle permit is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(i)). All other violations are Class B misdemeanors (see 520 ILCS 5/2.33(hh)).

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 530.20 Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations**

- a) Zones: South zone consists of all lands south of the line that follows U.S. Route 36 from the Indiana State line to Springfield, Route 29 from Springfield to Pekin and Route 9 from Pekin to Dallas City, then due west to the Mississippi River; north zone is the remainder of the State.
- b) Season dates:
- 1) North (all species) – first Saturday in November through the next following January 8.  
South (all species except rabbits) – first Saturday in November through the next following January 15.  
South (rabbits) – the first Saturday in November through the next following January 22.
  - 2) Hunting outside the set season dates is a petty offense.
- c) Hunting hours: Sunrise until sunset. Hunting prior to sunrise or after sunset is a petty offense (see 520 ILCS 5/2.2). Hunting before ½ hour prior to sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).
- d) Daily limit:
- 1) Cock pheasant – 2 (see 520 ILCS 5/2.6)  
Bobwhite Quail – 8 (see 520 ILCS 5/2.7)  
Hungarian Partridge – 2 (see 520 ILCS 5/2.13)  
Rabbit – 4 (see 520 ILCS 5/2.27)
  - 2) Exceeding the daily limit is a petty offense.
- e) Possession limit (after the second day of the hunting season):
- 1) Cock Pheasant – 6 (see 520 ILCS 5/2.6)  
Bobwhite Quail – 20 (see 520 ILCS 5/2.7)

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Hungarian Partridge – 6 (see 520 ILCS 5/2.13)

Rabbit – 10 (see 520 ILCS 5/2.27)

2) Exceeding the possession limit is a petty offense.

- f) Cock pheasant may be hunted only; hen pheasants are illegal to take or possess, except as specified on controlled hunting areas operated pursuant to Sections 1.13 or 3.27 of the Wildlife Code [520 ILCS 5/1.13 or 3.27] or at sites listed in Section 530.105 and as provided for on designated sites in Section 530.110, and by falconry methods as described in 17 Ill. Adm. Code 1590, Falconry and the Captive Propagation of Raptors. Illegal taking of hen pheasants is a petty offense (see 520 ILCS 5/2.6).

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 530.70 ~~Controlled Pheasant Hunting Sites~~ Permit Requirements for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites**

- a) Applicants must contact the Department of Natural Resources' Resources' Resourcees (Department or DNR) Springfield Permit Office or reservation concessionaire to obtain a permit reservation. (However, for ~~Wayne Fitzgerald~~, Silver Springs State Park, Ramsey Lake State Park, Horseshoe Lake State Park (Madison County) and Chain O'Lakes State Park, applicants must contact the public/private partnership area concessionaire. Should the concessionaire, for any reason, fail to operate the concession, applicants must contact DNR.) Starting dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Reservations will be confirmed. Providing false information on the application is a Class A misdemeanor (see 520 ILCS 5/2.38).
- b) Permits will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 80 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.
- c) For all DNR operated sites except Eagle Creek State Park, Hamilton County State Fish and Wildlife Area, Mackinaw State Fish and Wildlife Area, Wolf Creek State Park, Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit and Sand Ridge State Forest, the permit authorizes the permit holder to bring one hunting partner. At Eagle Creek State Park, Hamilton County State Fish and Wildlife Area, Mackinaw State Fish and Wildlife Area, Wolf Creek State Park, Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit and Sand Ridge State Forest, the permit is valid for the permit holder and up to three

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hunting partners. The hunting partners cannot hunt without the permit holder being present to hunt. The reservation concessionaire or Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. ~~For all DNR-operated sites except Wayne Fitzgerald State Park, Permits permits~~ cannot be transferred on the hunting areas. ~~The fee for transferred permits cannot exceed the fee in the Wildlife Code for daily usage stamps for Public Hunting Grounds for Pheasants.~~ For other information visit the Department's Website at: <http://dnr.state.il.us> or write to:

Illinois Department of Natural Resources  
Pheasant ~~524 South Second St., Room 210~~  
One Natural Resources Way  
P.O. Box 19457  
Springfield, Illinois 62794-9457

- d) Reservations for pheasant hunting will be issued from the reservation concessionaire or Springfield Permit Office for Des Plaines Conservation Area, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit, Moraine View State Park, ~~and Sand Ridge State Forest and Wayne Fitzgerald State Park.~~
- e) Reservations of upland game hunting will be issued by the reservation concessionaire or Springfield Permit Office for Eagle Creek State Park, Hamilton County State Fish and Wildlife Area, Mackinaw State Fish and Wildlife Area, and Wolf Creek State Park.
- ~~f)e)~~ The Department will operate a conveyance for disabled hunters possessing a current Standing Vehicle Permit at some controlled pheasant hunting sites. Reservations for this conveyance must be made at least 2 days in advance, and shall be on a first come- first served basis. Sites where the conveyance will be available as well as dates of operation shall be publically announced.

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 530.80 ~~Controlled Pheasant Hunting~~ Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites**

- a) ~~Controlled Pheasant~~ Hunting Seasons:
- 1) The following controlled pheasant hunting areas shall be closed to pheasant permit hunting on every Monday and Tuesday during the controlled hunting season and on December 25. With authorization from the Director, controlled pheasant hunting may be scheduled on Monday

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and Tuesday on DNR operated areas.

Des Plaines Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit

Moraine View State Park

Sand Ridge State Forest

Wayne Fitzgerald State Park (Rend Lake)

- 2) The following controlled pheasant hunting areas are open to the Illinois Youth Pheasant Hunting Program only on the first Sunday of the site's controlled pheasant hunting season.

Des Plaines Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit

[Lee County Conservation Area](#)

Moraine View State Park

Sand Ridge State Forest

Wayne Fitzgerald State Park (Rend Lake)

- 3) The controlled hunting season on Lee County Conservation Area (Green River), Silver Springs State Park, Horseshoe Lake State Park (Madison

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County), Chain O'Lakes State Park and Ramsey Lake State Park will be publicly announced.

- 4) On the following area the controlled pheasant hunting season is the Wednesday before the first Saturday of November through the seventh Sunday following; exceptions are in parentheses:

Iroquois County Conservation Area (closed during the November 3-day firearm deer season)

- 5) On the following areas the controlled pheasant hunting season is the Wednesday before the first Saturday of November through the ninth Sunday following; exceptions are in parentheses:

Des Plaines Conservation Area (closed during the November 3-day firearm deer season)

Moraine View State Park

- 6) On the following areas the controlled pheasant hunting season is the first Wednesday of November through the ninth Sunday following:

Eldon Hazlet State Park

Wayne Fitzgerald State Park

- 7) On the following areas the controlled pheasant hunting season is the first Saturday in November through the next following January 15; exceptions are in parentheses:

Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit (closed during the November and December firearm deer seasons)

Sand Ridge State Forest

- 8) On the following areas the upland game hunting season will be publicly announced:

Eagle Creek State Park

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Hamilton County State Fish and Wildlife AreaMackinaw State Fish and Wildlife AreaWolf Creek State Park

- b) Hunting hours are listed below, exceptions in from 9:00 a.m. to 4:00 p.m. (except on Thanksgiving Day hunting hours are 9:00 a.m. to 1:00 p.m. at Sand Ridge State Forest), parentheses. Hunters with reservations are required to check in at the check station on the following sites at the listed times. Hunters with reservations that check in after the required check-in time may not be allowed to hunt if the site hunter quota has been filled.

~~Chain O' Lakes State Park — 7:00-8:00 a.m.~~

~~Des Plaines Conservation Area — 7:00-8:00 a.m.~~

~~Eldon Hazlet State Park (Carlyle Lake) — 7:00-8:00 a.m.~~

~~Horseshoe Lake State Park (Madison County) — 8:00-8:30 a.m.~~

~~Iroquois County Conservation Area — 7:00-8:00 a.m.~~

~~Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit — 8:00-8:30 a.m.~~

~~Moraine View State Park — 7:00-8:00 a.m.~~

~~Ramsey Lake State Park — 8:00-8:30 a.m.~~

~~Sand Ridge State Forest — 8:00-8:30 a.m.~~

~~Silver Springs State Park — 8:00-8:30 a.m.~~

~~Wayne Fitzgerald State Park (Rend Lake) — 7:00 a.m.-12:00 noon~~

<u>Site Name</u>	<u>Check-In Times</u>	<u>Hunting Hours</u>
<u>Chain O'Lakes State Park</u>	<u>7:00-8:00 a.m.</u>	<u>9:00 a.m.-4:00 p.m.</u>
<u>Des Plaines Conservation Area</u>	<u>7:00-8:00 a.m.</u>	<u>9:00 a.m.-4:00 p.m.</u>
<u>Eagle Creek State Park</u>	<u>8:00-9:00 a.m.</u>	<u>8:00 a.m.-4:00 p.m.</u>
<u>Eldon Hazlet State Park (Carlyle Lake)</u>	<u>7:00-8:00 a.m.</u>	<u>9:00 a.m.-4:00 p.m.</u>
<u>Hamilton County State Fish and Wildlife Area</u>	<u>8:00-9:00 a.m.</u>	<u>8:00 a.m.-4:00 p.m.</u>
<u>Horseshoe Lake State Park</u>	<u>8:00-8:30 a.m.</u>	<u>9:00 a.m.-4:00 p.m.</u>

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(Madison County)

<u>Iroquois County Conservation Area</u>	<u>7:00-8:00 a.m.</u>	<u>9:00 a.m.-4:00 p.m.</u>
<u>Jim Edgar Panther Creek State Fish and Wildlife Area (Controlled Unit)</u>	<u>8:00-8:30 a.m.</u>	<u>9:00 a.m.-4:00 p.m. (Thanksgiving Day – 9:00 a.m.-1:00 p.m.)</u>
<u>Mackinaw State Fish and Wildlife Area</u>	<u>8:00-9:00 a.m.</u>	<u>8:00 a.m.-4:00 p.m.</u>
<u>Moraine View State Park</u>	<u>7:00-8:00 a.m.</u>	<u>9:00 a.m.-4:00 p.m.</u>
<u>Ramsey Lake State Park</u>	<u>8:00-8:30 a.m.</u>	<u>9:00 a.m.-4:00 p.m.</u>
<u>Sand Ridge State Forest</u>	<u>8:00-8:30 a.m.</u>	<u>9:00 a.m.-4:00 p.m. (Thanksgiving Day – 9:00 a.m.-1:00 p.m.)</u>
<u>Silver Springs State Park</u>	<u>8:00-8:30 a.m.</u>	<u>9:00 a.m.-4:00 p.m.</u>
<u>Wayne Fitzgerrell State Park (Rend Lake)</u>	<u>7:00 a.m.-12:00 noon</u>	<u>9:00 a.m.-4:00 p.m.</u>
<u>Wolf Creek State Park</u>	<u>8:00-9:00 a.m.</u>	<u>8:00 a.m.-4:00 p.m.</u>

- c) During the controlled pheasant hunting season when ~~When~~ daily quotas are not filled, permits shall be issued on a first come-first served basis until 12:00 Noon; except for Standing Vehicle Permittees wishing to hunt from the Department disabled conveyance. At Eagle Creek State Park, Hamilton County State Fish and Wildlife Area, Mackinaw State Fish and Wildlife Area and Wolf Creek State Park, unfilled permit quotas will be filled by drawing at 9 a.m.
- d) Hunting licenses, daily usage stamps and fees:
- 1) During the controlled pheasant hunting season, hunters ~~Hunters~~ are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and

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do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.

- 2) At the Iroquois County Conservation Area hunters must obtain a daily usage stamp from the Department prior to hunting, except on the Sunday following Thanksgiving Day hunters under 16 are not required to obtain a stamp.
- 3) At Des Plaines Conservation Area, Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit, Moraine View State Park, Eldon Hazlet State Park (Carlyle Lake), Wayne Fitzgerald State Park and Sand Ridge State Forest, hunters must obtain a daily usage stamp from the Department prior to hunting, except on the Sunday following Thanksgiving Day and the Saturday between Christmas Day and New Years Day hunters under 16 are not required to obtain a stamp.
- 4) Fees and methods of payment at the following sites will be publicly announced:

Chain O'Lakes State Park

Horseshoe Lake State Park (Madison County)

Ramsey Lake State Park

Silver Springs State Park

- 5) At Eagle Creek State Park, Hamilton County State Fish and Wildlife Area, Mackinaw State Fish and Wildlife Area, and Wolf Creek State Park, hunters must obtain a daily usage stamp from the Department prior to hunting.
- e) During the controlled pheasant hunting season, hunters ~~Hunters~~ must wear a back patch issued by the check station.
- f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area when he checks in. All such game found in a hunter's possession after he has started hunting on the area shall be considered illegally taken if the hunter has not declared it prior to going into the field.
- g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, No. 4 bismuth, No. 3 steel or tin, or smaller may be used except at Chain O' Lakes State Park, Lee County Conservation Area (Green River), Wayne Fitzgerald State Park and Eldon Hazlet State Park where only nontoxic shot approved by the U.S. Fish

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and Wildlife Service may be possessed and only shot shells with a shot size of No. 3 steel or tin, No. 4 bismuth, or No. 5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used. Flu flu arrows only may be used by bow and arrow hunters.

- h) Non-hunters are not allowed in the field (except at special hunts publicly announced by the Department where non-hunters authorized by the Department shall be allowed in the field, and except for operators of Department conveyances of Standing Vehicle Permittees and single dog handler for the Permittee).
- i) Hunters under 16 years of age must be accompanied by an adult hunter.
- j) Daily limits:
  - 1) Two pheasants of either sex at Eldon Hazlet State Park, Iroquois County Conservation Area, Wayne Fitzgerrell State Park, and the Des Plaines Conservation Area.
  - 2) Two pheasants of either sex, 8 bobwhite quail and 4 rabbits at Sand Ridge State Forest.
  - 3) Two cock pheasants, 8 bobwhite quail (first 10 days of the season only) and 4 rabbits at Jim Edgar Panther Creek State Fish and Wildlife Area.
  - 4) Four cock pheasants at Chain O' Lakes State Park and Silver Springs State Park; 2 cock pheasants may be taken per permit with a maximum of 2 permits per hunter per day
  - 5) Four pheasants of either sex; each hunter may obtain a 2 pheasant permit with a maximum of 2 of these permits per day or a 3 or 4 pheasant permit with a maximum of one of either of these permits per day (except that on the first day of fee hunting, each hunter will also be allowed to harvest 4 quail and 2 rabbits in addition to 4 pheasants) at Horseshoe Lake State Park (Madison County).
  - 6) Four pheasants of either sex; each hunter may obtain a 2 pheasant permit with a maximum of 2 of these permits per day or a 3 or 4 pheasant permit with a maximum of one of either of these permits per day; 8 bobwhite quail and 4 rabbits at Ramsey Lake State Park.
  - 7) Two cock pheasants at Moraine View State Park and Lee County Conservation Area (Green River).
  - 8) Two cock pheasants, 8 bobwhite quail, and 4 rabbits at Eagle Creek State Park, Hamilton County State Fish and Wildlife Area, Mackinaw State Fish and Wildlife Area, and Wolf Creek State Park.
- k) Tagging of birds.

During the controlled pheasant hunting season, all All pheasants must be affixed with a Department tag before they are removed from the area during the controlled pheasant hunting season. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.

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- l) During the controlled pheasant hunting season, hunters ~~Hunters~~ may not leave the confines of any permit area and return to hunt on the permit area during the same day.
- m) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) of the Wildlife Code [520 ILCS 5/2.33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within ten days after the citation by written request addressed to: Legal Division, Department of Natural Resources, One Natural Resources Way~~524 South Second Street~~, Springfield IL 62702-1271~~62701-1787~~. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.
- n) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites**

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) All areas are closed to fee upland game hunting Mondays and Tuesday, Christmas Day and New Year's Day. With authorization from the Director, controlled pheasant hunting may be scheduled on Monday or Tuesday on DNR operated areas.
- c) Hunting hours are 9:00 a.m. to 4:00 p.m. (except on Thanksgiving Day hunting hours are 9:00 a.m. to 1:00 p.m. at Kankakee River State Park).
- d) All hunting must be done with shotgun or bow and arrow. Only shot shells with a shot size of No. 5 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, No. 4 bismuth, No. 3 steel or tin, or smaller may be used, except at Johnson-Sauk Trail State Park where only non-toxic shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size of No. 3 steel or tin, No. 4 bismuth, or No. 5 tungsten-iron, tungsten-polymer, tungsten-matrix, or smaller may be used. Flu flu arrows only may be used by bow and arrow hunters.
- e) All pheasants must be affixed with a Department tag before they are removed from the area. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.
- f) Hunter quota selection, daily usage stamp requirements and exemptions and

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hunter age requirements:

- 1) A drawing shall be held at the site to fill for hunter quotas.
  - 2) A daily usage stamp is required prior to hunting opening date through the day following the final game bird release.
  - 3) Hunters under 16 are not required to obtain a daily usage stamp at Johnson-Sauk Trail State Park, Kankakee River State Park and the Washington County Conservation Area on the Sunday following Thanksgiving Day and on the Saturday between Christmas Day and New Year's day.
  - 4) Hunters under 16 years of age must be accompanied by an adult hunter.
  - 5) At the Richland County Controlled Pheasant Hunting Area a daily usage stamp is not required. Fees and methods of payment at this site will be publicly announced.
- g) When daily quotas are not filled, hunters are allowed to check in on a first come-first served basis until 12:00 noon.
- h) The Department shall publicly announce the registration time and quota to be filled.
- i) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.
- j) A back patch issued at the check station must be worn while hunting.
- k) Non-hunters are not allowed in the field (except at special hunts publicly announced by the Department where non-hunters authorized by the Department shall be allowed in the field).
- l) Hunters must not leave the site without first checking out.
- m) Daily Limit:  
Pheasant – 2 (either sex may be harvested)  
Bobwhite Quail – 8  
Hungarian Partridge – 2  
Rabbit – 4
- n) Statewide regulations as provided for in this Part apply at the following Controlled Daily Drawing Pheasant Hunting sites, except as noted above and in parentheses below:

Johnson-Sauk Trail State Park

Kankakee River State Park (Hunters must check out within 15 minutes of the close of hunting hours; quail shall not be harvested)

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Richland County Controlled Pheasant Hunting Area (the controlled pheasant hunting season will be publicly announced; daily limit 4 pheasants of either sex may be harvested; each hunter may obtain a 2 pheasant permit with a maximum of 2 of these permits per day or a 3 or 4 pheasant permit with a maximum of one of either of these permits per day only)

Washington County Conservation Area

- o) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) the Wildlife Code [520 ILCS 5/2.33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within ten days of the citation by written request addressed to: Legal Division, Department of Natural Resources, One Natural Resources Way 524 South Second Street, Springfield IL 62702-1271~~62701-1787~~. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.
- p) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites**

- a) General Site Regulations
- 1) All regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping – apply in this Section, unless this Section is more restrictive.
  - 2) Only flu flu arrows may be used by bow and arrow hunters; broadheads are not allowed.
  - 3) On sites which are indicated by (1), hunters must check in and/or sign out as provided for in 17 Ill. Adm. Code 510.
  - 4) On sites which are indicated by (2), only nontoxic shot approved by the U.S. Fish and Wildlife Service of size No. 3 steel or No. 5 bismuth shot or smaller may be used or possessed with a shot size of No. 3 steel or tin, No. 4 bismuth, No. 5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used.
  - 5) Site specific rules or exceptions are noted in parentheses after each site.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- b) Site Specific Regulations
- 1) Statewide regulations apply at the following sites:
- Anderson Lake Conservation Area (1)
  - Apple River Canyon State Park – Salem and Thompson Units (rabbits only; closed during firearm deer season) (1)
  - Argyle Lake State Park (closed during firearm deer season) (1)
  - Banner Marsh State Fish and Wildlife Area (opens the day after the close of the central zone duck season) (1)
  - Big Bend State Fish and Wildlife Area (hunting for bobwhite quail will terminate at the close of legal shooting hours on December 14) (1)
  - Big River State Forest (closed during firearm deer season) (1)
  - Cache River State Natural Area (1)
  - Campbell Pond Wildlife Management Area
  - Carlyle Lake Lands and Waters (Corps of Engineers Managed Lands)
  - Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)
  - Chain O'Lakes State Park (open Wednesday after controlled pheasant hunting season for 5 consecutive days, closed December 25; hunting hours 8 a.m.-4 p.m.) (1)
  - Crawford County Conservation Area (1)
  - Cypress Pond State Natural Area (1)
  - Dog Island Wildlife Management Area (1)

## DEPARTMENT OF NATURAL RESOURCES

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Eagle Creek State Park (open only January 16-22)

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch only) (1)

Falling Down Prairie (1)

Fern Clyffe State Park (1)

Fort de Chartres Historic Site (hunting with muzzleloading shotgun or bow and arrow only) (1)

Ft. Massac State Park (1)

Fulton County Goose Management Area (opens the day after the close of the Central Illinois Quota Zone goose season) (1)

Giant City State Park (1)

Hamilton County Conservation Area (Open Unit) (Quail Unit open only January 16-22) (8:00 a.m. -4:00 p.m.) (1)

Hanover Bluff – Kopper Tract (1)

Horseshoe Lake Conservation Area (Alexander County) (Public Hunting Area, ~~except Controlled Hunting Area~~) (1)

Horseshoe Lake Conservation Area (Controlled Hunting Area; closed prior to and during the Canada goose season) (1)

I-24 Wildlife Management Area (1)

~~Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit) (1)~~

Jubilee College State Park (opens second day of statewide season; pheasant and quail close the Sunday after Thanksgiving) (1)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season) (1)

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Kinkaid Lake Fish and Wildlife Area (1)

Marseilles State Fish and Wildlife Area (closed during the site's firearm deer season) (1)

Marshall Fish and Wildlife Area (closed during firearm deer season) (1)

Mazonia State Fish and Wildlife Area (upland season does not open until the day after the close of the site's waterfowl season; the site is closed Mondays, Tuesday, Christmas Day and New Year's Day) (1)

Mermet Lake Fish and Wildlife Area (1)

Mississippi River Pools 16, 17, 18

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 21, 22, 24

Mt. Vernon Game Propagation Center (hunting from January 1 to the end of season; rabbits only) (1)

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (West Subunit only) (1)

Pyramid State Park (1)

Ramsey Lake State Park (8:00 a.m. to 4:00 p.m.; rabbits and quail only may be hunted on Mondays and Tuesday during the fee pheasant season) (1)

Randolph County Conservation Area (1)

Ray Norbut State Fish and Wildlife Area (all hunting closes

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December 15 in Eagle Roost Area)(1)

Red Hills State Park (1)

Rend Lake Project Lands and Waters

Saline County Conservation Area (1)

Sam Dale Lake Conservation Area (8:00 a.m. to 4:00 p.m.) (1)

Sam Parr State Park (8:00 a.m. to 4:00 p.m.) (1)

Sangamon County Conservation Area

Shawnee National Forest, Oakwood Bottoms (2)

Sielbeck Forest Natural Area (1)

Snake Den Hollow Fish and Wildlife Area (opens the day after the close of the Central Illinois Quota zone goose season) (1)

Stephen A. Forbes State Park (8:00 a.m. to 4:00 p.m.) (1)

Tapley Woods State Natural Area (closed during firearm and muzzleloading rifle deer seasons) (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area (Firing Line Management Area only) (1)(2)

Weinberg-King State Park (1)

Wildcat Hollow State Forest

Witkowsky State Wildlife Area (rabbit only; opens after second firearm deer season) (1)

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## NOTICE OF ADOPTED AMENDMENTS

Wolf Creek State Park (open only January 16-22)

- 2) Statewide regulations apply at the following sites except that hunters must obtain a free site permit from site office; this permit must be in possession while hunting at the site. The permit must be returned, and harvest reported, by February 15 or the hunter will forfeit hunting privileges at the site for the following year:

Chauncey Marsh (obtain permit at Red Hills State Park headquarters)

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

Fox Ridge State Park (4:00 p.m. daily closing)

Hidden Springs State Forest (no hunting during firearm deer season; 4:00 p.m. daily closing)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit

Jim Edgar Panther Creek State Fish and Wildlife Area (Open Unit~~open unit~~)

Kickapoo State Park (4:00 p.m. daily closing; closed during firearm deer season)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

Middle Fork Fish and Wildlife Area (4:00 p.m. daily closing; closed during firearm deer season)

Moraine View State Park (rabbit hunting permitted Mondays and Tuesday during the site controlled hunting program and from Wednesday after the permit pheasant season until the end of the Northern Zone Rabbit Season. Quail and pheasant hunting are permitted Wednesday through Sunday following the permit pheasant season; 2 cock pheasants may be taken. All hunting is 8 a.m. to 4 p.m. only.)

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Newton Lake Fish and Wildlife Area (closed during firearm deer season)

Pyramid State Park – Galum Unit

Sanganois State Fish and Wildlife Area

Ten Mile Creek State Fish and Wildlife Area (non-toxic shot only on posted waterfowl rest areas)

- 3) Hunting is permitted on the following areas only on the dates listed in parentheses; or on sites indicated by (3), hunting will be permitted on the first and second day of the statewide upland game season and on each subsequent Wednesday and Saturday in November, and on each Thursday and Sunday in December, through December 24. On sites indicated by (4), hunting will be permitted on the first and second day of the statewide upland game season and on each subsequent Wednesday and Saturday in November and on each Thursday and Sunday in December, through December 24, except closed during the firearm deer seasons and open December 27 and 29. Daily ~~daily~~ hunting permits filled by drawing through DNR ~~DOC~~ Permit Office. Procedures for application and drawings will be publicly announced. Illinois residents will have preference. Only one permit per person will be issued. Each permit authorizes the holder to bring the number of additional hunting partners listed in parentheses for the day's hunt. The permit must be returned and harvest reported by February 15 or permit holders ~~hunters~~ will forfeit hunting privileges at the sites covered in this Section ~~site~~ for the following year:

~~Bradford Pheasant Habitat Area (open only November 3, 4, 7, 10, 14, 17, 21, 24, 28 and December 2, 6, 9, 13, 16, 20, 24; each permit authorizes the holder to bring 3 hunting partners) (3)~~  
~~Eagle Creek State Park (open only November 3, 4, 7, 10, 14, 17, 21, 24 and December 9, 13, 16, 20, 24, 28 and January 1, 5, 9, 13; each permit authorizes the holder to bring 3 hunting partners)~~

~~East Conant (open only November 7, 10, 12, 15, 19, 22, 25, 28 and December 3, 6, 8, 11, 14, 16, 20, 23, 27, 29 and January 2, 5, 8, 12; each permit authorizes the holder to bring 3 hunting partners)~~

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Edward R. Madigan State Park (open on Mondays from the opening of upland game season until Christmas Day ; each permit authorizes the holder to bring 3 hunting partners; check in required before hunting)

Freeman Mine (open every Wednesday in November and December starting with opening day of upland game season except during firearm deer season and December 24 and 25; each permit authorizes holder to bring 3 hunting partners; hunting hours 8 a.m. to 4 p.m.; daily bag limit is 2 cock pheasants, 4 quail, and 2 rabbits)

Green River State Wildlife Area (open only November ~~6, 7, 9, 13, 14, 16, 20, 27, 30~~, ~~5, 7, 10, 12, 21, 24, 26~~ and December ~~11, 12, 14, 18, 19, 21, 26, 28~~, ~~4, 6, 9, 11, 16, 18, 20, 23~~; each permit authorizes the holder to bring 5 hunting partners) (1) (2)

Hallsville Pheasant Habitat Area (~~open only November 3, 4, 7, 10, 14, 17, 21, 24, 28 and December 2, 6, 9, 13, 16, 20, 24~~; each permit authorizes the holder to bring 3 hunting partners) (3)

~~Hamilton County Conservation Area (Quail Unit) (open only November 3, 6, 9, 12, 15, 18, 21, 24 and December 9, 12, 15, 18, 21, 24, 27, 30 and January 5, 8, 11, 14; each permit authorizes the holder to bring 3 hunting partners; hunting hours 8 a.m. to 4 p.m.) (1)~~

Harry "Babe" Woodyard State Natural Area (~~open only November 3, 4, 7, 10, 14, 21, 24, 28 and December 6, 9, 13, 16, 20, 24~~; each permit authorizes the holder to bring 3 hunting partners; 8 a.m. to 4 p.m. hunting hours) (4)

Herschel Workman Pheasant Habitat Area (~~open only November 3, 4, 7, 10, 14, 17, 21, 24, 28 and December 2, 6, 9, 13, 16, 20, 24~~; each permit authorizes the holder to bring 3 hunting partners) (3)

Hindsboro Pheasant Habitat Area (~~open only November 3, 4, 7, 10, 14, 17, 21, 24, 28 and December 2, 6, 9, 13, 16, 20, 24~~; each permit authorizes the holder to bring 3 hunting partners) (3)

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Hurricane Creek Habitat Area (~~open only November 3, 4, 7, 10, 14, 21, 24, 28 and December 6, 9, 13, 16, 20, 24;~~ each permit authorizes the holder to bring 3 hunting partners) (4)

Jim Edgar Panther Creek State Fish and Wildlife Area (Quail Management Area) (open every Tuesday and Saturday in November, December and January starting with opening day of upland game season except during firearm deer season and December 24 and 25; each permit authorizes holder to bring 3 hunting partners)

Loda Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

~~Mackinaw River Fish and Wildlife Area (open only November 3, 4, 7, 10, 14, 21, 24 and December 9, 13, 16, 20, 24, 28 and January 1; each permit authorizes holder to bring 3 hunting partners)~~

Manito Pheasant Habitat Area (~~open only November 3, 4, 7, 10, 14, 17, 21, 24, 28 and December 2, 6, 9, 13, 16, 20, 24;~~ each permit authorizes the holder to bring 3 hunting partners) (3)

Maytown Pheasant Habitat Area (~~open only November 3, 4, 7, 10, 14, 17, 21, 24, 28 and December 2, 6, 9, 13, 16, 20, 24;~~ each permit authorizes the holder to bring 3 hunting partners) (3)

Perdueville Pheasant Habitat Area (~~open only November 3, 4, 7, 10, 14, 17, 21, 24, 28 and December 2, 6, 9, 13, 16, 20, 24;~~ each permit authorizes the holder to bring 3 hunting partners) (3)

Pyramid State Park – Captain Unit (dates open to hunting will be publicly announced; each permit authorizes the holder to bring 3 hunting partners)

Pyramid State Park – Denmark Unit (dates open to hunting will be publicly announced; each permit authorizes the holder to bring 3 hunting partners)

Pyramid State Park – East Conant Unit (dates open to hunting will

## DEPARTMENT OF NATURAL RESOURCES

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be publicly announced; each permit authorizes the holder to bring 3 partners)

Sand Prairie Pheasant Habitat Area (~~open only November 3, 4, 7, 10, 14, 17, 21, 24, 28 and December 2, 6, 9, 13, 16, 20, 24;~~ each permit authorizes the holder to bring 5 hunting partners) (3)

Sand Ridge State Forest (Sparks Pond Land and Water Reserve Area) (open on Saturdays and Tuesdays from the opening of the upland game season through the end of December except during firearm deer season; each permit authorizes holder to bring 3 hunting partners)

Sangchris Lake State Park (open every Wednesday and Saturday in November and December after the opening day of upland game season except ~~during firearm deer season and~~ December 24 and 25; each permit authorizes holder to bring 3 hunting partners; hunting hours 1 p.m. to sunset; check in required before hunting; ~~December dates are for rabbits only~~)

Saybrook Pheasant Habitat Area (McLean County) (~~open only November 3, 4, 7, 10, 14, 17, 21, 24, 28 and December 2, 6, 9, 13, 16, 20, 24;~~ each permit authorizes the holder to bring 3 hunting partners) (3)

Siloam Springs State Park - Buckhorn Unit (open only the first and third days of firearm deer season and every Tuesday and Saturday until close of the statewide quail season; ~~open only November 16, 18, 29 and December 1, 4, 8, 11, 15, 18, 22, 25, 29 and January 1, 5, 8, 12, 15;~~ each permit authorizes the holder to bring 3 hunting partners)

Siloam Springs State Park – Scripps Units (open only the first and third days of firearm deer season and every Tuesday and Saturday until close of the statewide quail season; each permit authorizes the holder to bring 3 hunting partners)

Steward Pheasant Habitat Area (~~open only November 3, 4, 7, 10, 14, 17, 21, 24, 28 and December 2, 6, 9, 13, 16, 20, 24;~~ each permit authorizes the holder to bring 3 hunting partners) (3)

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Victoria Pheasant Habitat Area (~~open only November 3, 4, 7, 10, 14, 17, 21, 24, 28 and December 2, 6, 9, 13, 16, 20, 24;~~ each permit authorizes the holder to bring 5 hunting partners) (3)

Willow Creek Habitat Area (~~open only November 3, 4, 7, 10, 14, 17, 21, 24, 28 and December 2, 6, 9, 13, 16, 20, 24;~~ each permit authorizes the holder to bring 3 hunting partners) (3)

~~Wolf Creek State Park (open only November 3, 4, 7, 10, 14, 21, 24 and December 9, 13, 16, 20, 24, 28 and January 1, 5, 9, 13; each permit authorizes holder to bring 3 hunting partners)~~

- 4) The following sites will be open for pheasant, quail, rabbit and partridge hunting following the site's controlled pheasant hunting season; pheasants of either sex may be taken; all hen pheasants must be tagged by DNR before leaving sites; hunting hours are 8:00 a.m. -4:00 p.m.; hunting dates are noted in parentheses:

Des Plaines Conservation Area (dates are 5 days following the close of the site's permit pheasant season excluding Mondays, Tuesday and Christmas) (1)

Eldon Hazlet State Park (controlled pheasant hunting area and for 5 consecutive days only) (1)

Iroquois County Wildlife Management Area (open Wednesday through Sunday following permit pheasant season) (1)

Johnson-Sauk Trail State Park (open Wednesday through Sunday following permit pheasant season) (2)

Kankakee River State Park (no quail hunting)

Washington County Conservation Area (1)

- c) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 530.115 Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites**

- a) All the regulations in 17 Ill. Adm. Code 510 apply in this Section, except that falconers are required to wear a cap and outer garment of solid and vivid blaze orange only during the upland game season on sites where upland game hunting is in progress.
- b) Statewide falconry regulations (17 Ill. Adm. Code 1590) apply at the following sites (exceptions are in parentheses):

**Big Bend State Fish and Wildlife Area**

Edward R. Madigan State Park (hunting by falconry methods permitted from October 1 through March 31 or until 10 hen pheasants are harvested; falconers must sign in at the site check station before hunting and sign out immediately after hunting and report their harvest)

Horseshoe Lake State Park (Madison County) (hunting season opens the first hunting day after the close of the duck hunting season; hunting by falconry methods allowed from day after controlled pheasant season through the close of statewide quail falconry season)

**Mississippi River Pools 16, 17 and 18**

Sand Ridge State Forest (statewide regulations except that hunting is permitted on Mondays and Tuesday only during the Controlled Daily Drawing Pheasant Program season; it is unlawful to hunt by falconry methods in the vicinity of pheasant releases as pheasants are being released; falconry hunters must obtain a free permit from site office before hunting and report harvest by April 15; failure to report harvest by April 15 will result in loss of hunting privileges the following year)

Snake Den Hollow Fish and Wildlife Area (hunting permitted from the day after the close of the Fulton-Knox County Zone goose season until the close of the statewide falconry season)

- c) Cock and hen pheasant, hungarian partridge, bobwhite quail, and rabbit may be taken at the following sites in accordance with 17 Ill. Adm. Code 1590; falconers must obtain a free permit from site office before hunting and return permit and

## DEPARTMENT OF NATURAL RESOURCES

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report harvest by February 15; failure to return permit or report harvest will result in loss of hunting privileges the following year (additional site regulations are in parentheses):

Chain O'Lakes State Park (hunting permitted 8:00 a.m. to 4:00 p.m. from the Monday after the non-fee season through January 31 except closed Christmas Day; obtain permit from site office Monday through Friday 8:00 a.m. to 4:00 p.m.)

Eagle Creek State Park (hunting permitted from the end of the statewide firearms season for rabbits through January 31)

Moraine View State Park (hunting permitted October 1 through two days before the pheasant season opens)

Ten Mile Creek Fish and Wildlife Area (hunting permitted from the end of the firearms rabbit season through January 31)

d) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Duck, Goose and Coot Hunting
- 2) Code Citation: 17 Ill. Adm. Code 590
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
590.10	Amendment
590.15	Amendment
590.20	Amendment
590.40	Amendment
590.50	Amendment
590.60	Amendment
590.70	Amendment
590.80	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20).
- 5) Effective Date of Rulemaking: October 18, 2002
- 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 amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 1, 2002, 26 Ill. Reg. 10194
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:  
  
Section 590.10(b) - Replaced "for" with "that violation of Section"  
  
Section 590.(10)(i)(g) - Deleted subsection  
  
Section 590.10(j) - Deleted "Rend Lake Canada Goose Quota Zone (RLQZ) and" and "RLQZ and"

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Section 590.10(k) - Deleted "Rend Lake Quota Zone and the"

Section 590.20(c)(5) - Removed "Horseshoe Lake Conservation Area and"; replaced "areas" with "areas" and removed", Tuesdays" and the first reference to "on a Tuesday"; and replaced "590.25" with "685.110"

Section 590.20(c)(6) - Added a new subsection:

- 6) The legal hunting season for Horseshoe Lake Conservation Area is the dates of the Southern Quota Zone goose hunting season except tha the area shall be closed on Mondays, Tuesdays and December 24, 25, 26 and the first weekday after December 26 other than a Monday or a Tuesday. (This site shall be open only for the Illiois Youth Goose Hunt on the first weekday after December 26 other than a Monday or a Tuesday, pursuant to Section 685.110.)

Section 590.40(a)(12) - Following "one blind" - Added "exceptions will be announced at the site's annual duck blind drawing;"

Section 590.50(a) - Pekin Lake - replaced "if not accessible by boat, hunting is allowed within 10 yards of the assigned numbered stake or buoy; goose hunting prohibited prior to the regular duck season" with "no more than 3 persons shall use one blind; exceptions will be announced at the sites's annual duck blind drawing; the maximum horsepower limit of motors on the lake is 25 hp; goose hunting prohibited prior to the regular duck season"

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is being amended to eliminate the reference to the shot size restriction for tin shot, clarify information, update sites and site-specified information and to add penalty information.
- 16) Information and questions regarding these adopted amendments shall be directed to: Jack Price  
Department of Natural Resources

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DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

One Natural Resources Way  
Springfield IL 62702-1271  
217/782-1809

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

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TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 590  
DUCK, GOOSE AND COOT HUNTING

Section	
590.10	Statewide Regulations
590.15	Duck, Goose and Coot General Hunting Regulations on Department-Owned and - Managed sites Listed in Sections 590.40 and 590.50
590.20	Permit Controlled Department Sites Only – Duck, Goose and Coot Hunting
590.25	Illinois Youth Waterfowl Hunting Permit Requirements (Repealed)
590.26	Illinois Youth Duck Hunting Permit Requirements (Repealed)
590.30	Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites (Repealed)
590.40	Check Station Department Sites Only – Duck, Goose and Coot Hunting
590.50	Non-Check Station Department Sites Only – Duck, Goose and Coot Hunting
590.60	Various Other Department Sites – Duck, Goose and Coot Hunting
590.70	Ohio River
590.80	Early and Late Goose (all species) Hunting Regulations on Department Sites
EXHIBIT A	The Non-Toxic Shot Zones of Illinois (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; emergency expired March 3, 1984; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; peremptory amendment at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; emergency expired March 5, 1986; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendment at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; emergency expired February 23, 1987; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency

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amendment at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; emergency amendment at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendment at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendment at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendment at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; emergency expired April 3, 1992; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. 12491, effective July 28, 1992; emergency amendment at 16 Ill. Reg. 16672, effective October 15, 1992, for a maximum of 150 days; emergency expired March 9, 1993; emergency amendment at 16 Ill. Reg. 18851, effective November 17, 1992, for a maximum of 150 days; emergency expired April 11, 1993; emergency amendment at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days; emergency expired June 14, 1993; amended at 17 Ill. Reg. 16443, effective September 27, 1993; emergency amendment at 17 Ill. Reg. 18867, effective October 14, 1993, for a maximum of 150 days; emergency expired March 13, 1994; amended at 18 Ill. Reg. 10023, effective June 21, 1994; emergency amendment at 18 Ill. Reg. 15161, effective September 27, 1994, for a maximum of 150 days; emergency expired February 23, 1995; amended at 19 Ill. Reg. 13209, effective September 11, 1995; amended at 20 Ill. Reg. 754, effective December 29, 1995; recodified by changing agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12417, effective August 30, 1996; amended at 21 Ill. Reg. 578, effective December 30, 1996; amended at 21 Ill. Reg. 11713, effective August 12, 1997; amended at 22 Ill. Reg. 2182, effective January 2, 1998; amended at 22 Ill. Reg. 15961, effective August 24, 1998; amended at 22 Ill. Reg. 21881, effective December 3, 1998; emergency amendment at 23 Ill. Reg. 3092, effective March 10, 1999, for a maximum of 150 days; emergency expired August 6, 1999; amended at 23 Ill. Reg. 11195, effective August 26, 1999; emergency amendment at 23 Ill. Reg. 14640, effective December 13, 1999, for a maximum of 150 days; emergency expired May 10, 2000; amended at 24 Ill. Reg. 12517, effective August 7, 2000; amended at 25 Ill. Reg. 14131, effective October 22, 2001; amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 590.10 Statewide Regulations**

- a) Pursuant to Section 2.18 of the Wildlife Code [520 ILCS 5/2.18], *it shall be*

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*unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 USC 703-711), the "Migratory Bird Hunting Stamp Act" (16 USC 1718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20 and 21) (collectively referred to in this Part as federal regulations) (no incorporation in this Part includes later amendments or editions), or contrary to any State regulations made in the Wildlife Code. Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).*

- b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this Part, unless federal regulations are more restrictive. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33), except that violation of Section 2.33(g), (i), (o), (p), (y) and (cc) are Class A misdemeanors with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties.
- c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20) unless the regulations in this Part are more restrictive. Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).
- d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells not approved as non-toxic by federal regulations. Violation is a petty offense (see 520 ILCS 5/2.18-1).
- e) It shall be unlawful to possess any shotgun shell loaded with a shot size larger than bis muth BBB, tungsten-iron BB, tungsten-polymer BB, tungsten-matrix BB, or tungsten-nickel-iron (HEVI-SHOT) B, or tin-BBB when attempting to take waterfowl. Violation is a petty offense (see 520 ILCS 5/2.18-1).
- f) Emergency Closure  
The Department of Natural Resources (Department or DNR) will close the Canada goose season giving 48 hours notice when quotas established by federal regulations are reached, when harvest in any area is excessive due to extreme weather conditions or when a serious outbreak of infectious disease occurs, such as avian cholera or duck virus enteritis. Hunting Canada Geese after the season is closed is a Class B misdemeanor (see 520 ILCS 5/2.18). Possession of freshly killed wild geese during the closed season is a Class A misdemeanor (see 520 ILCS 5/2.33(cc)).
- g) Closed Areas  
Closed areas, including waterfowl refuges and rest areas, may be designated at certain sites in accordance with 17 Ill. Adm. Code 510. Boundaries of these closed areas will be posted. Violation is a petty offense (see 520 ILCS 5/2.20).
- h) Commercial Migratory Waterfowl Hunting Area Permits
  - 1) The holder of a permit shall forward information on harvest and hunters to the Department, by phone or on forms furnished by the Department, at times required by the Department. The Department shall give the permit

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holder reasonable written notice of the dates reports are required. Failure to timely supply such reports will make the permit holder subject to revocation of his permit and suspension of the privilege to hold the permit for up to 5 years. Violation is a petty offense (see 520 ILCS 5/3.6).

- 2) On any property where the principal waterfowl harvest is wild geese, it is the permit holder's duty to ensure that not more than 5 persons occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season. Violation is a petty offense (see 520 ILCS 5/3.8).
  - 3) The Department may assign the maximum potential Canada goose harvest (number registered pits x 5 hunters x Canada goose bag limit) to the cumulative quota zone harvest for each day a club is late in reporting.
- i) Waterfowl Hunting Zones:
- 1) North Zone – That portion of the State north of a line running east from the Iowa border along Illinois Route 92 to U.S. Interstate 280, east along U.S. Interstate 280 to U.S. Interstate 80, then east along U.S. Interstate 80 to the Indiana border.
  - 2) Northern Illinois Quota Zone – DuPage, Kane, Lake, and McHenry counties, and those portions of LaSalle and Will counties north of I-80.
  - 3) Central Zone – That portion of the State south of the northern zone boundary to the Modoc Ferry route on the Mississippi River and east along the Modoc Ferry Road to Modoc Road to St. Leo's Road to Illinois Route 3, then north to Illinois Route 159, then north to Illinois Route 161, then east to Illinois Route 4, then north to U.S. Interstate 70, then east along U.S. Interstate 70 to the Bond County line, north and east along the Bond County line to Fayette County, north and east along the Fayette County line to Effingham County, east and south along the Effingham County line to U.S. Interstate 70, then east along U.S. Interstate 70 to the Indiana border.
  - 4) Central Illinois Quota Zone – Calhoun, Cass, Fulton, Jersey, Knox, Mason, Morgan, Peoria, Pike, Tazewell, and Woodford counties, as well as those portions of LaSalle, Grundy, and Will counties south of I-80.
  - 5) South Zone – From the southern boundary of the Central Zone south to the remainder of the State. ~~6) Rend Lake Quota Zone – all lands and waters in Franklin and Jefferson Counties.~~
  - 67) Northeastern Illinois Canada Goose Zone – All lands and waters in the counties of Cook, DuPage, Grundy, Kankakee, Kane, Kendall, Lake, McHenry and Will.
  - 78) Southern Illinois Quota Zone – Alexander, Union, Williamson, and Jackson Counties.

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- j) No person during the open season shall take or attempt to take wild geese prior to ½ hour before sunrise nor after sunset. In the ~~Rend Lake Canada Goose Quota Zone (RLQZ) and~~ Southern Illinois Quota Zone (SIQZ), no person shall take or attempt to take wild geese after the hour of 3:00 p.m.; except, during the last 3 days of the Canada goose season and during any goose seasons that occur after the Canada goose season, hunting hours in the ~~RLQZ and~~ SIQZ shall close at sunset daily, and during any Canada Goose Season set in September, hunting hours shall close daily at sunset. During special light goose seasons as indicated in subsection (n), statewide hunting hours shall be ½ hour before sunrise to ½ hour after sunset daily. Hunting prior to ½ hour before sunrise during the open season is a Class A misdemeanor (see 520 ILCS 2.33(y)). Hunting after ½ hour after sunset is a Class A misdemeanor (see 520 ILCS 2.33(y)). Hunting after closing hours is a Class B misdemeanor (see 520 ILCS 5/2.18).
- k) On any property where the principal waterfowl harvest is wild geese in the ~~Rend Lake Quota Zone and the~~ Southern Illinois Quota Zone, no more than 5 persons shall occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season. Violation is a petty offense (see 520 ILCS 5/3.8(b)(4)).
- l) The following apply in the Northern, Central and Southern Illinois Quota Zones:
- 1) It is unlawful to hunt Canada geese during seasons after September 15 without having in possession a current season's permit to hunt Canada geese, unless exempt from a State waterfowl stamp. Such permits are not transferrable and are not valid unless they contain the hunter's name, signature, date of birth, and the same State waterfowl stamp number that is on the State waterfowl stamp that is signed by the hunter or affixed to his/her license.
  - 2) Immediately upon taking possession of a harvested Canada goose, hunters must mark with indelible ink, punch or slit the Permit to Hunt to indicate the date of kill (one date for each goose harvested) and zone where killed.
  - 3) Hunters must report their kill on the same calendar day the geese are taken by calling 1-800-WETLAND (938-5263). Hunters must report the number of geese taken, date and zone where taken.
  - 4) Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).
- m) Registration in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program (HIP) is required for those persons who are required to have a hunting license before taking or attempting to take ducks, geese or coots. Instructions for registering are provided with issuance of hunting license. Violation is a petty offense (see 520 ILCS 5/3.1(f)).
- n) If 50 CFR 20 or 21 allows light goose seasons to be liberalized, snow geese, blue geese and Ross' geese may be taken in accordance with federal regulations

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regarding hunting hours, method of taking and bag limits through March 31.

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 590.15 Duck, Goose and Coot General Hunting Regulations on Department-Owned and -Managed Sites Listed in Sections 590.40 and 590.50**

- a) Definitions
- 1) Blind site – A position within 10 feet of numbered stake where blind must be constructed. Sites shall be located and marked by the Department of Natural Resources.
  - 2) Blind builder – Person who has been assigned a blind site as a result of the drawing.
  - 3) Blind partner – Persons chosen by the builder to assist in construction and maintenance of the blind and to share its blind claiming and hunting privileges.
  - 4) Drawing – Procedure by which blind sites are assigned.
  - 5) Blind registration card – Card issued by the Department and tacked inside each blind listing names and addresses of blind builders.
  - 6) Complete blind – A blind with all framework and siding constructed and in readiness for use, including final brushing.
  - 7) Hunting party – An individual or group of hunters occupying a single boat, blind, or hunting site.
  - 8) Dog Hide – A compartment or area within or attached to a blind that houses a dog used to retrieve downed waterfowl.
- b) Blind Construction
- 1) Blinds must be at least 4 feet x 8 feet, but no higher than 14 feet from the water surface at normal pool level, to the top of the shooting box, sturdy enough to withstand daily usage, and must be maintained in good condition by blind builders throughout the duck season. Blinds shall be numbered and that number shall be visible from the outside of the blinds. Blinds must be placed within 10 feet of assigned Department marked site.
  - 2) Blinds built over water must be of platform construction with the platform constructed above normal water conditions or they may be floating blinds.
  - 3) Blinds must be completed, including final brushing, 3 weeks in advance of opening date of regular duck season (except at Mississippi River Area Pools 25 and 26 blinds and final brushing must be completed 4 weeks in advance of opening date of regular duck season) after which time the Department of Natural Resources shall inspect all blinds and blind sites

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and issue Blind Registration Cards to those which pass inspection. Blind builders shall not gain access to Redwing Slough/Deer Lake until the day following Labor Day. Blind builders must post Blind Registration Card in the blind prior to the first day of regular duck season. If adverse weather or water conditions make compliance with this rule difficult the site superintendent or the District Wildlife Manager may grant extensions.

- 4) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, shall be reassigned to alternates selected at a drawing or by a first come-first served allocation held on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, seven days prior to the opening date of the duck season on sites posted as being closed to trespassing 7 days prior to regular duck season. At Mississippi River Area Pools 25 and 26 reassigned blinds must be completed by sunset of the Sunday immediately preceding the opening day of regular duck season. On all other sites reassigned blinds must be completed, including final brushing, by the day before the opening day of the regular duck season.
- 5) Not more than 3 persons shall be registered for assignment of any one blind site. Blind builders shall submit partner names on a blind registration form as designated at the site drawing. After the designated time, no changes shall be accepted. As directed by the information sheet available at each site, the registration form must be filled out and returned within 30 days prior to the blind drawing date. Failure to do so shall result in forfeiture of blind.
- 6) No person shall be allowed to be a blind builder or partner on more than one public waterfowl blind managed by the Illinois Department of Natural Resources State Waterfowl Management Area in Illinois.
- 7) Boat hides are required, except as noted in Sections 590.40 and 590.50, and must have minimum inside dimensions of 18' x 6', and shall be sturdy enough to withstand daily use considering the conditions of the site, and must be maintained in good condition throughout the season, and shall be completed including final brushing by 3 weeks prior to the opening day of duck season, except at Mississippi River Area Pools 25 and 26 boat hides and final brushing must be completed 4 weeks prior to the opening day of duck season; failure to meet these standards shall result in forfeiture of blind site.
- 8) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds except as indicated in Sections 590.40(a) and (b) and 590.50(a) and (b).
- 9) Blinds must include a dog hide that is on the same level as the blind. The

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dog hide can either be incorporated into the blind by providing a hole at floor level that measures at least 20 inches high by 20 inches wide or by providing a separate compartment that is attached to the blind. Hides attached to the blind should have a minimum floor space that measures 2 feet by 2 feet and should be at least 2.5 feet high with 2 openings. One opening should be between the blind and the dog hide, should measure at least 20 inches by 20 inches, and should be constructed at the same level as the blind floor. The water access opening should be at least 20 inches wide and 20 inches high. Hides either within the blind or attached should have an enforced ramp to water level that is at least 15 inches wide with cleats every 12 inches. Openings in the blind must be capable of being closed when not in use.

- c) Use of blinds
- 1) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.
  - 2) No person shall hunt, or attempt to hunt, except from within a registered blind.
  - 3) Persons under 16 years of age shall not hunt, or attempt to hunt, unless accompanied by an adult due to safety factors.
  - 4) Blinds shall not be locked.
  - 5) Claiming or attempting to claim any blind which is legally occupied, and/or harassing, in any manner, the occupants of a blind which has been legally occupied, is unlawful.
  - 6) No person shall fish within 250 yards of an occupied blind within the hunting area.
  - 7) All hunting parties shall hunt over a spread of at least 12 decoys during duck season and Canada goose season. The decoys shall be staked, placed, or floating, be individually visible, be at least 8 inches long, and not be within a boat, blind or container.
  - 8) At sites where a manned check station is in operation, hunters are required to deposit their hunting license and Federal and State Migratory Waterfowl Stamp in the check station while hunting. Persons exempt by law from having a hunting license and an Illinois stamp must deposit their Firearm Owner's Identification Card. Persons under 21 who do not have a card must be accompanied by an adult who has a valid card in his possession.
- d) Public Drawing
- 1) Time and place for all sites holding drawings shall be publicly announced

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by the Department of Natural Resources.

- 2) A registrant for a drawing must be at least 16 years of age and possess a current or preceding year's Illinois hunting license, a current or preceding year's Illinois Migratory Waterfowl Stamp and a current or expired (within 12 months prior to the drawing) Firearm Owner's Identification Card unless exempted by law. Persons exempted by law from possessing a hunting license or waterfowl stamp must have a valid Firearm Owner's Identification Card. Persons who are under 21 years of age who do not have Firearm Owner's Identification Cards must be accompanied by an adult who has a valid Firearm Owner's Identification Card in his possession at the drawing. Applicants must be present for the registration and drawing to be eligible for allocation of blind sites.
- e) Flood Rules
- In the event that State managed sites are flooded to the point that public waterfowl blinds cannot be constructed or are no longer usable, the Department, by public announcement and/or posting, may permit waterfowl hunting under one of the following rules:
- 1) If the check station for that site is open, all rules apply, except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site.
  - 2) If the check station is not operable, all rules apply except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site. Additionally, rules listed in Section 590.40(b)(1), (2), (3), (4) and (9) shall not be in force. Rules concerning blind claiming as listed in Section 590.50(b) shall apply.
  - 3) If blind sites have not been marked and no check station is operable, the area will be open to hunting from platform, floating or boat blinds or by walk-in hunting, anywhere on the area except refuges and closed waterfowl rest areas. Preplacement of unattended decoys and/or unoccupied blinds or boat hides do not constitute lawful possession of a hunting site. All hunting parties must remain 200 yards apart and follow normal closing hours for the site.
  - 4) In all above flood circumstances, regulations requiring the construction of a separate boat hide and regulations regarding the minimum standards for blind construction shall be suspended for that season.
- f) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 590.20 Permit Controlled Department Sites Only – Duck, Goose and Coot Hunting**

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- a) Sites covered in this Section, which allow hunting by permit only, are:

Banner Marsh Fish and Wildlife Area

Horseshoe Lake Conservation Area

Sangchris Lake State Park subimpoundment

Snake Den Hollow State Fish and Wildlife Area

Union County Conservation Area

- b) Permit Requirements

- 1) Permit reservations shall be accepted starting in September. Initial acceptance dates and methods for making reservations will be publicly announced. At Sangchris Lake State Park subimpoundment unit, persons previously receiving blind permits will not be allocated another permit until all other applicants who have never received a permit are issued a permit. Persons receiving a blind permit then will have their next year's application placed at the bottom of the applications being processed. Only applications for reservations submitted by Illinois residents will be processed during the first 2 weeks of the application period. Applicants making reservations will be sent confirmation.
- 2) Permits shall be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; the condition of the roads at the site; the number of employees available to work at the site; and the number of blinds which can be established on a site as set forth in Section 3.8 of the Wildlife Code [520 ILCS 5/3.8].
- 3) The permit shall be for the use of the entire blind. It shall be the responsibility of the permit holder to bring one hunting partner or one non-hunting partner or 2 non-hunting partners (3 persons per blind but not more than 2 hunters per blind) for Snake Den Hollow State Fish and Wildlife Area, Horseshoe Lake Conservation Area, and Union County Conservation Area, or 3 partners (hunters or non-hunters; 4 persons per blind) for Banner Marsh and Sangchris Lake State Park subimpoundment. Non-hunting partners are defined as persons under 21 years of age

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accompanying the hunter in the blind. Unallocated blinds shall be filled by a drawing at the sites.

- 4) Permits are not transferrable.
- 5) Permits will be issued from the Springfield Permit Office for permit-controlled sites. For other information write to:

Illinois Department of Natural Resources  
Permit Office – Waterfowl  
P.O. Box 19457  
Springfield, IL 62794-9457

- c) General regulations
  - 1) All use other than permit hunting as defined in subsection (b)(3) is prohibited at Snake Den Hollow from October 1 through close of Central Zone Canada goose season.
  - 2) Hours, Permits and Stamp Charges
    - A) Hunting hours are from legal opening time until 1:00 p.m., except at Horseshoe Lake and Union County Conservation Area, which close at 12 noon.
    - B) At Snake Den Hollow from opening day through November 30, all hunters must register at the check station by 5:00 a.m. Permits are void after 5:00 a.m. From December 1 through December 31, all hunters must register at the check station by 5:30 a.m. Permits are void after 5:30 a.m. From January 1 through the close of goose season, all hunters must register at the check station by 6:00 a.m. Permits are void after 6:00 a.m. At Banner Marsh Fish and Wildlife Area, Horseshoe Lake Conservation Area and Union County Conservation Area hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing shall be held to allocate blind sites at all sites. At Sangchris Lake State Park subimpoundment hunters must be checked in 90 minutes before legal hunting hour (2 hours before sunrise). Permits are void after this time.
    - C) A \$15 Daily Usage Stamp must be purchased at Snake Den Hollow State Fish and Wildlife Area, Horseshoe Lake Conservation Area and Union County Conservation Area. Partners~~Non-hunting partners~~ between 16 and 20 years of age must pay daily usage stamp fee. Partners ~~Non-hunting partners~~ under 16 are not required to purchase a daily usage stamp.

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- D) A \$10 Daily Usage Stamp must be purchased at Banner Marsh Fish and Wildlife Area and Sangchris Lake State Park subimpoundment. Non-hunting partners between 16 and 20 years of age must pay daily usage stamp fee. ~~All Non-hunting~~ partners under 16 are not required to purchase a daily usage stamp.
- 3) Hunting shall be done from assigned blinds only and hunters shall not move from blind to blind or leave the blind and return.
- 4) Guns must be unloaded and encased at all times when not hunting.
- 5) The legal hunting season for Union County Conservation Area is the dates of the Southern Quota Zone goose hunting season except that the ~~area areas~~ shall be closed on Mondays and December 24, 25, 26 and the first weekday after December 26 other than a Monday. (This site shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 26 other than a Monday, pursuant to Section ~~685.110-590.25~~.)
- 6) The legal hunting season for Horseshoe Lake Conservation Area is the dates of the Southern Quota Zone goose hunting season except that the area shall be closed on Mondays, Tuesdays and December 24, 25, 26 and the first weekday after December 26 other than a Monday or a Tuesday. (This site shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 26 other than a Monday or a Tuesday, pursuant to Section 685.110.)
- 76) The legal hunting season at Snake Den Hollow is the dates of the Central Zone goose hunting zone except that the area shall be closed on Tuesdays, Wednesdays, and December 24, 25 and 26.
- 87) The legal hunting season at Banner Marsh is the dates of the central zone duck hunting season.
- 98) The legal hunting season for the Sangchris Lake subimpoundment is the opening day of the Central Zone Duck Hunting Season, Tuesdays, Thursdays and Sundays, and the last day of the Central Zone Duck Hunting Season (on Thursdays blinds will be allocated by a daily drawing at the site pursuant to Section 590.60(b)(32)(B)).
- 9) ~~Hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit at Snake Den Hollow.~~
- 10) At Horseshoe Lake Conservation Area, Snakeden Hollow Fish and Wildlife Area and Union County Conservation Area during duck season hunters may possess up to 25 shot shells. When duck season is closed hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.
- 11) At Horseshoe Lake Conservation Area and Union County Conservation Area hunters may bring up to 3 dozen decoys per party. No full bodied or

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- supermagnum shell decoys are allowed.
- 12) Hunters without their guns may leave the blind to retrieve crippled waterfowl at Horseshoe Lake Conservation Area and Union County Conservation Area.
  - 13) Hunters must be at least 16 years of age (except for the Illinois Youth Goose/Duck Hunt) to draw for a pit or blind. Each person under 16 years of age must be accompanied by a supervising adult.
- d) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 590.40 Check Station Department Sites Only – Duck, Goose and Coot Hunting**

- a) The sites listed in this Section conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in parentheses and in the remainder of this Section. Daily hunting hours close at 1:00 p.m. unless otherwise indicated in parentheses below.
  - 1) Anderson Lake Conservation Area – All Management Units (previous years blind builders shall have until February 1 to salvage blind materials)
  - 2) Batchtown (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
  - 3) Calhoun Point (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
  - 4) Glades (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
  - 5) Godar-Diamond (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
  - 6) Horseshoe Lake State Park – Madison County (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset with the exclusion of Christmas Day; 3 year blind allocation)
  - 7) Lake DePue and Lake DePue Walk-in Unit (aka 3I)
  - 8) Marshall State Fish and Wildlife Area (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blinds; previous year's blind builders shall have until February 1 to salvage

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- blind materials)
- 9) Mazonia State Fish and Wildlife Area (previous years blind builders shall have until February 1 to salvage blind materials; goose hunting prohibited before and after duck season; closed Mondays and Tuesdays)
  - 10) Rice Lake Conservation Area (previous years blind builders shall have until February 1 to salvage blind materials)
  - 11) Sanganois State Fish and Wildlife Area (check station and walk-in areas, hunters are not required to hunt from a blind site during goose seasons held after the duck season)
  - 12) Spring Lake State Fish and Wildlife Area (all hunting must be from portable boat blinds within 10 yards of the assigned numbered stake or buoy; no more than 3 persons shall use one blind; exceptions will be announced at the site's annual duck blind drawing; the maximum horsepower limit of motors on the lake is 25 hp; goose hunting prohibited prior to the regular duck season)~~previous years blind builders shall have until February 1 to salvage blind materials; during the waterfowl season, the maximum horsepower limit for outboard motors on the lake is 25 h.p.; no goose hunting prior to duck season)~~
  - 13) Stump Lake (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
  - 14) Woodford State Fish and Wildlife Area (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blinds; previous year's blind builders shall have until February 1 to salvage blind materials)
  - 15) William Powers Conservation Area (legal closing) (previous years blind builders shall have until May 1 to remove blinds in their entirety, including support posts; failure to comply will result in the blind builder and partners for that blind losing privilege of being a blind builder or partner at this site for the following year; no goose hunting prior to duck season; hunting from boat blinds is permitted within 10 feet of the following numbered marked blind sites: 4, 5, 7, 8, 11, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23; all hunters must check in prior to occupying blind and must check out no later than one hour after legal closing time)
- b) The following regulations apply to all sites listed in this Section under subsection (a):
- 1) All hunters must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds. Beginning the day after duck season ends,

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- when the check station is not operating, unclaimed blinds shall be allocated on a first come-first served basis, as per Section 590.50(b)(1), (2) and (3). Goose hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.
- 2) Registered blind builders or partners desiring to claim their blinds must report to the check station at least one hour before hunting hour each day and occupy that blind for at least one hour. Hunters wishing to move to another blind during their daily hunt must report back to the check station for reassignment.
  - 3) All hunting must be from registered blinds only and hunters must occupy their blinds within one hour after registering at the check station.
  - 4) All hunters must be checked out within one hour of the close of the legal hunting hours. At this time waterfowl and coots bagged must be checked and hunting licenses or Firearm Owner's Identification Cards shall be returned.
  - 5) It shall be unlawful to trespass upon the designated duck hunting area during the 7 days prior to the regular duck season as posted at the site. At Mississippi River Area Pools 25 and 26 and Horseshoe Lake State Park (Madison County) it shall be unlawful to trespass upon the designated duck hunting area between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site.
  - 6) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from 2 weeks prior to the start of regular duck season through the close of regular duck and Canada goose season.
  - 7) No more than 4 persons shall occupy a blind at one time, except on the statewide Youth Waterfowl Hunting Day, as authorized in Section 590.15(f), 5 persons may occupy a blind at one time only if the party is comprised of 2 youth hunters, their non-hunting parents and one non-hunting guide.
  - 8) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).
  - 9) During duck season, blinds not claimed by the builder or partners by one hour before hunting time shall be assigned by a drawing at this time and during the hours from 8:00 a.m. to 11:00 a.m., except at Batchtown, Calhoun Point, Glades, Godar-Diamond, Horseshoe Lake State Park (Madison County) and Stump Lake (9:00 a.m.-1:00 p.m.) after which time the area shall be closed to additional hunters.
  - 10) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as

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listed in parentheses under subsection (a). After this date, all materials become the property of the new blind builder or the Department.

- 11) For those sites listed in this subsection that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished in person during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. No waterfowl blind may be removed until after the close of the waterfowl season.

**c) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).**

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 590.50 Non-Check Station Department Sites Only – Duck, Goose and Coot Hunting**

- a) The following sites conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in the remainder of this Section.

Anderson Lake West Point Management Unit (walk-in or boat; staked sites; daily draw)

Blanding Wildlife Area (Federal Lands, boat access only; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunters)

Boston Bay (No permanent blinds may be built; temporary blinds only; 200 yards apart)

Chain O'Lakes State Park (For goose seasons prior to duck season, hunting allowed from numbered blind sites only and blinds need not be completed; blinds must be removed in their entirety, including support posts, by May 1; failure to comply will result in the blind builder and partners for that blind losing the privilege of being a blind builder or partner at this site for the following year)

Clear Lake Wildlife Management Area (one year blind allocation)

Des Plaines River Conservation Area (Goose hunting permitted during special

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goose season prior to regular waterfowl season; during special goose season hunting allowed from numbered blind sites only and blinds do not have to be completed; previous years blind builders shall have until February 1 to salvage blind materials)

Fuller Lake (Daily hunting hours close at 3:30 p.m. CST, except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)

Fulton County Goose Management Area (Wednesday, Saturday and Sunday hunting only; daily drawing at Rice Lake State Fish and Wildlife Area check station; hunting from staked blind sites only; no other use October 1 through the close of the central zone goose season)

Helmhold Slough (~~Daily hunting hours close at 3:30 p.m. CST, except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset;~~ 3 year blind allocation period)

Illinois River – Pool 26 (3 year blind allocation period)

Kankakee River State Park (no boat hide required; no goose hunting permitted prior to duck season; previous years blind builders shall have until February 1 to salvage blind materials)

Lake Sinnissippi (Department Owned Land; the use of any metal, with the exception of fasteners less than 12 inches in length, will be prohibited in the construction of waterfowl blinds; waterfowl hunters allocated blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31 or 32 will have the option to either construct a platform bind (4' x 8' with boat hide) or a boat hide blind no less than 6' x 18' in dimension fully enclosed on all four sides, must include 4 shooting holes or ports and brushed (doors capable of being closed are permitted for boat access); hunters choosing to construct a boat hide type of blind will not be required to construct a dog hide; blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31 and 32 must be removed in their entirety no later than 10 days after the close of the northern zone waterfowl season; blinds may be removed beginning November 15; hunting from boat blinds is permitted within 10 feet of marked blind sites beginning November 15 for those blinds removed on or after November 15)

Marshall County Conservation Area – Sparland Unit (Department Owned Land;

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previous years blind builders shall have until February 1 to salvage blind materials)

Meredosia Lake (one year blind allocation period) – Rules and Regulations will be publicly announced.

Mississippi River Pool 16 (Federal Lands; no permanent blinds – temporary blinds only above Velie Chute except for Goose Pond, Sunfish Slough, and Milan Bottoms (landward area upriver from River Mile 474); 2 year blind allocation period; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting)

Mississippi River Pool 17 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; 2 year blind allocation period)

Mississippi River Pool 18 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; 2 year blind allocation period)

Mississippi River Pools 21, 22, 24 (Federal Lands; 2 year blind allocation period)

Mississippi River Pools 25, 26 (Federal Lands; 3 year blind allocation period)

Momence Wetlands (Hunting allowed from a portable blind or anchored boat blind only; no more than 3 persons per blind site; ~~area closed Mondays, Wednesdays, Thursdays and Fridays, except hunting is permitted on the opening day of duck season;~~ no hunting during firearm deer seasons)

~~Pekin Lake (Department Owned Land) (Hunting allowed from registered blinds or within 10 feet of staked blind sites if blinds cannot be built)~~

Pekin Lake State Fish and Wildlife Area (all hunting must be from portable boat blinds within 10 yards of the assigned numbered stake or buoy; no more than 3 person shall use one blind; exceptions will be announced at the site's annual duck blind drawing; the maximum horsepower limit of motors on the lake is 25 hp; goose hunting prohibited prior to the regular duck season)

Piasa Island (3 year blind allocation period)

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Quincy Bay (Mississippi River Pool 21) (hunting hours legal opening to 1:00 p.m. for blinds 1 through 25 only)

Red's Landing (3 year blind allocation period; that portion of Red's Landing that is north of the access road will be noted as a walk-in/boats without motors area only; no permanent blinds; daily hunting hours will close at 3:30 p.m. CST, except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; hunting parties shall not hunt over less than 12 decoys nor more than 24 decoys)

Redwing Slough/Deer Lake (closed on Mondays, Tuesdays, Thursdays and Fridays except that hunting will be allowed on opening day of duck season; no goose hunting except during duck season; previous years blind builders shall have until February 1 to salvage blind materials; daily hunting hours will close at 1:00 p.m.)

Redwing Slough/Deer Lake State Natural Area (hunting from boat blinds is permitted within 10 feet of marked blind sites)

Rice Lake, Walk-in Management Unit, Copperas Creek Management Unit and Big Lake Management Unit (Walk-in or boats without motors only; daily drawing; daily hunting hours will close at 1:00 p.m.)

Riprap Landing (3 year blind allocation period; that portion of Riprap Landing that is south of blind 5, known as Rust Land Company, will be noted as a walk-in; boats without motors in area only; no permanent blinds; hunting parties shall not hunt over less than 12 decoys or more than 24 decoys; decoys must be picked up daily; no vehicle allowed)

Shabbona Lake State Recreation Area (Hunting will be allowed between November 1 and December 31 but only when the North Zone Canada goose season is open; permanent, pre-constructed blinds will be awarded for either November or December; boat and dog hides are not required; persons awarded blinds at the drawing, or their partners, must claim their blinds one hour before legal shooting hours; hunting hours will end at 1:00 p.m. daily)

Starved Rock State Park (Department managed areas; the use of any metal, with the exception of fasteners less than 12 inches in length, will be prohibited in the construction of waterfowl blinds; all blinds must be removed in their entirety no later than 10 days after the close of the Central Zone duck season; blinds may be

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removed beginning November 15; hunting from boat blinds is permitted within 10 feet of marked blind sites beginning November 15 for those blinds removed on or after November 15; hunting from boat blinds within 10 feet of marked blind sites is allowed until the end of the regular Central Zone Canada goose season)

- b) The following regulations apply to all sites listed in this Section under subsection (a).
- 1) Blind builders or partners must occupy their blinds by one-half hour before opening hunting hour each day in order to claim their blind for the day. Blinds not legally occupied may be claimed on a first come-first served basis.
  - 2) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.
  - 3) All hunting must be from registered blinds only unless otherwise noted in parentheses under subsection (a).
  - 4) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).
  - 5) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After that date, blinds become the property of the new blind builders.
  - 6) No more than 4 persons shall occupy a blind at one time, except on Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding Wildlife Area.
  - 7) On Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding Wildlife Area the limit of 4 persons does not apply.
  - 8) For those sites listed in subsection (a) that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished either in person or through the mail during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. No waterfowl blind may be removed until after the close of the waterfowl season.
  - 9) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges 2 weeks prior to the start of regular duck season through the close of regular duck and Canada goose season as posted at the site.
  - 10) It shall be unlawful to trespass upon the designated waterfowl hunting area

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during the 7 days prior to the waterfowl season as posted at the site. At Mississippi River Area Pools 25 and 26 it shall be unlawful to trespass upon the designated waterfowl hunting area between sunset of the Sunday immediately preceding the opening date of waterfowl season through the day before waterfowl season as posted at the site.

- c) Blind winners on the following sites will be provided forms for the purpose of maintaining waterfowl harvest records. The forms must be completed and returned within 15 days after the close of the site's waterfowl season or the blind builder and partners for that blind shall not be allowed to be a blind builder or partner at these sites for the following year.

Chain O'Lakes State Park

Clear Lake Wildlife Management Area

Des Plaines Conservation Area

Kankakee River State Park

[Pekin Lake State Fish and Wildlife Area](#)

Redwing Slough/Deer Lake

- d) [Violation of this Section is a petty offense \(see 520 ILCS 5/2.20\).](#)

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 590.60 Various Other Department Sites – Duck, Goose and Coot Hunting**

The sites listed in this Section conform to Statewide Regulations (Section 590.10) and the following regulations, except as noted.

- a) Regulations
- 1) Hunting hours are from legal opening to 1:00 p.m., except hunting shall be permitted until sunset on those sites indicated with by (1) following the location in subsection (b).
  - 2) No permanent blinds allowed; all blinds must be of a portable nature and constructed with natural vegetation at the blind site and no pits can be dug. All materials must be removed or dismantled at the end on the day's hunt.
  - 3) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of the day's

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- hunt.
- 4) Waterfowl hunters must maintain a distance of 200 yards between hunting parties.
  - 5) No hunting is permitted within 200 yards of developed recreation areas, public use facilities, and construction or industrial sites.
  - 6) No check station is operated nor is any check in/check out required, except as indicated in the remainder of this Section.
  - 7) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from 2 weeks prior to the start of regular duck season through the close of regular duck and Canada goose season except as indicated in the remainder of this Section.
  - 8) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the regular duck season unless otherwise posted at the site.
- b) Site specific regulations
- 1) Cache River State Natural Area (1)
  - 2) Campbell Pond Wildlife Management Area (1)
  - 3) Carlyle Lake Project Lands and Waters
    - A) No one may enter the subimpoundment area to hunt waterfowl before 4:30 a.m. each day of the waterfowl hunting season, or remain in the area after 3:00 p.m. each day of the waterfowl hunting season, except during the last 3 days of the Canada goose season and during any goose seasons that occur before or after Canada goose season, hunters must be out of the area by one hour after sunset and not return until 4:30 a.m. The subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4 and within the impoundments on the East Side Management Area located east of the Kaskaskia River.
    - B) The waters of Carlyle Lake are defined as the lake and that portion of the Kaskaskia River, northfork, eastfork, Peppenhorst Branch and Allen Branch north of the buoys only, and Hurricane Creek that are within the boundaries of the Carlyle Lake property.
    - C) Walk-in hunting shall be permitted in subimpoundment areas. Boats with no motors are allowed in the subimpoundments. Department of Natural Resources personnel will designate boat launching locations.
    - D) When the water level in the subimpoundment area is too high (due to flooding) to allow walk-in hunting, Department of Natural

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Resources personnel shall post that the area is open to boats with motors of 10 HP or less and will designate boat launching locations.

- E) Known eagle protection areas will be posted by the Site Superintendent and will be closed to waterfowl hunting.
  - F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys shall not be left out unattended or after 3:00 p.m. each day of the waterfowl season, except during the last 3 days of the Canada goose season and during any goose seasons that occur after Canada goose season, decoys shall not be left out unattended or later than one hour after sunset.
  - G) All waterfowl hunters must register prior to hunting each day of the waterfowl hunting season at the nearest accessible registration box. All hunters must sign out and record their harvest daily before they exit the area.
  - H) The Army Corps of Engineers may build blinds on Corps managed lands and waters for management purposes only.
  - I) During the last 3 days of Canada goose season and during any goose seasons that occur after Canada goose season, hunting hours shall close at sunset daily.
  - J) The following rules apply to North Allen Branch Waterfowl Management Area (Eldon Hazlet State Park) only
    - i) Three designated blind sites are available on a first come-first served basis. Walk-in hunting only is permitted with a maximum of 4 hunters per site. All hunting must be from one blind site located between identically numbered stakes.
    - ii) Hunters must sign in prior to hunting, and sign out and report their harvest at the end of each day. All hunters must be checked out by 2:00 p.m. daily, except the last 3 days of the Canada goose season, and during any goose seasons that may occur after the Canada goose season, hunters must be checked out by one hour after sunset.
    - iii) Decoys shall not be left out unattended.
    - iv) When the lake floods this area and designated blind sites are not usable for walk-in hunting, the Department, by public announcement and/or posting, will open the affected area to hunting from boats per Carlyle Lake Project Lands and Waters' rules.
- 4) Chauncey Marsh (1)  
Permit required, may be obtained at Red Hills State Park Headquarters and must

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be returned by February 15.

- 5) Clinton Lake (1)
  - A) Hunters must obtain a free site hunting permit and windshield card from the site office prior to hunting. While hunting, the windshield card must be visible in the windshield with the permit number clearly visible. Site hunting permits must be in the hunter's possession while in the field. Hunters must return the permit and report harvest by February 15 of the following year, or hunting privileges for the following season shall be forfeited.~~Hunters must obtain free permit from site office prior to hunting; hunters must return the permit and report harvest by February 15 of following year or hunting privileges for following season shall be forfeited.~~
  - B) Except as described in subsections (b)(5)(C) and (D), hunting is allowed only from anchored portable blinds, except that no waterfowl hunting is permitted in the area extending from a line between the west side boat ramp and the southern-most point of the central peninsula to the Davenport Bridge.~~Hunting is allowed only from anchored portable boat blinds except no waterfowl hunting is permitted in the area extending from a line between the west side boat ramp and the southern-most point of the central peninsula to the Davenport Bridge.~~
  - C) Waterfowl hunting is also permitted from staked sites in designated areas on a first come- first served basis. Walk-in or boat hunting only. Hunting parties must hunt within 50 yards of a staked site. No more than 4 hunters per party are permitted.~~No more than 4 persons shall occupy or use a portable boat blind.~~
  - D) Hunting is permitted from permanent land-based Disabled Hunting Program blinds.~~Each hunting party is required to hunt over a minimum of 12 decoys.~~
  - E) Each party must hunt over a minimum of 12 decoys. Decoys must be removed from the sites following each day's hunt. Decoys must not be left unattended.~~No hunting is permitted within 300 yards of power lines.~~
  - F) Except for the Handicap Hunting Program facilities, blinds must be portable or built from material brought in or available at the blind site. Blinds must be dismantled and removed at the end of each day's hunt. No trees or bushes may be cut.
- 6) Coffeen Lake State Fish and Wildlife Area
  - A) Hunters must sign in prior to hunting and sign out, reporting

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- harvest at the end of each day.
  - B) Hunting from staked sites only.
  - C) No permanent blinds.
  - D) Hunting by boat access only.
  - E) No cutting vegetation on site.
  - F) Hunting north of railroad tracks only.
  - G) Hunting hours from legal opening to 1 p.m. Fishing allowed between the railroad tracks and the county road after 1:00 p.m.
  - H) Four hunters per blind site.
  - I) No hunting during firearm deer seasons.
  - J) All hunters must be checked out at sign in box by 2:00 p.m.
- 7) Cypress Pond State Natural Area (hunters must sign in prior to hunting and sign out reporting harvest at the end of each day) (1)
- 8) Dog Island Wildlife Management Area (1)  
Hunters must sign in prior to hunting and sign out reporting harvest at end of each day.
- 9) Donnelley State Wildlife Area
- A) Hunting is prohibited on Tuesdays and Wednesdays except open on opening day and on the first Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 except as indicated in Section 590.25.
  - B) Goose hunting is prohibited after the close of the duck season.
  - C) All hunting shall be from designated blinds only. Refilling or changing blinds is not permitted.
  - D) All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds.
  - E) A hunter may bring one or 2 hunting partners under the age of 21.
  - F) \$10 daily usage stamp must be purchased to hunt this area. Non-hunting partners between 16 and 20 years of age must pay daily usage stamp fee. Non-hunting partners under 16 are not required to purchase a daily usage stamp.
  - G) No outboard motors are allowed by public – only by authorized DNR personnel.
  - H) No more than 3 persons shall occupy a blind at any one time.
  - I) All parties are required to report to check station within 1 hour after termination of hunt or no later than 2:00 p.m.
  - J) All parties must hunt over a minimum of 12 decoys and a maximum of 48 decoys can be used, which must be removed upon the termination of the hunt.

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- K) The first weekend and the third Saturday of the regular duck season shall be designated as youth hunt days. This will consist of youth or youths 15 and under plus one adult per blind. There shall be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.
- L) One blind shall be made available by priority claim to "disabled" persons (as defined in Section 2.33 of the Wildlife Code).

~~10) East Conant Field~~

~~Waterfowl hunters must obtain permits prior to hunting. Permits must be returned by February 15.~~

1011) Fort de Chartres Historic Site (1)

- A) Hunting is allowed from anchored, portable boat blinds only on a first come- first served basis.
- B) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.
- C) No hunting is allowed during firearm deer season.

1142) Fox Ridge State Park (1)

Hunting restricted to Embarras River and its flood waters.

1243) Fox River (1)

- A) Waterfowl hunting is prohibited on that portion of the Fox River running from the Kendall-Kane County line downstream to a line extending from the intersection of Route 71 and Douglas Street in Oswego, across the Fox River to the intersection of Hickory Lane and Riverview Drive.
- B) Waterfowl hunting shall be from Department designated sites only on that portion of the Fox River downstream from the line extending from the intersection of Route 71 and Douglas Street in Oswego, across the Fox River to the intersection of Hickory Lane and Riverview Drive downstream to the Fox River Drive Bridge. Hunting at the designated sites will be on a first come- first served basis. Statewide regulations shall be in effect with no other Sections of this Part being applicable.

13) Fox River – Chain of Lakes (Lake and McHenry Counties) (1)

Waterfowl blind regulations promulgated in accordance with the Illinois Administrative Procedure Act [5 ILCS 100] under the authority of the Fox Waterway Agency are in full force and effect on those public waters under their jurisdiction. Failure to comply with such regulations constitutes a violation of this Section. Statewide regulation shall be in effect with no other Sections of this Part applicable.

14) Freeman Mine

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Hunting regulations will be publicly announced.

- 15) Heidecke State Fish and Wildlife Area, Braidwood Fish and Wildlife Area and Powerton Lake
- A) Blind sites shall be allocated on a daily draw basis conducted at the check stations 60 minutes before hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select blind site in order drawn; only those hunters registered in party shall be allowed to hunt with their party; no more than 3 hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
  - B) Blind sites not selected during the drawing shall be allocated on a first come-first served basis. Vacant blind sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 10:00 a.m. Hunters wishing to move to another blind site must report this move to the check station attendant in person before such a move.
  - C) Access to water blind sites must be by boat only and from designated boat launch sites.
  - D) All hunting must be from portable boat blinds, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one blind.
  - E) Upon vacating blind sites, all hunters must report to the check station within one hour. At this time, waterfowl bagged must be checked in and displayed to the station operator and hunting licenses returned.
  - F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
  - G) Heidecke Lake and Braidwood Lake shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 10 days prior to regular duck season until the close of the regular duck and Canada goose season. Powerton Lake shall be closed to boat traffic from 7 days prior to opening of regular duck season until February 15, except for legal waterfowl hunters, and closed to all unauthorized entry during the regular duck season.
  - H) No hunting on Monday and Tuesday at Heidecke and Braidwood Lakes. No hunting at Powerton Lake on Monday through Thursday except hunting permitted on State holidays.
  - I) It is unlawful to hunt waterfowl on the water area in any watercraft less than 16 feet long and 60 inches in beam and without a gas-

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- powered motor.
- J) No guns may be carried from water blinds to retrieve waterfowl that fall on land.
  - K) Hunting is closed on Christmas Day and New Year's Day.
  - L) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.
  - M) It is unlawful to shoot across any dike.
  - N) Waterfowl hunting shall close with the conclusion of the duck season at Powerton Lake. At Heidecke and Braidwood Lakes waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting is allowed prior to duck season.
- ~~16) Horseshoe Lake (Alexander County) Daily Drawing Waterfowl Hunting Area Only~~
- ~~A) Waterfowl hunting shall be permitted only during goose season. Area is closed on Mondays, Tuesdays and December 24, 25, 26 and on the day of the Youth Goose Hunt (this site shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 26 other than a Monday, pursuant to Section 590.25).~~
  - ~~B) Hunting shall be done from assigned blinds only.~~
  - ~~C) A daily drawing for assigned blind sites will be held at 5:00 a.m. at the check station each day hunting is allowed. For the drawing, hunters must register as a party; no more than 2 people per party are permitted.~~
  - ~~D) Hunters must deposit their license prior to going to their blinds.~~
  - ~~E) Hunters must park in assigned, designated areas only.~~
  - ~~F) Hunters must hunt over a minimum of 12 Canada goose decoys. A maximum of 3 dozen decoys is allowed; no full bodied or supermagnum shell decoys are allowed.~~
  - ~~G) Hunters must return to the check station and report their harvest by 2:00 p.m.~~
  - ~~H) During duck season hunters may possess up to 25 shot shells. When duck season is closed, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.~~
  - ~~I) Hunters cannot move from blind to blind, nor leave the assigned blind to shoot crippled geese; hunters may leave the assigned blind to retrieve crippled geese, but must leave their guns in the blind.~~
- 1617) Horseshoe Lake (Alexander County) Public Hunting Area
- A) Closed to waterfowl hunting on Mondays and Tuesdays.
  - B) When duck season is closed, goose hunters may not possess more

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than 5 shot shells for every Canada goose allowed in the daily bag limit.

- ~~1748~~) Horseshoe Lake Refuge (no hunting allowed, no boat motors except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1)
- ~~1849~~) Kaskaskia River Fish and Wildlife Area (only the last 3 days of duck season and the last 3 days of the regular Canada goose season) (1)
- A) No waterfowl hunters may remain in the area after 3:00 p.m. For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.
- B) All waterfowl hunting parties must use at least 12 decoys. Hunting is allowed on a first come-first served basis.
- C) It is unlawful to leave duck and goose decoys unattended. Decoys must be picked up at the end of each day's hunt.
- D) All waterfowl hunters must register prior to hunting each day of the waterfowl season at the nearest check station, and must sign out and record their harvest daily before they exit the area.
- E) The following regulations apply to the Doza Creek Waterfowl Management Area:
- i) No waterfowl hunters may enter the area before 3:00 a.m. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m.
- ii) Only waterfowl, coot, archery deer and fall archery turkey hunting (as provided by 17 Ill. Adm. Code 670 and 720) allowed in this area during the duck hunting season; goose hunting is closed during the second firearm deer season if the second firearm deer season occurs after duck season.
- iii) For the first 4 days of the duck season, all waterfowl hunting must occur within 10 yards of an assigned, numbered stake, and only one hunting party may occupy a staked site at any given time. Starting on day 5 and for the remainder of the waterfowl season, hunting is allowed on a first come-first served basis and hunting need not occur by a stake. Waterfowl hunters must maintain a distance of 200 yards between hunting parties.
- iv) A drawing for stake allocation will be done at the site office by mail no later than 4 weeks before the opening day of duck season. The application deadline and procedure will be publicly announced. Hunters who wish to hunt

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together at a staked location must register as a hunting party. Only 4 persons shall be in a hunting party. Only those persons in that party may hunt at the assigned stake. No later than 2 weeks prior to duck season, at least one person from each of the hunting parties drawn should appear at the site office to choose a staked site in the order that the hunting parties were drawn.

- F) Handicapped accessible waterfowl hunting blind (Dry Lake Access Area)
- i) Application for hunting dates should be received at the site office September 1-10 and will be allocated on a first request basis or via a drawing, if needed.
  - ii) Three hunters are allowed in the blind. At least one hunter must have a P-2 handicapped certification.
  - iii) Hunters must sign in/out and report harvest at check station after hunting.

~~19)20)~~ Kinkaid Lake Fish & Wildlife Area (1)

~~20)21)~~ Lake Shelbyville (except for land/waters covered in subsection (b)(~~2122~~) of this Section) (1)

~~21)22)~~ Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area

- A) Waterfowl hunting shall be permitted as described below except in duly posted restricted and "No Hunting" areas.
- B) Waterfowl hunting in the Fish Hook, the North Dunn, the McGee, and the Jonathan Creek Waterfowl Areas shall be allotted by a daily drawing from opening day through the first Saturday and Sunday of the regular waterfowl season. Parties must register for drawings between 3:00 a.m. and 4:00 a.m. Central Standard Time at the check station on those days. Each party drawn shall be allowed to choose one of the staked sites in the waterfowl area. Parties must select sites in the order they are drawn. Maximum party size is 4 persons. In addition, the following regulations shall apply:
- i) All parties must hunt within 10 yards of their assigned stake.
  - ii) All parties must be in place by ½ hour before hunting time.
  - iii) All parties are required to report their harvest by 2:00 p.m. following each hunt.
- C) Hunting in the Jonathan Creek, North Dunn and McGee Waterfowl Areas shall be restricted to designated, staked sites on a first come-first served basis except as noted in subsections (b)(~~2122~~)(A) and

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- (B)-~~above~~. Hunting in the Fish Hook Area shall be restricted to designated, staked sites on a first come-first served basis until the opening of the Illinois southern zone duck season, except as noted in subsections (b)(~~2122~~)(A) and (B)-~~above~~. A hunting party must hunt within 10 yards of the stake.
- D) Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas are required to hunt over a minimum of 12 decoys.
- E) Motors of over 10 horsepower shall not be operated in the Fish Hook, Jonathan Creek, Dunn, and McGee Waterfowl Areas.
- F) Waterfowl hunting only is permitted in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas during the regular waterfowl season, except that pheasant, rabbit and quail hunting is permitted after 1:00 p.m. daily beginning the day after the close of the Central Zone Duck Season.
- G) During the regular waterfowl season, only licensed waterfowl hunters with valid site waterfowl permits who are in the pursuit of waterfowl are ~~no bank or boat fishing shall be~~ permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad bridge from ½ hour before sunrise until 1:00 p.m.
- H) A free permit is required, which is obtained from the site office. Permits must be in possession while hunting waterfowl. The permit must be returned and harvest reported by February 15 or the hunter will forfeit his hunting privileges at this site for the following year.
- 2223) Marshall State Fish and Wildlife Area – Duck Ranch Unit Only
- A) On days open to hunting, blind sites shall be allocated by a random drawing held at Marshall State Fish and Wildlife Area (MSFWA) check station, 5 miles south of Lacon on S.R. 26. The drawing will be conducted 60 minutes prior to legal shooting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select hunting blinds in the order drawn. No more than 4 hunters per party; only registered party members shall be allowed to hunt in the party's blind.
- B) Blinds not selected during the drawing shall be allocated on a first come-first served basis. Vacant staked sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 11:00 a.m. Daily hunting hours will close at 1:00 p.m.

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- C) All hunting must be from a designated blind. Refilling or changing blinds is not permitted.
  - D) Hunters are required to report their harvest at the end of the day's hunt on a harvest card located in the blind. Hunters are not required to report back to the MSFWA check station.
  - E) No hunting on Monday, Wednesday, or Friday.
- 24) ~~Meredosia Lake—Cass County Portion Only (meandered waters only)~~
- ~~A) All boat traffic is prohibited from operating on meandered waters (except non-motorized boats may be used to assist in the retrieval of waterfowl shot from private land) from the period from one week before waterfowl season opens until the season closes.~~
  - ~~B) Hunting and/or any other activity is prohibited during the period from one week before waterfowl season opens until the season closes.~~
- 2325) Mermet
- A) Waterfowl hunting shall be permitted only during the duck hunting season.
  - B) Hunting is allowed in both the walk-in and blind areas only. Those individuals wishing to hunt in the walk-in area are required to deposit their hunting licenses and register at the check station prior to entering the area. Individuals who wish to use the blind area are required to deposit their hunting licenses and participate in a daily drawing during which blinds shall be assigned. Hunting parties shall not change blinds without prior approval from the check station operator. Those persons exempted by law from having hunting licenses must deposit their Firearm Owner's Identification Cards.
  - C) The daily drawing shall be held one hour prior to legal opening time.
  - D) All members of the hunting party shall register as a group (not to exceed 4 persons per group, except on the statewide Youth Waterfowl Hunting Day, as authorized in Section 590.15(f), 5 persons may occupy a blind at one time only if the party is comprised of 2 youth hunters, their non-hunting parents and one non-hunting guide) for the purpose of the drawing.
  - E) Those hunters in the blind area shall park in designated areas. These parking areas shall be numbered to correspond with particular blind sites located along the levee road.
  - F) In the blind area, a minimum of 12 decoys per blind is required while hunting waterfowl.

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- G) Boats without motors may be used in the walk-in areas.
  - H) No hunting Christmas Day, Sundays and Mondays in the blind area.
  - D) Hunting hours are from legal opening to 12 noon.
- 2426) Newton Lake Fish and Wildlife Area
- A) Blind sites shall be allocated by a daily drawing to be conducted at 4:30 a.m. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct drawing) shall be allocated on a first come-first served basis until one hour before shooting time; and then after 9:00 a.m. All hunters must register before entering the hunting area.
  - B) Upon vacating their blinds, all hunters must place their completed harvest cards in the collection box located at the boat ramp.
  - C) There will be duly posted waterfowl refuges. These areas shall be closed to all boat traffic and boat fishing during the waterfowl season.
  - D) No more than 4 persons shall occupy a blind at one time.
  - E) The west arm of the lake shall be closed to all waterfowl hunting.
  - F) Blind sites shall be determined by the Department of Natural Resources and marked with numbered stakes. When it is deemed necessary, the Department shall remove, move or close blind sites in order to carry out the operations of the overall management program.
  - G) Hunters wishing to move to another vacant blind location may do so on a first come-first served basis, providing they include the blind change on the harvest card and report their kill for each blind. If hunters do not occupy the stake they have drawn by legal shooting time, they forfeit the right to the staked hunting location.
  - H) Access to blind sites shall be by boat only and from the west side boat ramps.
  - I) All hunting must be from one portable blind or one anchored portable boat blind located between the assigned numbered stakes, no more than 10 yards from shore.
  - J) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.
  - K) Blind site: A position between 2 like numbered stakes where a blind may be located.
  - L) Fishing shall be prohibited in the east arm of the lake during the waterfowl season.

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- M) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.
- N) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department will close the lake area to all fishing and all boating activity except for non-water hunting programs.
- O) This site is closed to all users except firearm deer hunters during the firearms deer seasons.

~~2527~~) Oakford Conservation Area (1)

~~26~~) Pyramid State Park – Captain Unit (hunting regulations will be posted at the site)

~~27~~) Pyramid State Park – Denmark Unit (hunting regulations will be posted at the site)

~~28~~) Pyramid State Park – East Conant Unit (hunting regulations will be posted at the site)

~~29~~) Pyramid State Park – Galum Unit (hunting regulations will be posted at the site)

~~3028~~) Ray Norbut State Fish and Wildlife Area (1)

Statewide season regulations apply except that the season closes December 15 in Eagle Roost Area, or the legal statewide closing, whichever is earlier.

~~3129~~) Rend Lake Project Lands and Waters

- A) All waterfowl hunters and all boats must be out of the Casey Fork and Big Muddy subimpoundments by 2:00 p.m. each day of the waterfowl season and not return until 4:30 a.m., except during the last 3 days of the Canada goose season, and during any goose season occurring after the Canada goose season, hunters must be out of the areas by one hour after sunset and not return until 4:30 a.m.
- B) No hunting permitted from the subimpoundment dams.
- C) While waterfowl hunting, no one may have in his/her possession any tool or device designed to cut brush or limbs, except common hunting knives and pocket knives.
- D) No waterfowl hunting permitted within 200 yards of the refuge boundary, or within 100 yards of any private property boundary.
- E) All boat traffic is prohibited from entering the subimpoundments from one week before waterfowl season until opening day of waterfowl season.
- F) All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.

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- G) Permanent blinds at the Whistling Wings Access Area shall be regulated as follows:
- i) During goose season, a separate drawing will be held for the pits at Whistling Wings. This drawing will be held at the Cottonwood check station following the drawing for staked hunting sites. Hunters may not register for more than one drawing per day. Unsuccessful hunters in the drawing for Whistling Wings pits may select any unclaimed staked location after the drawings.
  - ii) Hunters who wish to hunt together must register as a hunting party and be present at the drawing.
  - iii) All hunters must have the registration card from the check station in their possession while hunting.
  - iv) Hunters must occupy the pit they have drawn by legal shooting time. If a pit is not occupied by legal shooting time, another party who has registered at the check station may occupy the unclaimed pit.
  - v) No more than 6 dozen decoys may be used per pit.
  - vi) No more than 4 hunters will be allowed in a pit or hunting party.
- H) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
- I) During the last 3 days of Canada goose season and during any goose seasons occurring after Canada goose season, hunting hours shall close at sunset daily.
- J) The land portion of the Rend Lake Refuge is closed to trespassing during waterfowl season. The location of the Rend Lake Refuge is described as follows:
- i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County Line.
  - ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.
  - iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.
  - iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would extend west from Ina, Illinois.
  - v) Bounded on the north portion of the Casey Fork Creek by the Casey Fork Subimpoundment Dam.

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- vi) Bounded on Nason Point by refuge boundary signs at project limits.
- K) After the close of regular duck season, goose hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.
- L) Staked Hunting Areas – Those areas designated as a staked hunting area will be publicly announced and the following regulations will apply:
  - i) All hunting must occur within 10 yards of an assigned, numbered stake except for stakes identified at the check station where hunters may hunt from any place in the field in which the stake is located and only one hunting party may occupy a staked site at any given time.
  - ii) Stakes will be assigned via a daily drawing held at 4:00 a.m. during November, 4:30 a.m. in December and 5:00 a.m. in January. Check stations will be open from ½ hour before drawing time to 9:30 a.m. daily.
  - iii) Check station at the Bonnie Dam Access Area will be operated on a daily basis through the second weekend of the waterfowl season. Thereafter, Bonnie Dam check station will only be open on weekends and holidays as posted at the check station. Cottonwood Access Area will be operated on a daily basis throughout the waterfowl season for both Bonnie Dam and Cottonwood Hunting Areas. Hunters who wish to hunt together at a staked location must register as a hunting party and be present for the drawing. Only those persons in that party may hunt at the assigned stake. No more than 5 persons shall be in a hunting party.
  - iv) Hunters arriving at the check station after the draw may enter the staked area only if it is one hour prior to shooting time or between 9:00 a.m. and 9:30 a.m. All hunters must register at the check station.
  - v) When a staked hunting location is vacated by a hunting party any other registered hunting party may claim the vacant stake on a first come- first served basis. If hunters do not occupy the stake they have drawn by legal shooting time, they forfeit the right to the staked hunting location.
  - vi) When hunting parties have killed their legal daily bag limit of ducks (not including coots and mergansers) and/or

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Canada geese in respect to the legal hunting season dates they must vacate the hunting site.

- vii) Hunters must sign in and out and report their harvest on the cards at the access area where they launch.

3230) Saline County Conservation Area (1)

- A) Waterfowl hunting is allowed north of the township road only.  
B) Walk-in hunting only.  
C) Hunters must sign in prior to hunting and sign out reporting harvest at the end of each day.

3334) Sand Ridge State Forest (Sparks Pond Land and Water Reserve) (1)

- A) Hunting is permitted on Tuesdays and Saturdays during the duck season. Permits are issued on a first come-first served basis.  
B) Two hunters are allowed per blind. At least one hunter must have a P-2 handicapped certification.  
C) Hunters must report harvest to site office.

3432) Sanganois State Fish and Wildlife Area

- A) Hunters using the main walk-in hunting area from opening day of the Central Zone duck season through the first Sunday of the Central Zone duck season must have a permit issued from the site office. Procedures for issuance of permits will be publicly announced.  
B) Hunters using the walk-in area shall use the check station at the headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the west side of the Illinois River one mile north of Browning near Route 100.  
C) Walk-in waterfowl hunting shall be permitted only in the area posted for this purpose.  
D) All hunters using a walk-in area must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to area.  
E) Topper's Hole is a walk-in area accessed by boat only, no check-in, check-out, no permanent blinds, hunting parties must stay at least 200 yards apart, hunting parties shall hunt over no less than 12 decoys, daily hunting hours are legal shooting hours through 1:00 p.m. CST.  
F) The Baker tract is a daily-draw walk-in area with 4 separate hunting compartments. One party of hunters (up to 4 hunters per party) will be permitted to hunt in each hunting compartment. The allocation of the 4 Baker tract hunting compartments will be by daily draw as part of the site's daily draw vacant blind allocation.

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- Parties must register for the draw together on the same card.
- G) Upon the completion of hunting, hunters must report to the check station within one hour.
  - H) Fishing is prohibited in the impoundment areas during the duck season, except that walk-in only access for fishing from the bank is permitted after 1:00 p.m.
  - I) No person shall trespass on the Barkhausen Refuge during the period from October 1 through end of goose season.
  - J) No person shall trespass on the Marion-Pickerel Waterfowl Refuge during the period from October 1 through the last day of the waterfowl season, unless prior permission for a specific reason (such as access to private land or to retrieve dead or wounded game) is granted by the site superintendent.
  - K) When the central zone goose season extends beyond the duck season, goose hunting shall be permitted with statewide hunting hours in effect. Hunters need not occupy a blind. All hunting must be conducted within non-refuge areas.
  - L) No hunting permitted from the walk-in area subimpoundment levee.
  - M) Hunters may use boats without motors in the walk-in area; the construction and/or use of permanent blinds in the walk-in area is prohibited.
- 3533) Sangchris Lake State Park
- A) During the last 3 days of the regularly scheduled Canada goose season, hunting hours will close at statewide closing.
  - B) Blind sites shall be allocated by a daily drawing to be conducted 90 minutes prior to hunting time. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct the drawing) shall be allocated on a first come-first served basis. (During that portion of the Canada goose season which follows the duck season, the west side goose pit area, the west arm blind sites and east arm blind sites south of power lines shall be available for goose hunting and shall be allocated on a daily drawing basis to be held at 5:30 a.m. daily.)
  - C) During that portion of the light goose season which follows the regular Canada goose season, the west-side goose pit area blinds, subimpoundment blinds, and designated fields west of the west boat ramp shall be available daily on a first come-first served basis. Hunters must sign in at the appropriate parking area no earlier than 5 a.m.

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- D) All hunting must be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.
- E) Upon vacating their blinds, hunters must place their completed harvest cards in the collection boxes located at either the east or west boatdock.
- F) There will be a duly posted waterfowl refuge. These areas shall be closed to all boat traffic (except as allowed in subsection (b)(~~3432~~)(J)) and boat fishing during the waterfowl season. Bank fishing along the dam shall be permitted.
- G) No more than 4 persons shall occupy a blind at one time.
- H) The center arm of the lake shall be closed to all waterfowl hunting.
- I) Blind sites shall be determined by the Department of Natural Resources and marked with a numbered stake. When it is deemed necessary, the Department of Natural Resources shall remove, move or close blind sites in order to carry out the operations of the overall management program.
- J) Hunters wishing to move to another blind location may do so after 10 a.m. providing they include the blind change on the harvest card and report their kill for each blind.
- K) Access to water blind sites shall be by boat only and from designated boat launch sites. Blinds on the peninsula subimpoundment shall be accessed on foot once the hunter has reached the peninsula by boat. Corridors located along the edges of the existing refuge will be established to provide access to all available blind sites as designated by site superintendent when conditions warrant.
- L) All hunting must be from one portable blind or one anchored portable boat blind located within a numbered cove and between the assigned numbered stakes or from one Department designated blind or pit.
- M) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.
- N) No unauthorized pits or blinds shall be built on State managed land.
- O) Blind sites: A position between 2 like numbered stakes within a cove or other Department designated site where a blind may be located.
- P) Fishing shall be prohibited in the east and west arms of the lake

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during the period from 14 days prior to the duck season through the end of the duck season. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the Canada goose season that follows the duck season.

- Q) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt (except at peninsula subimpoundments where only Department decoys may be used).
- R) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department of Natural Resources will close the lake area to all fishing and all boating activity except for non-water hunting programs.
- S) During flood conditions, waterfowl hunters may hunt the tailwaters of Sangchris Lake dam including Clear Creek and the South Fork of the Sangamon River. Decoys must be removed at the end of each day's hunt.
- T) West-side goose pit area blinds will be available every day each week except Tuesday and Wednesday, through the regular Canada goose season, except for the Tuesday and Wednesday preceding the last day of the Canada goose season.
- U) Hunters in the west-side goose pit area may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit after the close of the Central Zone duck season.

3634) Shawnee National Forest, Upper and Lower Bluff Lakes  
Goose hunting is prohibited at Lower Bluff Lake.

3735) Shawnee National Forest, LaRue Scatters  
All hunting must be by walking in or in boats without motors.

3836) Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west of the Big Muddy levee)

- A) All hunting must be by walking into the area.
- B) Each hunting party must hunt over a minimum of 12 decoys in Compartments 19, 20 and 21.
- C) No person shall tamper with or attempt to manipulate any of the gates, pumps or structures in the subimpoundment area.

3937) Sielbeck Forest Natural Area (1)

4038) Stephen A. Forbes State Park

- A) On the main lake hunting is allowed from a boat blind only in the designated areas.
- B) Only walk-in hunting is allowed in the subimpoundment.
- C) Hunting shall be allowed on a first come-first served basis. All

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hunters must use 12 decoys, minimum.

- 4139) Ten Mile Creek Fish and Wildlife Area (1)
- A) Waterfowl hunters must obtain permits prior to hunting. Permits must be returned by February 15.
  - B) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
  - C) Areas designated as Rest Areas are closed to all access during the Canada Goose Season only. Rest Area designation has been given to that part of the Belle River unit that lies south of Auxier Creek and is posted as Rest Area, and the 250 acre tract at the Western edge of the Eads Mine unit.
  - D) After the close of the duck season, goose hunters in that portion of Ten Mile Creek that lies in the Rend Lake Quota Zone may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.
- 4240) Turkey Bluffs State Fish and Wildlife Area (All hunters must sign in and out and report kill) (1)
- 4341) Union County (Firing Line Waterfowl Management Area)
- A) Blind sites shall be allocated on a daily draw basis at the site shop building 60 minutes prior to hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select a blind site in order drawn; only those hunters registered in a party shall be allowed to hunt with their party; no less than 2 hunters and no more than 4 hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
  - B) Blinds not allocated during the drawing will not be hunted that day. Moving from blind to blind is not allowed.
  - C) Access to blind sites is from Clear Creek Levee only.
  - D) All hunting must be from assigned blinds or within 30 feet of the assigned, numbered, hunter stake site.
  - E) Each hunting party must hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
  - F) Hunting hours end at 1:00 p.m. and all hunters must be out of the area by 2:00 p.m. Daily entry into the area is restricted until after the drawing for hunting sites.
  - G) When duck season is closed, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 590.70 Ohio River**

- a) Waterfowl hunting will be allowed on the Ohio River bordering Illinois. Season dates and bag limits are governed by the regulations which apply to the Southern Zone (Section 590.10)(j)(3)).
- b) The following areas of the Ohio River shall be designated as waterfowl refuges and shall be closed to all hunting from October 15 through March 15:
  - 1) The Ohio River from Smithland Lock and Dam upstream to a power line crossing the river at approximately River Mile 911.5 and Stewart Island.
  - 2) The Ohio River in the vicinity of the Ballard Wildlife Management Area located in Ballard County, Kentucky, from a point fifty yards from Dam 53, downstream to a line from the confluence of Hodges Creek to a point fifty yards downstream of the downstream boundary of the Ballard Wildlife Management Area.
- c) Violation of this Section is a petty offense (see 520 ILCS 5/2.2).

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites**

- a) During goose hunting seasons that begin before or extend beyond the regular duck season, statewide regulations and site specific regulations for goose hunting, as indicated in Sections 590.40, 590.50 and 590.60, shall apply to all sites (except those closed in subsections (c), (d) and (e)) with the following exceptions:
  - 1) Check in and check out (or sign in and out) is required only at sites with an asterisk (\*).
  - 2) No fees will be charged for hunting for seasons before duck season or for seasons after the regular Canada goose season.
  - 3) No sites are closed to fishing during seasons before the regular duck season or for seasons after the regular Canada goose season.
  - 4) Hunting from a completed blind or staked site is waived during seasons held before the regular duck season or for seasons held after the regular Canada goose season at sites marked with an @.
  - 5) Hunting from a staked site (blind need not be completed) is required during seasons held before the regular duck season at sites marked with a #.
  - 6) During goose seasons held prior to regular duck season, no hunting is allowed in designated dove management fields or within 100 yards of such

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fields.

- 7) During goose seasons held after the Canada goose season all restrictions regarding the use of decoys or the number of shotgun shells that hunters can possess are no longer in force.
  - 8) During goose seasons held after Canada goose season, statewide hunting hours apply.
- b) The following sites will be opened to all goose hunting seasons:

Blanding Wildlife Area @

Cache River Natural Area \*

Carlyle Lake Project Lands and Waters, including North Allen Branch Waterfowl Management Area (no early goose hunting east of Kaskaskia River from Cox's Bridge Access north to the Department's boundary line) \*

Chain O'Lakes State Park #

Chauncey Marsh (permit required, available at Red Hills State Park)

Des Plaines Conservation Area #

Dog Island Wildlife Management Area \*

Fort de Chartres Historic Site

Horseshoe Lake State Park (Madison County) (snow goose season closes February 28) #

~~Kaskaskia River State Fish and Wildlife Area (applicable to Baldwin Lake waterfowl rest area only; hunting must occur within 10 yards of a numbered stake; one hunting party (maximum 4 hunters) per stake; no permanent blinds; for the first 4 weeks after the regular Canada goose season, stakes will be allocated via a drawing at the site office by mail; the application deadline and procedure for this drawing will be publicly announced; hunting hours, based on Baldwin Lake's public use hours, will be posted at gate)\*~~

Kaskaskia River State Fish and Wildlife Area (Baldwin Lake Waterfowl Rest Area is closed to hunting)\*

Kinkaid Lake Fish and Wildlife Area

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Lake Shelbyville (except West Okaw and Kaskaskia Fish and Wildlife Area; season opens with teal season)

Marshall State Fish and Wildlife Area – Sparland and Duck Ranch Units @

Marshall State Fish and Wildlife Area – Spring Branch and Marshall Units \* @

Meredosia Lake

Mississippi River State Fish and Waterfowl Management Area (Pools 25 and 26) (no hunting is allowed in the designated Batchtown Waterfowl Rest Area) @

Mississippi River Pools 16, 17 and 18 @

Mississippi River Pools 21, 22, and 24 @

Oakford Conservation Area

Rend Lake Project Lands and Waters @

Saline County Conservation Area \*

Sanganois State Fish and Wildlife Area \* @

Shawnee Forest, LaRue Scatters

Shawnee Forest, Oakwood Bottoms

Shawnee Forest, Upper Bluff Lake

Ten Mile Creek Fish and Wildlife Area (permit required; rest areas open to hunting during goose season before and after the regular goose season)

Turkey Bluffs State Fish and Wildlife Area \*

Woodford Fish and Wildlife Area \* @

- c) The following sites will be open to any goose hunting seasons that occur before the regular duck season through the end of the regular Canada Goose Season:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Anderson Lake (closed after regular duck season) \* @

Coffeen Lake State Fish and Wildlife Area (hunting north of County Road N6th only; no fishing north of County Road N6th during this season~~from legal hours to 9:00 a.m.; all hunters must sign out by 10:00 a.m.~~) \* #

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (must have site specific permit; season opens with teal season)

Ray Norbut State Fish and Wildlife Area \*

Rice Lake (season opens with teal season; sunrise until 1:00 p.m.; closed after regular duck season) \* @

- d) The following sites will be opened to all goose hunting during any Canada goose hunting seasons that occur after the regular duck season:

Banner Marsh \* @

Braidwood State Fish and Wildlife Area \*

Heidecke State Fish and Wildlife Area \*

Kankakee River State Park

Lake DePue Fish and Wildlife Area \*

Lake Sinnissippi Fish and Wildlife Area

Newton Lake Fish and Wildlife Area \*

Pekin Lake Fish and Wildlife Area

Spring Lake Fish and Wildlife Area (hunting from registered blinds or within 10 feet of staked blind sites is permitted after the close of the duck season) \*

Starved Rock State Park \*

- e) The following sites will be opened to any goose hunting seasons that occur after

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

the regular Canada goose hunting season:

Clinton Lake State Recreation Area (season closes March 15)

Horseshoe Lake Conservation Area (controlled hunting and public hunting areas)

\* @

~~Jim Edgar Panther Creek State Fish and Wildlife Area (Open Unit, West Open Unit, Quail Management Unit only)~~

~~Sanganois State Fish and Wildlife Area \* @~~

Sangchris Lake State Park \*

Stephen A. Forbes State Park \*

Snake Den Hollow \* @

Union County Conservation Area (firing line and controlled hunting area) \* @

William W. Powers Conservation Area

- f) The following sites will be closed to all goose hunting seasons that occur outside the regular duck season dates:

Campbell Pond Wildlife Management Area

Donnelley Fish and Wildlife Area

Mazonia State Fish and Wildlife Area \*

~~Meredosia Lake (Cass County portion only, meandering waters only)~~

Mermet Lake Fish and Wildlife Area

Powerton Reservoir

Redwing Slough/Deer Lake

~~Shawnee Forest, Upper and Lower Bluff Lakes~~

- g) The following sites will be open to any goose hunting seasons that occur before the regular duck season and after the regular Canada goose season:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Kidd Lake State Natural Area

| h) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

120.60	Amendment	October 18, 2002 (26 Ill. Reg. 14942)
120.387	Amendment	April 5, 2002 (26 Ill. Reg. 5047)

15) Summary and Purpose of Amendments:***Section 120.20***

This rulemaking responds to Public Act 91-0699 regarding the income standard for eligibility under the Department's Medical Assistance Program. The MANG (AABD) eligibility standard is being increased to 100 percent of the Federal Poverty Level. The changes affect eligibility for medical benefits for public assistance clients who are aged, blind or disabled. The Department anticipates that these changes will result in a State budgetary increase during fiscal year 2003 of approximately \$18 million.

***Section 120.520***

This rulemaking establishes eligibility requirements for SeniorCare, which is a Medicaid drug benefit program for eligible persons who are 65 years of age or older and who have a countable annual income at or below 200 percent of the Federal Poverty Level (FPL). This pharmacy benefit program, which responds to an initiative of the Governor, is expected to extend drug coverage to approximately 368,000 low-income seniors. SeniorCare is the first program of its kind nationally.

SeniorCare expands upon drug benefits provided by the Circuit Breaker/Pharmaceutical Assistance program, which is administered by the Illinois Department of Revenue. Circuit Breaker/Pharmaceutical Assistance is a State-operated program that provides restricted prescription drug benefits for low-income seniors who have specified chronic medical conditions, such as diabetes and Parkinson's disease. SeniorCare will provide comprehensive pharmacy benefits under a Medicaid waiver for eligible seniors that will pay for all prescription drugs covered under the Department's Medical Assistance Program, as well as many over-the-counter drugs when prescribed by a doctor. SeniorCare will replace the Circuit Breaker/Pharmaceutical Assistance program for eligible seniors. Seniors with incomes from 201 through 250 percent FPL will continue eligibility under Circuit Breaker/Pharmaceutical Assistance.

These amendments describe basic eligibility requirements, income that will not be counted for purposes of eligibility determination, the application process, enrollment periods, authorization of program participation, termination of participation, and appeal rights.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Companion amendments are being adopted at 89 Ill. Adm. Code 140, Medical Payment, concerning SeniorCare.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Joanne Scattoloni  
Office of the General Counsel, Rules Section  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
(217) 524-0081

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 120  
MEDICAL ASSISTANCE PROGRAMS

## SUBPART A: GENERAL PROVISIONS

Section  
120.1 Incorporation By Reference

## SUBPART B: ASSISTANCE STANDARDS

Section  
120.10 Eligibility For Medical Assistance  
120.11 MANG(P) Eligibility  
120.12 Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women  
120.20 MANG(AABD) Income Standard  
120.30 MANG(C) Income Standard  
120.31 MANG(P) Income Standard  
120.40 Exceptions To Use Of MANG Income Standard  
120.50 AMI Income Standard (Repealed)

## SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section  
120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children  
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD)  
and All Other Licensed Medical Facilities  
120.62 Department of Mental Health and Developmental Disabilities (DMHDD)  
Approved Home and Community Based Residential Settings Under 89 Ill. Adm.  
Code 140.643  
120.63 Department of Mental Health and Developmental Disabilities (DMHDD)  
Approved Home and Community Based Residential Settings  
120.64 MANG(P) Cases  
120.65 Department of Mental Health and Developmental Disabilities (DMHDD)  
Licensed Community - Integrated Living Arrangements

## SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Section	
120.70	Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72	Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73	Eligibility for Medicaid Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)
120.74	Qualified Medicare Beneficiary (QMB) Income Standard
120.75	Specified Low-Income Medicare Beneficiary (SLIB) Income Standards
120.76	Hospital Insurance Benefits (HIB)

## SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section	
120.80	Recipient Restriction Program

## SUBPART F: MIGRANT MEDICAL PROGRAM

Section	
120.90	Migrant Medical Program (Repealed)
120.91	Income Standards (Repealed)

## SUBPART G: AID TO THE MEDICALLY INDIGENT

Section	
120.200	Elimination of Aid to The Medically Indigent
120.208	Client Cooperation (Repealed)
120.210	Citizenship (Repealed)
120.211	Residence (Repealed)
120.212	Age (Repealed)
120.215	Relationship (Repealed)
120.216	Living Arrangement (Repealed)
120.217	Supplemental Payments (Repealed)
120.218	Institutional Status (Repealed)
120.224	Foster Care Program (Repealed)
120.225	Social Security Numbers (Repealed)
120.230	Unearned Income (Repealed)
120.235	Exempt Unearned Income (Repealed)
120.236	Education Benefits (Repealed)
120.240	Unearned Income In-Kind (Repealed)
120.245	Earmarked Income (Repealed)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

120.250	Lump Sum Payments and Income Tax Refunds (Repealed)
120.255	Protected Income (Repealed)
120.260	Earned Income (Repealed)
120.261	Budgeting Earned Income (Repealed)
120.262	Exempt Earned Income (Repealed)
120.270	Recognized Employment Expenses (Repealed)
120.271	Income From Work/Study/Training Program (Repealed)
120.272	Earned Income From Self-Employment (Repealed)
120.273	Earned Income From Roomer and Boarder (Repealed)
120.275	Earned Income In-Kind (Repealed)
120.276	Payments from the Illinois Department of Children and Family Services (Repealed)
120.280	Assets (Repealed)
120.281	Exempt Assets (Repealed)
120.282	Asset Disregards (Repealed)
120.283	Deferral of Consideration of Assets (Repealed)
120.284	Spend-down of Assets (AMI) (Repealed)
120.285	Property Transfers (Repealed)
120.290	Persons Who May Be Included in the Assistance Unit (Repealed)
120.295	Payment Levels for AMI (Repealed)

## SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section	
120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled
120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
120.318	Institutional Status
120.319	Assignment of Rights to Medical Support and Collection of Payment
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

	Obtaining Medical Support
120.323	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324	Health Insurance Premium Payment (HIPP) Program
120.325	Health Insurance Premium Payment (HIPP) Pilot Program
120.326	Foster Care Program
120.327	Social Security Numbers
120.330	Unearned Income
120.332	Budgeting Unearned Income
120.335	Exempt Unearned Income
120.336	Education Benefits
120.338	Incentive Allowance
120.340	Unearned Income In-Kind
120.342	Child Support and Spousal Maintenance Payments
120.345	Earmarked Income
120.346	Medicaid Qualifying Trusts
120.347	Treatment of Trusts
120.350	Lump Sum Payments and Income Tax Refunds
120.355	Protected Income
120.360	Earned Income
120.361	Budgeting Earned Income
120.362	Exempt Earned Income
120.363	Earned Income Disregard - MANG(C)
120.364	Earned Income Exemption
120.366	Exclusion From Earned Income Exemption
120.370	Recognized Employment Expenses
120.371	Income From Work/Study/Training Programs
120.372	Earned Income From Self-Employment
120.373	Earned Income From Roomer and Boarder
120.375	Earned Income In Kind
120.376	Payments from the Illinois Department of Children and Family Services
120.379	Provisions for the Prevention of Spousal Impoverishment
120.380	Assets
120.381	Exempt Assets
120.382	Asset Disregard
120.383	Deferral of Consideration of Assets
120.384	Spend-down of Assets (AABD MANG)
120.385	Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
120.386	Property Transfers Occurring On or Before August 10, 1993
120.387	Property Transfers Occurring On or After August 11, 1993

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

120.390	Persons Who May Be Included In the Assistance Unit
120.391	Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG and Children Born October 1, 1983, or Later
120.392	Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393	Pregnant Women and Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
120.395	Payment Levels for MANG (Repealed)
120.399	Redetermination of Eligibility
120.400	Twelve Month Eligibility for Persons under Age 19

## SUBPART I: SPECIAL PROGRAMS

## Section

120.500	Health Benefits for Persons with Breast or Cervical Cancer
120.510	Health Benefits for Workers with Disabilities

TABLE A Value of a Life Estate and Remainder Interest

TABLE B Life Expectancy

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days;

## DEPARTMENT OF PUBLIC AID

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amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; preemptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill.

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Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January

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20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: ASSISTANCE STANDARDS

**Section 120.20 MANG(AABD) Income Standard**

- a) The monthly countable income standard is 100 ~~85~~-percent of the Federal Poverty Level Income Guidelines, as published annually in the Federal Register, for the appropriate family size.
- b) A client receiving care in a public tuberculosis hospital is not considered to be receiving long term care. Such a client's financial eligibility for MANG is

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

determined by use of the Aid to the Aged, Blind or Disabled MANG(AABD) Income Standard.

- c) The MANG(AABD) Income Standard is used in the determination of financial eligibility for MANG of a client living in a residential home or facility which is not licensed as a medical care facility or as a sheltered care facility. The cost of maintenance and/or care in such a facility is not an allowable medical expense. Regardless of the amount the client may be paying for care and/or maintenance in the facility, the client's nonexempt income and assets in excess of the MANG(AABD) Standard are considered available for payment for medical care not provided in the facility.
- d) MANG
- 1) A recipient residing in a Department of Human Services (DHS) State psychiatric hospital or developmental center is allowed \$30 per month in lieu of any other MANG standard.
  - 2) As soon as MANG(AABD) clients become residents of a DHS facility (see subsection (d)(1) of this Section), a skilled nursing facility, an intermediate care facility, or other facility, their eligibility for MANG is determined separately from persons remaining in the home.
  - 3) When eligibility is based on being temporarily discharged from a DHS facility (see subsection (d)(1) of this Section) for the purpose of obtaining medical care in a general hospital, the amount which the recipient is obligated to pay DHS for care and maintenance is to be allowed in addition to the \$30.
  - 4) Clients in a long term facility are allowed deductions from their non-SSI income to meet the needs of their community spouse, dependent family members and dependent children under the age of 21 years who do not reside with the community spouse. Family members include dependent children under the age of 21 years, dependent adult children, dependent parents or dependent siblings of either spouse; who reside with the spouse in the community. To calculate the amount of non-SSI income to be deducted, use the:
    - A) Community Spouse Maintenance Needs Allowance (as described at Ill. Adm. Code 120.61) if the deduction is for a spouse in the community;
    - B) Family Maintenance Needs Allowance (as described in Ill. Adm. Code 120.61), if the deduction is for dependent family members residing with the community spouse; and
    - C) Temporary Assistance for Needy Families (TANF) cash grant standard if the deduction is for dependent children under the age of 21 years who do not reside with the community spouse.

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## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART I: SPECIAL PROGRAMS

**Section 120.520 SeniorCare**

- a) To be eligible for SeniorCare pharmaceutical benefits as set forth at 89 Ill. Adm. Code 140.405, an individual must meet all of the following eligibility requirements:
- 1) Be a U.S. citizen or an immigrant admitted for permanent residence.
  - 2) Reside in Illinois.
  - 3) Be 65 years of age or older.
  - 4) Assign rights to medical support and collection of payments as described in Section 120.319.
  - 5) Furnish his or her Social Security Number.
  - 6) Have countable annual income at or below 200 percent of the poverty guidelines published annually by the U.S. Department of Health and Human Services.
- b) The earned and unearned income of the applicant and his or her spouse (if the spouse resides with the applicant) shall be counted when determining eligibility, except that the following shall not be counted:
- 1) cash gifts;
  - 2) child support payments;
  - 3) Circuit Breaker grants;
  - 4) damages awarded from a lawsuit for a physical personal injury or sickness;
  - 5) Energy Assistance payments;
  - 6) federal income tax refunds;
  - 7) IRAs "rolled over" into other retirement accounts;
  - 8) lump sums from inheritances;
  - 9) lump sums from insurance policies;
  - 10) money borrowed against a life insurance policy;
  - 11) reverse mortgage income;
  - 12) stipends from the Foster Parent and Foster Grandparent programs; and
  - 13) Worker's Compensation.
- c) Assets shall not be considered.
- d) SeniorCare participants shall be exempt from the requirements of 89 Ill. Adm. Code 102.210, Estate Claims, with regard to expenditures made for SeniorCare benefits.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- e) An individual who is eligible for medical assistance with a spenddown may participate in SeniorCare.
- f) An individual who receives benefits from any of the Medicare Savings programs (QMB, SLIB, or QI) may participate in SeniorCare.
- g) Application Process
  - 1) Individuals shall apply by completing and submitting an application as specified by the Illinois Department of Revenue.
  - 2) Spouses may apply on the same application as long as the application contains both signatures.
  - 3) After eligibility is determined by the Illinois Department of Revenue, notice of the outcome shall be sent to the applicant.
  - 4) An individual enrolled in SeniorCare shall receive coverage under his or her own name and Social Security Number.
- h) Enrollment Periods
  - 1) Enrollment shall be effective no later than one month after the date when the applicant was determined to be eligible for the program.
  - 2) An individual who first enrolls in SeniorCare between July 1 and December 31 of any year shall be enrolled through the end of that State fiscal year. For example, an individual who first enrolls on December 1, 2002, shall be eligible through June 30, 2003.
  - 3) An individual who first enrolls in SeniorCare between January 1 and June 30 of any year shall be enrolled through the end of that fiscal year plus all of the following fiscal year. For example, an individual who first enrolls on January 1, 2003, shall be eligible through June 30, 2004.
  - 4) Individuals must reapply annually.
  - 5) Subsequent uninterrupted periods of enrollment shall be for 12 months and shall be coincident with the State fiscal year.
- i) Authorization of SeniorCare
  - 1) Once an individual has been determined eligible for SeniorCare, a SeniorCare identification card shall be sent to the individual.
  - 2) Upon receipt of the card, the participant shall have the option of receiving a SeniorCare Rebate as established in 89 Ill. Adm. Code 140.405 instead of using the SeniorCare card.
- j) SeniorCare coverage shall terminate:
  - 1) at the end of a participant's enrollment period unless the participant reapplies timely and is found to continue to be eligible;
  - 2) when a participant no longer resides in Illinois;
  - 3) when a participant becomes an inmate of a public institution as set forth in 42 CFR 435.1008; or
  - 4) upon a participant's death.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- k) Individuals applying for or enrolled in SeniorCare shall be entitled to appeal rights as described at 89 Ill. Adm. Code 102.80.

(Source: Added at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.405      Adopted Action: New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendment: October 25, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 24, 2002 (26 Ill. Reg. 7647)
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Differences Between Proposal and Final Version: No substantive changes have been made to this proposed rulemaking.
- 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 amendment replace any emergency amendment currently in effect? Yes
- 14) Are there any other amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.3	Amendment	October 18, 2002 (26 Ill. Reg. 14948)
140.13	Amendment	September 13, 2002 (26 Ill. Reg. 13450)
140.21	Amendment	August 9, 2002 (26 Ill. Reg. 12126)
140.21	Amendment	October 18, 2002 (26 Ill. Reg. 4948)
140.24	Amendment	September 13, 2002 (26 Ill. Reg. 13450)
140.71	Amendment	August 9, 2002 (26 Ill. Reg. 12545)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

140.402	Amendment	July 19, 2002 (26 Ill. Reg. 11210)
140.445	Amendment	July 19, 2002 (26 Ill. Reg. 11210)
140.450	Amendment	June 7, 2002 (26 Ill. Reg. 8243)
140.492	Amendment	July 19, 2002 (26 Ill. Reg. 11210)
140.481	Amendment	July 19, 2002 (26 Ill. Reg. 11210)
140.493	Amendment	July 19, 2002 (26 Ill. Reg. 11210)
140.523	Amendment	July 19, 2002 (26 Ill. Reg. 10243)
140.530	Amendment	August 30, 2002 (26 Ill. Reg. 13026)
140.860	New Section	September 6, 2002 (26 Ill. Reg. 13146)

15) Summary and Purpose of Amendment:

This rulemaking establishes SeniorCare, which is a Medicaid drug benefit program for eligible persons who are 65 years of age or older and who have a countable annual income at or below 200 percent of the Federal Poverty Level (FPL). This pharmacy benefit program, which responds to an initiative of the Governor, is expected to extend drug coverage to approximately 368,000 low-income seniors. SeniorCare is the first program of its kind nationally.

SeniorCare will expand upon drug benefits provided by the Circuit Breaker/Pharmaceutical Assistance program, which is administered by the Illinois Department of Revenue. Circuit Breaker/Pharmaceutical Assistance is a State-operated program that provides restricted prescription drug benefits for low-income seniors who have specified chronic medical conditions, such as diabetes and Parkinson's disease. SeniorCare will provide comprehensive pharmacy benefits under a Medicaid waiver for eligible seniors that will pay for all prescription drugs covered under the Department's Medical Assistance Program, as well as many over-the-counter drugs when prescribed by a doctor. SeniorCare will replace the Circuit Breaker/Pharmaceutical Assistance program for eligible seniors. Seniors with incomes from 201 through 250 percent FPL will continue eligibility under Circuit Breaker/Pharmaceutical Assistance.

Under SeniorCare, participants who have an annual income equal to or great than the FPL will be responsible for a \$1.00 co-payment for each generic drug and a \$4.00 co-payment for each brand name drug. All participants will be responsible for co-payments equal to 20 percent of the cost of each prescription after their SeniorCare benefit amount has exceeded \$1,750 during the State fiscal year. Participants who have coverage under a third-party plan with a pharmacy benefit may elect the option of receiving a SeniorCare Rebate.

Companion amendments are being adopted at 89 Ill. Adm. Code 120, Medical Assistance Programs, concerning eligibility requirements for SeniorCare.

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The budgetary impact of SeniorCare is expected to be approximately \$193 million during fiscal year 2003. However, this fiscal burden will be offset by several factors including federal matching funds, State spending reductions under the Circuit Breaker/Pharmaceutical Assistance program, and health improvement for recipients that should eventually result in reduced Medicaid spending for hospital and nursing home care.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Joanne Scattoloni  
Office of the General Counsel, Rules Section  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
(217) 524-0081

The full text of the adopted amendment begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMSPART 140  
MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

## Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Incarcerated Persons

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination on Individuals Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

140.20	Submittal of Claims
140.21	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.22	Magnetic Tape Billings (Repealed)
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited
140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.31	Emergency Services Audits
140.32	Prohibition on Participation, and Special Permission for Participation
140.33	Publication of List of Terminated, Suspended or Barred Entities
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for items or Services When Prior Approval Cannot Be Obtained
140.55	Recipient Eligibility Verification (REV) System
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.72	Drug Manual (Recodified)
140.73	Drug Manual Updates (Recodified)

## SUBPART C: PROVIDER ASSESSMENTS

Section	
140.80	Hospital Provider Fund
140.82	Developmentally Disabled Care Provider Fund
140.84	Long Term Care Provider Fund
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 140.103 Liver Transplants (Recodified)
- 140.104 Bone Marrow Transplants (Recodified)
- 140.110 Disproportionate Share Hospital Adjustments (Recodified)
- 140.116 Payment for Inpatient Services for GA (Recodified)
- 140.117 Hospital Outpatient and Clinic Services (Recodified)
- 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
- 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
- 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
- 140.203 Limits on Length of Stay by Diagnosis (Recodified)
- 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
- 140.350 Copayments (Recodified)
- 140.360 Payment Methodology (Recodified)
- 140.361 Non-Participating Hospitals (Recodified)
- 140.362 Pre July 1, 1989 Services (Recodified)
- 140.363 Post June 30, 1989 Services (Recodified)
- 140.364 Prepayment Review (Recodified)
- 140.365 Base Year Costs (Recodified)
- 140.366 Restructuring Adjustment (Recodified)
- 140.367 Inflation Adjustment (Recodified)
- 140.368 Volume Adjustment (Repealed)
- 140.369 Groupings (Recodified)
- 140.370 Rate Calculation (Recodified)
- 140.371 Payment (Recodified)
- 140.372 Review Procedure (Recodified)
- 140.373 Utilization (Repealed)
- 140.374 Alternatives (Recodified)
- 140.375 Exemptions (Recodified)
- 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
- 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.391 Definitions (Recodified)
- 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.398 Hearings (Recodified)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section

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140.400	Payment to Practitioners
140.402	Copayments for Noninstitutional Medical Services
<u>140.405</u>	<u>SeniorCare Pharmaceutical Benefit</u>
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items – Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Clinical Laboratory Services
140.431	Services Not Covered by Independent Clinical Laboratories
140.432	Limitations on Independent Clinical Laboratory Services
140.433	Payment for Clinical Laboratory Services
140.434	Record Requirements for Independent Clinical Laboratories
140.435	Advanced Practice Nurse Services
140.436	Limitations on Advanced Practice Nurse Services
140.438	Imaging Centers
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Legend Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.451	Prospective Drug Review and Patient Counseling

## DEPARTMENT OF PUBLIC AID

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- 140.452 Mental Health Clinic Services
- 140.453 Definitions
- 140.454 Types of Mental Health Clinic Services
- 140.455 Payment for Mental Health Clinic Services
- 140.456 Hearings
- 140.457 Therapy Services
- 140.458 Prior Approval for Therapy Services
- 140.459 Payment for Therapy Services
- 140.460 Clinic Services
- 140.461 Clinic Participation, Data and Certification Requirements
- 140.462 Covered Services in Clinics
- 140.463 Clinic Service Payment
- 140.464 Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
- 140.465 Speech and Hearing Clinics (Repealed)
- 140.466 Rural Health Clinics (Repealed)
- 140.467 Independent Clinics
- 140.469 Hospice
- 140.470 Home Health Services
- 140.471 Home Health Covered Services
- 140.472 Types of Home Health Services
- 140.473 Prior Approval for Home Health Services
- 140.474 Payment for Home Health Services
- 140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
- 140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
- 140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.479 Limitations, Medical Supplies
- 140.480 Equipment Rental Limitations
- 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
- 140.482 Family Planning Services
- 140.483 Limitations on Family Planning Services
- 140.484 Payment for Family Planning Services
- 140.485 Healthy Kids Program
- 140.486 Limitations on Medichek Services (Repealed)
- 140.487 Healthy Kids Program Timeliness Standards
- 140.488 Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
- 140.490 Medical Transportation
- 140.491 Limitations on Medical Transportation

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140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
140.494	Record Requirements for Medical Transportation Services
140.495	Psychological Services
140.496	Payment for Psychological Services
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## SUBPART E: GROUP CARE

Section	
140.500	Long Term Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Informal Hearing Process for Denial of Payment for New ICF/MR
140.506	Provider Voluntary Withdrawal
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140.510	Determination of Need for Group Care
140.511	Long Term Care Services Covered by Department Payment
140.512	Utilization Control
140.513	Notification of Change in Resident Status
140.514	Certifications and Recertifications of Care
140.515	Management of Recipient Funds – Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds – Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)
140.527	Quality Incentive Survey (Repealed)
140.528	Payment of Quality Incentive (Repealed)
140.529	Reviews (Repealed)
140.530	Basis of Payment for Long Term Care Services
140.531	General Service Costs

## DEPARTMENT OF PUBLIC AID

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140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports-Filing Requirements
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140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs
140.552	Nursing and Program Costs
140.553	General Administrative Costs
140.554	Component Inflation Index
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
140.567	Level II Incentive Payments (Repealed)
140.568	Duration of Incentive Payments (Repealed)
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Capital Rate Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Rates for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)

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140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements (Repealed)
140.581	Qualifying as Mandated Capital Improvement (Repealed)
140.582	Cost Adjustments
140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
140.643	In-Home Care Program
140.645	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
140.646	Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
140.647	Description of Developmental Training (DT) Services
140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650	Certification of Developmental Training (DT) Programs
140.651	Decertification of Day Programs
140.652	Terms of Assurances and Contracts
140.680	Effective Date Of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care (Repealed)

## SUBPART F: FEDERAL CLAIMING FOR STATE AND LOCAL GOVERNMENTAL ENTITIES

Section	
140.850	Reimbursement of Administrative Expenditures
140.855	Administrative Claim Review and Reconsideration Procedure
140.860	Covered Services (Repealed)
140.865	Sponsor Qualifications (Repealed)
140.870	Sponsor Responsibilities (Repealed)
140.875	Department Responsibilities (Repealed)
140.880	Provider Qualifications (Repealed)
140.885	Provider Responsibilities (Repealed)

## DEPARTMENT OF PUBLIC AID

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140.890	Payment Methodology (Repealed)
140.895	Contract Monitoring (Repealed)
140.896	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)

## SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

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140.920	General Description
140.922	Covered Services
140.924	Maternal and Child Health Provider Participation Requirements
140.926	Client Eligibility (Repealed)
140.928	Client Enrollment and Program Components (Repealed)
140.930	Reimbursement
140.932	Payment Authorization for Referrals (Repealed)

## SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section	
140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)

## DEPARTMENT OF PUBLIC AID

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140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)
140.980	Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
140.982	Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)
TABLE A	Medichek Recommended Screening Procedures (Repealed)
TABLE B	Geographic Areas
TABLE C	Capital Cost Areas
TABLE D	Schedule of Dental Procedures
TABLE E	Time Limits for Processing of Prior Approval Requests
TABLE F	Podiatry Service Schedule
TABLE G	Travel Distance Standards
TABLE H	Areas of Major Life Activity
TABLE I	Staff Time and Allocation for Training Programs (Recodified)
TABLE J	HSA Grouping (Repealed)
TABLE K	Services Qualifying for 10% Add-On (Repealed)
TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg.

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11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572;

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emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg.

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1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29,

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1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days, emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment

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at 26 Ill. Reg. 5984, effective April 15, 2002, for maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

**Section 140.405 SeniorCare Pharmaceutical Benefit**a) Definitions. For purposes of this Section:

"Brand name drug" means those drugs as defined in Section 140.440(g)(3).

"FPL" means the federal poverty income guideline as determined annually by the United States Department of Health and Human Services.

"Generic drug" means those legend drugs as defined in Section 140.440(g)(2).

"Over-the-counter items" means those pharmaceutical items that may be purchased off the shelf by the general public, but for Medicaid-eligible individuals require a prescription.

"Pharmaceutical product" means a brand name drug, a generic drug, or an over-the-counter item.

"Reimbursable amount" means the price payable by the Department or its agent for a pharmaceutical product, as defined in subsection (e) of this Section.

"SeniorCare" means the provision of benefits to individuals qualifying for medical assistance under the provisions of 89 Ill. Adm. Code 120.520.

"SeniorCare benefit amount" means the cumulative sum of the reimbursable amounts for prescribed pharmaceutical products received by an individual eligible for SeniorCare during any State fiscal year.

## DEPARTMENT OF PUBLIC AID

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"SeniorCare rebate" means a SeniorCare benefit in the form of a monetary payment (a monthly payment of \$25) made to an individual enrolled in a third-party plan that provides a pharmacy benefit. The payment is made in lieu of the covered services described in this Section.

b) Covered Services

Except for an individual who elects to participate in the SeniorCare rebate program, covered services under the SeniorCare program shall consist of pharmaceutical products that are prescribed by licensed medical professionals authorized under State law to issue prescriptions within the scope of their professional practice, and subject to the provisions in Section 140.443.

c) Co-Payment

An individual eligible for SeniorCare benefits shall be responsible for payment of applicable co-payments. The co-payment for each brand name drug prescription or generic drug prescription is:

- 1) For an individual with a household income equal to or greater than the FPL, \$1 for each dispensing of a generic drug and \$4 for each dispensing of a brand name drug, in addition to any applicable co-payment under subsection (c)(2) of this Section.
- 2) Twenty percent of any reimbursable amount that, when added to the SeniorCare benefit amount, results in the SeniorCare benefit amount exceeding \$1,750 during the State fiscal year.

d) Additional Payment

An individual eligible for SeniorCare benefits may be responsible for an additional payment to the pharmacy, as determined in subsection (e)(2) or (3) of this Section.

e) Reimbursable Amount

- 1) Except as provided in subsections (e)(2) and (3) of this Section, the reimbursable amount for a pharmaceutical product shall be:
  - A) The price arrived at using the applicable reimbursement methodology set forth in either Section 140.445 for legend prescription items or Section 140.446 for over-the-counter items;  
or
  - B) If the Department contracts with a third-party to manage some portion of the SeniorCare program, the price established by the third-party contractor for its pharmacy network or the amount required to be paid to pharmacies by the Department's contract with the third-party.
- 2) If a generic drug is available, based upon the Illinois Formulary for Drug Product Selection Program (77 Ill. Adm. Code 790), and the individual

## DEPARTMENT OF PUBLIC AID

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wants the brand name version of the drug, the reimbursable amount shall be that of the generic drug unless the brand name drug is a federally defined narrow therapeutic index drug and substitution is not permitted because the prescribing practitioner has indicated "brand medically necessary" on the prescription. The co-payment amount shall be based upon the generic drug.

- 3) If a brand name drug is dispensed when the reimbursable amount is that for the generic drug, the individual shall be responsible for paying the difference between the reimbursable amount (based upon the generic drug) and what would have been the reimbursable amount for the brand name drug.

f) Provider Participation

In order to participate in the SeniorCare program, pharmacies shall meet the following requirements:

- 1) Prior to enrolling with the Department of Public Aid, the pharmacy must possess a current registration issued by the United States Drug Enforcement Administration (see 21 CFR 1301) and, if located in Illinois, a current controlled substances license issued by the Illinois Department of Professional Regulation (68 Ill. Adm. Code 1330) pursuant to the Illinois Controlled Substances Act [720 ILCS 570].
- 2) The pharmacy must be licensed as required by applicable State and federal laws and regulations.
- 3) The pharmacy must meet all enrollment criteria set forth by the Department of Public Aid and, if the Department contracts with a third-party to manage some portion of the SeniorCare program, agree to the terms required for participation in that third-party's pharmacy network.
- 4) The pharmacy must agree to comply with all applicable State and federal laws and regulations.
- 5) The pharmacy must agree to comply with all applicable Department of Public Aid policies and directives.
- 6) The pharmacy must agree not to limit prescriptions filled for individuals receiving care or services from the group practice or long term care facility to those written by practitioners connected with a group practice or long term care facility.
- 7) If it is located in, or administratively associated with a group practice or long term care facility, the pharmacy must:
  - A) Provide the same scope of general pharmacy and professional services as does a pharmacy not so affiliated.
  - B) Be retail in nature and open and accessible to the general public.
- 8) A hospital pharmacy that provides pharmaceutical services and supplies

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for inpatients, outpatient clinic patients, or emergency room patients of the hospital shall not enroll as a participating pharmacy unless licensed to provide pharmaceutical services to the general public (division V license).

- g) Payment  
Payment by the Department to a participating pharmacy for a pharmaceutical product dispensed to an individual eligible for SeniorCare shall be the difference of the reimbursable amount, as described in subsection (e) of this Section, less applicable co-payments, as described in subsection (c) of this Section, and any amount paid or payable by Medicare or another third-party as described in Section 140.12(h)(2).
- h) SeniorCare Rebate  
An individual eligible for SeniorCare who maintains coverage by a third-party plan that provides a pharmacy benefit may, at the time of application or reapplication, elect to participate in the SeniorCare rebate program. Individuals making that election shall receive a monthly payment of \$25.

(Source: Added at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS STATE TOLL HIGHWAY AUTHORITY

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of Part: State Toll Highway Rules
- 2) Code Citation: 92 Ill. Adm. Code 2520
- 3) 

<u>Section Numbers:</u>	<u>Emergency Action:</u>
2520.105	Amend
2520.110	Amend
2520.201	Amend
2520.204	Amend
2520.206	Amend
2520.223	Amend
2520.224	Amend
2520.401	Amend
2520.403	Amend
2520.701	Amend
2520.702	Amend
2520.705	Amend
2520.706	Amend
2520.707	Amend
2520.708	Amend
2520.714	Repeal
- 4) Statutory Authority: 605 ILCS 10/10 (a), 625 ILCS 5/3-704.2 and 625 ILCS 5/6-306.7
- 5) Effective Date of Amendments: October 31, 2002
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire. Not Applicable
- 7) Date Filed in Index Department: October 18, 2002
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency The emergency changes to the rules are necessary due to safety and the outsourcing of the violation enforcement system.
- 10) A complete description of the Subjects and Issues involved:
- 11) Are there any proposed amendments to the Part pending? No

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

- 12) Statement of Statewide Policy Objectives: The proposed changes do not create or enlarge a State mandate.
  
- 13) Information and questions regarding this amendment shall be directed to:

Eugene J. Kennelly  
Chief Counsel  
Illinois State Toll Highway Authority  
2700 Ogden Avenue  
Downers Grove IL 60515  
(630) 241-6800

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

## ILLINOIS STATE TOLL HIGHWAY AUTHORITY

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER IV: ILLINOIS TOLL HIGHWAY AUTHORITYPART 2520  
STATE TOLL HIGHWAY RULES

## SUBPART A: AUTHORITY AND DEFINITIONS

## Section

2520.105 Authority  
2520.110 Definitions

EMERGENCY

## SUBPART B: GENERAL TRAFFIC RULES AND REGULATIONS

## Section

2520.200 Illinois Vehicle Code  
2520.201 Use of Tollway Prohibited or Restricted  
EMERGENCY  
2520.202 Vehicles and Equipment Which May Be Excepted from Provisions of Section  
2520.203 Transportation of Hazardous Materials  
2520.204 Special Usage Toll

EMERGENCY

2520.205 Loading or Unloading of Vehicles  
2520.206 Full Stop at All Toll Plazas

EMERGENCY

2520.207 Entering and Leaving the Tollway  
2520.208 "U" Turns, Etc.  
2520.209 Backing Up of Vehicles  
2520.210 Parking, Standing or Stopping  
2520.211 Relocating of Vehicles  
2520.212 Pushing or Towing of Vehicles  
2520.213 Stopping or Halting Vehicles by the Authority  
2520.214 Destruction of Authority Property  
2520.215 Picnics  
2520.216 Aircraft  
2520.217 Sale of Goods and Services  
2520.218 Solicitation of Rides  
2520.219 Loitering or Interfering with Traffic  
2520.220 Approaching/Departing a Toll Plaza

## ILLINOIS STATE TOLL HIGHWAY AUTHORITY

## NOTICE OF EMERGENCY AMENDMENTS

- 2520.221 Compliance with Orders or Directions of State Troopers, Etc.  
2520.222 Duty Upon Striking Fixtures, Structures or Other Property on Tollway  
2520.223 Payment of Tolls

EMERGENCY

- 2520.224 Prohibited and Restricted Lanes

EMERGENCY

- 2520.225 Traffic Control Devices  
2520.226 Penalty for Violation

## SUBPART C: TRESPASS

## Section

- 2520.300 Authority  
2520.301 Restriction of Vehicles Using the Tollway  
2520.302 Restriction on Nature of Use of Tollway  
2520.303 Enforcement  
2520.304 Persons and Vehicles Excepted from the Requirements of Subpart C  
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AUTHORITY: Implementing and authorized by the Toll Highway Act [605 ILCS 10].

SOURCE: Filed January 3, 1973; effective February 1, 1973; codified at 8 Ill. Reg. 19884; Part repealed, new Part adopted at 17 Ill. Reg. 8539, effective May 27, 1993; amended at 20 Ill. Reg. 10200, effective July 12, 1996; emergency amendment at 24 Ill. Reg. 2737, effective February 4, 2000, for a maximum of 150 days; emergency expired July 2, 2000; emergency amendment at 24 Ill. Reg. 4234, effective February 29, 2000, for a maximum of 150 days; emergency expired July

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27, 2000; amended at 24 Ill. Reg. 16078, effective October 11, 2000; emergency amendment at 26 Ill. Reg. \_\_\_\_\_, effective October 31, 2002, for a maximum of 150 days.

## SUBPART A: AUTHORITY AND DEFINITIONS

**Section 2520.105 Authority****EMERGENCY**

This Part is adopted and promulgated by the Authority pursuant to the powers vested in the Authority by the Toll Highway Act (~~Ill. Rev. Stat. 1991, ch. 121, par. 100-1, et seq.~~) [605 ILCS 10/1 ~~et seq.~~] and supersedes all previous Rules adopted and promulgated by the Illinois State Toll Highway Commission and the Illinois State Toll Highway Authority.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. \_\_\_\_\_, effective October 31, 2002, for a maximum of 150 days)

**Section 2520.110 Definitions****EMERGENCY**

The following words and phrases when used in this Part shall have the meanings respectively ascribed to them in this Section:

"Authority" means the Illinois State Toll Highway Authority, an instrumentality and administrative agency of the State of Illinois, formerly known as the Illinois State Toll Highway Commission.

"Authorized Emergency Vehicles" means vehicles of fire departments and police departments, ambulances, emergency vehicles of public service companies, and other vehicles approved and authorized by the Authority when performing emergency business.

"Complaint" and "Notice" means the documents or information sent by the Authority to the respondent notifying the respondent of the alleged violations.

"Department of Transportation" means the Department of Transportation of the State of Illinois.

"Final Notice" means the notice sent by the Authority to the respondent that informs the respondent of a finding of liability of the listed charges that has been entered against the respondent.

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"Hazardous Materials" means and includes explosives, radioactive materials, etiologic agents, and other dangerous materials, as defined in 18 USC 831, including flammable liquids.

"Hearing" means a formal hearing conducted by the Authority or appointed Hearing Officer, to determine whether a violation of the Toll Highway Act and/or any ~~of its and all~~ rules and regulations promulgated thereto exists.

"Illinois Vehicle Code" means the Illinois Vehicle Code as set forth in 625 ILCS 5.

"I-PASS" means electronic toll collection.

"I-PASS All Lanes" means that, in addition to regular toll collection equipment and toll booths, all lanes are also "I-PASS" equipped.

"I-PASS Only Lanes" means that those lanes are restricted to cars and smaller, and dual wheeled vehicles that have "I-PASS" transponders.

"I-PASS Express Lanes" means that those lanes are restricted to vehicles with "I-PASS" transponders.

"Motor Driven Cycles" means every motorcycle or motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles.

"Oases" means the portions of the Tollway Right-of-Way occupied by restaurants, buildings and service stations, and parking and landscaped areas adjacent thereto.

"Person" means any individual, firm, corporation, cooperative, association, trust, partnership, joint venture or other legally recognized entity.

"Respondent" means any person charged with violating the Toll Highway Act.

"Right-of-Way" means the entire area of the Tollway within the fence lines (or the barrier walls, where no fence exists), including but not limited to the roadways, shoulders, structures, landscaped areas, maintenance areas, Oases, toll plaza areas, or any other area under the control or jurisdiction of the Authority.

"Toll" means the fixed compensation to be paid to the Authority for the privilege

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of using the Tollway or any part thereof.

"Toll Highway Act" means 605 ILCS 10 and any rules or regulations promulgated thereto.

"Toll Plaza" means any toll collection facility located upon the Tollway, including manned toll booths and/or automatic toll collection machines.

"Tollway" means any and all toll highways operated and maintained by the Authority pursuant to State and federal laws as well as any and all intergovernmental agreements by and between the Authority and other governmental entities.

"Traffic Control Devices" means all signs, signals, markings and devices, including but not limited to barricades and traffic cones, placed or erected by the Authority or its agents for the purpose of regulating, warning, or guiding traffic.

"Traffic Lanes" are the lanes designated for vehicular travel on the Tollway which shall be designated numerically with the extreme left lane of each directional roadway being numbered "Lane No. 1", and each lane to the right of Lane No. 1 carrying traffic in the same direction being numbered consecutively.

"Truck I-PASS/Mixed Use Lanes" means lanes primarily intended for trucks only, which may be converted for use by all vehicles with I-PASS Transponders.

"Truck I-PASS Only Lanes" means lanes restricted for use by commercial vehicles as defined in the Illinois Motor Vehicle Code at 625 ILCS 5/1-111.8.

"Violation" or "Toll Evasion" means one or more acts prohibited by the Toll Highway Act and/or any rules or regulations promulgated thereto relating to the payment or failure to pay tolls.

Any and all terms that are not specifically defined herein shall have the meanings ascribed to them in the Illinois Vehicle Code and the Toll Highway Act.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. \_\_\_\_\_, effective October 31, 2002, for a maximum of 150 days)

## SUBPART B: GENERAL TRAFFIC RULES AND REGULATIONS

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**Section 2520.201 Use of Tollway Prohibited or Restricted  
EMERGENCY**

The following uses of the Tollway, and entry thereon, or on any part of its Right-of-Way are prohibited:

- a) Pedestrians, except at authorized areas at Oases, Toll Plazas and maintenance areas.
- b) Animals led, ridden or driven on the hoof.
- c) Bicycles with or without motors, or motor driven cycles.
- d) Vehicles transporting animals or poultry not properly secured or confined.
- e) Vehicles with deflated pneumatic tires, metal tires, caterpillar treads, studded tires or tires with chains.
- f) Vehicles with loads improperly secured or vehicles transporting gravel, sand, limestone or like materials apt or capable of being windblown or escaping from the vehicles in any manner unless such load is securely covered.
- g) Farm implements and machinery, whether self-propelled or towed.
- h) Vehicles exceeding the size, weight and load limitations as set out in the Illinois Vehicle Code; provided, however, that, notwithstanding the provisions of the Code, the following vehicles are prohibited, whether or not a special permit has been issued with respect to such vehicles by the Illinois Department of Transportation:
  - 1) Overdimension vehicles.
    - A) Vehicles exceeding 10 feet in overall width.
    - B) Vehicles exceeding 14 feet 6 inches in height.
    - C) Vehicles designed for the carrying of more than 10 persons and exceeding 8 feet 6 inches in width.
    - D) Vehicles whose overall length exceeds 100 feet, unless prior written approval for overdimension vehicles has been obtained from the Authority. Application for such approval shall be in writing and contain the following information:
      - i) An accurate and complete description of the vehicle, including tractor license plate number, total number of axles, overall length of the vehicle, and a description of the load; and
      - ii) The proposed routes to be used, including the points at which the vehicle is to enter and exit the Tollway; and
      - iii) Other information as the Authority may require to determine whether the vehicle is capable of safely traveling on the Tollway and negotiating the entrance and exit ramps which will be used for the specified routes.

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- E) Nothing in this subsection (h)(1) shall be deemed to require the Authority to issue an overdimension permit for use of the Tollway when the Authority determines, at its discretion, that the vehicle cannot safely or properly travel on the Tollway. Further, the Authority shall not be required to issue an overdimension permit in the event the vehicle load is divisible to an overall length of 100 feet or less; 14 feet 6 inches in height; and/or 10 feet in width.
- 2) Overweight Vehicles
- A) Vehicles whose weight exceeds the limitations of Section 15-111 of the Illinois Vehicle Code, unless written approval has been obtained from the Authority. An application for such approval shall contain the following information:
    - i) An accurate and complete description of the vehicle, including tractor license plate number, total number of axles, distance between axles, axle weights, gross weight, and a description of the load; and
    - ii) The proposed routes to be used, including the points at which the vehicle will enter and exit the Tollway; and
    - iii) Other information as the Authority may require to determine whether the vehicle is capable of safely traveling on the Tollway and the entrance and exit ramps which will be used for the specified routes.
  - B) Vehicles whose weight exceeds the limitations as set out in Section 15-111 of the Illinois Vehicle Code by not more than 30%, and that have been approved for travel on the Tollway, shall pay a permit fee of \$35 to the Authority.
  - C) Vehicles whose weight exceeds the limitations of Section 15-111 of the Illinois Vehicle Code by more than 30%, and that have been approved for travel on the Tollway, shall pay a permit fee of \$150 to the Authority.
  - D) Overweight vehicles paying the permit fees required under this Section shall not be required to pay a Special Usage Toll as set out in Section 2520.204 of this Part.
  - E) Nothing in this subsection (h)(2) shall be deemed to require the Authority to issue an overweight permit for use of the Tollway when the Authority determines, in its discretion, that the vehicle cannot safely or properly travel on the Tollway.
- i) Overdimension vehicles, as defined by Chapter 15 of the Illinois Vehicle Code and subsection (h) of this Section, and vehicles transporting poles, pipes, machinery or other objects of a structural nature which cannot be readily

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disassembled, shall be allowed on the Tollway only during the period from one-half hour before sunrise to one-half hour after sunset, Monday through Friday, and from one-half hour before sunrise until noon on Saturday, except no such vehicles shall be permitted on the Tollway on the following days:

New Year's Day  
Memorial Day  
Independence Day  
Labor Day  
Thanksgiving Day  
Christmas Day

In addition, the above specified vehicles are prohibited from using the Tollway beginning at noon the day preceding the above holidays, or beginning at noon the day preceding such holiday weekend.

- 1) Overweight vehicles that have obtained a permit and are operating within the defined legal dimensions are allowed to travel 24 hours a day, 7 days a week.
  - 2) This restriction does not apply to vehicles transporting overwidth farm equipment, with all other dimensions legal, and not overweight. Further, these vehicles will not be required to purchase a Special Usage Permit, and will be allowed to travel 7 days a week during daylight hours only.
- j) Vehicles incapable of maintaining a minimum speed of 45 miles per hour on a level grade.
  - k) House trailers, during extreme wind, adverse weather or unusual traffic conditions.
  - l) Convoys, processions or assemblages of more than 10 vehicles without the prior approval of District 15 of the Illinois State Police.
  - m) Vehicles which, in the opinion of State Police sworn personnel or Authority representatives, are in such disrepair, or so poorly equipped or loaded, or are so lacking in equipment as to create a possible hazard to vehicles or persons using the Tollway.
  - n) The issuance of overdimension or overweight approvals, or the approval of convoys by the Authority and/or the State Police, District 15, is not a guarantee of safe travel and shall not relieve any person, corporation, or entity requesting such approval or owning or operating a motor vehicle upon the Tollway, from full and complete liability and responsibility for the condition of the vehicle, and its load and for the actions and inactions of the owners and operators of the vehicles, and for any damage or injury caused by the vehicle or its operation.

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(Source: Amended by emergency rulemaking at 26 Ill. Reg. \_\_\_\_\_, effective October 31, 2002, for a maximum of 150 days)

**Section 2520.204 Special Usage Toll****EMERGENCY**

No person shall operate a motor vehicle on the Tollway which exceeds the size and load limitations set forth in Sections 15-100 through 15-107 of the Illinois Vehicle Code without paying the special usage toll as provided in this Section, or the overweight permit fees set forth in Section 2520.201. All vehicles approved to travel on the Tollway exceeding 8 feet 6 inches in width or 13 feet 6 inches in height, or 100 feet in length, shall be required to pay a Special Usage Toll. A Special Usage Toll Permit ("SUP") will be issued on the following terms and conditions:

- a) The SUP form shall be obtained from the Plaza Supervisor or Collector in Charge of the first manned Toll Plaza reached upon entering the Tollway, and all information required by the permit form shall be provided prior to the issuance of the SUP. The vehicle shall not proceed any further on the Tollway unless a permit is issued at the first Toll Plaza reached and the proper Special Usage Toll is paid. The SUP may be issued to permit use only for the specified trip and at the stated time set forth in the SUP form.
- b) A Special Usage Toll charge of \$15 shall be paid for the SUP, except that the fee for overweight vehicles shall be as set forth in Section 2520.201(h)(~~2~~)(5) and such charge or fee shall be in addition to the regular toll charges for the use of the Tollway, as provided in Section 2520.223.
- c) The SUP must be exhibited at all Toll Plazas during the course of the permitted trip on the Tollway.
- d) Whenever any vehicle is required to have a State permit from the Illinois Department of Transportation for travel on State roadways, such permit must be presented to the Supervisor or Collector in Charge before a SUP can be obtained.
- e) No SUP will be issued for vehicles exceeding the size, weight and load limitations set forth in Section 2520.201.
- f) Any person who shall use or attempt to use the Tollway without proper payment of the Special Usage Toll or fee as required by this Section shall be deemed guilty of a petty offense as prescribed by Section 27.1 of the Toll Highway Act.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. \_\_\_\_\_, effective October 31, 2002, for a maximum of 150 days)

**Section 2520.206 Full Stop at All Toll Plazas****EMERGENCY**

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Except at designated I-PASS Only, ~~and~~ I-PASS Express Lanes, Truck I-PASS/Mixed Use Lanes, and Truck I-PASS Only Lanes, all vehicles must come to a full stop at all Toll Plazas at the time of payment of tolls. When red/green signal lights exist at a Toll Plaza lane, the driver of a vehicle shall not proceed until receiving the green light signal.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. \_\_\_\_\_, effective October 31, 2002, for a maximum of 150 days)

**Section 2520.223 Payment of Tolls****EMERGENCY**

- a) All persons driving vehicles upon the Tollway, except as provided in subsection (b) below, are required to pay the prescribed toll at each Toll Plaza encountered while using the Tollway. Tolls may be paid for in the following manner:
  - 1) By currency or change presented to a Toll Collector, or by correct change deposited in the automatic coin machine.
  - 2) ~~By a valid and current charge plate issued by the Authority and presented to the Toll Collector.~~
  - 2)3) By I-PASS.
- b) Tolls shall not be required of Authority officers and employees while on Authority business, or of public police, public fire or public ambulance vehicles when on emergency business or duty necessitating the use of the Tollway system, and when the vehicle is readily identifiable as such.
- c) In addition to the remedies available pursuant to the Illinois Vehicle Code at 625 ILCS 5/3-704.2 and 625 ILCS 6-306.7, failure ~~Failure~~ to pay the prescribed toll is subject to punishment as provided in Section 27.1 of the Toll Highway Act.
- d) Any person who shall use or attempt to use any currency or coins other than legal tender of the United States of America, counterfeit, expired, or unauthorized credit cards of any type, or any electronic device or equipment not authorized by the Authority in lieu of or to avoid payment of a toll shall be deemed guilty of a petty offense and shall be subject to a fine for each such offense, as provided in Section 27.1 of the Toll Highway Act.
- e) Any person, except an authorized Authority employee or agent, who removes any coin from the pavement or from the ground surface within 10 feet of a toll collection booth or machine shall be guilty of a petty offense. This subsection shall not apply to any person who retrieves coins he or she dropped while attempting payment of a toll.
- f) Whoever wilfully, maliciously and forcibly breaks any mechanical or electronic toll collection device of the Authority or any appurtenance thereto with intent to commit larceny shall be deemed guilty of a Class 4 felony and subject to fine

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- and/or punishment as provided by the law for such class of crime.
- g) No vehicle shall be driven through a Toll Plaza collection facility without payment of the proper toll. In the event of non-payment of the proper toll, as evidenced by video or electronic recording, the registered owner of such vehicle shall, upon notice to the registered owner by mail or personal service, be liable to make prompt payment to the Authority of the proper toll charge as well as an administrative fee of \$20. Upon failure to pay the proper toll and administrative fee to the Authority after notice thereof and within the time designated in the notice, the registered owner shall also be subject to payment of an additional fine of not to exceed \$50 for each and every violation of this subsection and any other fine or penalty that may be prescribed by law for such violations. *Upon receipt of a certified report from the Authority stating that the registered owner of a vehicle has failed to satisfy any fine or penalty resulting from a final order issued by the Authority relating directly or indirectly to 5 or more toll violations, toll evasions, or both, the Secretary of State shall suspend the vehicle registration and/or driver's license of the person* [625 ILCS 5/3-704.2 and 6-306.7]. This subsection shall not apply if the driver of the vehicle is fined or otherwise penalized for the same violation under the Illinois Vehicle Code or other Rule or Regulation regarding failure to pay the prescribed toll.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. \_\_\_\_\_, effective October 31, 2002, for a maximum of 150 days)

**Section 2520.224 Prohibited and Restricted Lanes****EMERGENCY**

- a) No person driving a vehicle on the Tollway shall pass through any lane designated "DO NOT ENTER", except operators of Authority vehicles, Authority officers or employees, or members of the Illinois State Police, District 15, while driving Authority or State Police vehicles.
- b) Only vehicles equipped with a properly mounted I-PASS transponder may use lanes designated as I-PASS Only, Truck I-PASS Only, Truck I-PASS or I-PASS/Mixed Use Lanes, or I-PASS Express.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. \_\_\_\_\_, effective October 31, 2002, for a maximum of 150 days)

## SUBPART D: SPEED RESTRICTIONS

**Section 2520.401 Maximum Speed Limits for Passenger Cars**

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**EMERGENCY**

The following shall be the maximum speed limits for all passenger cars on the Tollway except as provided by Sections 2520.403 and 2520.404:

- a) Tri-State Tollway (I-294/I-94):  
55 miles per hour south of Waukegan Toll Plaza – Plaza 21 (M.P. 73.5).  
65 miles per hour north of Waukegan Toll Plaza – Plaza 21 (M.P. 73.5).
- b) Northwest Tollway (I-90):  
55 miles per hour east of Randall Road (M.P. 26.6).  
65 miles per hour west of Randall Road (M.P. 26.6).
- c) East-West Tollway (I-88):  
55 miles per hour between the Eisenhower Expressway I-290 and ½ mile west of Farnsworth - (M.P. 140.5 to M.P. 118.6). east of Aurora Toll Plaza – Plaza 61 (M.P. 117.7).  
45 miles per hour between ½ mile west of Farnsworth Av. and Ill. Rte. 31 - (M.P. 118.6 to M.P. 117.1).  
55 miles per hour between Ill. Rte. 31 and Orchard Rd. - (M.P. 117.1 to M.P. 115.5).  
65 miles per hour west of Orchard Rd. (M.P. 115.5). Aurora Toll Plaza – Plaza 61 (M.P. 117.7).
- d) North-South Tollway (I-355):  
55 miles per hour for the entire length.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. \_\_\_\_\_, effective October 31, 2002, for a maximum of 150 days)

**Section 2520.403 Maximum Speed Limits for Designated I-PASS Lanes, Service Areas, Parking Areas, Access Roads and Ramps****EMERGENCY**

- a) The maximum speed limit for I-PASS Only electronic toll collection lanes shall be 30 m.p.h.
- b) The maximum speed limit for I-PASS Express electronic toll collection lanes shall be 55 m.p.h., or as otherwise posted.
- c) The maximum speed limit for Truck I-PASS Only electronic toll collection lanes shall be 5 m.p.h.
- d)e) The maximum speed limit for all vehicles in service areas, parking areas and access roads shall be 20 m.p.h.
- d) ~~Maximum speed limits for ramps shall be as posted.~~

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(Source: Amended by emergency rulemaking at 26 Ill. Reg. \_\_\_\_\_, effective October 31, 2002, for a maximum of 150 days)

## SUBPART G: GENERAL PROVISIONS

**Section 2520.701 Related Statutes****EMERGENCY**

The following are incorporated into these rules and regulations as if fully stated herein:

- a) The Toll Highway Act as set forth in 605 ILCS 10.
- b) The Illinois Vehicle Code as set forth in 625 ILCS 5.
- c) The Illinois Administrative Review Law as set forth in 735 ILCS 5/Art. III.
- d) The Illinois Procurement Code as set forth in 30 ILCS 500 and its corresponding rules.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. \_\_\_\_\_, effective October 31, 2002, for a maximum of 150 days)

**Section 2520.702 Notice to Respondent****EMERGENCY**

The Authority shall give Notice notice to the respondent of the alleged violation ~~within one year after the date of the last alleged violation; however, the notice shall exclude those violations occurring more than two years prior to the date of the notice.~~ Once valid Notice notice has been given, nothing herein shall be construed to limit the Authority's rights or remedies. The notice shall be served on respondent by First first-Class class-United States Mail-mail, postage prepaid, to the address of the registered owner of the cited vehicle as recorded with the Secretary of State or to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of the lease. The service shall be deemed complete three calendar days after the date of the Notice notice. The Notice notice shall be in the following sequence and shall include, but not be limited to the following information:

- a) A "Notice of Violation" specifying the date, approximate time and location of the violation cited, the particular regulation violated, the State registration number of cited vehicle (if available), the fine, and the amount of any additional fine that may be assessed for late payment, the availability of a hearing in which the violation may be contested on its merits and the manner in which the hearing may be had. Upon request, the Authority shall make available ~~Said notice shall also advise the party of the right to view~~ the video surveillance evidence related to the cited violation. The notice shall also state that failure to either pay the indicated fine and any applicable penalty or to request a hearing on the merits may will

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result in a final determination of toll evasion liability in the amount of the fine and/or penalty indicated.

- b) A "Notice of Final Determination" shall be sent following a determination of toll evasion liability. The notice shall state that the unpaid fine and/or penalty is a debt owing the Authority. The notice shall contain warnings that failure to pay any fine or penalty due and owing within the time specified may result in the Authority's filing of a petition in the Circuit Court to have the unpaid fine or penalty rendered as a judgment as provided by this Section. In addition, the Authority may exercise any other right or remedy allowable under the laws of the State of Illinois. Each and every instance of toll evasion shall be considered an individual violation.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. \_\_\_\_\_, effective October 31, 2002, for a maximum of 150 days)

**Section 2520.705 Penalties****EMERGENCY**

- a) Section 2520.223(g) of this Part authorizes the Illinois State Toll Highway Authority to:
- 1) assess a \$20.00 fine against the registered owner of a vehicle who fails to pay the proper toll; and
  - 2) upon failure to pay the proper toll and fine to the Authority after notice of a final determination thereof and within 14 days after the notice, the registered owner shall also be subject to payment of an additional fine of ~~not to exceed~~ \$50.00 for each and every violation pursuant to Section 2520.223(g) of this Part; and
  - 3) upon failure of a registered owner of a vehicle to satisfy any fine or penalty resulting from a final order issued by the Authority relating directly or indirectly to 5 or more toll violations, notify the Secretary of State to suspend the vehicle registration and/or driver's license of the person.
- b) A prerequisite to the suspension of vehicle registration and/or driver's license by the Secretary of State shall be the submission to the Secretary of State, by the Authority, of a certified report containing the following information:
- 1) *The name, last known address and driver's license number of the person who failed to satisfy the fines or penalties and the registration number of any vehicle known to be registered in this State to the person.*
  - 2) *A statement that the Authority sent a notice of impending suspension of the person's driver's license, vehicle registration, or both, to the person*

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*named in the report at the address recorded with the Secretary of State, the date on which the notice was sent, and the address to which the notice was sent.* [625 ILCS 5/3-704.2]

- c) The person to whom the notice of impending suspension was sent may challenge the accuracy of the information contained in the Certified Report by submitting his/her challenges, within 21 days after the date of the notice, in writing, to:

The Illinois State Toll Highway Authority  
ATTN: Violation Administration Center ~~Toll Services Manager~~  
2700 Ogden Avenue  
Downers Grove ~~Grave~~, Illinois 60515

Challenges to the accuracy of the information contained in the Certified Report shall be limited to the following:

- 1) The person having received the notice is not the owner of the vehicle in question.
  - 2) The person having received the notice has already paid the fine/penalty.
  - 3) The person having received the notice was found not guilty of the alleged violations.
  - 4) The person having received the notice was found guilty of fewer than 5 violations.
  - 5) Any other material error in the contents of the Certified Report.
- d) *The Authority shall notify the Secretary of State whenever a person named in the certified report has satisfied the previously reported fines or penalties or whenever the Authority determines that the original report was in error. Upon receipt of the Authority's notification, the Secretary of State shall terminate the suspension.* [625 ILCS 5/6-306.7]
- e) In addition to any fines assessed for toll violations, the registered owner of the vehicle(s) involved in the toll violations at issue shall be required to reimburse the Authority for all fees paid to the Illinois Secretary of State for the enforcement of this section.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. \_\_\_\_\_, effective October 31, 2002, for a maximum of 150 days)

**Section 2520.706 Discovery****EMERGENCY**

Except by the written agreement of all parties, discovery is limited to the following:

- a) The respondent will be allowed to schedule an appointment to review any video

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surveillance evidence prior to the scheduled hearing. Such appointments shall be made during regular business hours of the Authority and shall take place at the Authority's corporate office located at 2700 Ogden Avenue, Downers Grove, Illinois 60515, or the Violation Administration Center.

- b) Written discovery shall be limited to the production of documents and identification of witnesses that each party intends to introduce or call at the hearing. Nothing in this subsection (b) shall impose a duty upon the Authority to serve respondent with any documents that were previously sent to the registered owner of the cited vehicle as recorded with the Illinois Secretary of State by U.S. mail.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. \_\_\_\_\_, effective October 31, 2002, for a maximum of 150 days)

**Section 2520.707 Administrative Adjudication****EMERGENCY**

- a) If the respondent fails to pay the assessed fines in the time specified and fails to request a hearing file a written hearing request in the time specified in the notice, the respondent may will be found liable for the alleged violations. ~~In the event that the respondent requests a hearing, the hearing shall be scheduled no less than 30 days but not more than 45 days after the date of the notice.~~ The Authority shall designate a Hearing Officer to conduct the hearing. The Authority may designate any person familiar with the law relating to the substance of the hearing as the Hearing Officer.
- b) Notice of Hearing – The Authority shall provide send written notice of the date and time of the hearing to all interested parties to the proceeding. The hearing shall be scheduled during regular business hours and shall be held at the main office of the Authority or at any other location designated by the Authority for such hearings. The Authority may, at its sole discretion, establish a process whereby respondents may contest the charges by mail rather than participating in a hearing.
- c) Contesting Violations by Mail – If the notice allows for the contesting of the alleged violations by mail and the respondent elects to contest the alleged violations by mail, then respondent shall be bound by the determinations of the Hearing Officer as if the respondent had appeared in person for such hearing.
- d) Minutes of Hearing – No minutes of the hearing shall be required; however, all pleas ~~must be in writing~~ and all determinations of liability must be evidenced in the Hearing Officer's report in writing and must set forth the basis of the finding in sufficient detail as to allow for meaningful review of the finding.

## ILLINOIS STATE TOLL HIGHWAY AUTHORITY

## NOTICE OF EMERGENCY AMENDMENTS

- e) Conduct of Hearing – The Hearing Officer shall have full authority to conduct and control the procedure at the hearing. The Hearing Officer shall apply a preponderance of the evidence standard to all hearings conducted to determine respondent's liability for the violations alleged in the notice. The Hearing Officer shall not be bound by the strict rules of evidence of courts of law and equity.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. \_\_\_\_\_, effective October 31, 2002, for a maximum of 150 days)

**Section 2520.708 Duties of Hearing Officer****EMERGENCY**

The powers and duties of the Hearing Officer at the hearing include but are not limited to:

- a) presiding over the hearing;
- b) explaining the procedures of the hearing to the interested parties;
- c) administering all oaths and listening to testimony;
- d) ruling on the admissibility of evidence and permitting parties to present evidence;
- e) permitting parties to examine and cross examine witnesses; and
- f) preparing a ~~written~~ report indicating his/her finding and the evidence and reasons supporting the finding.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. \_\_\_\_\_, effective October 31, 2002, for a maximum of 150 days)

**Section 2520.714 Severability Clause (Repealed)**

~~The provisions of this Part are severable, and if any provision shall be held unconstitutional by a court of competent jurisdiction, the decision of such court as to the unconstitutionality of such provisions shall not affect or impair any of the remaining provisions.~~

(Source: Repealed by emergency rulemaking at 26 Ill. Reg. \_\_\_\_\_, effective October 31, 2002, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: 140.21      Proposed Action: Amendment
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: August 9, 2002 (25 Ill. Reg. 12126)
- 5) Reason for the Withdrawal: The proposed amendments at 89 Ill. Adm. Code 140.21, published August 9, 2002, at Ill. Reg. 12126, affect the amount of reimbursement provided for services approved by Medicare, but not covered by Medicaid, that is paid to providers of medical services for Qualified Medicare Beneficiaries (QMBs). An identical emergency rulemaking was effective on July 29, 2002. The changes are a component of the Department's fiscal year 2003 cost containment efforts. Subsequently, it was determined that additional changes concerning reimbursement for services provided to QMBs would further enhance cost savings and Section 140.21 was again amended by emergency action, effective October 1, 2002. In order to avoid any conflict between the texts of the two emergency rulemakings, the earlier emergency provisions are reflected in the new emergency rulemaking and the emergency amendment that became effective on July 29, 2002, is being repealed. These corresponding proposed amendments are therefore being withdrawn.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 15, 2002 through October 21, 2002 and have been scheduled for review by the Committee at its November 19, 2002 meeting in Springfield. 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
11/30/02	<u>Department of Natural Resources</u> , Outfitter Regulations (17 Ill. Adm. Code 640)	6/7/02 26 Ill. Reg. 8236	11/19/02
11/30/02	<u>Department of Professional Regulation</u> , Illinois Dental Practice Act (68 Ill. Adm. Code 1220)	4/26/02 26 Ill. Reg. 5814	11/19/02
11/30/02	<u>Department of Professional Regulation</u> , Illinois Occupational Therapy Practice Act (68 Ill. Adm. Code 1315)	4/19/02 26 Ill. Reg. 5663	11/19/02
11/30/02	<u>Department of Professional Regulation</u> , Pharmacy Practice Act of 1987 (68 Ill. Adm. Code 1330)	7/26/02 26 Ill. Reg. 11337	11/19/02

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF FAILURE TO REMEDY  
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

- 1) Heading of the Part: Travel
- 2) Code Citation: 80 Ill. Adm. Code 2800
- 3) Section Numbers: 2800.APPENDIX A                      Action: Objection
- 4) Notice of Proposal published in Illinois Register: 26 Ill. Reg. 5264 - 4/12/02
- 5) Date JCAR issued Statement of Objection: 8/13/02
- 6) Summary of Action taken by the Agency: Refusal to Modify or Withdraw Rulemaking
- 7) JCAR Action: JCAR objected to this rulemaking at its 8/13/02 meeting, citing the fact that CMS complicated public access to its latest travel reimbursement rates by construction of a multi-layered research process, rather than simply citing the applicable rate or providing a current cross-reference to the federally approved rate. CMS declined to modify the rule to more directly inform the public of current reimbursement rates. This rulemaking makes CMS' role easier, but is contrary to the statutory requirements for public notice and adoption of rules. CMS' response has failed to remedy the Committee's Objection.

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF FAILURE TO REMEDY  
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

- 1) Heading of the Part: The Travel Regulation Council
- 2) Code Citation: 80 Ill. Adm. Code 3000
- 3) 

<u>Section Numbers:</u>	<u>Action:</u>
3000.400	Objection
APPENDIX A	Objection
- 4) Notice of Proposal published in Illinois Register: 26 Ill. Reg. 5270 - 4/12/02
- 5) Date JCAR issued Statement of Objection: 8/13/02
- 6) Summary of Action taken by the Agency: Refusal to Modify or Withdraw Rulemaking
- 7) JCAR Action: JCAR objected to this rulemaking at its 8/13/02 meeting, citing the fact that CMS complicated public access to its latest travel reimbursement rates by construction of a multi-layered research process, rather than simply citing the applicable rate or providing a current cross-reference to the federally approved rate. CMS declined to modify the rule to more directly inform the public of current reimbursement rates. This rulemaking makes CMS' role easier, but is contrary to the statutory requirements for public notice and adoption of rules. CMS' response has failed to remedy the Committee's Objection.

**PROCLAMATIONS****2002-537****November 7, 2002, as Paralegal/Illinois Paralegal Association Day**

WHEREAS, in keeping with the distinguished practice of law and the delivery of legal services, paralegals have made substantial strides in the recognition of their profession as an integral part of the legal community; and

WHEREAS, paralegals are an active and vital part of the legal profession in the State of Illinois, performing high-quality professional services under the direction and supervision of attorneys, resulting in greater access to legal services and in a reduction of legal costs to the public; and

WHEREAS, it is fitting to recognize the meritorious efforts and contributions made by these professionals toward the betterment of our society;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 7, 2002, as PARALEGAL/ILLINOIS PARALEGAL ASSOCIATION DAY in Illinois.

Issued by the Governor      October 15, 2002

Filed by the Secretary of State      October 21, 2002

**2002-538****October 12, 2002, as Erika Harold Day**

WHEREAS, Erika Harold is the fifth Miss Illinois to win the coveted Miss America title in the 82-year history of the Miss America Pageant, which now makes over \$40 million available annually in scholarship assistance, making it the largest scholarship program for young women today; and

WHEREAS, Erika Harold has exhibited a genuine concern of those affected by youth violence, and she has volunteered many hours of her time to this worthwhile cause, and will continue to do so during her year of service as Miss America; and

WHEREAS, Erika Harold has continually demonstrated her devotion and commitment to her fellow citizens, and in doing so has earned the respect and admiration of her fellow Americans as well as the citizens of the State of Illinois; and

WHEREAS, the State of Illinois is proud that its representative to the Miss America Pageant won the title of Miss America 2003; and

WHEREAS, the State of Illinois pays tribute to her commitment and dedication to her country, commends her generous gifts of time, talents and resources to others, and extends best wishes for her continued happiness and fulfillment;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 12, 2002, as ERIKA HAROLD DAY in Illinois.

Issued by the Governor      October 11, 2002

Filed by the Secretary of State      October 21, 2002

**2002-539****October 19, 2002, as Springfield Buddy Walk Day**

**PROCLAMATIONS**

WHEREAS, Down Syndrome is a genetic condition that occurs in approximately one out of every 800 to 1,000 births and affects people of all ages, races and economic levels; and

WHEREAS people with Down Syndrome, despite health problems, possess many strengths and talents, attend school, develop friendships, maintain jobs, participate in important personal decisions and make positive contributions to their communities; and

WHEREAS The National Down Syndrome Society was established in 1979 to help all people with Down Syndrome achieve their full potential in life; and

WHEREAS, The National Down Syndrome Society developed the "Buddy Walk" in 1995 as a way for communities around the country to promote awareness and inclusion for people with Down Syndrome; and

WHEREAS the number of "Buddy Walks" in the United States has grown from 17 in 1995 to more than 120 in recent years with more than 50,000 walkers in 48 states; and

WHEREAS a "Buddy Walk" will take place in Illinois' state capitol of Springfield on October 19, 2002, following many hours of hard work by parents, family and friends of people with Down Syndrome in Springfield; and

WHEREAS everyone needs a buddy;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 19, 2002, as SPRINGFIELD BUDDY WALK DAY in Illinois and encourage everyone in our state to walk on behalf of people with Down Syndrome.

Issued by the Governor      October 11, 2002

Filed by the Secretary of State      October 21, 2002

# ILLINOIS ADMINISTRATIVE CODE

## Issue Index

Rules acted upon in Volume 26, Issue 44 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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